



**REGULAR WORK SESSION & MEETING  
OF THE CITY COUNCIL**

**January 12, 2016**

**ADDISON TOWN HALL**

**5300 BELT LINE RD., DALLAS, TX 75254**

**6:45 PM EXECUTIVE SESSION & DINNER  
7:00 PM WORK SESSION  
7:30 PM REGULAR MEETING**

Executive Session

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1. Closed (executive) session of the Addison City Council pursuant to:

Section 551.087, Tex. Gov. Code, to deliberate commercial or financial information that was received from a business prospect that seeks to locate, stay, or expand in or near the territory of the governmental body, and with which the governmental body is conducting economic development negotiations.

- **Former Sam's Club Property**
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Reconvene from Executive Session

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2. **RECONVENE INTO REGULAR SESSION:** In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matter discussed in Executive Session.

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## WORK SESSION

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3. Present and Discuss The Fiscal Year 2016 World Affairs Council Scope Of Services.
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## REGULAR MEETING

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### Pledge of Allegiance

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Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

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4. Public Comment.  
The City Council invites citizens to address the City Council on any topic not on this agenda. Please fill out a **City Council Appearance Card** and submit it to a city staff member prior to Public Participation. Speakers are allowed **up to three (3) minutes per speaker with fifteen (15) total minutes** on items of interest or concern and not on items that are on the current agenda. In accordance with the Texas Open Meetings Act, the City Council cannot take action on items not listed on the agenda. The Council may choose to place the item on a future agenda.
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### Consent Agenda:

*All items listed under the Consent Agenda are considered routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be pulled from the Consent Agenda and discussed separately.*

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5. Present Recognition Certificates And Proclamations For Town Employees.
  6. Consider Approval Of The December 8, 2015 Regular Meeting Minutes.
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7. Consider Approval Of A **Resolution Authorizing The City Manager To Approve A Contract With the World Affairs Council of Dallas/Fort Worth for Consulting Services** In An Amount Not To Exceed \$60,000.
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8. Consider And Approve **Authorizing The City Manager To Approve The Purchase Of 137 Illuminated Street Name Sign Assemblies From Duralight, Inc. To Replace All Of The Existing Illuminated Street Name Signage In the Town Of Addison** In An Amount Not To Exceed \$217,845.00.
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Regular Items

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9. Discuss **Council Member Bruce Arfsten Appointment To The Emergency Preparedness Planning Council For North Texas Council Of Government For The Town Of Addison.**
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10. Discuss, Consider, And Approve A **Resolution Adopting The 2015 Dallas County Hazard Mitigation Action Plan.**
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11. Discuss **Timeline For Community Partners Bureau Appointments.**
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12. Hold a Public Hearing, Discuss, Consider And Approve An **Ordinance Amending an Existing Special Use Permit For A Restaurant And A Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only On Property Located At 5100 Belt Line Road Suite 212.** Case 1728-SUP/Yard House/ Mr. Jason Bolling
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13. Hold a Public Hearing, Discuss, Consider And Approve An **Ordinance Amending An Existing Special Use Permit For A Restaurant And A Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only On Property Located At 4985 Addison Circle.** Case 1724-SUP/Antonio's Ristorante/ Mr. Sean Moore
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14. Hold A Public Hearing, Discuss And Consider Approval Of An **Ordinance Rezoning An Approximately 17.4 Acre Property Located At 4150 Belt Line Road From PD (Planned Development) to A New PD (Planned Development).** Case 1725-Z/Addison Groves/Mr. Frank Liu.

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## Adjourn Meeting

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NOTE: The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (purchase, exchange, lease or value of real property); §551.074 (personnel or to hear complaints against personnel); §551.076 (deployment, or specific occasions for implementation of security personnel or devices); and §551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

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Posted:

Laura Bell, 1/8/2016, 9:00pm

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS WITH DISABILITIES.  
PLEASE CALL (972) 450-7017 AT LEAST  
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

**AI-1487**

**Item # 1.**

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** City Manager

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**AGENDA CAPTION:**

Closed (executive) session of the Addison City Council pursuant to:

Section 551.087, Tex. Gov. Code, to deliberate commercial or financial information that was received from a business prospect that seeks to locate, stay, or expand in or near the territory of the governmental body, and with which the governmental body is conducting economic development negotiations.

**• Former Sam's Club Property**

**BACKGROUND:**

N/A

**RECOMMENDATION:**

N/A

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AI-1488

Item # 2.

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** City Manager

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**AGENDA CAPTION:**

**RECONVENE INTO REGULAR SESSION:** In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matter discussed in Executive Session.

**BACKGROUND:**

N/A

**RECOMMENDATION:**

N/A

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AI-1459

Item # 3.

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** City Manager

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**AGENDA CAPTION:**

Present and Discuss The **Fiscal Year 2016 World Affairs Council Scope Of Services.**

**BACKGROUND:**

Over the last few years, the Town of Addison has maintained a formal agreement with the Dallas World Affairs Council (WAC). In the initial years, WAC provided support to the Town to enhance its efforts with WorldFest. In Fiscal Year 2015, the focus of WAC's efforts matured to provide support in enhancing the Town's international business development efforts, and management of the agreement fell under the purview of the Economic Development and Tourism Department. Mayor Pro Tempore, Janelle Moore serves as the liaison to the World Affairs Council. She along with Orlando Campos, Director of Economic Development and Tourism will provide the City Council with an overview of WAC's focus in Fiscal Year 2016.

**RECOMMENDATION:**

N/A

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AI-1483

Item # 5.

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** City Manager

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**AGENDA CAPTION:**

Present **Recognition Certificates And Proclamations For Town Employees.**

**BACKGROUND:**

The City Council would like to recognize certain Town employees for achievements and present proclamations to recent retirees.

**RECOMMENDATION:**

N/A

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AI-1484

Item # 6.

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** City Manager

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**AGENDA CAPTION:**

Consider **Approval Of The December 8, 2015 Regular Meeting Minutes.**

**BACKGROUND:**

N/A

**RECOMMENDATION:**

N/A

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**Attachments**

December 8 2015 Draft Minutes

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# OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

December 8, 2015

Addison Town Hall, 5300 Belt Line Rd., Dallas, TX 75254

5:15 PM Executive Session

6:15 PM Work Session | 7:30 PM Regular Meeting

Present: Arfsten; Carpenter; Heape; Hughes; Mayor Meier; Moore; Wilcox

## Executive Session

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Closed (executive) session of the Addison City Council pursuant to:

Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney(s) on a matter in which the duty of the attorney(s) 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, pertaining to

- **Automotive Use Issues- 15600 Midway Road**
- **Under Performing Hotels/Amortization Process**

Section 551.072, Tex. Gov. Code, to deliberate the purchase, exchange, lease or value of real property

- **Southeast Quadrant Addison Airport**

Section 551.087, Tex. Gov. Code, to deliberate commercial or financial information that was received from a business prospect that seeks to locate, stay, or expand in or near the territory of the governmental body, and with which the governmental body is conducting economic development negotiations.

Council convened into Executive Session at 5:17pm.

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**RECONVENE INTO REGULAR SESSION:** In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on any matter discussed in Executive Session.

Council recessed from Executive Session at 6:19pm.

Councilmember Bruce Arfsten made a motion to approve an Interim Use agreement for the property at 15600 Midway Road in a form approved by the City Attorney and the City Manager. Councilmember Mary Carpenter seconded the motion. The vote was cast 7-0 in favor of the motion.

Council reconvened into Executive Session at 8:20pm.

Council recessed from Executive Session at 8:47pm.

Councilmember Ivan Hughes made a motion to approve staff to move forward with the Economic Development agreement as discussed in

Executive Session. Councilmember Mary Carpenter seconded the motion. The vote was cast 7-0 in favor of the motion.

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Reconvene from Executive Session

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## **WORK SESSION**

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Discuss the **Town's Illuminated Street Name Signage.**

Assistant Director of Infrastructure, Jason Shroyer, presented the item.

Council agreed that the sign face with the white left hand side block and the Addison blue circle was the most appealing.

Staff will move forward with ordering the signs. Staff will also look into options to decrease the fade factor to the signs. Installation costs for the signs will come back to Council for approval.

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Discuss **Various Amendments To The Town's Zoning And Subdivision Ordinance Requirements.**

Assistant Director of Development, Charles Goff, presented the item to Council. Mr. Goff stated that these changes proposed are to streamline the process. Staff believes that these changes will help the process through the Planning and Zoning Commission and help Council see items quickly.

Council agreed to the changes. Staff will implement the changes proposed.

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Present And Discuss **New Boards And Commission Application Process.**

City Secretary, Laura Bell, presented the item to Council. All the changes requested from prior worksession discussions were implemented. The new terms for the P & Z members and the BZA members will run concurrently with the terms for the Councilmember who appointed the member. There will not be any time lost in any members' terms. Ms. Bell also presented the final application which will go online and in print form for those citizens to use to apply for future commissions or committees.

Staff will bring back the Resolutions for the new terms when applicable. Staff will also work on a letter to send out to the members explaining the process and terms.

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Present And Discuss **New Open Carry Laws Effective January 1, 2016.**

City Attorney Brenda McDonald presented the item to Council. Discussion was focused on the rights of the Town as to how to inform citizens of the areas where this new law is not applicable.

Staff was directed to work with the City Attorney to come back to Council with suggestions as how to deal with the new restrictions and guidelines.

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## REGULAR MEETING

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### Pledge of Allegiance

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Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

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Public Comment.

The City Council invites citizens to address the City Council on any topic not on this agenda. Please fill out a **City Council Appearance Card** and submit it to a city staff member prior to Public Participation. Speakers are allowed **up to three (3) minutes per speaker** with **fifteen (15) total minutes** on items of interest or concern and not on items that are on the current agenda. In accordance with the Texas Open Meetings Act, the City Council cannot take action on items not listed on the agenda. The Council may choose to place the item on a future agenda.

There were no speakers.

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Consent Agenda:

*All items listed under the Consent Agenda are considered routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be pulled from the Consent Agenda and discussed separately.*

Motion was made on items 8 & 10-14. Item #9 was pulled for separate consideration.

Motion made by Moore

Seconded by Arfsten

**Voting** AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier, Moore, Wilcox

Passed

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Consider **Approval Of The November 10, 2015 Regular Meeting Minutes And The November 17, 2015 Special Meeting Minutes.**

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Consider And Approve The **Purchase of (1) 2016 Ambulance, (14) Police Patrol Cars, (1) Police K-9 Vehicle, (2) Police CID Vehicles, (1) 2016 Hybrid Electric Service Vehicle, (2) 2016 1-Ton Service Trucks, (1) 2016 1-Ton Dump Body Truck, (1) Mower And Attachments, (1) Vactor Truck, (1) Camera Van, And (1) Grapple Truck Through An Interlocal Agreement With BuyBoard, Houston Galveston Area Council Of Governments (HGAC) And Texas SmartBuy** In An Amount Not To Exceed \$1,441,062.65.

Mayor Meier pulled this item for separate consideration. The 14 Police Patrol cars were pulled from the item. Staff will look at options for these cars considering the life expectancy and reliability of the cars. Staff was challenged to look outside the box on options.

Mayor Meier made a motion to approve the item removing the 14 Police Patrol cars and amending the total amount to reflect \$1,097,195.95.

Motion made by Mayor Meier

Seconded by Arfsten

**Voting** AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier,  
Moore, Wilcox

Passed

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Consider And Approve **Authorizing The City Manager To Approve The Purchase Of Ten Street Light Assemblies From Moreno Supply, Inc. For The Belt Line Road Corridor** In An Amount Not To Exceed \$68,800.00.

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Consider And Approve A **Resolution Authorizing The City Manager To Enter Into A Grant Funding Agreement With The Addison Arbor Foundation** In An Amount Not To Exceed \$47,500.00.

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Consider And Approve A **Resolution Authorizing the City Manager To Approve A 5 Year Commercial Lease Extension For Metroplex Aircraft Inspections, Inc., At 4726 George Haddaway Drive At Addison Airport.**

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Discuss, Consider And Approve A **Resolution Authorizing The City Manager To Enter Into Agreements Between The Town Of Addison And The City Of Carrollton, The Town Of Addison And Federal Signal Safety And Security Systems, The Town Of Addison And Harris Corporation And The Town Of Addison And Motorola Solutions, Inc. For The Purchase Of Equipment And Installation Services To Upgrade The Outdoor Warning Sirens** In An Amount Not To Exceed \$100,803.75 For All Four Agreements.

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Consider And Approve An **Ordinance Amending Section 82-281 Of The Code Of Ordinances Regarding Annual Stormwater Fees.**

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Regular Items

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Hold A Public Hearing, Consider And Approve An **Ordinance Rezoning An Approximately .5751 Acre Property Located At 4300 Beltway Drive From LR (Local Retail) To A PD (Planned Development).** Case 1726-Z/Access Catering And Events/ Mr. Scott Fernandez

Assistant Director of Development, Charles Goff, presented the item to Council. The applicant was also present to answer some questions.

Motion made by Carpenter

Seconded by Hughes

**Voting** AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier,  
Moore, Wilcox

Passed

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Consider And Approve A **Resolution Amending The Policy For License Agreements For The Use Of Town Right-Of-Way In The Addison Circle District To Reduce The Amount Of The Annual Fee From \$1,000.00 To \$500.00.**

Assistant Director of Development Services, Charles Goff, presented this item. This item will reduce the fee for the License Agreement. This is in response to the direction from Council after initial approval to revisit the item after implementation.

Motion made by Moore

Seconded by Heape

**Voting** AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier,  
Moore, Wilcox

Passed

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Presentation And Discussion Of The **Finance Department Quarterly Financial Review Of The Town For The Quarter And Year-To-Date Ended September 30, 2015.**

Deputy City Manager/Interim CFO, Cheryl Delaney, presented this item.

No action was taken.

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Consider And Approve Authorizing The City Manager To **Approve Change Order #2 For The Addison Circle Elevated Storage Tank Rehabilitation Project To Reconcile The Final Payment** In An Amount Not To Exceed \$119,333.50.

Assistant Director of Infrastructure, Jason Shroyer, presented the item. This Change Order is a positive back to the Town in the amount of \$119,333.50. This change order is needed so that the reconciliation of the final payment can be processed. This is a companion item to #19.

Motion made by Hughes

Seconded by Wilcox

**Voting** AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier,  
Moore, Wilcox

Passed

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Consider And Approve **Authorizing The City Manager To Approve Final Payment To TMI Coatings, Inc., For The Construction Of The Addison Circle Elevated Storage Tank Rehabilitation Project** In An Amount Not To Exceed \$116,417.43.

Assistant Director of Infrastructure, Jason Shroyer, presented this item.

