



AGENDA

WORK SESSION OF THE CITY COUNCIL

APRIL 10, 2007

6:00 P.M.

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AGENDA

REGULAR MEETING OF THE CITY COUNCIL

APRIL 10, 2007

7:30 P.M.

TOWN HALL

5300 BELT LINE ROAD

WORK SESSION

WS#1 – Discussion regarding the parking conditions at the new Addison Dog Park.

WS#2 – Presentation and discussion regarding the Belt Line Streetscape Plan.

REGULAR SESSION

Item #R1 - Consideration of Old Business.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for the March 27, 2007, Council Meeting.

#2b - Consideration of approval of Ordinance 007-010, approving the Fourth Amendment to the Master Facilities Agreement (regarding the construction of public improvements within that area generally described as Addison Circle) between the Town of Addison and Fairfield Addison Circle L.P., in order to provide for the construction of certain public streets and streetscaping improvements located generally on the west side of Quorum Drive, north of Goodman Avenue and south of Airport Parkway within the Town, subject to final approval by the City Attorney.

Item #R3 - Presentation of a Mayoral Proclamation from the Mayor to Addison Police Department Dispatchers for National Public Safety Telecommunications Week.

Item #R4 - Presentation of a Mayoral Proclamation to Alvin DeVane, Addison Airport Air Traffic Control Tower Chief.

Item #R5 - Appointment of a Member to the Planning and Zoning Commission.

Administrative Comment:

Commissioner Ted Bernstein's second term on the Commission will expire on April 12, 2007. Commissioner Bernstein's appointment belongs to Councilmember Kraft.

Item #R6 - Appointment of a Member to the Planning and Zoning Commission.

Administrative Comment:

Commissioner Paula Jandura's second term on the Commission expired on March 25, 2007. Commissioner Jandura was appointed by Councilmember Mallory.

Item #R7- Appointment of a Member to the Planning and Zoning Commission.

Administrative Comment:

Commissioner Alan Woods' first term on the Commission will expire on April 12, 2007. Commissioner Wood was appointed by Mayor Chow.

Item #R8 - Discussion and consideration of approval of a Preliminary Plat for the Keller Springs Lofts Addition, Lot 1 and Lot 2, Block A, a subdivision of two lots totaling 7.370 acres, located at the southeast corner of Addison Road and Keller Springs Road, on application from Icon Partners, represented by Mr. Jeremy Smith of Huitt-Zollars, Inc.

Attachments:

1. Docket map
2. Staff Report
3. Plat

The Planning and Zoning Commission Findings:

The Planning and Zoning Commission will consider this plat on Thursday, April 5, 2007. The staff will present the findings of the Commission at the Council Meeting.

Item #R9 - Discussion and consideration of approval of a final plat for Stanford Court Villas, 19 lots on 2.37 acres of land, located at the southeast corner of Montfort Drive and Celestial Road, on application from Cypress Z & S Partners, Ltd., by Mr. Steve Crauford of Jones and Boyd, Inc.

Attachments:

1. Staff Report
2. Docket Map
3. Plat

The Planning and Zoning Commission Findings:

The Addison Planning and Zoning Commission, meeting in regular session on March 22, 2007, voted to recommend approval of the final plat on application from Cypress Z & S Partner, Ltd., subject to no conditions.

Voting Aye: Bernstein, Chafin, Gaines, Lay, Wood
Voting Nay: None
Absent: Daseke, Jandura

Administrative Recommendation:

Administration recommends approval of the final plat, on application from Cypress Z & S Partner, Ltd., subject to no conditions.

Item #R10 - **PUBLIC HEARING**, discussion and consideration of approval of a change of zoning from UC - Commercial sub-district to UC - Residential sub-district, and approval of a concept and preliminary development plan, located on 3.918 acres at the southeast corner of Airport Parkway and Quorum Drive, on application from Intervest Ventures Group, represented by Mr. David Simmons (Case 1534-Z – Intervest Ventures Group).

Attachments:

1. Docket Map
2. Staff Report
3. Letters from Property Owners
4. Plans

The Planning and Zoning Commission Findings:

The Addison Planning and Zoning Commission, meeting in regular session on March 22, 2007, voted to recommend approval of the request for a change of zoning from Urban Center – Commercial subdistrict to Urban Center, Residential sub-district and approval of the

concept plan, subject to the condition that the final development plan incorporate specified revisions:

Engineering.

- Airport Parkway was not designed to be located adjacent to a residential district. If the zoning change is approved, staff recommends that some type of screening be required along Airport Parkway.
- The two Residential streets must be dedicated to the public.
- The sections of the Residential streets need to be modified to adhere to the Town of Addison standards for a Residential street.
- The location of the dumpsters does not appear to be accessible by trash trucks.
- A 20' turning radius needs to be added to all intersections.
- Civil plans will need to be submitted for review and approval.

Fire. The Fire Department notes the following:

- Proposed fire hydrant locations are not shown on the submittal. Hydrants must be placed at approved locations at maximum 300-foot intervals along streets and fire lanes.
- Area highlighted on the plan (which has been furnished to the applicant) shall be properly marked as fire lanes.
- Turn radii for all designated fire lanes shall be a minimum 26-feet inside and 50-feet outside.

Landscaping. The Parks Department has reviewed the plan and notes:

- The conceptual plans submitted by the applicant do not show streetscape elements along Quorum Drive, Airport Parkway and Calloway Drive. Streetscape plans will need to be submitted for review and approval that comply with the UC-Urban Center standards for lighting, paving, site furniture and planting.
- The plan will need to be revised to show the tree spacing according to the Urban Center Standards for residential streets.

Noise.

- The Commission advised the applicant that revised plans should include a solution for the problem of noise generated by the chiller that is across the street on the Madison office building property. That solution might include building a sound wall around the chiller, or adding insulating windows in the units closest to the chiller.

Voting Aye: Bernstein, Chafin, Gaines, Lay, Wood

Voting Nay: none

Absent: Daseke, Jandura

Administrative Recommendation:

Administration recommends denial.

EXECUTIVE SESSION

Item #ES1 - Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code, to conduct a private consultation with its attorney(s) to (i) seek the advice of its attorney(s) about pending litigation, to wit: *In re Calla Davis, et al*, Case No. 07-0147, Supreme Court of Texas, and (ii) on a matter in which the duty of the attorney(s) to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code, regarding and relating to the sale of alcoholic beverages, and including House Bill No. 2957 and Senate Bill 1735 filed with the 80th Regular Session of the Texas Legislature.

Item #R11 - Discussion and consideration of any action in connection with or related to pending litigation, to wit: *In re Calla Davis, et al*, Case No. 07-0147, Supreme Court of Texas, and/or relating to the sale of alcoholic beverages, and including House Bill No. 2957 and Senate Bill 1735 filed with the 80th Regular Session of the Texas Legislature

Adjourn Meeting

Posted:
April 6, 2007 at 5:00 p.m.
Mario Canizares
City Secretary

**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

There are no attachments for this Item.

Council Agenda Item #WS2

There are no attachments for this Item.

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

March 27, 2007
7:30 P.M. – Town Hall
5300 Belt Line Road

Present: Mayor Chow, Councilmembers Braun, Kraft, Mallory, Mellow, Hirsch and Niemann.

Absent: None

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Jerry Lewandowski with the Finance Department, Chad Hancock with the IT Department, and Louis Miramontes with the Police Department. Jason Mathis from Cowles and Thompson was recognized due to the birth of his son.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for the March 13, 2007, Council Meeting. (Approved as written)

Councilmember Niemann moved to duly approve the Minutes for March 13, 2007.

Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Kraft, Mallory, Mellow, Niemann, Hirsch
Voting Nay: None

#2b - Consideration and approval authorizing the City Manager to approve a Resolution of the Town of Addison, Texas, endorsing certain Legislative changes to enhance the competitive electric market supported by Cities Aggregation Power Project, Inc. (CAPP).

Councilman Niemann moved to duly authorize the City Manager to approve Resolution No. R07-008, of the Town of Addison, Texas, endorsing certain Legislative changes to enhance the competitive electric market supported by Cities Aggregation Power Project, Inc. (CAPP).

Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Kraft, Mallory, Mellow, Niemann, Hirsch
Voting Nay: None

Item #R3 - Dispatchers from the Addison Police Department will be receiving a Proclamation from the Mayor for the National Public Safety Telecommunications Week.

Item #R3 was removed and the National Public Safety Telecommunications Week Proclamation will be presented at the April 10, 2007, Regular Council Meeting.