Motion made by Carpenter

Seconded by Arfsten

**Voting** AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier,  
Moore, Wilcox

Passed

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Adjourn Meeting

Mayor Meier adjourned the meeting at 8:48 pm.

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NOTE: The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (purchase, exchange, lease or value of real property); §551.074 (personnel or to hear complaints against personnel); §551.076 (deployment, or specific occasions for implementation of security personnel or devices); and §551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

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\_\_\_\_\_  
Mayor-Todd Meier

Attest:

\_\_\_\_\_  
City Secretary-Laura Bell

AI-1460

Item # 7.

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** City Manager

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**AGENDA CAPTION:**

Consider Approval Of A **Resolution Authorizing The City Manager To Approve A Contract With the World Affairs Council of Dallas/Fort Worth for Consulting Services** In An Amount Not To Exceed \$60,000.

**BACKGROUND:**

Over the last few years, the Town of Addison has maintained a formal agreement with the World Affairs Council (WAC) of Dallas/Fort Worth. In the initial years, WAC provided support to the Town to enhance its efforts with World Fest. In Fiscal Year 2015, the focus of WAC's efforts matured to provide support in enhancing the Town's international business development efforts, and management of the agreement fell under the purview of the Economic Development and Tourism Department. A request is being made for approval of their Fiscal Year 2016 agreement for an amount not to exceed \$60,000. The agreement includes an amount of \$50,000 to cover deliverables highlighted in the agreement, plus an annual amount of \$10,000.00 to be utilized for marketing and venue costs for events hosted in Addison. The total annual amount was approved in the Fiscal Year 2016 Budget.

**RECOMMENDATION:**

Administration recommends approval.

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**Attachments**

Resolution

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**TOWN OF ADDISON, TEXAS  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING AN AGREEMENT FOR FUNDING BETWEEN THE TOWN AND THE WORLD AFFAIRS COUNCIL OF DALLAS/FORT WORTH; AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT FUNDING AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the Town of Addison, Texas (“City Council”) has investigated and determined that it is in the best interest of the Town of Addison, Texas (“Town”) to provide a grant of public funds to various organizations that promote public purposes and benefit the public within the Town; and

**WHEREAS**, the City Council has adopted an application process (“Application”) whereby these organizations may apply for public funds that will be used for public purposes within the Town, as determined by the Town; and

**WHEREAS**, the World Affairs Council of Dallas/Fort Worth (the “World Affairs Council”) submitted an Application to the Town for consideration; and

**WHEREAS**, the Town has reviewed the Application and investigated and determined that the requests set forth in the Application are for a public purpose and will benefit its citizens; and

**WHEREAS**, the Town and World Affairs Council desire to enter into this Agreement to set forth the terms and conditions regarding the World Affairs Council’s use of the public funds.

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

**Section 1.** The Grant Funding Agreement between the Town and World Affairs Council, a copy of which is attached to this Resolution as **Exhibit A**, is hereby approved. The City Manager is hereby authorized to execute said agreement.

**Section 2.** This Resolution shall take effect from and after its date of adoption.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 12<sup>th</sup> day of January 2016.

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Laura Bell, City Secretary

By: \_\_\_\_\_  
Brenda N. McDonald, City Attorney

## EXHIBIT A

STATE OF TEXAS           §  
  §           **AGREEMENT FOR FUNDING**  
COUNTY OF DALLAS       §

This Agreement for Funding (“Agreement”) is entered into by and between the Town of Addison, Texas (the “City” or “Addison”) and World Affairs Council of Dallas / Fort Worth (“World Affairs Council”) (the City and World Affairs Council are sometimes referred to herein together as the “parties” and individually as a “party”).

### Recitals:

1. The City desires to expand its cultural and international trade efforts through its Economic Development & Tourism and Special Events Departments. Among other things, these efforts provide an opportunity to attract tourists and businesses to the City and educate the public on the many cultures that make up the North Texas region.
2. World Affairs Council is a non-profit corporation established under the laws of the State of Texas with a mission to promote international awareness, understanding and connections through its multifaceted programs. The Council works to enhance the region’s global stature and to prepare North Texans to thrive in our complex world.
3. Addison desires to retain the services of World Affairs Council, and World Affairs Council desires to provide its services to Addison, to enhance the City’s international focus, as set forth herein.

**NOW, THEREFORE**, for and consideration of the above and foregoing premises, the mutual covenants and obligations set forth herein, and other good and valuable consideration, the Town of Addison, Texas and World Affairs Council do contract and agree as follows:

1. **Term.** This Agreement shall be effective on October 1, 2015 (the “Effective Date”), and shall remain in effect through September 30, 2016 (the “Expiration Date”), subject, however, to the termination provisions of this Agreement.
2. **Services.** In connection with this Agreement, World Affairs Council will provide to the City the following non-exclusive services (“Services”):
  - A. International Business Development:
    - Assist Addison in strengthening its International Business Focus.
    - Work with Addison to maintain and strengthen its relationship with former Spotlight countries and forge new relationships with targeted country: Canada.
    - Assist Addison to develop strategy on marketing its airport to international businesses.
    - Plan, organize, execute and co-host at least two (2) forums/luncheons in Addison with the Town of Addison focused on international business/tourism/trade during the funding year.

## EXHIBIT A

- B. Spotlight country strategic planning:
- Develop plans for FY 2017 Spotlight Japan.
  - Open doors with key strategic Japanese stakeholders.
  - Obtain commitment from Japanese Consulate to collaborate with Town of Addison for FY 2017.
- C. Entrepreneur Development:
- recommend the Addison TreeHouse as a regional entrepreneur resource center to international entrepreneurs/groups interested in the North Texas Start-up Community.
- D. Provide members of the Addison City Council with opportunities to participate in international events:
- make recommendations on events that may be appropriate for members of the Council to attend;
  - provide passes to Addison to such events (subject to the Charter and ordinances of Addison; and
  - recognize members of the City Council present at events from podium when appropriate.
- E. Feature the Town of Addison as a participant:
- recognize Addison as a participant in World Affairs Council website;
  - recognize Addison as a partner in designated events hosted by World Affairs Council, and
  - Promote Taste Addison and Oktoberfest to World Affairs Council members.
- F. Consulting Services:
- provide consulting services on international relations;
  - provide cultural consulting awareness services on how to appropriately address dignitaries from particular countries;
  - Develop by January/February 2016 in conjunction with Addison Special Events an international-focused gastronomic element for Taste Addison.
  - Develop by March/April 2016 a German program element for the Town's annual Oktoberfest event in collaboration with the German Consulate in Texas.

A table reflecting and including these Services is attached to this Agreement as Exhibit A and incorporated herein and made a part hereof.

**Performance Reports** – World Affairs Council shall provide to the City following or at the end of the first, second, third, and fourth of the City's fiscal year (2016) quarters (or portion thereof, as applicable) while this Agreement is in effect, a report ("Performance Report") regarding the work and activities of World Affairs Council for the calendar year quarter immediately prior to the date the report is provided, including, without limitation, (i) all marketing activities of World Affairs Council, (ii) a report on expenses and the payment thereof (e.g., payments to performers, other third parties, and proof of such

## EXHIBIT A

payment), (iii) a report regarding the activities of World Affairs Council as to all other of the above and foregoing Services. The Performance Report for the (a) first year quarter shall be provided by December 31, 2015, (b) second quarter shall be provided by March 31, 2016, (c) third fiscal year quarter shall be provided by June 30, 2016, and (d) fourth fiscal quarter shall be provided by September 30, 2016. Each such report shall be in form and content satisfactory to the City, and World Affairs Council shall provide supporting information for its report, including any supporting information as the City may reasonably request. Upon the expiration or earlier termination of this Agreement, World Affairs Council shall provide such report to the City not later than the 25th day following the Expiration Date or the date of termination, as applicable, and the obligation to provide such report shall survive the expiration or earlier termination of this Agreement.

In connection with the Services, World Affairs Council warrants and represents to the City that:

- 1) World Affairs Council has the skills, qualifications, expertise, experience and financial capability necessary to perform the Services with a high degree of quality and responsiveness;
- 2) The Services and work will be provided in a professional and timely manner, consistent with the commercially accepted best practices and standards;
- 3) The Services shall comply with all applicable federal, state or local statutes, ordinances, laws, rules, standards, codes and regulations;
- 4) World Affairs Council: (i) is a corporation duly organized, validly existing and in good standing under the laws of the State of Texas, and shall remain in good standing throughout the term of this Agreement; (ii) it has the requisite power and authority to carry on its business as it is now being conducted; (iii) it has the legal capacity to enter into this Agreement; and, (iv) the execution, delivery and performance of this Agreement and the consummation of the transactions contemplated by this Agreement have been authorized and approved by all action required on the part of World Affairs Council; and
- 5) The execution and delivery of this Agreement by World Affairs Council does not: (i) conflict with, or result in any violation or breach of, any provision of the World Affairs Council's charter documents; (ii) result in any violation or breach of, or constitute a default under, or require a consent or waiver under, any of the terms, conditions or provisions of any license, contract or other agreement to which World Affairs Council is a party; or (iii) materially conflict with or violate any franchise, license, judgment, order, statute, law, rule or regulation applicable to World Affairs Council.

All Services shall be provided by World Affairs Council in cooperation and coordination with the City Staff, and in particular with the Addison Director of Economic Development & Tourism (the "Director"). Any and all promotional or other materials regarding the Scope of Services which are to be prepared, given or delivered by World

## EXHIBIT A

Affairs Council shall be first presented to the Director for the Director's review and approval prior to the public dissemination of any such materials. Standardized language agreed upon by both parties prior to any public dissemination thereof may, after such agreement, be disseminated in World Affairs Council materials without prior review of those materials. Prior to solicitation of any activities and other vendors, World Affairs Council shall use its reasonable efforts to first obtain the pre-approval of the Director regarding such solicitation; however, the parties hereto recognize that World Affairs Council may not be able in all instances to obtain the pre-approval of the Director prior to a solicitation, and in such event World Affairs shall nevertheless, in conducting any solicitation, abide by and comply with such communication standards as the Director shall establish. The Services shall be provided by World Affairs Council in a professional manner. In identifying, selecting, and recommending entertainers, activities, and vendors pursuant to this Agreement, and in performing all of its Services hereunder, World Affairs Council understands and recognizes that the events under this agreement are not for religious or political purposes (and are not events that promote or suggest any religious or political agenda), and World Affairs Council will perform its Services hereunder in accordance therewith.

3. **Compensation.** For the Services provided by World Affairs Council in accordance with the terms and conditions of this Agreement and subject to the termination provisions of this Agreement, the City will pay World Affairs Council a fee as follows:

The City will pay World Affairs Council Fifty Thousand and No/100 Dollars (\$50,000.00), to be paid in four installments as follows: (1) The first installment ("first Installment") of \$12,500.00 shall be paid by January 15, 2016, (2) the second installment ("second installment") of \$12,500.00 shall be paid by April 15, 2016, (3) the third installment (the "third installment") of \$12,500.00 shall be paid by July 15, 2016, and (4) the fourth and final installment (the "fourth installment") of \$12,500 shall be paid by October 15, 2016 upon (i) the completion of the Scope of Services (that is, upon completion of all of the Services), and (ii) the satisfactory performance as reasonably determined by the City of all of the Services by World Affairs Council, including, without limitation, the timely receipt by the City of the September (for the last quarter of 2016) Performance Report and all performance reports to be provided prior thereto, in form and content reasonably acceptable to the City (upon the satisfaction of the said (i) and (ii), payment of the third installment shall be by no later than September 31, 2016).

The City will also provide the World Affairs Council a maximum allowance of Ten Thousand Dollars (\$10,000) for marketing and promotional collateral material and event space costs associated for events hosted solely in Addison. This amount is to be paid as a reimbursement to the World Affairs Council upon the receipt of an invoice with demonstrated proof that such expenses were incurred by the World Affairs Council for events hosted solely in Addison.

4. **Termination.**

A. *Without cause.* Either party may terminate this Agreement at any time by giving to the other party at least 30 days written notice of such termination. Termination shall have

## EXHIBIT A

no effect upon the rights and obligations of the parties arising out of any transaction occurring prior to the effective date of such termination. In the event of termination or upon the expiration of this Agreement, all finished or unfinished data, studies, reports and other materials and items (whether kept electronically, in writing, or otherwise) prepared by World Affairs Council shall be and become the property of the City and World Affairs Council shall promptly deliver such items to the City.

B. *With cause.*

- (i) If (a) World Affairs Council fails to perform any of World Affairs Council's duties or responsibilities as reasonably determined by the City, or (b) if World Affairs Council fails to fulfill in a timely and professional manner World Affairs Council's obligations under this Agreement, or (c) if World Affairs Council shall violate any of the terms or provisions of this Agreement (the said (a), (b) and (c) being referred to together in this paragraph as a "Failure"), or (d) if World Affairs Council, World Affairs Council's agents or employees fail to exercise good behavior either during or outside of working hours that is of such a nature as to bring discredit upon the City, as determined reasonably but solely by the City, then the City shall have the right to terminate this Agreement effective immediately upon the City giving notice thereof, either oral or in writing, to World Affairs Council.
- (ii) Notwithstanding the foregoing subparagraph B(i), with respect to a Failure, such right of termination shall not be exercised by the City unless and until a Failure remains uncured by World Affairs Council for a reasonable period of time (as determined by the City and communicated to World Affairs Council) after notice thereof (which notice shall specifically identify the Failure) from the City is received by World Affairs Council.
- (iii) If the City's termination of this Agreement for cause is defective for any reason, including but not limited to the City's reliance on erroneous facts concerning World Affairs Council's performance, or any defect in notice thereof, the City's maximum liability shall not exceed the amount payable to World Affairs Council under Section 3 above through the quarter in which the termination for cause is attempted.

- C. If this Agreement is terminated in December 2015, World Affairs Council shall promptly reimburse the amount of the first installment to the City. If this Agreement is terminated: (i) in January, 2016, World Affairs Council shall promptly reimburse to the City the sum of \$ 6,250.00; (ii) in February 2016, World Affairs Council shall promptly reimburse to the City the sum of \$ 3,125.00. If this Agreement is terminated in March, 2016, World Affairs Council shall promptly reimburse the amount of the second installment to the City. If this Agreement is terminated: (i) in April, 2016, World Affairs Council shall promptly reimburse to the City the sum of \$ 6,250.00; (ii) in May, 2016, World Affairs Council shall promptly reimburse to the City the sum of \$3,125.00. If this Agreement is terminated in June, 2016, World Affairs Council shall promptly reimburse the amount of the third installment to the City. If this Agreement is terminated: (1) in July, 2016, World Affairs Council shall promptly reimburse to the

## EXHIBIT A

City the sum of \$6,250.00; (ii) August, 2016, World Affairs Council shall promptly reimburse to the City the Sum of \$3,125. If this Agreement is terminated in September, 2016, World Affairs Council shall promptly reimburse the amount of the fourth installment to the City. Following such termination, World Affairs Council shall be entitled to no further payment or compensation hereunder, and all finished or unfinished data, studies, reports and other items (whether kept electronically, in writing, or otherwise) prepared by World Affairs Council shall be and become the property of the City and World Affairs Council shall promptly deliver such items to the City. The reimbursement obligation set forth herein shall survive the termination of this Agreement.

5. **Relationship of Parties.** World Affairs Council is and shall be during the entire term of the Agreement an independent contractor, and nothing in this Agreement is intended nor shall be construed to create an employer-employee relationship, a joint venture relationship, a joint enterprise, or to allow the City to exercise discretion or control over the professional manner in which World Affairs Council performs the Services which are the subject matter of the Agreement; provided always however that the Services to be provided by World Affairs Council shall be provided in a manner consistent with all applicable standards, regulations, and laws governing such Services.
6. **Insurance.** At all times in connection with this Agreement, World Affairs Council shall purchase and maintain in a company or companies lawfully authorized to do business in Texas such insurance coverages as set forth below:

a.	Commercial General Liability:	\$1,000,000.00
b.	General Aggregate	\$1,000,000.00
c.	Product/Completed Operations Aggregate	\$1,000,000.00
d.	Personal & Adv. Injury	\$1,000,000.00
e.	Per Occurrence	\$1,000,000.00
f.	Medical Coverage	\$ 5,000.00 (any one person)
g.	Liquor Liability Endorsement	\$1,000,000.00 (if selling beer and/or wine)
h.	Fire Liability (any one fire)	\$ 50,000.00
i.	Statutory Limits of Workers Compensation Insurance	

All such insurance shall: (i) be issued by a carrier which is rated "A-1" or better by A.M. Best's Key Rating Guide and licensed to do business in the State of Texas, (ii) name the Town of Addison as an additional insured and contain a waiver of the subrogation endorsement in favor of the Town of Addison, (iii) endorsed to read as primary coverage regardless of the application of other insurance, (iv) contain no cross liability exclusions or insured versus insured restrictions applicable to the claims of the Town of Addison, and (v) include coverage for the period of time including the Festival days as well as set-up days (usually one day before and one day after the event). Certified copies of all such policies shall be delivered to Addison upon the execution of this Agreement, but in any event no later than two weeks prior to the event; provided, however, that Addison, in its sole discretion and in lieu of certified copies of such policies, may permit the delivery of certificates of insurance (listing each insurance coverage described and required herein)

## EXHIBIT A

together with the declaration page of such policies, along with a copy of the endorsements necessary to meet the requirements and instructions contained herein, including, without limitation, the endorsement naming the Town of Addison as an additional insured, and shall specifically set forth the notice of cancellation and termination provisions to the Town of Addison. Each such policy shall provide that it shall not be canceled without at least 30-days written notice thereof being given to the Town of Addison. Coverage for Products/ Completed Operations must be maintained at least two (2) years after this Agreement is terminated in its entirety, including any renewal thereof or extensions thereto.

7. **Records.** World Affairs Council shall keep complete and accurate records for the Services performed pursuant to this Agreement and any records required by law or government regulation and shall make such records available to City upon request. World Affairs Council shall assure the confidentiality of any records that are required by law to be so maintained. World Affairs Council shall prepare and forward such additional or supplementary records as City may reasonably request.
  
8. **Notice.** For purposes of this Agreement, if written notice or other communication is given, such notice or other communication 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; seventy-two (72) hours after deposit if sent by mail; and twenty-four (24) hours after deposit if sent by Federal Express or other nationally recognized carrier. Addresses for notice are as follows:

To the City:  
Town of Addison, Texas  
5300 Belt Line Road  
Dallas, Texas 75254-7606  
Attn: Chris Terry

To World Affairs Council:  
World Affairs Council  
325 N. St. Paul Street, Suite 4200  
Dallas, TX 75201  
Attn: Jim Falk

The addresses and addressees for the purpose of this Section may be changed by giving notice of such change in the manner herein provided for giving notice. Unless and until such written notice is received the last addresses and addressee stated by written notice, or provided herein if no written notice of change has been sent or received, shall be deemed to continue in effect for all purposes hereunder.

9. **Reports Confidential.** No reports, information (either in writing or oral), documents, or other materials given to or prepared by World Affairs Council under this Agreement which the City requests in writing to be kept confidential, shall be made available to any individual or organization by World Affairs Council without the prior written approval of the City.

## EXHIBIT A

10. **Authority to Execute.** The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.
11. **Ownership of Reports.** The reports, documents and materials prepared by World Affairs Council under or pursuant to this Agreement shall be the sole property of the City.
12. **Assignment.** Inasmuch as this Agreement is intended to secure the specialized services of World Affairs Council, World Affairs Council has no authority or power to and may not assign, transfer, delegate, subcontract or otherwise convey any interest herein without the prior written consent of the City, and any such assignment, transfer, delegation, subcontract or other conveyance without the City's prior written consent shall be considered null and void *ab initio*.
13. **Rights and Remedies Cumulative; Non-Waiver.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise. The failure by either party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement for any reason whatsoever, including with respect to any such right, power or option or to such compliance or to any other or subsequent default or breach hereof, nor a waiver by either party of its rights at any time to exercise any such right, power or option or to require exact and strict compliance with all the terms hereof. Any rights and remedies either party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement.
14. **Applicable Law; Venue.** In the event of any action under this Agreement, exclusive venue for all causes of action shall be instituted and maintained in Dallas County, Texas. The parties agree that the laws of the State of Texas shall govern and apply to the interpretation, validity and enforcement of this Contract; 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 Agreement.
15. **Enforceability.** If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.
16. **Force Majeure.** In the event either the City or World Affairs Council shall be delayed or hindered in or prevented from the performance of any act required hereunder by reason of fire, casualty, strikes, lockouts, labor trouble, inability to procure materials or supplies, failure of power, governmental authority, riots, insurrections, war or other reason of like nature, where such delay, hindrance or prevention of performance shall not be within the reasonable control of the party obligated to perform and not be avoidable by diligence, the

AI-1475

Item # 8.

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** Infrastructure- Development Services

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**AGENDA CAPTION:**

Consider And Approve Authorizing The City Manager To Approve The Purchase Of 137 Illuminated Street Name Sign Assemblies From Duralight, Inc. To Replace All Of The Existing Illuminated Street Name Signage In the Town Of Addison In An Amount Not To Exceed \$217,845.00.

**BACKGROUND:**

In the Fiscal Year 2015-2016 budget, Council approved funding to replace all of the illuminated street name signs due to the end of the normal lifecycle of the signs and the need to incorporate the new Town logo. During the December 8, 2015 Council Work Session, Council approved a sign face design that incorporates the Town's new logo and brand standards.

The Town will purchase the signs from Paradigm Traffic on a contract through the BuyBoard Purchasing Cooperative, an agency that bids out services and products for its members to provide the leverage to achieve better pricing on products, equipment, and services.

The Town's 137 existing illuminated signs were installed in 2003 with an approximate lifecycle of 10-12 years. Staff recommended and the Council approved the replacement of the entire sign, rather than simply replacing the sign face. The existing signs are several versions old and parts are increasingly difficult to obtain when needed. Also, the signs are very large, heavy, and awkward to handle, requiring two people to do any work on the sign. The new illuminated street name signs will be approximately 40% lighter making them much easier for one person to maintain thereby increasing both the productivity and safety of staff. The existing signs also use a standard light fixture, whereas the new sign will incorporate an LED lighting system that will minimize power consumption while maximizing illumination.

Staff has subsequently discussed the issue of color fastness and the potential for the sign face to fade with the manufacturer. While there is no warranty related to fading, and there are a number of factors that effect how quickly a sign face fades, the manufacturer believes that the sign face color should remain consistent for 4 to 6 years. Also, the sign faces are treated for ultraviolet (UV) protection to reduce fading.

The regular price for the signs is \$323,500.00 but because the Town is a repeat purchaser with Paradigm Traffic, we are receiving a discount of \$105,655 on the purchase price, making the price of the illuminated signs \$217,845.00. The entire sign will be replaced in this process including the box, sign face, and mounting.

The installation of the 137 signs is estimated to be \$105,000.00. This work will be bid and the lowest bidder will be recommended to council for approval once the bids are closed. The total purchase and installation cost is estimated to be \$322,845.00 (pending installation bid).

Fiscal Year 2015-2016 Budget	<b>\$325,000</b>	
Original Signs Price	\$323,500	
Discount for repeat purchase	-\$105,655	
Discounted Signs Price	\$217,845	
Estimated Installation	\$105,000	
Estimated Total for Signs and Installation	<b>\$322,845</b>	

**RECOMMENDATION:**

Administration recommends approval.

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AI-1485

Item # 9.

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** City Manager

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**AGENDA CAPTION:**

Discuss **Council Member Bruce Arfsten Appointment To The Emergency Preparedness Planning Council For North Texas Council Of Government For The Town Of Addison.**

**BACKGROUND:**

The Emergency Preparedness Planning Council (EPPC) serves in an advisory role to the North Central Texas Council Of Governments Executive Board. The EPPC has responsibility for providing policy direction and oversight functions to the development and maintenance of a coordinated and integrated regional approach to emergency management planning and response systems. The EPPC may also make recommendations as to how the region can most efficiently and effectively utilize state and/or federal financial assistance made available for emergency and disaster planning, mitigation, and recovery. Council Member Bruce Arfsten is currently serving on this council and has been nominated for an additional two year term.

**RECOMMENDATION:**

N/A

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AI-1477

Item # 10.

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** Fire

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**AGENDA CAPTION:**

Discuss, Consider, And Approve A **Resolution Adopting The 2015 Dallas County Hazard Mitigation Action Plan.**

**BACKGROUND:**

The Federal Emergency Management Agency (FEMA) and the Disaster Mitigation Act of 2000 require local communities to adopt a compliant Hazard Mitigation Plan in order to be eligible for pre-disaster and post disaster federal funding for mitigation purposes. The plans have to be updated and approved every five years to maintain eligibility for federal funding.

The 2008 Dallas County Hazard Mitigation Action Plan was adopted January 6, 2009 with eleven jurisdictions participating in the planning process with the assistance from the North Central Texas Council of Governments. The 2015 Dallas County Hazard Mitigation Action Plan concludes a three-year planning process led by the Dallas County Office of Homeland Security and Emergency Management with twenty-two jurisdictions and agencies participating in the process. The Town of Addison did not participate in the 2008 planning process and has never had an FEMA approved hazard mitigation plan.

The plan identifies potential natural hazards, risks, and strategies to reduce the long-term consequences of natural hazards. The plan does not financially obligate the Town to the proposed hazard mitigation strategies, but provides the strategic framework to work towards should future funding be identified, available, and approved by the City Council to reduce risks, protecting life and property.

The Dallas County base plan and Town of Addison annex are attached as references. The 1600 page plan in its entirety can be viewed at: [http://www.dallascounty.org/department/osem/documents/2015\\_12\\_01\\_Dallas\\_County\\_HazMAP\\_APA\\_Copy.pdf](http://www.dallascounty.org/department/osem/documents/2015_12_01_Dallas_County_HazMAP_APA_Copy.pdf)

**RECOMMENDATION:**

Administration recommends approval of the resolution adopting the 2015 Dallas County Hazard Mitigation Action Plan.

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**Fiscal Impact**

**Budgeted Yes/No:**

**Funding Source:**

**Amount:** No Fiscal Impact

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**Attachments**

TDEM Approval Letter pending adoption

Resolution

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# TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

[www.dps.texas.gov](http://www.dps.texas.gov)



STEVEN C. McCRAW  
DIRECTOR  
DAVID G. BAKER  
ROBERT J. BODISCH, SR.  
DEPUTY DIRECTORS



COMMISSION  
A. CYNTHIA LEON, CHAIR  
MANNY FLORES  
FAITH JOHNSON  
STEVEN P. MACH  
RANDY WATSON

November 30, 2015

The Honorable Clay Lewis Jenkins  
Judge, County of Dallas  
411 Elm Street  
Dallas, Texas 75202

RE: Approvable Pending Adoption of the County of Dallas Hazard Mitigation Plan, PDM-12.

Dear Judge Jenkins,

Congratulations! FEMA has concluded the review of the Dallas County, Texas, local mitigation action plan, and the plan is found to be approvable pending adoption. In order for this plan to receive final FEMA approval, the jurisdiction(s) must adopt this plan and submit the complete adoption package to the state within 90 days. The plan update timeline will begin on the date of the FEMA approval letter. Please mail us the complete adoption package in the form of a CD containing the following:

- The final plan formatted as a single document
  - Plan must be dated to match the date of the first adoption
  - Remove track changes, strikethroughs and highlights
- All signed resolutions as a separate single document

The previous review tool may contain recommendations to be applied to your next update. DO NOT make any further changes to your plan until it has been approved.

The following participating governments are included in Attachment A with this letter.

If you have any questions concerning this procedure, please do not hesitate to contact me at [Mitchell.Osburn@dps.texas.gov](mailto:Mitchell.Osburn@dps.texas.gov) or 512-337-0043. We commend you for your commitment to mitigation.

Respectfully,

A handwritten signature in black ink, appearing to read "Mitchell A. Osburn".

Mitchell A. Osburn  
*Mitigation Plans Administrator*  
Texas Division of Emergency Management  
Texas Homeland Security  
Texas Department of Public Safety

cc: Sara Haak, TDEM District Coordinator  
Melanie Devine, North Central Texas Council of Governments

Enclosures: Attachment A

Attachment A

Dallas County, Texas  
Multi-Jurisdictional  
Hazard Mitigation Plan Participants

Below is the list of participating governments included in the November 25, 2015 review of the referenced Hazard Mitigation plan:

1. Dallas County
2. Town of Addison
3. City of Balch Springs
4. City of Carrollton
5. City of Cedar Hill
6. City of Cockrell Hill
7. City of Coppell
8. City of Dallas
9. City of DeSoto
10. City of Duncanville
11. City of Farmers Branch
12. City of Glenn Heights
13. Town of Highland Park
14. City of Irving
15. City of Lancaster
16. City of Richardson
17. City of Rowlett
18. City of Sachse
19. City of Seagoville
20. Town of Sunnyvale
21. City of University Park
22. City of Wilmer

MO/rm

**TOWN OF ADDISON, TEXAS**

**RESOLUTION NO. R16-0XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS ADOPTING THE 2015 DALLAS COUNTY HAZARD MITIGATION ACTION PLAN; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Addison, Texas (“Town”) recognizes the threat that natural hazards pose to people and property within the Town; and

WHEREAS, the Town has prepared a multi-hazard mitigation plan, in coordination with regional partners, hereby known as the 2015 Dallas County Hazard Mitigation Action Plan in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the 2015 Dallas County Hazard Mitigation Action Plan identifies mitigation goals and actions to reduce or eliminate long- term risk to people and property in the Town from the impacts of future hazards and disasters; and

WHEREAS, adoption by the City Council demonstrates their commitment to the hazard mitigation and achieving the goals outlined in the 2015 Dallas County Hazard Mitigation Action Plan.