Item #R4 - Discussion and consideration of a Resolution approving the Fourth Amendment to the Master Facilities Agreement (regarding the construction of public improvements within that area generally described as Addison Circle) between the Town of Addison and Fairfield Addison Circle L.P., in order to provide for the construction of certain public streets and streetscaping improvements located generally on the west side of Quorum Drive, north of Goodman Avenue and south of Airport Parkway within the Town, subject to final approval by the City Attorney.

Councilmember Kraft moved to duly authorize a discussion and consideration of an Ordinance approving the Fourth Amendment to the Master Facilities Agreement (regarding the construction of public improvements within that area generally described as Addison Circle) between the Town of Addison and Fairfield Addison Circle L.P., in order to provide for the construction of certain public streets and streetscaping improvements located generally on the west side of Quorum Drive, north of Goodman Avenue and south of Airport Parkway within the Town, subject to final approval by the City Attorney. (This will be an item on the Consent Agenda for April 10, 2007.)

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Kraft, Mallory, Mellow, Niemann, Hirsch
Voting Nay: None

Item #R5 - Consideration of and approval authorizing the City Manager to execute an agreement with Cunningham Architects to assist with the relocation of the historic Addison Train Depot building in an amount not to exceed \$16,000.

Councilmember Braun moved to duly approve authorizing the City Manager to execute an agreement with Cunningham Architects to assist with the relocation of the historic Addison Train Depot building in an amount not to exceed \$16,000, contingent upon successful negotiation of the acquisition of the building.

Councilmember Hirsch seconded. Motion carried.

Voting Aye: Chow, Braun, Kraft, Mallory, Mellow, Niemann, Hirsch
Voting Nay: None

EXECUTIVE SESSION. At 8:12 P.M., Mayor Chow announced that Council would convene into Executive Session to discuss the following items:

Item #ES1 - Closed (executive) session of the City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) about pending litigation, to wit: *Eddins Enterprises, Inc., dba Friendly Aviation and RSP Management Services, Inc. v. The Town of Addison, Texas*, Cause No. 05-11030-K, 192nd Judicial District Court, Dallas County, Texas.

Item #ES2 - Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code, to conduct a private consultation with its attorney(s) on a matter in which the duty of the attorney(s) to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code, regarding and relating to matters concerning access to Addison Airport and including House Bill 2955 and Senate Bill 1462 filed with the 80th Regular Session of the Texas Legislature.

Item #ES3 - Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code, to conduct a private consultation with its attorney(s) on a matter in which the duty of the attorney(s) to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code, regarding and relating to matters concerning and including the Dallas Area Rapid Transit 2030 Transit System Plan and the Cotton Belt Rail Line, and House Bill No. 107 filed with the 80th Regular Session of the Texas Legislature.

Item #ES4 - Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code, to conduct a private consultation with its attorney(s) to (i) seek the advice of its attorney(s) about pending litigation, to wit: *In re Calla Davis, et al*, Case No. 07-0147, Supreme Court of Texas, and (ii) on a matter in which the duty of the attorney(s) to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code, regarding and relating to the sale of alcoholic beverages, and including House Bill No. 2957 and Senate Bill 1735 filed with the 80th Regular Session of the Texas Legislature.

Item #ES5 - Closed (executive) session of the City Council pursuant to Section 551.074, Texas Government Code, to deliberate a performance evaluation of the City Manager.

The Council came out of Executive Session at 10:32 P.M.

Item #R6 - Consideration of a Resolution approving compensation for the City Manager.

Councilmember Niemann moved to duly approve Resolution No. R07-009, to set the base salary compensation for the City Manager to \$187,000, maintaining the same car allowance rate, retroactive to January 1, 2007.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Kraft, Mallory, Mellow, Niemann, Hirsch
Voting Nay: None

Item #R7 - Discussion and consideration of any action in connection with or related to pending litigation, to wit: *In re Calla Davis, et al*, Case No. 07-0147, Supreme Court of Texas, and/or relating to the sale of alcoholic beverages, and including House Bill No. 2957 and Senate Bill 1735 filed with the 80th Regular Session of the Texas Legislature.

No action taken.

Item #R8 - Discussion and consideration of any action in connection with or related to access to Addison Airport, including House Bill 2955 and Senate Bill 1462 filed with the 80th Regular Session of the Texas Legislature.

No action taken.

Item #R9 - Discussion and consideration of any action in connection with or related to the Dallas Area Rapid Transit 2030 Transit System Plan and the Cotton Belt Rail Line, and House Bill No. 107 filed with the 80th Regular Session of the Texas Legislature.

No action taken.

Item #R10 - Discussion and consideration of any action in connection with or related to pending litigation, to wit: *Eddins Enterprises, Inc., dba Friendly Aviation and RSP Management Services, Inc. v. The Town of Addison, Texas*, Cause No. 05-11030-K, 192nd Judicial District Court, Dallas County, Texas.

No action taken.

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

Mayor

Attest:

City Secretary

Council Agenda Item: #2b

SUMMARY:

Consideration of approval of Ordinance 007-010, approving the Fourth Amendment to the Master Facilities Agreement for improvements in Addison Circle.

BACKGROUND:

Section 212.072(d) of the Local Government Code states:

(d) The municipality is liable only for the agreed payment of its share of the contract, which shall be determined in advance either as a lump sum or as a factor or percentage of the total actual cost as determined by **municipal ordinance**.

On March 27, 2007, the Council approved the Fourth Amendment to the Master Facilities Agreement for in order to provide for the construction of the Quorum Drive streetscaping by Fairfield Residential, with the Town's participation in the project limited to an amount of not more than \$471,947.74. The Fourth Amendment was approved by the Council subject to the condition that an ordinance covering the agreement would follow at the next Council meeting.

RECOMMENDATION:

Staff recommends the City Council approve an Ordinance approving the Fourth Amendment to the Master Facilities Agreement for improvements in Addison Circle.

ORDINANCE NO. 007-010

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AUTHORIZING THE EXECUTION OF A DEVELOPER PARTICIPATION CONTRACT BETWEEN THE TOWN OF ADDISON AND FAIRFIELD ADDISON CIRCLE, L.P. (THE SAME BEING ENTITLED "FOURTH AMENDMENT TO MASTER FACILITIES AGREEMENT") FOR THE CONSTRUCTION OF CERTAIN PUBLIC STREETS AND STREETSCAPING IMPROVEMENTS WITHIN THAT AREA GENERALLY KNOWN AS ADDISON CIRCLE AND BEING GENERALLY LOCATED ON THE WEST SIDE OF QUORUM DRIVE, NORTH OF GOODMAN AVENUE, AND SOUTH OF AIRPORT PARKWAY WITHIN THE CITY; AUTHORIZING THE CITY TO APPROPRIATE FUNDS IN AN AMOUNT NOT TO EXCEED \$471,947.74 TO PARTICIPATE IN THE CONSTRUCTION OF SUCH IMPROVEMENTS PURSUANT TO THE SAID CONTRACT; AND PROVIDING FOR PAYMENT.

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

Section 1. That "Fourth Amendment to Master Facilities Agreement" (the "Fourth Amendment") by and between the Town of Addison, Texas (the "City") and Fairfield Addison Circle L.P., a Texas limited partnership, a true and correct copy of which is attached hereto, is hereby approved. The Fourth Amendment is and qualifies as a developer participation contract pursuant to Subchapter C, Chapter 212, Tex. Loc. Gov. Code. As set forth in the Fourth Amendment, the maximum amount to be expended by the City under the Fourth Amendment is \$471,947.74 (but such amount shall not in any event exceed thirty percent (30%) of the total construction contract price of the project described in the Fourth Amendment).

Section 2. The City Manager is authorized to execute the Fourth Amendment on behalf of the City.

Section 3. This Ordinance shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 10th day of April, 2007.

Joe Chow, Mayor

ATTEST:

By: _____
Mario Canizares, City Secretary

APPROVED AS TO FORM:

By: _____
Ken Dippel, City Attorney

Council Agenda Item:#R3

There are no attachments for this item.

Council Agenda Item:#R4

There are no attachments for this item.

Council Agenda Item:#R5

There are no attachments for this item.

Council Agenda Item:#R6

There are no attachments for this item.

Council Agenda Item:#R7

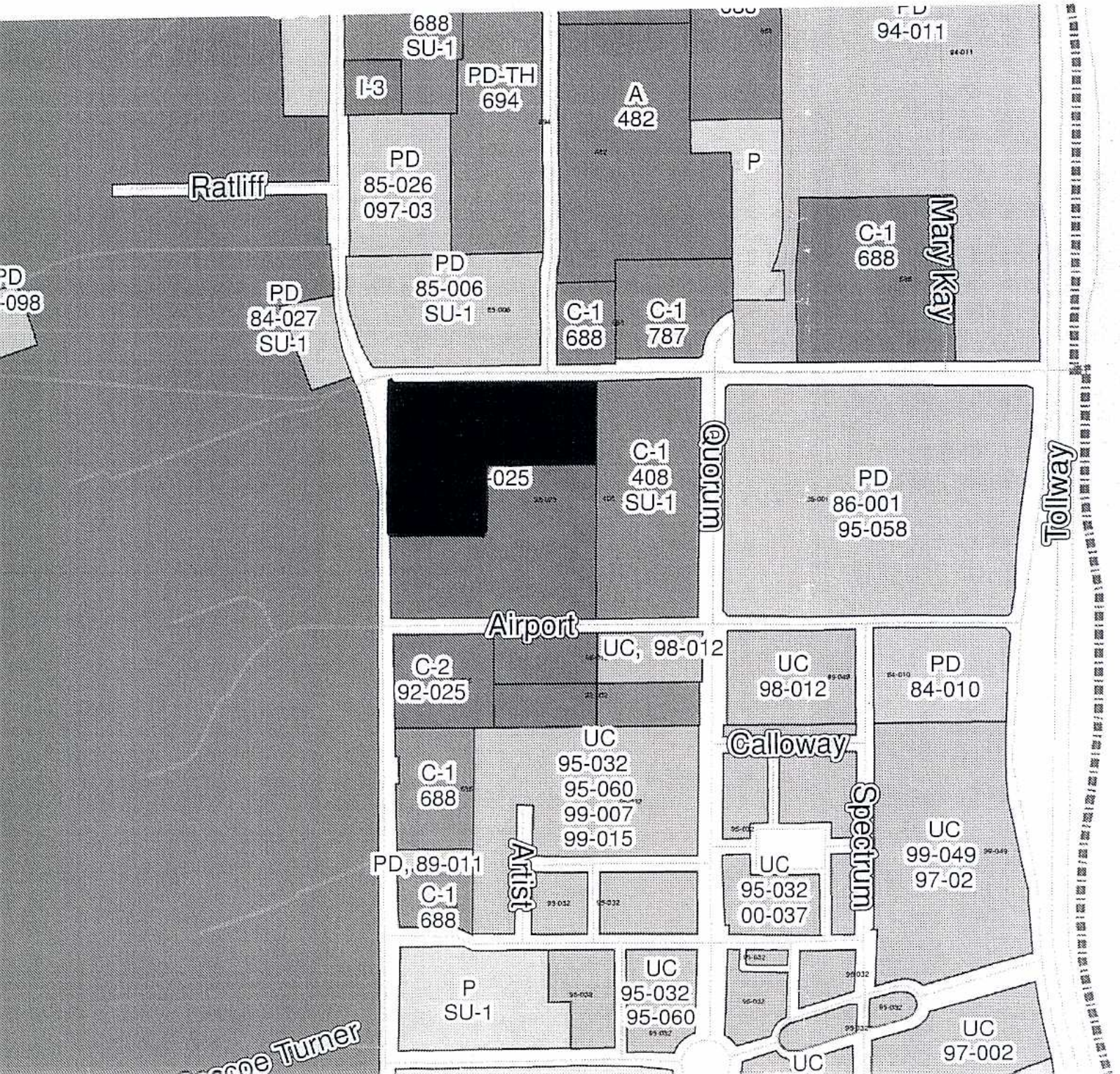
There are no attachments for this item.

Council Agenda Item:#R7

There are no attachments for this item.

PRELIMINARY PLAT/Keller Springs Lofts Addition, Lot 1 and Lot 2, Block A

PRELIMINARY PLAT/Keller Springs Lofts Addition, Lot 1 and Lot 2, Block A.
Requesting approval of a final plat for two lots totaling 7.370 acres, located at the southeast corner of Addison Road and Keller Springs Road, on application from Woodmont TCI Group VIII, LP, represented by Mr. Jeremy Smith of Huitt-Zollars, Inc.



that review of the construction documents is underway. Staff would allow the applicant to get a preliminary grading permit while the Final Plat is being processed.

2. Extend the 24' fire lane, access, drainage and non-exclusive utility easement to connect to Addison Road at the southwest corner of the development.
3. Easements are needed for the fire hydrants and fire service meters.
4. The blank in the owner's description must be filled prior to submitting for signature.
5. The owner shall enter into a Declaration of Storm Water Detention Area with the Town of Addison on the detention area.

A copy of the Storm Water Detention Area agreement is attached.

6. The Transportation Plan requires a twenty feet (20') corner clip of right-of-way be dedicated at the intersection of Addison Road and Keller Springs Road.
7. Add the following easement along Addison Road in the location shown to the face of the plat: "10' EASEMENT FOR FUTURE RELOCATION OF TXU & AT&T LINES, IN THE EVENT OF ADDISON ROAD WIDENING."

The original right-of-way dedication that was given by the applicant to the Town overlaid an existing TXU easement. In the event Addison Road is widened, the Town has to pay the cost of relocating the TXU and AT&T lines because they had rights in the easement prior to the Town's getting the right-of-way. However, the staff is requesting the applicant dedicate a new TXU easement to move the lines into when the road is widened.

8. In the Transportation Plan, Keller Springs Road is designated as a principal arterial. The Transportation Plan requires that sufficient right-of-way for Keller Springs Road be dedicated for a principal arterial. The plat submitted for Keller Springs Lofts Addition fails to dedicate the additional eleven feet (11') of right-of-way required to build Keller Springs Road as a principal arterial. The Transportation Plan does allow the Town Council to waive this requirement.

The Town made a commitment to the NTTA that when the tunnel was widened to four lanes, the Town would widen Keller Springs Road to a six-lane divided thoroughfare. However, the tunnel has not generated sufficient traffic to cause it to be widened to four lanes, and the Town does not believe Keller Springs needs to be widened to a six-lane divided street.

While the Council cannot grant a waiver to the Transportation Plan, it

can amend the plan. Staff recommends this plat be processed as a Preliminary plat without the dedication for Keller Springs Road. The staff will then prepare an amendment to the Thoroughfare Plan to reduce the width requirement for Keller Springs. The Transportation Plan amendment will then be processed before, or concurrent with, the final plat for this tract.

9. It should be noted that the Town of Addison intends to improve Keller Springs Road and Addison Road in the future. None of the driveways shown on the Development Plans for Keller Springs Lofts meet the required minimum separation to receive a median opening in the future. As a result, the Town of Addison reserves the right to limit access to right in/right out when Addison Road or Keller Springs Road are improved.

RECOMMENDATION:

Staff recommends approval of the preliminary plat subject to the conditions listed above.

Respectfully submitted,



Carmen Moran
Director of Development Services



Memorandum

To: Carmen Moran
CC: Nancy Cline, David Wilde, Gordon Robbins, Greg Layman, Slade Stickland
From: Clay Barnett
Date: 3/30/2007
Re: Final Plat Review for Keller Spring Lofts Addition

1. It is recommended that the final plat be revised to a preliminary plat and a final plat be submitted upon approval of the construction documents.
2. Extend the 24' fire lane, access, drainage and non-exclusive utility easement to connect to Addison Road at the southwest corner of the development.
3. Easements are needed for the fire hydrants and fire service meters.
4. The blank in the owner's description must be filled prior to submitting for signature.
5. The owner shall enter into a Declaration of Storm Water Detention Area with the Town of Addison on the detention area.
6. The Transportation Plan requires a twenty feet (20') corner clip of right-of-way be dedicated at the intersection of Addison Road and Keller Springs Road.
7. Add the following easement along Addison Road in the location shown to the face of the plat: "10' EASEMENT FOR FUTURE RELOCATION OF TXU & AT&T LINES, IN THE EVENT OF ADDISON ROAD WIDENING."
8. In the Transportation Plan, Keller Springs Road is designated as a principal arterial. The Transportation Plan requires that sufficient right-of-way for Keller Springs Road be dedicated for a principal arterial. The plat submitted for Keller Springs Lofts Addition fails to dedicate the additional eleven feet (11') of right-of-way required to build Keller Springs Road as a principal arterial. The Transportation Plan does allow the Town Council to waive this requirement.
9. It should be noted that the Town of Addison intends to improve Keller Springs Road and Addison Road in the future. None of the driveways shown on the Development Plans for Keller Springs Lofts meet the required minimum separation to receive a median opening in the future. As a result, the Town of Addison reserves the right to limit access to right in/right out when Addison Road or Keller Springs Road are improved.

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

DECLARATION OF STORM WATER DETENTION AREA

This Declaration of Storm Water Detention Area ("Declaration") is made as of the ____ day of _____, 2007 by _____, a _____ [*type of entity and state of formation*] ("Declarant").