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

Section 1. In accordance with Disaster Mitigation Act of 2000, the City Council of the Town of Addison, Texas adopts the 2015 Dallas County Hazard Mitigation Action Plan, a copy of which is to remain on file with the City Secretary.

Section 2. This Resolution shall be effective from and after its date of passage.

**DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 12<sup>th</sup> day of January, 2016.**

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Todd Meier, Mayor

ATTEST:

APPROVED AS TO FORM:

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Laura Bell, City Secretary

Brenda N. McDonald, City Attorney

AI-1486

Item # 11.

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** City Manager

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**AGENDA CAPTION:**

Discuss **Timeline For Community Partners Bureau Appointments.**

**BACKGROUND:**

After revamping the appointment timelines of the appointed members to the Planning & Zoning Commission and the BZA, the appointments to the Community Partners Board were also considered for the revamped timeline.

This agenda item is to discuss the timeline for these appointments and get Council approval for the new policy.

**RECOMMENDATION:**

n/a

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AI-1482

Item # 12.

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** Infrastructure- Development Services

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**AGENDA CAPTION:**

Hold a Public Hearing, Discuss, Consider And Approve An Ordinance Amending an Existing Special Use Permit For A Restaurant And A Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only On Property Located At 5100 Belt Line Road Suite 212. Case 1728-SUP/Yard House/ Mr. Jason Bolling

**BACKGROUND:**

**RECOMMENDATION TO COMMISSION:**

Staff recommends approval (See attachment 1728-SUP Council Packet pg. 2)

**COMMISSION FINDINGS:**

In order to cover the existing patio and add vinyl roll down walls, the Addison Planning and Zoning Commission, meeting in regular session on December 15, 2015, voted to recommend approval of an ordinance changing the zoning on property located at 5100 Belt Line Road Suite 212 by amending the existing Special Use Permit for a restaurant and the existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, subject to no conditions.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer, Smith

Voting Nay: none

Absent: none

**SPEAKERS AT THE PUBLIC HEARING:**

For: none

On: none

Against: none

**RECOMMENDATION:**

Administration recommends approval.

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**Attachments**

1728-SUP Council Packet

1728-SUP Plans

Ordinance-Red Line

Proposed Ordinance

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# 1728-SUP

**PUBLIC HEARING** Case 1728-SUP/Yard House. Public hearing, discussion, and take action on a recommendation regarding an ordinance changing the zoning on property located at 5100 Belt Line Road Suite 212, which property is currently zoned PD, Planned Development, through Ordinance 012-001, by amending the existing Special Use Permit for a restaurant and the existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, on application from GHA Architects, represented by Mr. Jason Bolling.

## LOCATION MAP





December 10, 2015

**STAFF REPORT**

RE: Case 1728-SUP/Yard House  
LOCATION: 5100 Belt Line Road Suite 212  
REQUEST: Approval of an amendment to the existing Special Use Permit for a restaurant and Special Use Permit for the sale of alcoholic beverages for on-premises consumption only.  
APPLICANT: GHA Architects, represented by Mr. Jason Bolling.

**DISCUSSION:**

Background: Yard House is a current restaurant tenant in Village on the Parkway on the east side of the AMC Theater. It was approved through the Special Use Permit process in early 2014 and has been in operation for a little over a year.

As part of their approved plan, the restaurant was permitted to have an exterior patio of 2,110 square feet.

Proposed Plan: The applicant is now requesting permission to cover the patio and install vinyl roll down walls. This will allow them the flexibility to shield the patio during periods of rain and for cold weather months, but keep it open during good weather. There would be no change in the size or intensity of the use of the patio.

**RECOMMENDATION: APPROVAL**

Staff recommends approval of the request. Yard House has been a quality tenant for the shopping center and this will help the restaurant utilize the patio more frequently than it is able to do so now. Since this is an amendment to the existing SUP and the standard condition regarding signage is already included, there is no need to include it here.

## Land Use Analysis

### Attributes of Success Matrix

Yard House Restaurant, 5100 Belt Line Road, Suite 212

1728-SUP

Attribute	Comment	Score
Competitive	This restaurant has been very successful. This improvement will help them remain competitive year-round.	
Safe	The project will comply with the necessary building and fire code requirements and will be safe.	
Functional	These improvements will enhance the functionality of the patio.	
Visually Appealing	The canopy structure and vinyl roll down will be of high quality so as to not negatively impact the visual appeal of the area.	
Supported with Amenities	The site is in a very amenity-rich area.	
Environmentally Responsible	The site is part of larger redevelopment that remodeled existing retail spaces and will provide a new, more energy efficient center.	
Walkable	The project is very walkable.	
<b>Overall Assessment</b>	<b>Yard House has been a good-quality restaurant and an asset to the Town. This patio revision will help them continue to be successful.</b>	



Case 1728-SUP/Yard House  
December 15, 2015

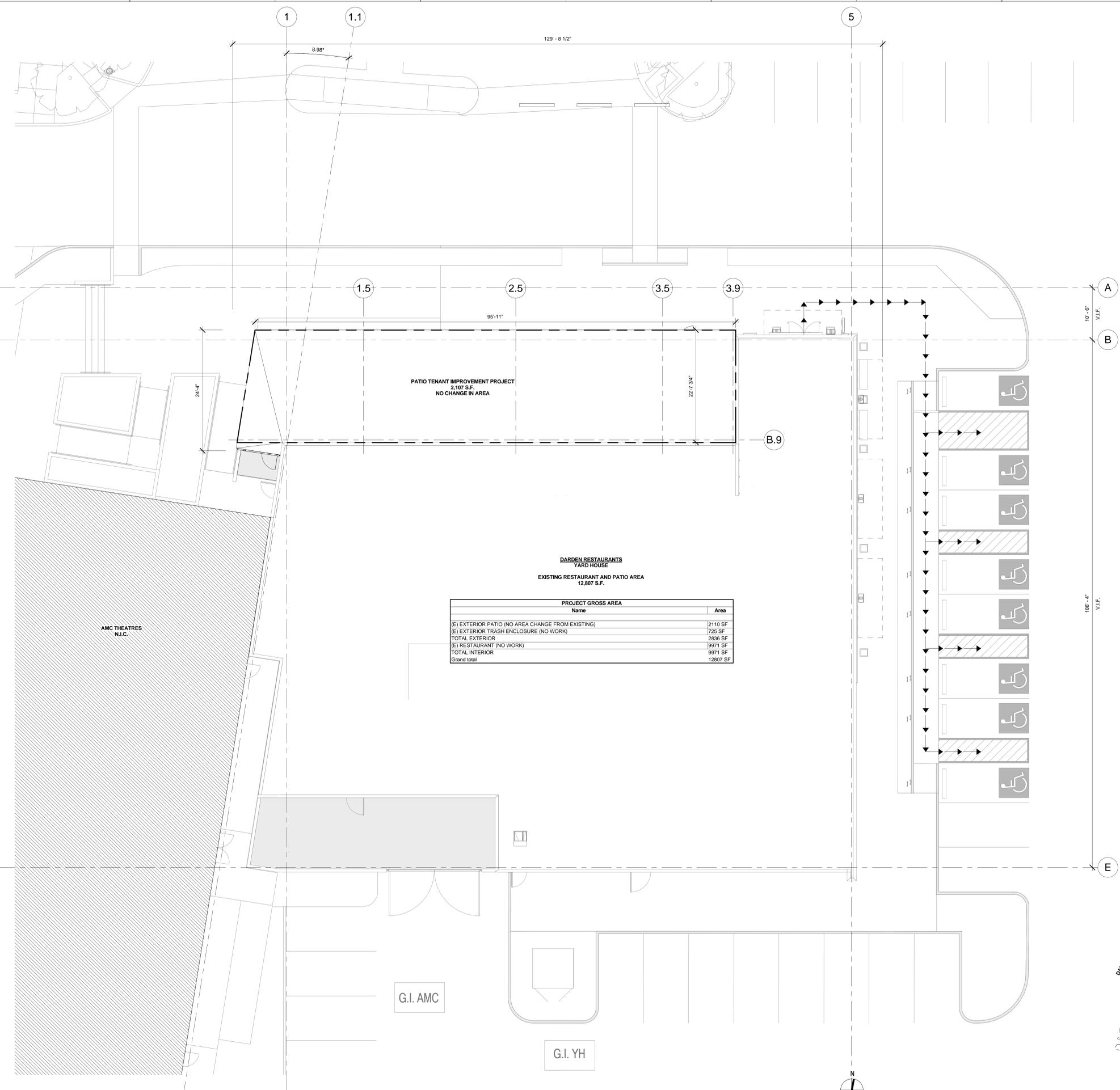
**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on December 15, 2015, voted to recommend approval of ordinance changing the zoning on property located at 5100 Belt Line Road Suite 212 by amending the existing Special Use Permit for a restaurant and the existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, in order to cover the existing patio and add vinyl roll down walls, subject to no conditions.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer, Smith  
Voting Nay: none  
Absent: none

**SPEAKERS AT THE PUBLIC HEARING:**

For: none  
On: none  
Against: none



**DARDEN RESTAURANTS  
YARD HOUSE  
EXISTING RESTAURANT AND PATIO AREA  
12,807 S.F.**

PROJECT GROSS AREA	
Name	Area
(E) EXTERIOR PATIO (NO AREA CHANGE FROM EXISTING)	2110 SF
(E) EXTERIOR TRASH ENCLOSURE (NO WORK)	1725 SF
TOTAL EXTERIOR	2836 SF
(E) RESTAURANT (NO WORK)	9971 SF
TOTAL INTERIOR	9971 SF
Grand total	12807 SF

- Town of Addison site plan notes:**
- Any revision to this plan will require Town approval and will require revisions to any corresponding plans to avoid conflicts between plans.
  - Open storage, where permitted, shall be screened in accordance with the Zoning Ordinance.
  - Buildings with an aggregate sum of 5,000 square feet or greater on a lot shall have automatic fire sprinklers installed throughout all structures. Alternative fire protection measures may be approved by the Fire Department.
  - All signage is subject to Town approval.
  - All fences and retaining walls shall be shown on the site plan and are subject to Building Inspection Division approval.
  - Existing Handicap parking is provided by landlord in accordance with ADA standards.

This plan conforms with design standards included in the Town of Addison Transportation Plan, Water System Requirements, Waste Water System Requirements, and Drainage Criteria Manual.

## 2 SITE PLAN NOTES

3" = 1'-0"



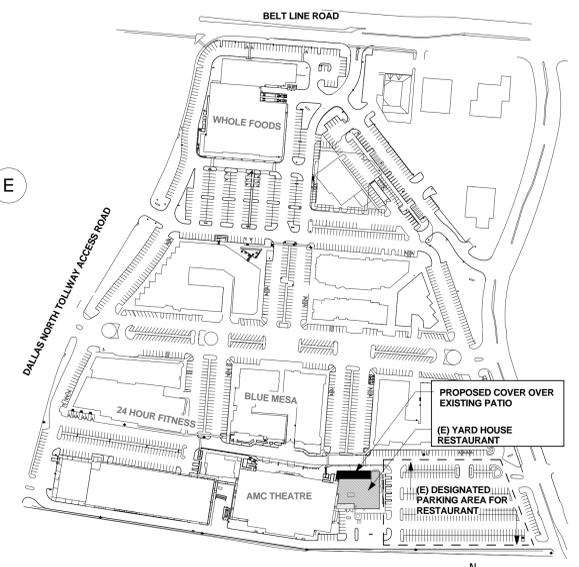
## 3 SITE PHOTOS

1" = 1'-0"

**CODE ANALYSIS**

**SITE LEGAL DESCRIPTION** A portion of Lot 1R, of Amended Replat, Village on the Parkway Lot 1R, according to the Amended Replat thereof recorded in instrument No. 20130032815 of the Public Records of Dallas County, Texas which is identified as "Tenant Premises" on Exhibit A-1.

1. CODE ANALYSIS CONSTRUCTION TYPE	II B
FIRE SPRINKLER SYSTEM	YES
OCCUPANCY GROUP	A2 RESTAURANTS
2. APPLICABLE CODES - COMPLY WITH ALL LOCAL ORDINANCES AND AMENDMENTS	
ACCESSIBILITY	2009 IBC/STATE OF TEXAS ACCESSIBILITY STANDARDS (TAS)
BUILDING	2009 INTERNATIONAL BUILDING CODE
ELECTRICAL	2008 NATIONAL ELECTRICAL CODE
FIRE	2009 INTERNATIONAL FIRE CODE
MECHANICAL	2009 INTERNATIONAL FIRE CODE
PLUMBING	2009 INTERNATIONAL PLUMBING CODE
3. PROJECT INFORMATION	
BUILDING HEIGHT	27'-4"
NUMBER OF STORIES	1
PARKING	EXISTING PROVIDED BY LANDLORD
SEAT COUNT	312 (INDOOR) + 96 (PATIO) = 408 (TOTAL)
TOTAL PROJECT AREA	12,807 S.F.



## 4 SITE KEY PLAN

1" = 200'-0"

## 1 ARCHITECTURAL SITE PLAN

1/8" = 1'-0"



2470 Mariner Square Loop  
Alameda, CA 94501  
Tel 510 865 8663  
Fax 510 865 1611

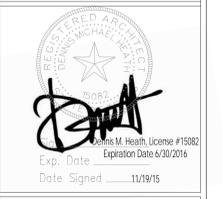
ARCHITECTS PROJECT  
#48519

Drawings and written material appearing herein constitute original and unpublished work of the Architect and may not be duplicated, used, or disclosed without written consent of the Architect.  
© MBB ARCHITECTS - 2015

ACTION	
APPROVED	DENIED
STAFF	Date Initials
COUNCIL	Date Initials

See the Staff Approval Letter or Council Resolution Memo for any conditions associated with the approval of the project.