Recitals:

1. Declarant is the sole owner of certain real property located generally at the southwest corner of the intersection of Addison Road and Keller Springs Road in the Town of Addison, Texas (the "City") and more specifically described in Exhibit A attached hereto and incorporated herein (the "Property").

2. Declarant has submitted a proposed final plat to the City, a true a correct copy of which is attached hereto as Exhibit B. Upon the final review and approval by the City and the execution of the same as required and appropriate, the final plat as approved and executed shall be substituted for the proposed final plat attached hereto and shall be Exhibit B to this Declaration (the "Final Plat").

2. Declarant desires to create and establish a storm water detention area (as shown on the Final Plat) for the benefit of the owners of the Property (together with their respective successors and assigns, the "Owners" and individually an "Owner") in accordance with and subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, Declarant hereby declares that the Property shall be subject to a storm water detention area as follows:

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

Section 2. Storm Water Drainage Area.

A. *Creation*. Declarant hereby grants and creates, for the limited purposes and uses set forth herein, a non-exclusive temporary storm water detention area (the "Detention Area") over and across the portions of the Property as shown and described on Exhibit B attached hereto and incorporated herein, for the detention of storm water on the Property.

B. *Covenant Running with the Property*. This Declaration, and all of the rights, duties, and obligations set forth herein, is and shall be deemed a covenant running with the land (the Property), and the parties hereto understand and agree that this Declaration shall fully bind and inure to the benefit of Declarant and Owners, future owners and mortgagees of the Property (or any portion thereof), and their respective heirs, personal representatives, successors and assigns, each of whom shall be bound to abide by this Declaration.

C. *Use.* The Detention Area shall be interpreted to permit usage thereof in common with others on a non-exclusive basis by (i) the Owners, (ii) successors and assigns of the Owners, and (iii) the tenants and subtenants of the Owners and their respective successors and assigns ((i), (ii), and (iii) together, the "Detention Area Beneficiaries").

D. *No Obstruction; Compliance with Laws.* No Owner shall permit any structure located on any portion of the Property owned by or leased by such Owner to obstruct the Detention Area. The construction, reconstruction, maintenance, repair, and use of the Detention Area shall be subject to and comply with the provisions set forth in this Declaration, with the Final Plat, and with the City Charter of the City, all applicable laws, ordinances (including, without limitation, the zoning ordinances of the City), codes, rules, and standards adopted by any governmental entity with jurisdiction over the Property, including the City ("Applicable Law").

E. *Plans.* Proposed engineering plans for the Detention Area are attached hereto as Exhibit C. In the event of any inconsistency between the proposed plans attached hereto as Exhibit D and the plans finally approved (the "Detention Area Plans"), the plans finally approved shall control and shall be substituted as Exhibit D to this Declaration.

F. *Future Development.* Declarant has and reserves the right, subject to Applicable Law, to modify the Detention Area in the event development of the Detention Area, other than as a storm water detention facility and as determined by Declarant, is available. Without limiting the foregoing regarding the application of Applicable Law, Declarant shall, prior to the construction of any such proposed modification or further development of the Detention Area (and as a condition precedent of receiving a building permit from the City for such modification or development), submit to the City, for its review and consideration of approval, all plans as may be required by the City in connection with such modification and development. In connection with such proposed modification or further development and subject to the other provisions of this Declaration, Declarant has and reserves the right to terminate and/or amend the terms and provisions of this Declaration.

Section 3. Maintenance. Declarant shall at all times repair, reconstruct, and maintain the Detention Area in good condition at its sole cost and expense, including keeping the Detention Area clean and free of debris, silt, growth, vegetation, weeds, or any other matter which would result in unsanitary conditions or obstruct the flow of water. Neither the City, nor any officer, official, employee, representative, or agent of the City is or shall be liable or responsible for the failure of the Declarant to properly maintain the Detention Area.

Section 4. Enforcement; Third Party Beneficiary.

A. *Enforcement.* This Declaration is intended to benefit, inures to the benefit of, and is enforceable by (i) the Owners, and by (ii) the City (as a third-party beneficiary hereto) at the City's sole election and in its sole discretion.

B. *City Enforcement.*

(1) (a) If the Detention Area is at any time being operated or used in violation of, or fails to comply with, this Declaration (e.g., without limitation, if the Detention Area is being modified in a manner that is not consistent with the Detention Area Plans, or is not being maintained in accordance with the terms and provisions of this Declaration) (each such violation or failure being a "Failure"), the Building Official or other appropriate representative of the City may give notice of such Failure (the "Failure Notice") to the Declarant and Owners and a demand that such Failure be corrected and remedied within thirty (30) days (or such longer period as may be included in the Failure Notice) following the date of the receipt of the Failure Notice (the "Cure Period"); provided, however that if the Failure cannot with diligence be cured within the said 30-day (or longer as specified in the Failure Notice) period, if within such 30-day (or longer) period the Declarant and Owners provide the City written notice of the curative measures which they propose to undertake to cure the Failure, and proceed promptly to initiate such measures to cure such Failure, and thereafter prosecute the curing of such Failure with diligence and continuity, the time within which such Failure may be cured shall be extended for such period as may be necessary to complete the curing of such Failure with diligence and continuity, but in any event not to exceed forty-five (45) days following the date of the receipt of the Failure Notice (the "Extended Cure Period").

(b) If the Failure remains uncured to the City's satisfaction beyond the term of the Cure Period (or Extended Cure Period, if applicable), the City may and is authorized thereafter to withhold any new (i) building permit, (ii) other development permit, or (iii) certificate of occupancy for or related to the Property, until such time as the Failure is cured to the City's satisfaction.

(2) Further, the City is hereby given the right, and Declarant and Owners acknowledge that the City has the right, at its election and in its sole discretion, to enforce this Declaration by any means whatsoever, including filing an action in a court of competent jurisdiction, at law, in equity, or otherwise, against any person violating or attempting to violate this Declaration, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce this Declaration, Declarant and Owners agree that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs in connection therewith.

(3) The City may also and is hereby given the authority to, in its sole discretion and without further or additional notice and without liability to Declarant and Owners (and anyone claiming any ownership, possessory or occupancy right in or to the Property by or through Declarant or Owners), enter upon the Detention Area and to repair and/or maintain the same in the event, after the expiration of the Cure Period (or Extended Cure Period, if applicable) notice, a Failure remains uncured to the City's satisfaction. All costs and expenses of whatever form or nature (including legal fees and expenses) which are incurred by the City in providing such maintenance or repair shall be an obligation of the Declarant and be promptly reimbursed to the City.

C. *INDEMNITY; RELEASE.*

(1) *INDEMNITY.* DECLARANT AND OWNERS AGREE TO AND SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE TOWN OF ADDISON, TEXAS, ITS

OFFICIALS, OFFICERS, EMPLOYEES, AND AGENTS, IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES (TOGETHER, "INDEMNIFIED PERSONS"), FROM AND AGAINST ANY AND ALL CLAIMS, ACTIONS, CAUSES OF ACTION, LAWSUITS, HARM, LIABILITY, DEMANDS, DAMAGES, PENALTIES, FINES, COSTS, FEES, AND EXPENSES WHATSOEVER (INCLUDING, WITHOUT LIMITATION, COURT COSTS AND ATTORNEYS FEES) (TOGETHER, "CLAIMS") ARISING OUT OF, RELATED TO, OR IN CONNECTION WITH THIS DECLARATION AND THE CITY'S WITHHOLDING OF ANY BUILDING PERMIT, OTHER DEVELOPMENT PERMIT, OR CERTIFICATE OF OCCUPANCY PURSUANT TO THIS DECLARATION. **IT IS FURTHER COVENANTED AND AGREED THAT SUCH DEFENSE, INDEMNITY AND HOLD HARMLESS SHALL APPLY EVEN WHERE ANY SUCH CLAIMS ARISES IN ANY PART FROM THE NEGLIGENCE OF THE INDEMNIFIED PERSONS OR ANY OF THEM.**

IT IS THE EXPRESS INTENT OF THE PARTIES TO THIS CONTRACT, THAT THE DEFENSE, INDEMNITY, AND HOLD HARMLESS PROVIDED FOR IN THIS SECTION, IS A DEFENSE, INDEMNITY, AND HOLD HARMLESS EXTENDED BY DECLARANT AND OWNERS' TO DEFEND, INDEMNIFY, PROTECT AND HOLD HARMLESS THE CITY AND THE OTHER INDEMNIFIED PERSONS FROM THE CONSEQUENCES OF THE CITY'S AND OTHER INDEMNIFIED PERSONS' OWN NEGLIGENCE, PROVIDED, HOWEVER, THAT THE INDEMNITY AND HOLD HARMLESS PROVIDED FOR IN THIS SECTION SHALL APPLY ONLY WHEN THE NEGLIGENT ACT OF THE CITY, OR OTHER OF THE INDEMNIFIED PERSONS, IS A CONTRIBUTORY CAUSE OF THE RESULTANT INJURY, DEATH, DAMAGE, OR DESTRUCTION, AND SHALL HAVE NO APPLICATION WHEN THE NEGLIGENT ACT OF THE CITY OR OTHER INDEMNIFIED PERSON IS THE SOLE CAUSE OF THE RESULTANT INJURY, DEATH, DAMAGE, OR DESTRUCTION. FURTHER, IF ANY INDEMNIFIED PERSON SUFFERS ANY CLAIM THAT IS CAUSED BY THE CONCURRENT NEGLIGENCE OF THE DECLARANT AND OWNER (OR EITHER OF THEM) AND THE INDEMNIFIED PERSON, THE DECLARANT AND/OR OWNER'S INDEMNITY AND HOLD HARMLESS OBLIGATION SET FORTH ABOVE WILL BE LIMITED TO A FRACTION OF THE TOTAL CLAIMS EQUIVALENT TO THE DECLARANT'S AND/OR OWNERS' (AS THE CASE MAY BE) OWN PERCENTAGE OF RESPONSIBILITY.

THE PROVISIONS OF THIS DEFENSE, INDEMNIFICATION AND HOLD HARMLESS ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO, AND THE CITY, AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY. DECLARANT AND OWNERS SHALL ADVISE THE CITY IN WRITING OF ANY CLAIMS AGAINST THE INDEMNIFIED PERSONS, OR ANY OF THEM, KNOWN TO THE DECLARANT OR THE OWNERS RELATED TO OR ARISING OUT OF THIS DECLARATION, AND SHALL SEE TO THE INVESTIGATION AND DEFENSE OF SUCH CLAIMS AT DECLARANT'S AND/OR OWNERS' COST. THE CITY, OR OTHER OF THE INDEMNIFIED PERSONS, SHALL HAVE THE RIGHT TO PARTICIPATE IN SUCH DEFENSE WITHOUT RELIEVING DECLARANT OR OWNERS FROM ANY OF ITS OBLIGATIONS UNDER THIS DECLARATION.

(2) *RELEASE.* DECLARANT AND OWNERS HEREBY RELEASE, REMISE, AND FOREVER DISCHARGE THE TOWN OF ADDISON, TEXAS AND EACH INDEMNIFIED PERSON, FROM ANY AND ALL CLAIMS (AS DEFINED ABOVE) ARISING OUT, RELATED TO, OR IN CONNECTION WITH THE EXERCISE BY THE CITY, AND ITS OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS, OF ANY OF THE RIGHTS AND AUTHORITY OF THE CITY AS SET FORTH IN THIS DECLARATION. DECLARANT AND OWNERS AGREE THAT, IN THE EVENT THIS PROVISION IS DEEMED FOR ANY REASON TO BE UNENFORCEABLE, DECLARANT AND OWNERS WILL GIVE TO THE CITY AND EACH INDEMNIFIED PERSON, AT THE CITY'S REQUEST, A RELEASE AND DISCHARGE FROM ANY AND ALL CLAIMS THAT MAY ARISE IN CONNECTION WITH THIS DECLARATION AND THE CITY'S EXERCISE OF ITS AUTHORITY HEREUNDER.

(3) The provisions of the DEFENSE, INDEMNITY, AND HOLD HARMLESS and the RELEASE set forth herein shall survive the termination of this Declaration for any reason.

D. No City Obligations. Notwithstanding any other provision of this Declaration, those certain rights and that authority extended and given to the City as set forth in this Declaration are extended and given to the City as a third party beneficiary only, and the City may in its sole and absolute discretion, but is not obligated and has no duty whatsoever, to exercise or pursue any of such rights and authority. Further, the City has no obligation or duty whatsoever under or pursuant to this Declaration to make, pursue, construct, reconstruct, repair, modify, alter, or build any utility or drainage improvements or facilities of any kind, and this Declaration does not and is not intended to address or concern the same.

Section 5. Termination; Amendment. This Declaration may be amended or terminated only upon the filing, in the Real Property Records of Dallas County, Texas, of an instrument approved by the Building Official of the City and approved as to form by the City Attorney. The City Building Official shall approve an instrument amending or terminating this Declaration if the Detention Area is no longer needed for drainage purposes and the modification to the Drainage Area is in accordance with Applicable Law.

Declarant shall file the amending or terminating instrument in the Real Property Records of Dallas County, Texas at Declarant's sole cost and expense of Grantee. After filing the amending or terminating instrument in the said Deed Records, Declarant shall file two copies of the instrument with the City Building Official. No amendment or termination of this Declaration is effective until the amending or terminating instrument is filed in accordance with this Section.

Section 6. Liens or Mortgages. Declarant certifies and represents that there are no liens or mortgages, other than liens for *ad valorem* taxes, against the Property (or any portion thereof) if there are no signatures of lienholders or mortgagees set forth below.

Section 7. Miscellaneous.

A. No consent to modification or termination of the provisions of this Declaration shall ever be required of any tenant, lessee, agent, employee, guest or licensee of the Property, or any customer, guest or invitee of any such tenant or lessee of the Property.

B. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Property, including the Detention Area, to the general public or for any public use whatsoever.

C. In the event of any action under this Declaration, venue shall be instituted and maintained in Dallas County, Texas. The Parties agree that the laws of the State of Texas govern the validity, construction, enforcement and interpretation of this Declaration; and, with respect to any conflict of law provisions, the Parties agree that such conflict of law provisions shall not affect the application of the law of Texas (without reference to its conflict of law provisions) to the governing, interpretation, validity and enforcement of this Declaration.

D. This Declaration shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, representatives, successors, and assigns, and any tenant, licensee, and any other person claiming an ownership, possessory, or occupancy right to the Property.

E. This Declaration and all of its terms and conditions are subject to Applicable Law. Without limiting the foregoing, this Declaration and all of its terms and provisions, do not waive or release the Property, and the Declarant and Owners (or any other person or entity whatsoever), from compliance with the City's zoning and subdivision (platting) ordinances, and the use, development, and occupancy of the Property shall comply with the same.

F. For purposes of this Declaration, "includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and use of the terms does not create a presumption that components not expressed are excluded.

G. The failure to exercise any right, power, or option given under this Declaration, or to insist upon strict compliance with the terms of this Declaration, shall not constitute a waiver of the terms and conditions of this Declaration with respect to any other or subsequent breach thereof, nor a waiver of rights at any time thereafter to require exact and strict compliance with all the terms hereof.

H. The rights and remedies provided by this Declaration are cumulative and the use of any one right or remedy shall not preclude or waive its right to use any or all other remedies. The said rights and remedies are given in addition to any other rights a person or entity may have by law, equity, or otherwise.

I. All obligations or matters arising prior to the termination of this Declaration allocating responsibility or liability shall survive the cancellation, expiration or termination of this Declaration.

J. If any provision of this Declaration is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable and this Declaration shall be construed and enforced as if such illegal, invalid or unenforceable provision is not a part hereof, and the remaining provisions hereof shall remain in full force and effect. In lieu of any illegal, invalid or unenforceable provision herein, there shall be added automatically as a part of this

Declaration a provision as similar in its terms to such illegal, invalid or unenforceable provision as may be possible and be legal, valid and enforceable.

K. Notwithstanding the fact that Declarant owns title to all of the Property as of the date hereof, there shall be no merger of title between the servient and benefitted estates herein created, and the benefits and obligations created hereunder shall constitute benefits and servitudes running with the land.

L. For purposes hereof, any notice hereunder shall be in writing, addressed as provided hereinafter to the party to whom the notice or request is given, and shall be either (i) delivered personally, (ii) sent by United States certified mail, postage prepaid, return receipt requested, or (iii) placed in the custody of Federal Express Corporation or other nationally recognized carrier to be delivered overnight. Notice shall be deemed given: when received if delivered personally or sent via telecopy or facsimile transmission with written confirmation of receipt; forty-eight (48) hours after deposit if sent by mail; and twenty-four (24) hours after deposit if sent by Federal Express or other nationally recognized carrier. For purposes of notice, the addresses of the parties, until changed as herein provided, shall be as follows:

Declarant: _____

M. This Declaration shall be filed of record in the Dallas County Deed Records upon its execution, and shall not be effective until such time as it is recorded. Promptly following its recording of this Declaration, Grantee shall file with the City a fully executed true and correct copy of this Declaration as recorded.