TOWN PROJECT NUMBER:



PERMIT ISSUE DATE:

REVISION SCHEDULE	
#	DATE DESCRIPTION
1	11/20/15 PLANNING SUBMITTAL

Restaurant #: 8355

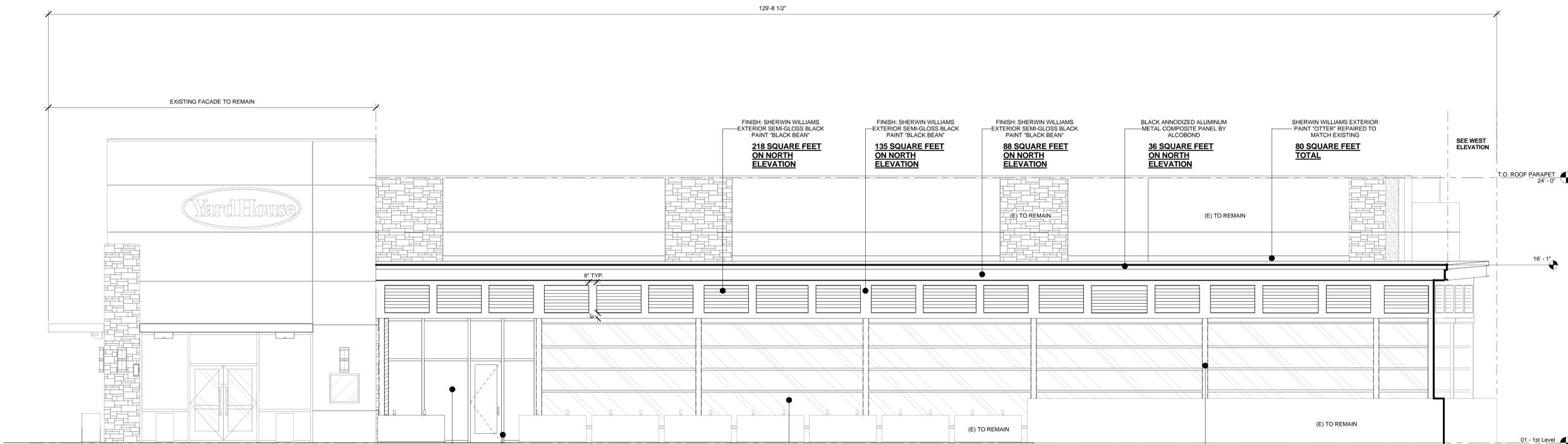
## PATIO TENANT IMPROVEMENT ADDISON, TEXAS

Drawn By: EGH Checked:

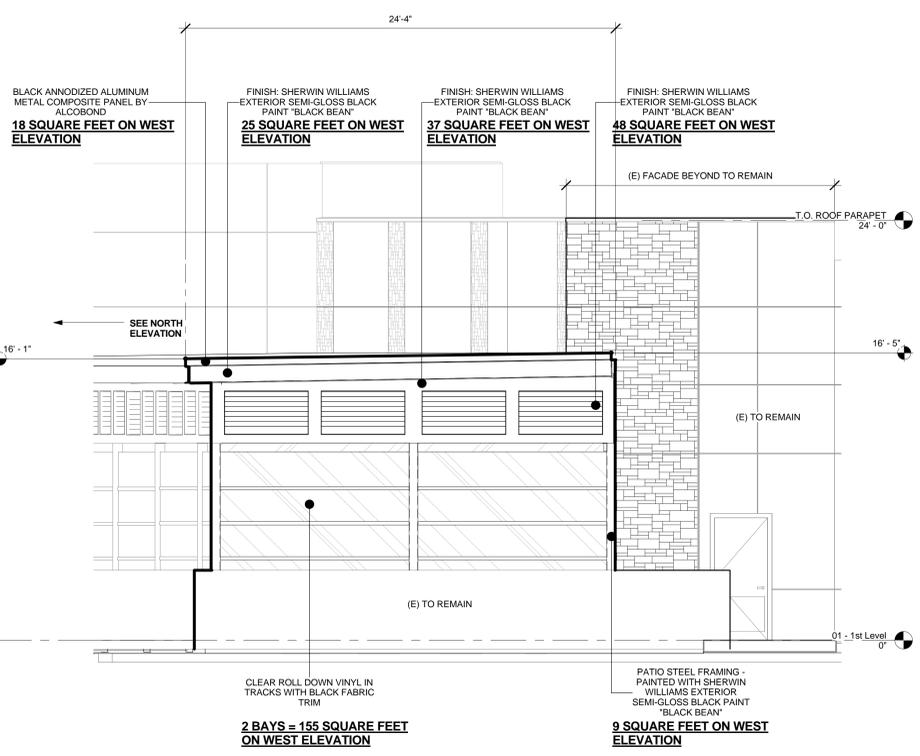
5100 BELT LINE ROAD  
ADDISON, TX

## SITE PLAN FOR PLANNING REVIEW

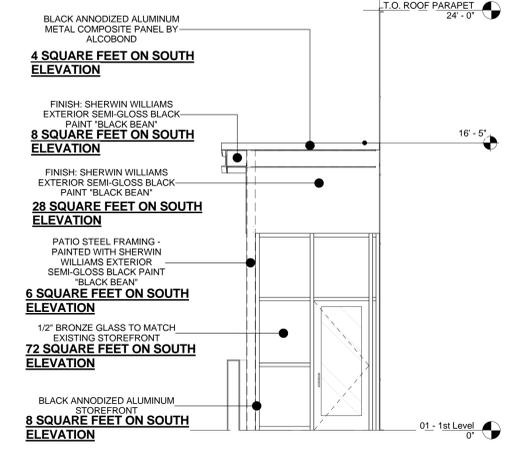
**A0.1**  
PERMIT DOCUMENTS



**1** PATIO NORTH ELEVATION  
1/4" = 1'-0"



**2** PATIO WEST ELEVATION  
1/4" = 1'-0"

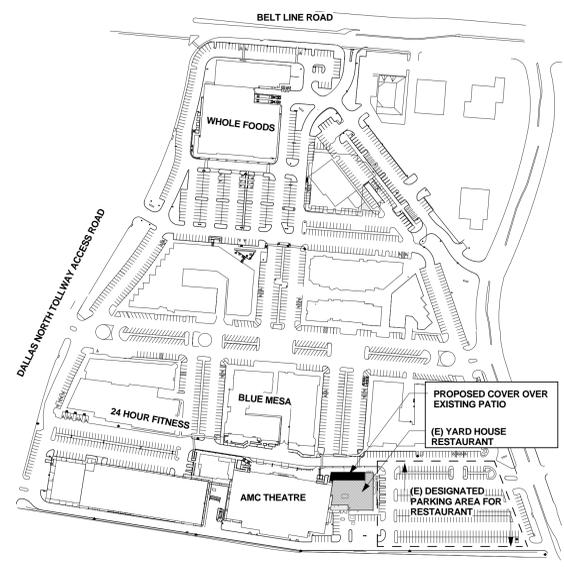


**3** PATIO SOUTH ELEVATION  
1/4" = 1'-0"

- FACADE PLAN NOTES**
- This Facade Plan is for conceptual purposes only. All building plans require review and approval by Development Services.
  - All mechanical units shall be screened from public view as required by the Zoning Ordinance.
  - When permitted, exposed utility boxes and conduits shall be painted to match the building.
  - All signage areas and locations are subject to approval by Development Services.
  - Roof access shall be provided internally, unless otherwise permitted by the Chief Building Official.

**4** FACADE PLAN NOTES  
12" = 1'-0"

MATERIAL AREA TABULATION		
MATERIAL	TOTAL AREA	% TOTAL
BLACK PAINTED STEEL	376 SF	19%
REPAIRED AND REPAINTED FACADE "OTTER"	80 SF	4%
BLACK PAINTED LOUVER	266 SF	13%
GLASS STOREFRONT	227 SF	11%
BLACK ANNOXIDIZED MULLIONS	33 SF	2%
BLACK ANNOXIDIZED ROOF TRIM	58 SF	3%
CLEAR VINYL AND BLACK FABRIC ROLL DOWN SCREENS	980 SF	48%
<b>TOTAL</b>	<b>2020 SF</b>	<b>100%</b>



**6** SITE KEY PLAN  
1" = 200'-0"

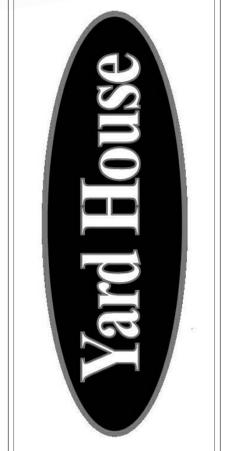
**DH**  
2470 Mariner Square Loop  
Alameda, CA 94501  
Tel 510 865 8663  
Fax 510 865 1611

ARCHITECTS PROJECT  
#48519  
Drawings and written material appearing herein constitute original and unpublished work of the Architect and may not be duplicated, used or disclosed without written consent of the Architect.  
© MBR ARCHITECTS - 2015

**ACTION**  
APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_  
STAFF \_\_\_\_\_ Date \_\_\_\_\_ 1999  
COUNCIL \_\_\_\_\_ Date \_\_\_\_\_ 1999  
See the Staff Approval Letter or Council Resolution Memo for any conditions associated with the approval of the project.

TOWN PROJECT NUMBER:

REGISTERED ARCHITECT  
Dennis M. Heath, License #15082  
Exp. Date \_\_\_\_\_ Expiration Date 6/30/2016  
Date Signed 11/19/15



PERMIT ISSUE DATE:

REVISION SCHEDULE	
#	DESCRIPTION
1	11/20/15 PLANNING SUBMITTAL

Restaurant #: **8355**

**PATIO TENANT IMPROVEMENT**  
ADDISON, TEXAS

Drawn By: EGH Checked: \_\_\_\_\_

5100 BELT LINE ROAD  
ADDISON, TX

Drawing  
**FACADE PLAN FOR PLANNING REVIEW**

**A0.2**  
PERMIT DOCUMENTS

PRINT DATE: 11/20/2015 11:45:15 AM



2470 Mariner Square Loop  
Alameda, CA 94501  
Tel 510 865 8663  
Fax 510 865 1611

ARCHITECTS PROJECT  
#48519

Drawings and written material appearing herein constitute original and unpublished work of the Architect and may not be duplicated, used, or disclosed without written consent of the Architect.  
© MBB ARCHITECTS - 2015

ACTION	
APPROVED	DENIED
STAFF _____	Date _____ Initials _____
COUNCIL _____	Date _____ Initials _____

See the Staff Approval Letter or Council Consent Memo for any conditions associated with the approval of the project.

TOWN PROJECT NUMBER:



Dennis M. Heath, License #15382  
Exp. Date \_\_\_\_\_  
Date Signed 11/19/15



PERMIT ISSUE DATE:

REVISION SCHEDULE

#	DATE	DESCRIPTION
10/21/15	ISSUE FOR PERMIT	
11/20/15	PLANNING SUBMITTAL	

Restaurant #: **8355**

**PATIO TENANT  
IMPROVEMENT  
ADDISON, TEXAS**

Drawn By: \_\_\_\_\_  
Author

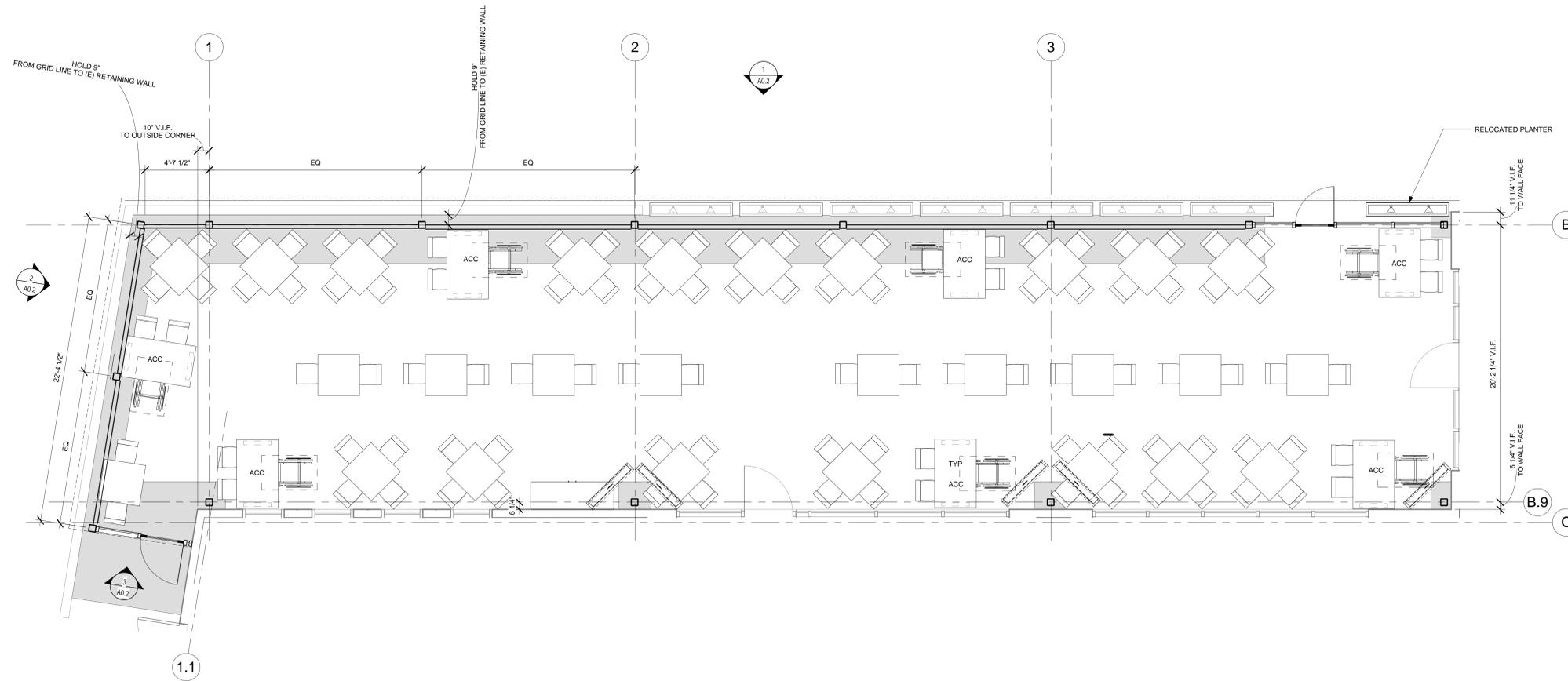
Checked  
Checker

5100 BELT LINE ROAD  
ADDISON, TX

Drawing  
**BASIC FLOOR  
PLAN FOR  
PLANNING  
REVIEW**

**A0.3**

PERMIT DOCUMENTS



**1** PATIO PLAN  
1/4" = 1'-0"

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 016-\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING ORDINANCE NO. 014-013, TO AUTHORIZE A COVERED PATIO AND THE INSTALLATION OF MOTORIZED RETRACTABLE SIDING COMPATIBLE WITH THE BUILDING ARCHITECTURE, ON PROPERTY LOCATED AT 5100 BELT LINE DRIVE SUITE 212; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on December 15, 2015, the Planning & Zoning Commission considered and made recommendations on a request for a Planned Development District (Case No.1728-SUP); and

**WHEREAS**, this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this amendment promotes the general welfare and safety of this community.