N. Any mortgage or deed of trust affecting the Property or any portion thereof shall at all times be subject and subordinate to the terms of this Declaration, and any person acquiring title by reason of foreclosure under any such mortgage or deed of trust, or deed in lieu of foreclosure, shall acquire title to the Property or portion thereof subject to all of the terms, provisions, and conditions of this Declaration.

[ADD DECLARANT SIGNATURE]

[ADD DECLARANT ACKNOWLEDGMENT]

EXHIBIT A

[DESCRIPTION OF THE PROPERTY]

[ADD CONSENT OF LIENHOLDER]

[ADD LIENHOLDER ACKNOWLEDGMENT]

Acceptance by Town of Addison, Texas

The Town of Addison, Texas ("City"), solely as a third party beneficiary of the above and foregoing Declaration of Storm Water Detention Area, hereby accepts the benefits due, the terms and conditions applicable to, and the remedies and authority available to the City as set forth in the above and foregoing Declaration.

TOWN OF ADDISON, TEXAS

By: _____
Ron Whitehead, City Manager

Dated: _____

EXHIBIT B

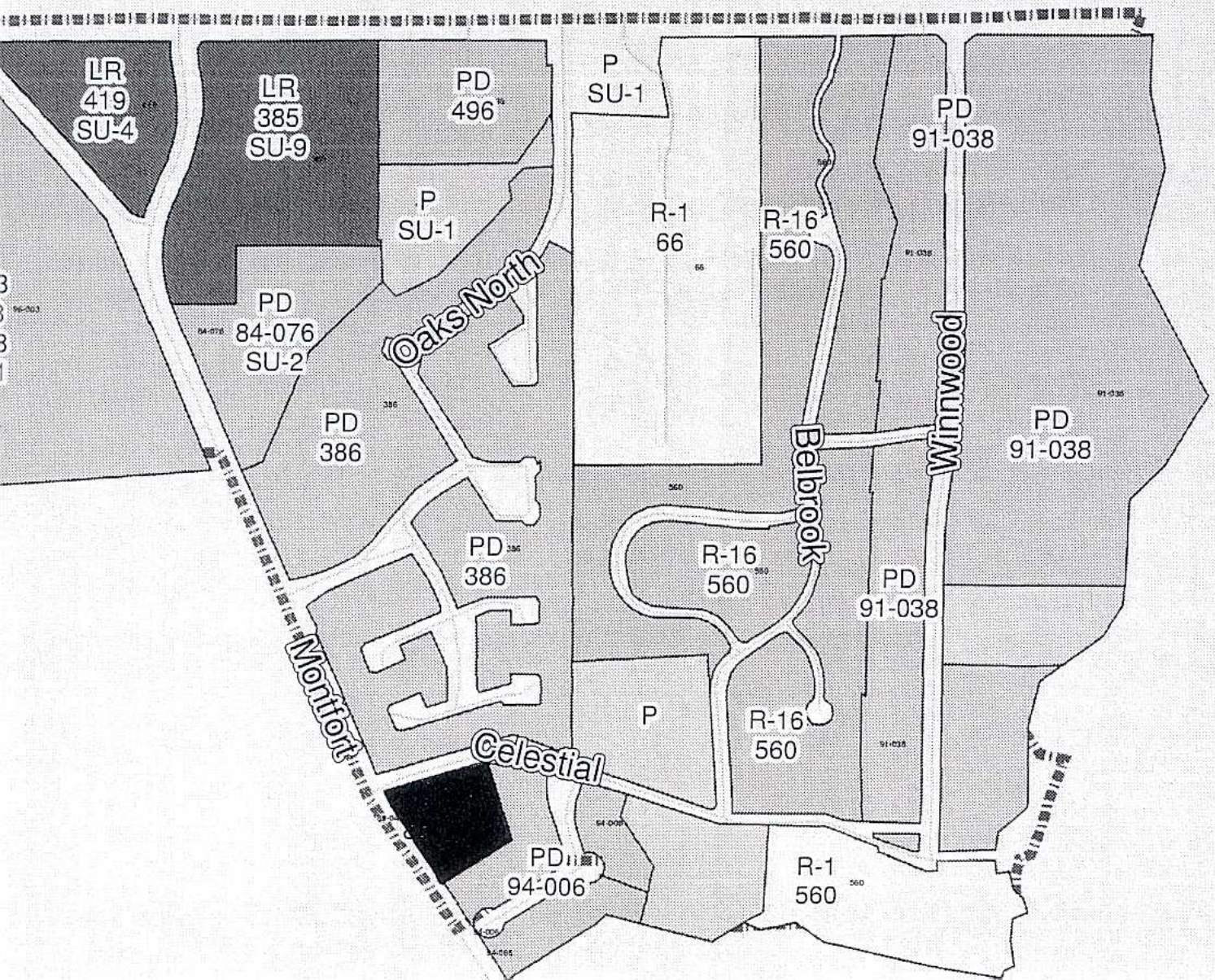
[PROPOSED FINAL PLAT -
SUBSTITUTE APPROVED FINAL PLAT WHEN APPROVED]

EXHIBIT C

[DETENTION AREA PLANS]

FINAL PLAT/Stanford Court Villas

FINAL PLAT/Stanford Court Villas. Requesting approval of a final plat for 19 lots on 2.37 acres of land, located at the southeast corner of Montfort Drive and Celestial Road, on application from Cypress Z & S Partners, Ltd., represented by Mr. Steve Crauford of Jones and Boyd, Inc.



depths reduces the open space, which is a private, not a public open space, from .3 acres to .278 acres. .

The Planned Development zoning ordinance for this property specifies a minimum lot width of 25 feet and a minimum lot depth of 90 feet. All lots on the first plat, and on this plat, meet the 25-foot width requirement. All lots on the first plat and on this plat exceed the 90-foot depth requirement.

Public Works Review. Public Works reviewed the proposed plat and had no comments.

Fire. The Fire Department reviewed the proposed plat and had no comments.

RECOMMENDATION:

Staff recommends approval of the final plat, on application from Cypress Z & S Partner, Ltd., subject to no conditions.

Respectfully submitted,

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

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on March 22, 2007, voted to recommend approval of the final plat on application from Cypress Z & S Partner, Ltd., subject to no conditions.

Voting Aye: Bernstein, Chafin, Gaines, Lay, Wood

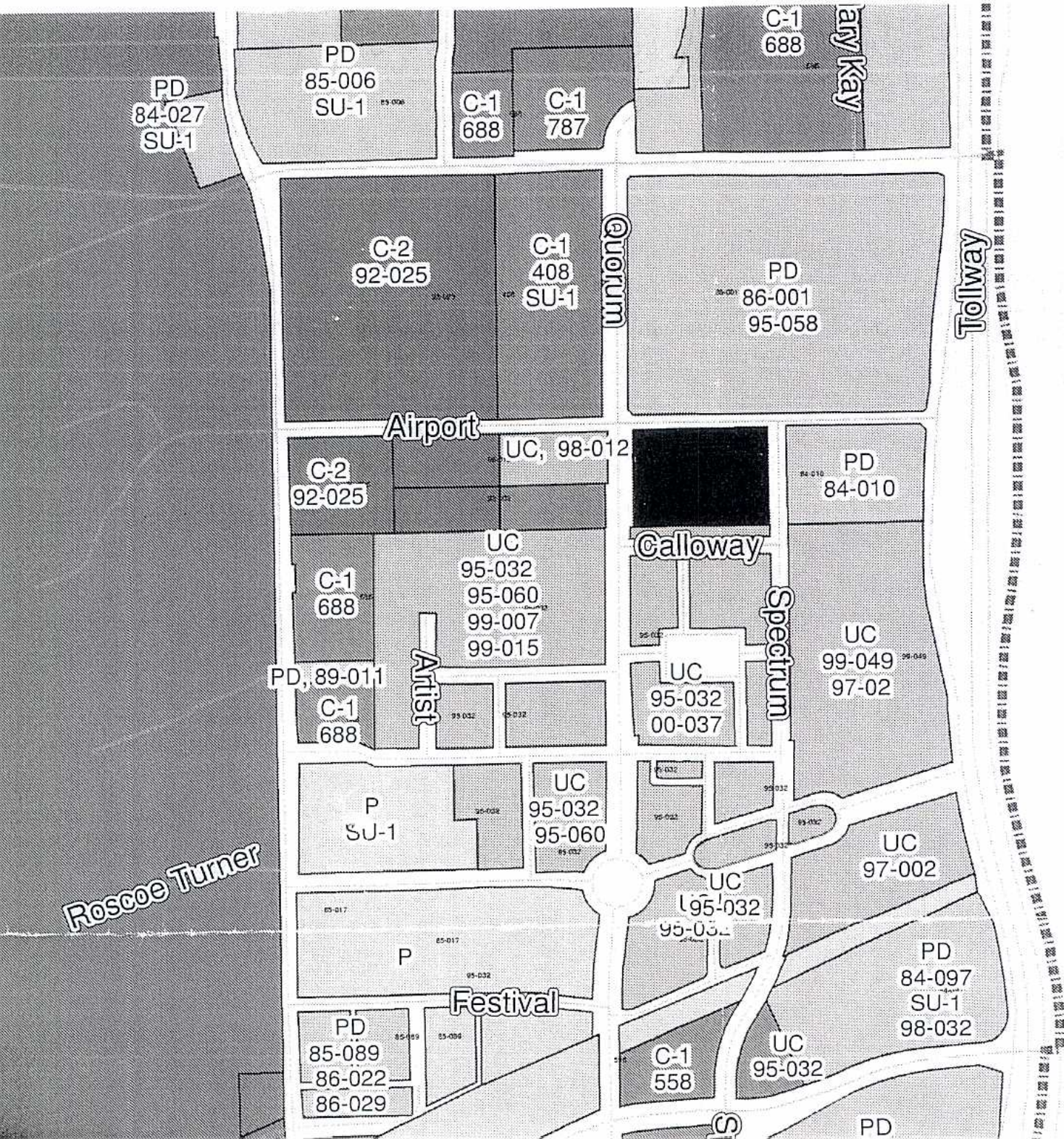
Voting Nay: None

Absent: Daseke, Jandura

1534-Z

#R10

Case 1534-Z/Intervest Ventures Group. Requesting approval of a change of zoning from UC-Commercial sub-district to UC – Residential sub-district, and approval of a concept and preliminary development plan, located on 3.918 acres at the southeast corner of Airport Parkway and Quorum Drive, on application from Interinvest Ventures Group, represented by Mr. David Simmons.





Post Office Box 9010 Addison, Texas 75001-9010 5300 Belt Line Road (972) 450-7000
FAX (972) 450-7043

March 14, 2007

STAFF REPORT

RE: Case 1534-Z/Intervest Ventures Group

LOCATION: 3.918 acres at the southeast corner of Quorum Drive and Airport Parkway

REQUEST: Approval of a change of zoning from UC (Urban Center) – Commercial sub-district, to UC – Residential sub-district, and approval of a concept and preliminary development plan

APPLICANT: Intervest Ventures Group, represented Mr. David Simmons

DISCUSSION:

Background. This case was scheduled for the January 25, 2007 P&Z hearing. The case was withdrawn by the applicant prior to the hearing. The applicant anticipated returning to the P&Z in February, but did not have plans revised in time to meet that hearing deadline. At this point, the applicant has returned to the Commission with the same request, approval for a change of zoning to provide for 83 townhomes, and approval of a concept plan and preliminary development plan. However, the site plan has been revised.

Addison Circle was a development envisioned through a long-term planning process called Addison 2020. During that process, a group of Addison citizens determined that a neo-traditional, urban neighborhood, with mixed uses, would be a logical development direction for the Town. The Town worked for many months with Columbus Realty Trust on a set of development standards, which were codified into the Urban Center zoning district, a new zoning classification in the Addison Zoning Ordinance. The UC regulations established two sub-districts: the residential sub-district and the Commercial sub-district. The Commercial sub-district lies between Spectrum Drive and the Tollway. The only residential use it allows is multi-family. The residential sub-district runs from the west side of Spectrum to the eastern border of those properties

that front on Addison Road. It allows rowhouse, townhouse/condominium, and multi-family as allowed residential uses.

The site under discussion in this case was not part of the original Addison Circle development. It was purchased by Post Properties after the district was established. Post also purchased the 1.4 acre tract across the street, but later sold it to J J Horan, who owns the South and Western insurance building to the south of the site.

In February of 1998 (Ordinance 098-012), It was rezoned to UC – Commercial sub-district at Post's request. Post intended to develop this site with a vertically mixed-use product, such as an office building with apartments above it, or possibly small retail uses with apartments above.

In 2002 Post quit developing additional multi-family products in Addison Circle. It did not exercise its option to buy the remaining land in Addison Circle, and the remaining tracts in the original district were sold off to other developers. One of those developers, CityHomes, purchased 8.9 acres immediately south of this site and is in the final stages of developing it with 183 townhomes.

Even though Post decided not to build any more apartments in Addison Circle, it retained ownership of this site. It has had it for sale for various periods of time, and has even drawn up two different plans to develop the site itself. At this point, Post has decided again to sell the tract, and Intervest is interested in purchasing it. Intervest wants to develop the property with 83 townhomes, but townhome is not an allowed use in the Urban Center – Commercial subdistrict. Therefore, in order to develop the site with townhomes, it must be rezoned.

Proposed Plan. Intervest Ventures Group is proposing to develop 83 townhome units on 3.918 acres. Intervest plans to sell the units for \$300,000 and up. The units are "for sale" product and will be sold to individual owners rather than rented.

Intervest is proposing a similar product to what CityHomes has built to the south. Intervest is proposing a 4-story unit that would reach a height of 54 feet to the top of the gabled roof. The floor plan would consist of a garage and bedroom/office on the ground floor, living/dining room and kitchen on the second floor, master suite on the third floor, and a bonus room, with possible roof deck on the fourth floor. It is difficult to tell from the photos submitted, but it does not appear that the proposed fourth floor would run the full depth of the three floors beneath it.

Intervest maintains that while its units are in the same format as the CityHomes townhomes, they will be larger and higher-priced. The units range from 22-25 feet wide as opposed to the 20-22 feet wide units that CityHomes built. In addition, Intervest is proposing a true stoop for the front door as opposed to a front door at grade. It is also

proposing to have a recessed front porch. Interinvest is proposing that all units be finished in the same brick, and that the backs of the units have more masonry and less hardi-plank siding that is on the CityHomes units. Interinvest has submitted photos of other products that are similar to what it proposes for this project, but did not submit specific elevations for the units shown on the site plan.

CONCEPT PLAN

The UC district regulations require that a concept plan be approved for the UC district before individual developments can be constructed. When this property was rezoned to the UC – Commercial subdistrict by Post, there was not a concept plan submitted because Post was not sure what it wanted to do with the property. At this time, Interinvest is seeking to rezone the property to the UC – Residential subdistrict, and has submitted a site plan that has sufficient detail to serve as a concept plan and preliminary development plan.

The site plan shows 83 townhomes with the fronts of the townhomes facing Quorum Drive on the west, Spectrum Drive on the east, Calloway Drive on the south, and two internal Residential streets within the property. The townhomes proposed are served by alleys, and there are four alleys shown.

The revised plan is an improvement over the original plan. The applicant has incorporated many of the staff's recommendations. Revisions include the following:

- The mews streets have been changed to Residential streets that include parallel parking spaces in front of the units.
- Units have been moved back from Airport Parkway and a slip road, which was recommended from the first review, has been included.
- There are not any units that face onto an interior walkway. All units face on a street.
- Two central open spaces of 1,440 square feet each have been added to the plan.
- The plan now contains a total of 8,910 square feet of open space, which meets the requirements for open space in the district.

Overall, the staff feels that the applicant has a workable concept plan and preliminary development plan. However, the applicant has not presented any facades for any buildings, only photos of buildings in another development. Therefore, while the site plan is acceptable, the applicant still needs to provide additional information and go back through the final development plan approval process.

The staff has reviewed the revised site plan and has the following comments:

Engineering. Public Works has reviewed the site plan and notes the following:

- Airport Parkway was not designed to be located adjacent to a residential district. If the zoning change is approved, staff recommends that some type of screening be required along Airport Parkway.
- The two Residential streets must be dedicated to the public.
- The sections of the Residential streets need to be modified to adhere to the Town of Addison standards for a Residential street.
- The location of the dumpsters does not appear to be accessible by trash trucks.
- A 20' turning radius needs to be added to all intersections.
- Civil plans will need to be submitted for review and approval.

Fire. The Fire Department notes the following:

- Proposed fire hydrant locations are not shown on the submittal. Hydrants must be placed at approved locations at maximum 300-foot intervals along streets and fire lanes.
- Area highlighted on the plan (which has been furnished to the applicant) shall be properly marked as fire lanes.
- Turn radii for all designated fire lanes shall be a minimum 26-feet inside and 50-feet outside.