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

**Section 1.** The recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

**Section 2.** The Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Ordinance 014-013, Section 2, to revise condition 1 and add a twelfth condition, to read as follows:

1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the site plan, floor plan, landscape plan, ~~irrigation plan,~~ and the elevation drawings showing four exterior walls, which are attached hereto in Exhibit A and made a part hereof for all purposes.
12. The siding system of the patio shall be motorized with a head box, side tracks, hem bar, and stiffening bars to keep the siding taut and include extruded vinyl that is high in quality and clarity to mimic window panes.

**Section 3.** Save and except as amended by this Ordinance, Ordinance 014-013 and the provisions of the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect.

**Section 4.** Any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 5.** The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

**Section 6.** All ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section 7.** This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12th day of January 2016.**

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

\_\_\_\_\_  
Laura Bell, City Secretary

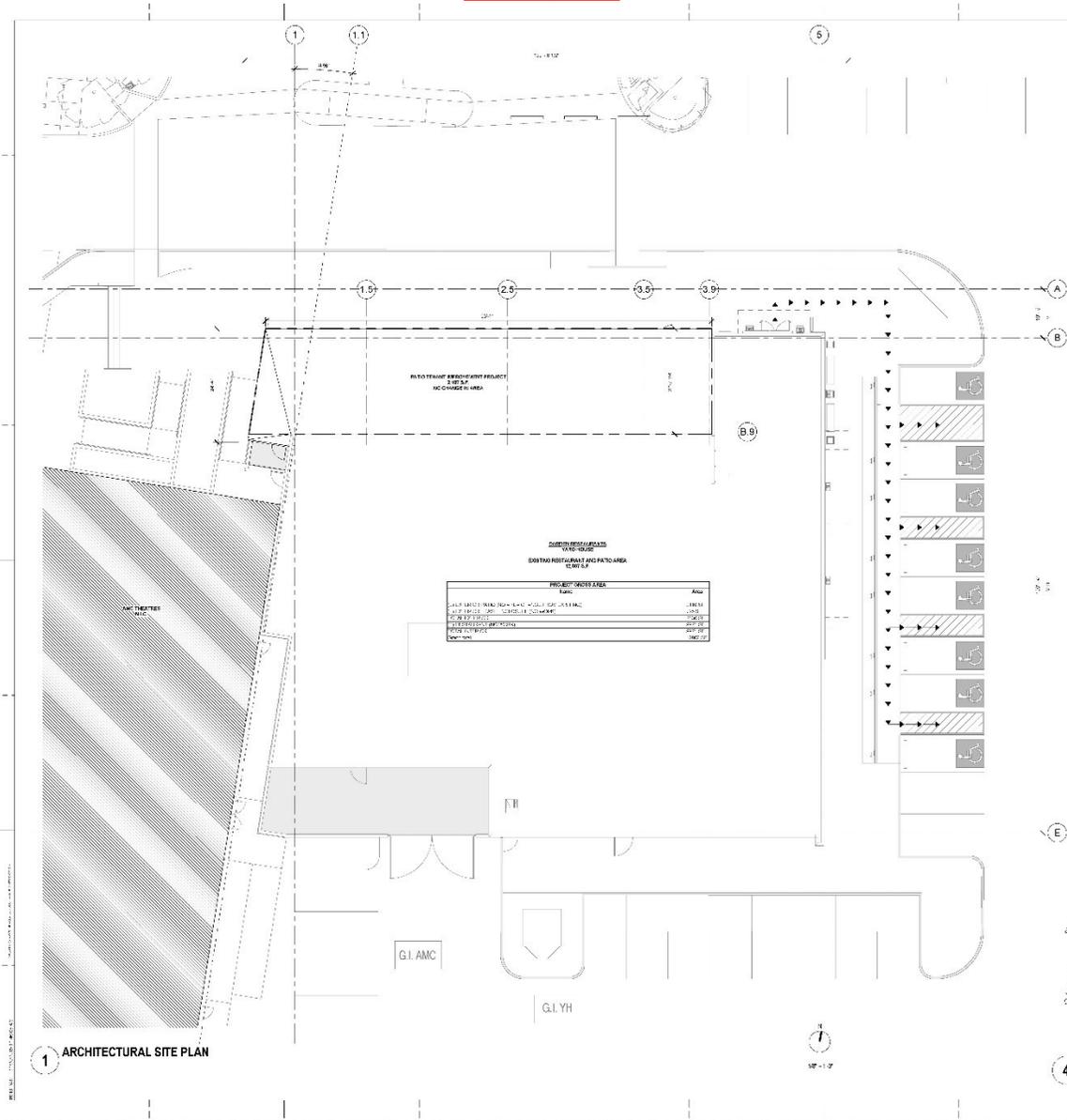
CASE NO: 1728-SUP/Yard House

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

PUBLISHED ON: \_\_\_\_\_

**EXHIBIT A**



**2 SITE PLAN NOTES**

1. The site plan shows the proposed building footprint and parking area.
2. The site plan shows the proposed building footprint and parking area.
3. The site plan shows the proposed building footprint and parking area.
4. The site plan shows the proposed building footprint and parking area.
5. The site plan shows the proposed building footprint and parking area.
6. The site plan shows the proposed building footprint and parking area.



**3 SITE PHOTOS**

CODE ANALYSIS

**SITE CLASSIFICATION**

1. CODE CATEGORY: ED

2. SITE TYPE: ED

3. PRE-EXISTING USE: ED

4. COMMODITY GROUP: ALCOHOLIC BEVERAGES

5. SITE CLASSIFICATION: ED

6. SITE TYPE: ED

7. PRE-EXISTING USE: ED

8. COMMODITY GROUP: ALCOHOLIC BEVERAGES

9. SITE CLASSIFICATION: ED

10. SITE TYPE: ED

11. PRE-EXISTING USE: ED

12. COMMODITY GROUP: ALCOHOLIC BEVERAGES

13. SITE CLASSIFICATION: ED

14. SITE TYPE: ED

15. PRE-EXISTING USE: ED

16. COMMODITY GROUP: ALCOHOLIC BEVERAGES

17. SITE CLASSIFICATION: ED

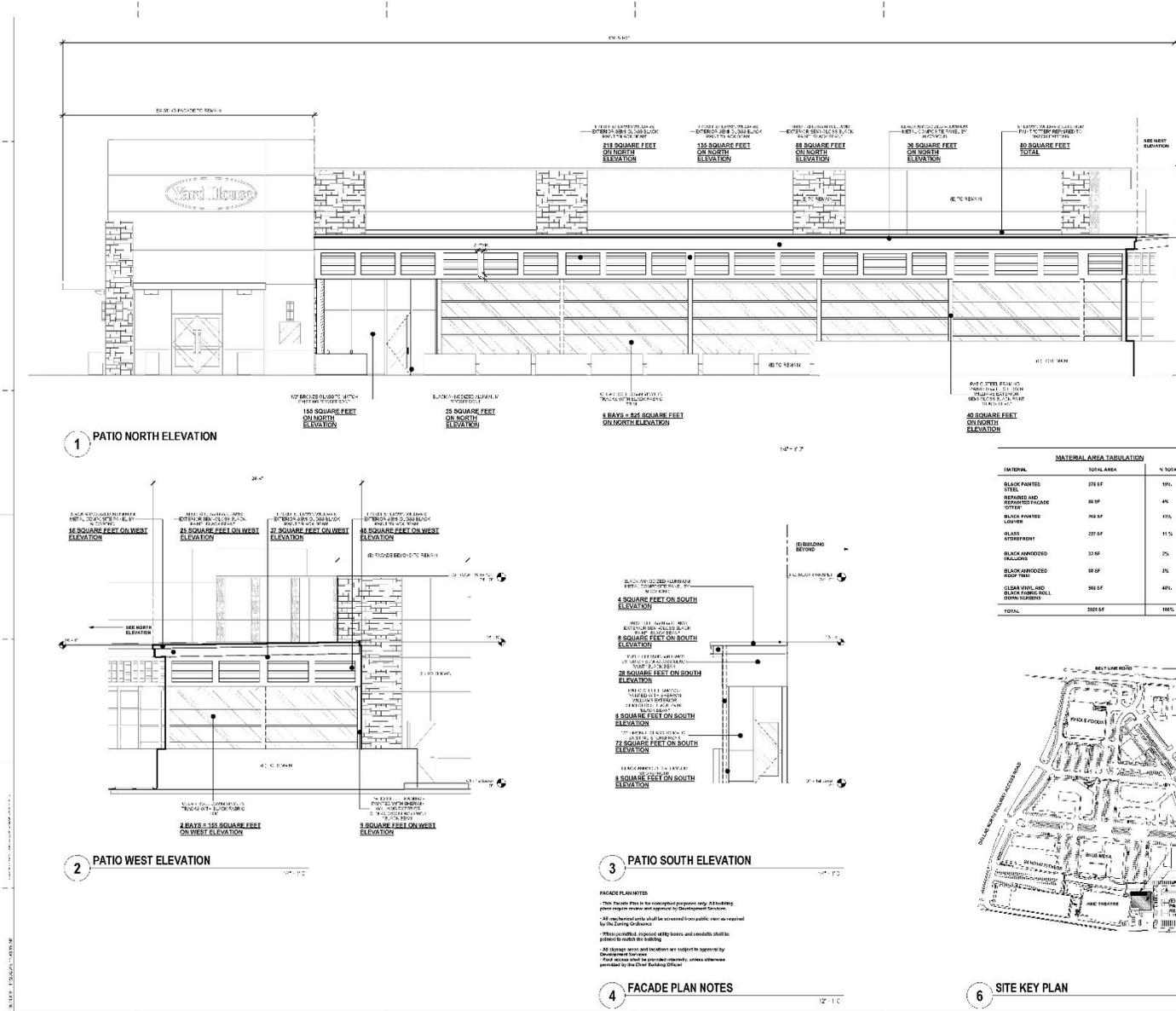
18. SITE TYPE: ED

19. PRE-EXISTING USE: ED

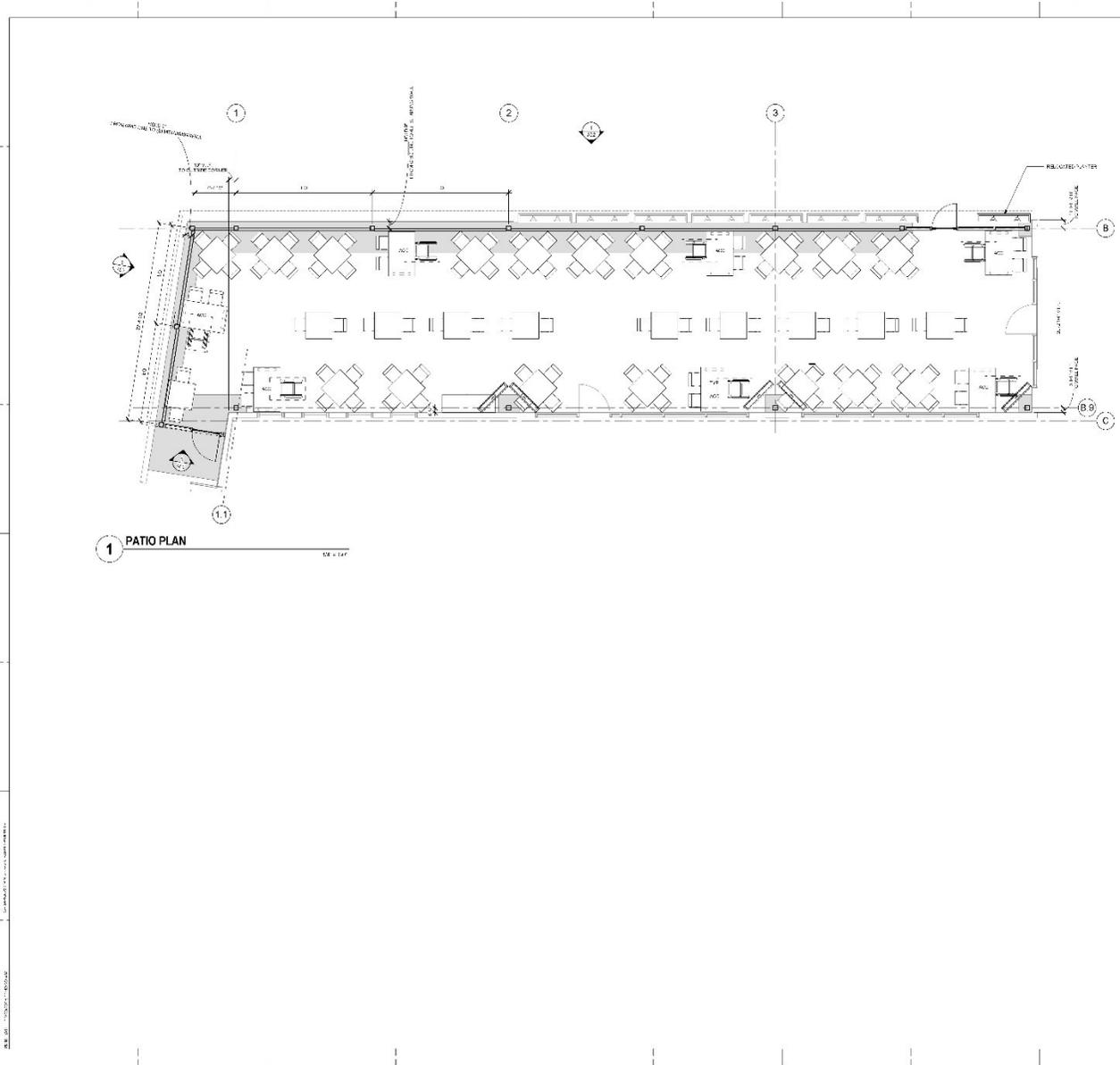
20. COMMODITY GROUP: ALCOHOLIC BEVERAGES



**EXHIBIT A**



**EXHIBIT A**



**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 016-\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING ORDINANCE NO. 014-013, TO AUTHORIZE A COVERED PATIO AND THE INSTALLATION OF MOTORIZED RETRACTABLE SIDING COMPATIBLE WITH THE BUILDING ARCHITECTURE, ON PROPERTY LOCATED AT 5100 BELT LINE DRIVE SUITE 212; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on December 15, 2015, the Planning & Zoning Commission considered and made recommendations on a request for a Planned Development District (Case No.1728-SUP); and

**WHEREAS**, this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this amendment promotes the general welfare and safety of this community.

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**Section 1.** The recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

**Section 2.** The Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Ordinance 014-013, Section 2, to revise condition 1 and add a twelfth condition, to read as follows:

1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the site plan, floor plan, and the elevation drawings showing four exterior walls, which are attached hereto in **Exhibit A** and made a part hereof for all purposes.
  