Landscaping. The Parks Department has reviewed the plan and notes:

- The conceptual plans submitted by the applicant do not show streetscape elements along Quorum Drive, Airport Parkway and Calloway Drive. Streetscape plans will need to be submitted for review and approval that comply with the UC-Urban Center standards for lighting, paving, site furniture and planting.
- The plan will need to be revised to show the tree spacing according to the Urban Center Standards for residential streets.

RECOMMENDATION

Staff has met with Intervest and has shared with its representatives that it did not feel this was a suitable site for owner-occupied townhomes for several reasons.

First, staff feels that this site has two bad edges, one against Airport Parkway and one against Spectrum Drive. Both of these edges face parking garages. The applicant has

made modifications to the plan that provide that no units face Airport Parkway. However, there are still units that face out onto the parking garage on Spectrum Drive.

Even with the improved plan, staff feels that the 183 townhomes at CityHomes are a sufficient amount of the townhome product in the district. The town made the decision to lower the density of the district for the CityHomes project with the thought that it would be the only townhome product in the neighborhood. Staff does not feel that additional townhomes, particularly in this location, are in the best interests of the district as a whole. Staff would like to see a product on the edge of the district that provides a higher density and possibly a mix of uses, such as office and loft residential, or small retail and loft residential.

The applicant argues that no-one is building office, and that a mixed use product won't work. However, as staff has noted time and time again, the City is in the development process for the long term. The city has to live with the consequences of projects that sell when they are built, but because they are in less desirable locations, or do not provide sufficient amenities, flounder. All land uses in the metroplex cycle. Townhomes are a hot product right now, and office is a cold product, but those cycles are always changing.

Staff feels that a higher density, multi-family project, with possible mixed uses, was the intent when this tract was zoned into the Urban Center, and staff feels that is still the appropriate use for this site. Therefore, staff does not recommend approval of the change of zoning from UC – Commercial to UC – Residential.

However, if the Commission is inclined to recommend approval of the change of zoning, staff would recommend approval of the concept plan submitted, subject to a final development plan being filed by the applicant that reflects the following revisions:

Engineering:

- Airport Parkway was not designed to be located adjacent to a residential district. If the zoning change is approved, staff recommends that some type of screening be required along Airport Parkway.
- The two Residential streets must be dedicated to the public.
- The sections of the Residential streets need to be modified to adhere to the Town of Addison standards for a Residential street.
- The location of the dumpsters does not appear to be accessible by trash trucks.
- A 20' turning radius needs to be added to all intersections.
- Civil plans will need to be submitted for review and approval.

- Airport Parkway was not designed to be located adjacent to a residential district. If the zoning change is approved, staff recommends that some type of screening be required along Airport Parkway.
- The two Residential streets must be dedicated to the public.
- The sections of the Residential streets need to be modified to adhere to the Town of Addison standards for a Residential street.
- The location of the dumpsters does not appear to be accessible by trash trucks.
- A 20' turning radius needs to be added to all intersections.
- Civil plans will need to be submitted for review and approval.

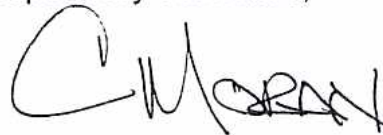
Fire. The Fire Department notes the following:

- Proposed fire hydrant locations are not shown on the submittal. Hydrants must be placed at approved locations at maximum 300-foot intervals along streets and fire lanes.
- Area highlighted on the plan (which has been furnished to the applicant) shall be properly marked as fire lanes.
- Turn radii for all designated fire lanes shall be a minimum 26-feet inside and 50-feet outside.

Landscaping. The Parks Department has reviewed the plan and notes:

- The conceptual plans submitted by the applicant do not show streetscape elements along Quorum Drive, Airport Parkway and Calloway Drive. Streetscape plans will need to be submitted for review and approval that comply with the UC-Urban Center standards for lighting, paving, site furniture and planting.
- The plan will need to be revised to show the tree spacing according to the Urban Center Standards for residential streets.

Respectfully submitted,

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

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on March 22, 2007, voted to recommend approval of the request for a change of zoning from Urban Center – Commercial subdistrict to Urban Center, Residential sub-district, and approval of the concept plan, subject to the condition that the final development plan incorporate the following revisions:

Engineering:

- Airport Parkway was not designed to be located adjacent to a residential district. If the zoning change is approved, staff recommends that some type of screening be required along Airport Parkway.
- The two Residential streets must be dedicated to the public.
- The sections of the Residential streets need to be modified to adhere to the Town of Addison standards for a Residential street.
- The location of the dumpsters does not appear to be accessible by trash trucks.
- A 20' turning radius needs to be added to all intersections.
- Civil plans will need to be submitted for review and approval.

Fire. The Fire Department notes the following:

- Proposed fire hydrant locations are not shown on the submittal. Hydrants must be placed at approved locations at maximum 300-foot intervals along streets and fire lanes.
- Area highlighted on the plan (which has been furnished to the applicant) shall be properly marked as fire lanes.
- Turn radii for all designated fire lanes shall be a minimum 26-feet inside and 50-feet outside.

Landscaping. The Parks Department has reviewed the plan and notes:

- The conceptual plans submitted by the applicant do not show streetscape elements along Quorum Drive, Airport Parkway and Calloway Drive. Streetscape plans will need to be submitted for review and approval that comply with the UC-Urban Center standards for lighting, paving, site furniture and planting.
- The plan will need to be revised to show the tree spacing according to the Urban Center Standards for residential streets.

Noise.

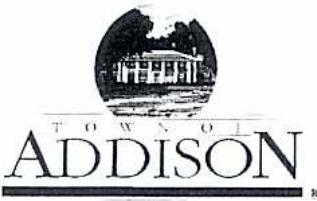
- The Commission advised the applicant that revised plans should include a solution for the problem of noise generated by the chiller that is across the street on the

Madison office building property. That solution might include building a sound wall around the chiller, or adding insulating windows in the units closest to the chiller.

Voting Aye: Bernstein, Chafin, Gaines, Lay, Wood

Voting Nay: none

Absent: Daseke, Jandura



PUBLIC WORKS DEPARTMENT
Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871 FAX (972) 450-2837
16801 Westgrove

Memorandum

To: Carmen Moran
CC: Nancy Cline, David Wilde, Gordon Robbins, Greg Layman, Slade Stickland
From: Clay Barnett
Date: 3/13/2007
Re: Case 1534-Z/Intervest Ventures Group

1. Airport parkway was not designed to be located adjacent to a residential district. If the zoning change is approved, I recommend that some type of screening be required along Airport Parkway.
2. The two residential streets must be dedicated to the public.
3. The sections of the residential streets need to be modified to adhere to the Town of Addison standards for a residential street. The front yard setback can be waived.
4. The location of the dumpsters does not appear to be accessible by trash trucks.
5. A 20' turning radius needs to be added to all intersections.
6. Civil plans will need to be submitted for review and approval.

Memorandum



To: Carmen Moran, Director of Development Services

From: Gordon C. Robbins, Deputy Fire Chief

Date: Wednesday, March 07, 2007

Re: Case 1534-Z / Intervest Ventures Group (Residences at Addison Circle)

- 1) Proposed fire hydrant locations are not shown on the submittal. Hydrants must be placed at approved locations at maximum 300-foot intervals along streets and fire lanes.
- 2) Areas highlighted on the plan (primarily alleys) shall be properly marked as fire lane.
- 3) Turn radii for all designated fire lanes shall be a minimum 26-feet inside and 50-feet outside.

Thanks you for the opportunity to review this submittal. Please contact me if I can provide additional information.

Memorandum

Date: March 13, 2007
To: Carmen Moran, Director of Development Services
From: Slade Strickland, Director of Parks and Recreation
Subject: **Case 1534-Z/Intervest Ventures Group**

1. The conceptual plans submitted by the applicant do not show streetscape elements along Quorum Drive, Airport Parkway and Calloway Drive. Streetscape plans will need to be submitted for review and approval that comply with the UC-Urban Center Standards for lighting, paving, site furniture and planting.
2. The plan will need to be revised to show the tree spacing according to the Urban Center Standards for residential streets.

March 22, 2007

Carmen Moran
Director of Development Services
P.O. Box 9010
Addison, TX 75001

Dear Carmen,

I would like to formally protest against the Planning and Zoning Commission for Case Number 1534- Z/Interwest Ventures Group for the 3.9 acres at the southeast corner of Airport Parkway and Quorum Drive for the development of town homes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan Heikenfeld', written over a faint, illegible typed name.

Jordan Heikenfeld
Homeowner
5028 Parkview Place Unit 63
Addison TX 75001

Council Agenda Item # ES1

There are no attachments for this item.

Council Agenda Item:#R11

There are no attachments for this item.