12. The siding system of the patio shall be motorized with a head box, side tracks, hem bar, and stiffening bars to keep the siding taut and include extruded vinyl that is high in quality and clarity to mimic window panes.

**Section 3.** Save and except as amended by this Ordinance, Ordinance 014-013 and the provisions of the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect.

**Section 4.** Any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 5.** The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

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**Section 7.** This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12th day of January 2016.**

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

\_\_\_\_\_  
Laura Bell, City Secretary

CASE NO: 1728-SUP/Yard House

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

PUBLISHED ON: \_\_\_\_\_



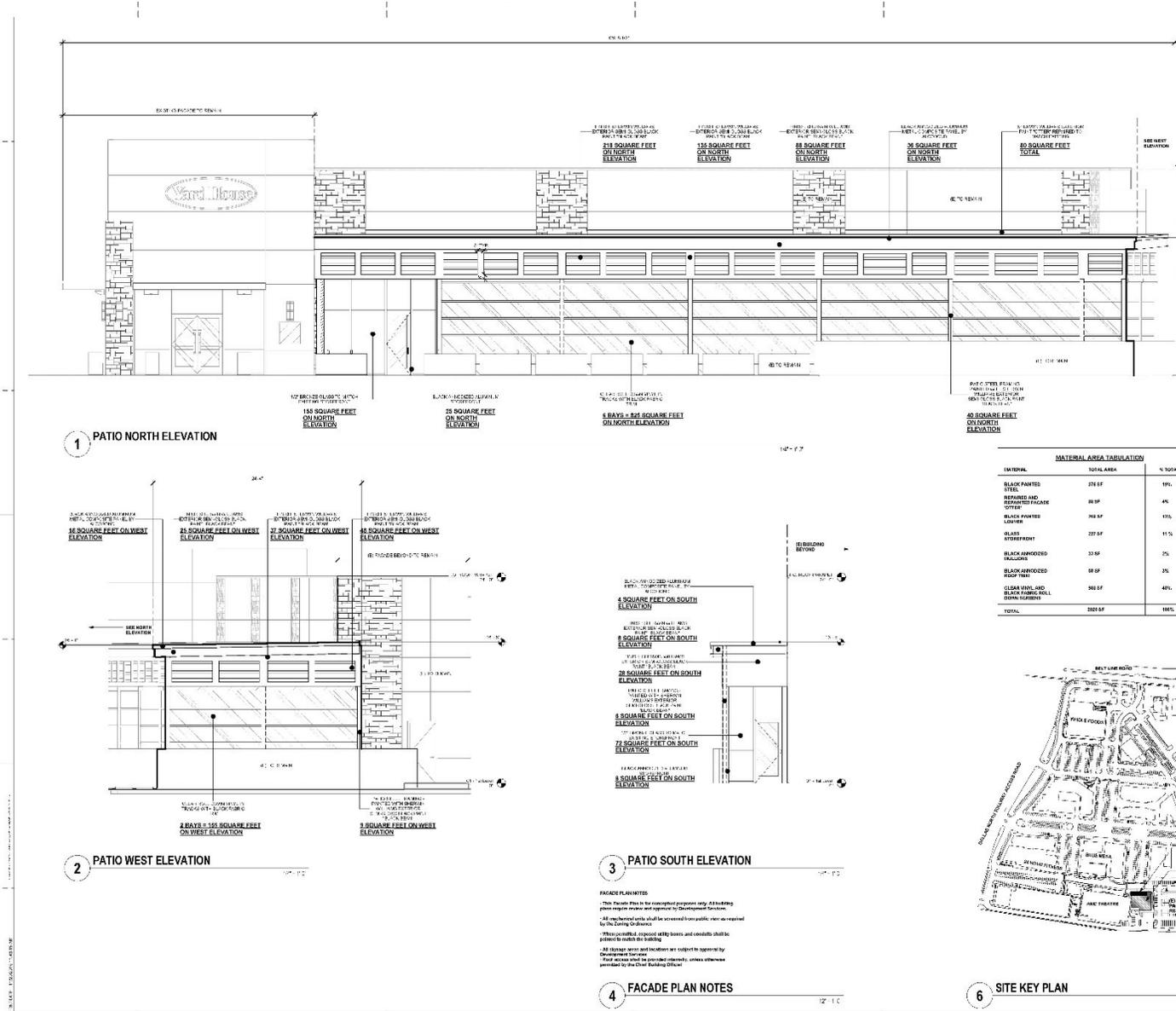
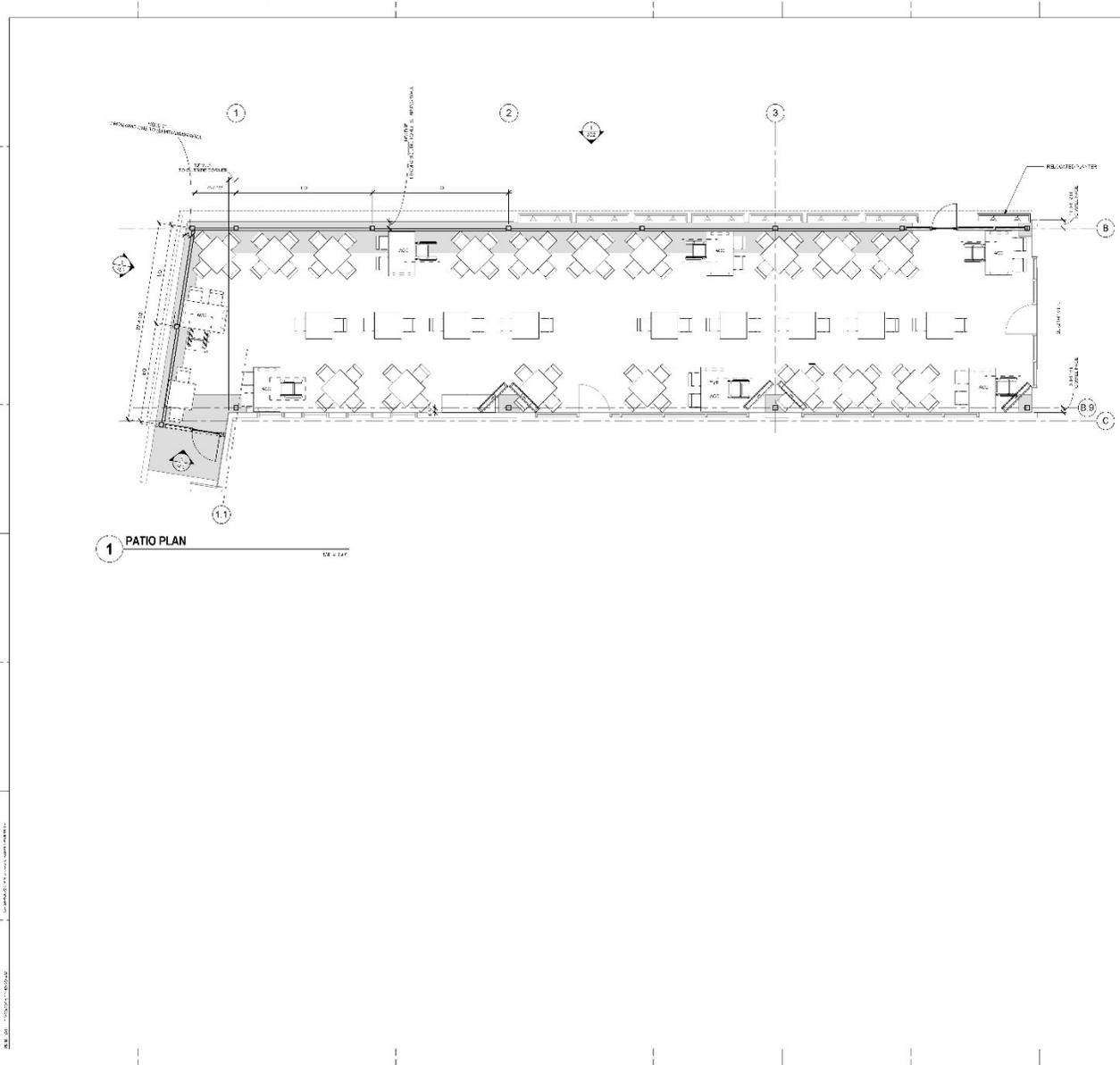


EXHIBIT A



AI-1481

Item # 13.

**Work Session and Regular Meeting**

**Meeting Date:** 01/12/2016

**Department:** Infrastructure- Development Services

---

**AGENDA CAPTION:**

Hold a Public Hearing, Discuss, Consider And Approve An **Ordinance Amending An Existing Special Use Permit For A Restaurant And A Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only On Property Located At 4985 Addison Circle.** Case 1724-SUP/Antonio's Ristorante/  
Mr. Sean Moore

**BACKGROUND:**

**RECOMMENDATION TO COMMISSION:**

Staff recommends approval with conditions (See attachment 1724-SUP Council Packet pg. 2)

**COMMISSION FINDINGS:**

In order to expand the existing patio, the Addison Planning and Zoning Commission, meeting in regular session on December 15, 2015, voted to recommend approval of an ordinance changing the zoning on property located at 4985 Addison Circle by amending the existing Special Use Permit for a restaurant and the existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, subject to the following condition:

- Should the existing or proposed patio on the southern side of the building be utilized, the applicant shall submit a revised site plan incorporating the fencing required by Ordinance 008-043 with the exception of the area immediately in front of the main entrance.

Voting Aye: Ennis, Morgan, Robbins, Schaeffer, Smith

Voting Nay: Robinson

Abstain: Griggs

Absent: none

**SPEAKERS AT THE PUBLIC HEARING:**

For: Kevin Polston, 5040 Addison Circle Suite 200

On: none

Against: none

**RECOMMENDATION:**

Administration recommends approval.

---

## **Attachments**

1724-SUP Council Packet

1724-SUP Site Plan

Ordinance-Red Line

Proposed Ordinance

---

# 1724-SUP

**PUBLIC HEARING** Case 1724-SUP/Antonio's Ristorante. Public hearing, discussion, and take action on a recommendation regarding an ordinance changing the zoning on property located at 4985 Addison Circle, which property is currently zoned UC, Urban Center, by amending the existing Special Use Permit for a restaurant and the existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, on application from Antonio's Ristorante, represented by Mr. Sean Moore.

## LOCATION MAP





December 10, 2015

**STAFF REPORT**

RE: Case 1724-SUP/Antonio's Ristorante

LOCATION: 4985 Addison Circle

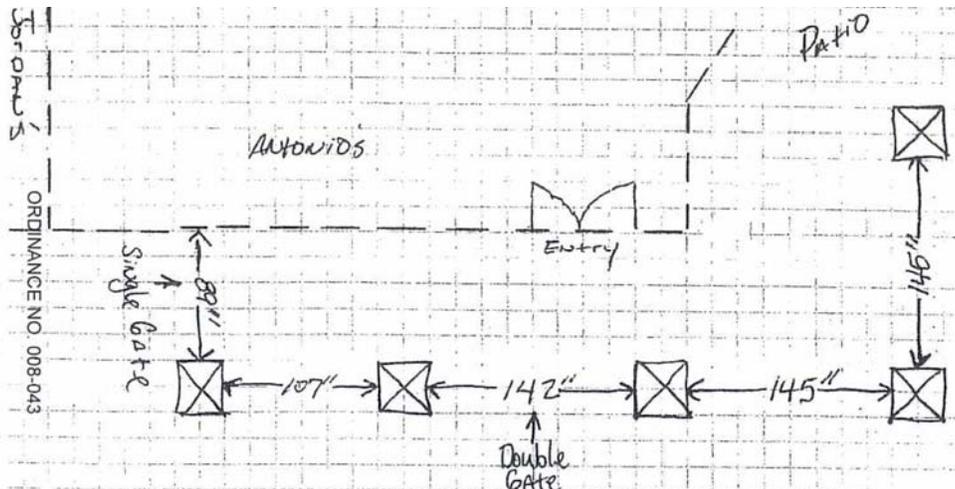
REQUEST: Approval of an amendment to the existing Special Use Permit for a restaurant and Special Use Permit for the sale of alcoholic beverages for on-premises consumption only.

APPLICANT: Antonio's Ristorante, represented by Mr. Sean Moore.

**DISCUSSION:**

Background: Antonio's Ristorante was approved through the Special Use Permit process for its current location in Addison Circle in 1997. Later, in 2008, the Special Use Permit was revised to allow the patio to expand along the south side of the property underneath the building overhang. The area under the overhang looks as if it is part of the public sidewalk, but is actually on private property. The patio was limited to a maximum of 421 square feet. As part of the SUP requirements, the applicant was instructed to fence in the new patio area, subject to the following standards and site plan:

- New fence fabrication not to exceed 48' tall
- New fence fabrication will match existing style and pattern
- New fence will be painted to match existing
- Gates will have hardware to match existing
- Double gate at main entry will be full mortised hinges with no center post



After approval, the patio was expanded within the area shown on the plan, but the fence was never installed. Instead, the applicant placed several planters along the edge of the patio. Overtime the number and location of the planters has shifted, grown and now incorporates an additional 182 square feet above what was permitted; a portion of which is within the Town's Right of Way.

The broader issue of restaurant patios extending into the Town's Right of Way in Addison Circle came to light this summer and has been discussed extensively with the Council over the last several months. There are a number of restaurants in Addison Circle that have done this without the Town's consent. In response, Council has established a policy to consider allowing restaurants to utilize the public right of way under certain circumstances. As these come forward, the usage of Town Right of Way is a separate decision reserved for the Council, but they will also require a zoning determination on allowing them to expand their patio; which must be heard by the Planning and Zoning Commission. For consideration of this case, there should be no distinction between public and private property.

Proposed Plan: The applicant is requesting that the existing SUP be amended in two ways. First, for the site plan to be revised to expand their patio allowance in order to incorporate the additional 182 square feet. Secondly, they are requesting that the requirements pertaining to the fencing be removed and they be allowed to place potted plants as shown on the proposed site plan. The applicant's position is that the gate at the entryway causes some operational challenges for the restaurant, and that the plants are more attractive than fencing.

#### RECOMMENDATION: **APPROVAL WITH CONDITIONS**

Staff recommends approval of the request to expand the patio an additional 182 as shown on the plan. The district has ample parking to support this expansion and it will not pose any issues for the site. This will allow the restaurant to continue using two tables which have been placed in this area. However, staff would object to allowing the fencing requirement to be removed. In a sense, the Town has already made a policy statement through the 2008 SUP approval requiring the fence, and current staff cannot justify second guessing that decision.

The Town's intent in requiring the fencing was to create a uniform look with regards to railing and patio fencing along this building face and throughout the district and staff does not believe that the fencing detracts from the aesthetics of the Circle. The following pages include a number of photos showing railings and patio fencing around this building and throughout the district. Additionally, staff believes there is a benefit to having a high quality, permanent, immovable boundary around the patio. This reduces the likelihood that planters, chairs and other patio furnishings will move beyond the approved patio area, in this case, into the right of way. Staff believes the fencing requirement around the entryway could be removed for this section of the patio to address some of the applicant's concerns. The applicant could keep the plants in order to decorate the patio or add hanging plant baskets from the fencing as they have one on the portion of their patio that is fenced, if they feel the fencing is unattractive. Therefore, staff would recommend that the current site plan be amended to add fencing in keeping with the standards listed within the previously approved Special Use Permit, with the exception of the area in front of the main entryway into the restaurant.

Private Sidewalk Railing On south face of Building, adjacent to Antonio's:



Closer view of Private Sidewalk Railing on south face of Building, immediately adjacent to Antonio's:



Patio fencing of a portion of Antonio's patio and Kampai Sushi & Grill patio:



Patio fencing of a The Lion and Crown:



Patio fencing of Taco Borracho:



## Land Use Analysis

### Attributes of Success Matrix

Antonio's Ristorante, 4985 Addison Circle

1724-SUP

Attribute	Comment	Score
Competitive	This restaurant has been a long tenured, successful tenant of Addison Circle.	
Safe	This restaurant and the area are safe.	
Functional	The patio will be functional. Allowing the applicant to remove the gate from in front of the entryway will improve the functionality of the previous plan.	
Visually Appealing	Staff believes that the inclusion of fencing in keeping with the design of the other fencing along the building will be visually appealing.	
Supported with Amenities	The site is in a mixed-use development in an amenity-rich area.	
Environmentally Responsible	The restaurant is part of a pedestrian oriented mixed-use development. This is an environmentally responsible development pattern.	
Walkable	The project is very walkable.	
<b>Overall Assessment</b>	<b>Antonio's a prominent tenant in the Circle, allowing the patio expansion will allow them to continue to be successful.</b>	



Case 1724-SUP/Antonio Ristorante  
December 15, 2015

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on December 15, 2015, voted to recommend approval of ordinance changing the zoning on property located at 4985 Addison Circle by amending the existing Special Use Permit for a restaurant and the existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, in order to expand the existing patio, subject to the following condition:

- Should the existing or proposed patio on the southern side of the building be utilized, the applicant shall submit a revised site plan incorporating the fencing required by Ordinance 008-043 with the exception of the area immediately in front of the main entrance.

Voting Aye: Ennis, Morgan, Robbins, Schaeffer, Smith

Voting Nay: Robinson

Abstain: Griggs

Absent: none

**SPEAKERS AT THE PUBLIC HEARING:**

For: Kevin Polston, 5040 Addison Circle Suite 200

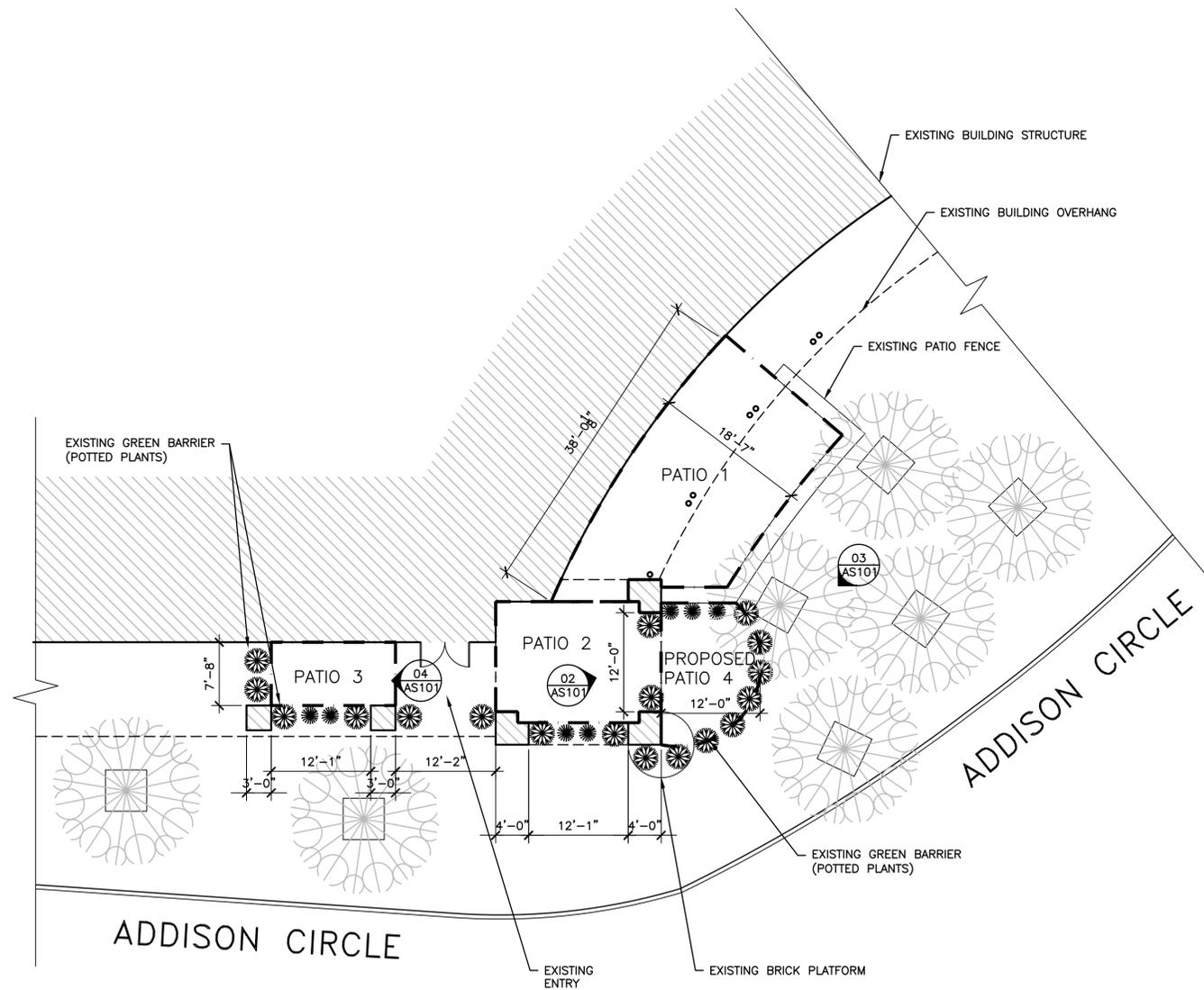
On: none

Against: none

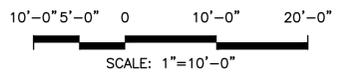
# ANTONIO RISTORANTE

4985 ADDISON CIRCLE  
ADDISON, TX 75001

Restaurant SF: 3,975 SF  
Total Patio SF: 1,152± SF  
Patio 1 SF: 570± SF  
Patio 2 SF: 284± SF  
Patio 3 SF: 116± SF  
Proposed Patio 4 SF: 182± SF



01 PROPOSED PATIO ILLUSTRATION  
SCALE: 1"=10'-0"



02 PHOTO  
SCALE: N.T.S.



03 PHOTO  
SCALE: N.T.S.



04 PHOTO  
SCALE: N.T.S.

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 016-\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING ORDINANCE NO. 008-043, TO INCREASE THE SIZE OF THE PATIO AND TO REQUIRE ADDITIONAL FENCING FOR FUTURE PATIO USE, ON PROPERTY LOCATED AT 4985 ADDISON CIRCLE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on December 15, 2015, the Planning & Zoning Commission considered and made recommendations on a request for a Planned Development District (Case No.1724-SUP); and

**WHEREAS**, this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this amendment promotes the general welfare and safety of this community.

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

**Section 1.** The recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

**Section 2.** That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Ordinance 008-043, Section 2, to revise conditions 1 and 2 and to add a twelfth condition, to read as follows:

1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the revised site plan showing that a patio of approximately ~~421-603~~ square feet will be added to the south side of the building. The patio will enclose the area in front of the entrance to the restaurant. The area is covered by a building overhang that runs the length of Building A of Phase 1 of Addison Circle.
2. That the Special Use Permit granted herein shall be limited to a restaurant and the sale of alcoholic beverages for on-premises consumption only to that particular area designated on the final site plan as encompassing a total area not to exceed ~~3,970~~ 4,152 square feet.

12. Should the existing or proposed patio on the southern side of the building be utilized, the applicant shall submit a revised site plan incorporating the fencing required by Ordinance 008-043 with the exception of the area immediately in front of the main entrance.

**Section 3.** That in addition to the plans attached to Ordinance 008-043, the Property shall be developed in accordance **Exhibit A** attached hereto and incorporated herein.

**Section 4.** Save and except as amended by this Ordinance, Ordinance 008-043 and the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect.

**Section 5.** Any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 6.** The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

**Section 7.** All ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section 8.** This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

**PASSED AND APPROVED** BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12th day of January 2016.

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

\_\_\_\_\_  
Laura Bell, City Secretary

CASE NO: 1724-SUP/Antonio Ristorante

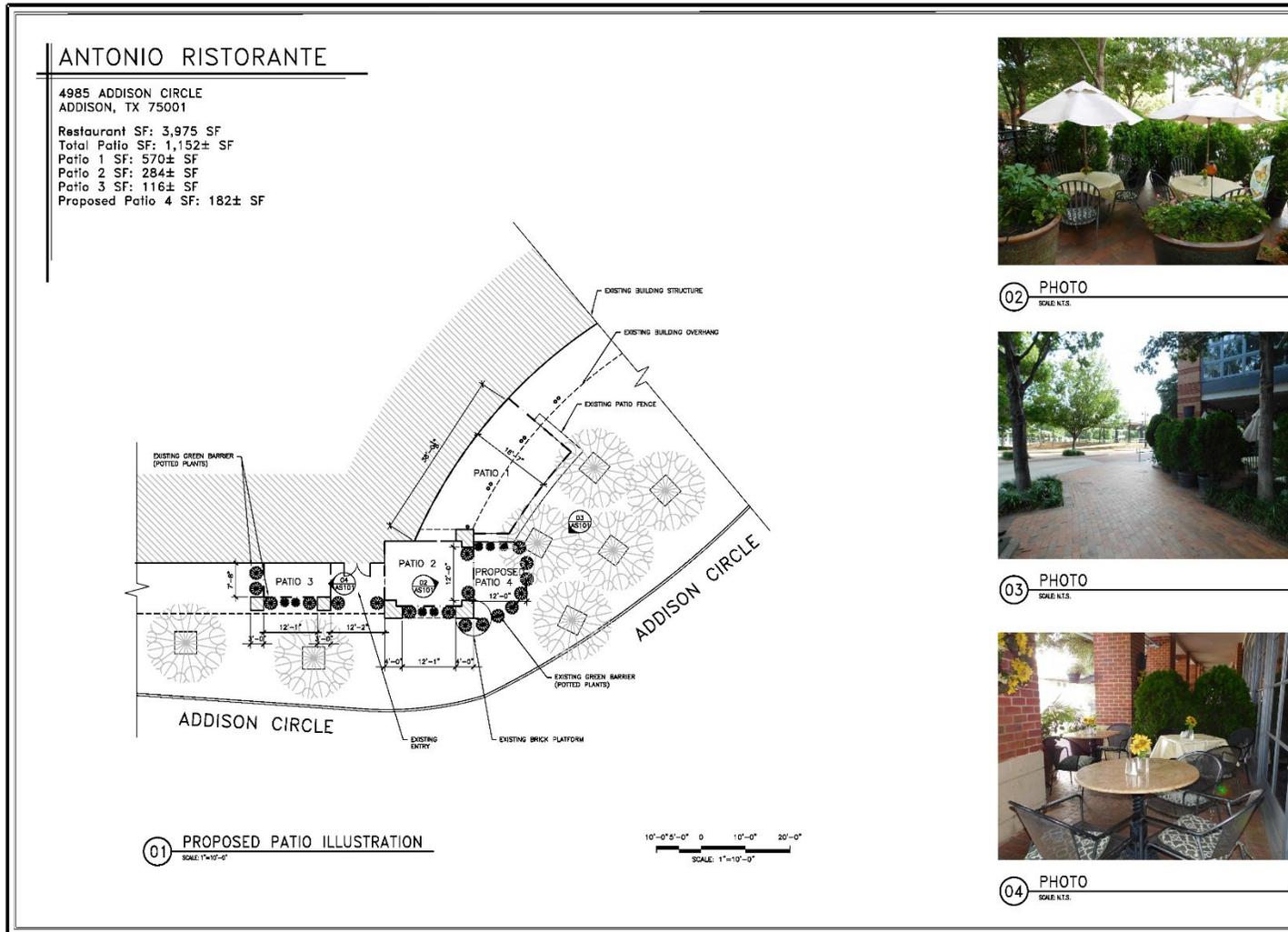
APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

Case No. 1724-SUP/Antonio Ristorante

PUBLISHED ON: \_\_\_\_\_

EXHIBIT A



**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 016-\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING ORDINANCE NO. 008-043, TO INCREASE THE SIZE OF THE PATIO AND TO REQUIRE ADDITIONAL FENCING FOR FUTURE PATIO USE, ON PROPERTY LOCATED AT 4985 ADDISON CIRCLE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on December 15, 2015, the Planning & Zoning Commission considered and made recommendations on a request for a Planned Development District (Case No.1724-SUP); and

**WHEREAS**, this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this amendment promotes the general welfare and safety of this community.

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

**Section 1.** The recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

**Section 2.** That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Ordinance 008-043, Section 2, to revise conditions 1 and 2 and to add a twelfth condition, to read as follows:

1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the revised site plan showing that a patio of approximately 603 square feet will be added to the south side of the building. The patio will enclose the area in front of the entrance to the restaurant. The area is covered by a building overhang that runs the length of Building A of Phase 1 of Addison Circle.
2. That the Special Use Permit granted herein shall be limited to a restaurant and the sale of alcoholic beverages for on-premises consumption only to that particular area designated on the final site plan as encompassing a total area not to exceed 4,152 square feet.

12. Should the existing or proposed patio on the southern side of the building be utilized, the applicant shall submit a revised site plan incorporating the fencing required by Ordinance 008-043 with the exception of the area immediately in front of the main entrance.

**Section 3.** That in addition to the plans attached to Ordinance 008-043, the Property shall be developed in accordance **Exhibit A** attached hereto and incorporated herein.

**Section 4.** Save and except as amended by this Ordinance, Ordinance 008-043 and the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect.

**Section 5.** Any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 6.** The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

**Section 7.** All ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section 8.** This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

**PASSED AND APPROVED** BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12th day of January 2016.

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

\_\_\_\_\_  
Laura Bell, City Secretary

CASE NO: 1724-SUP/Antonio Ristorante

APPROVED AS TO FORM:

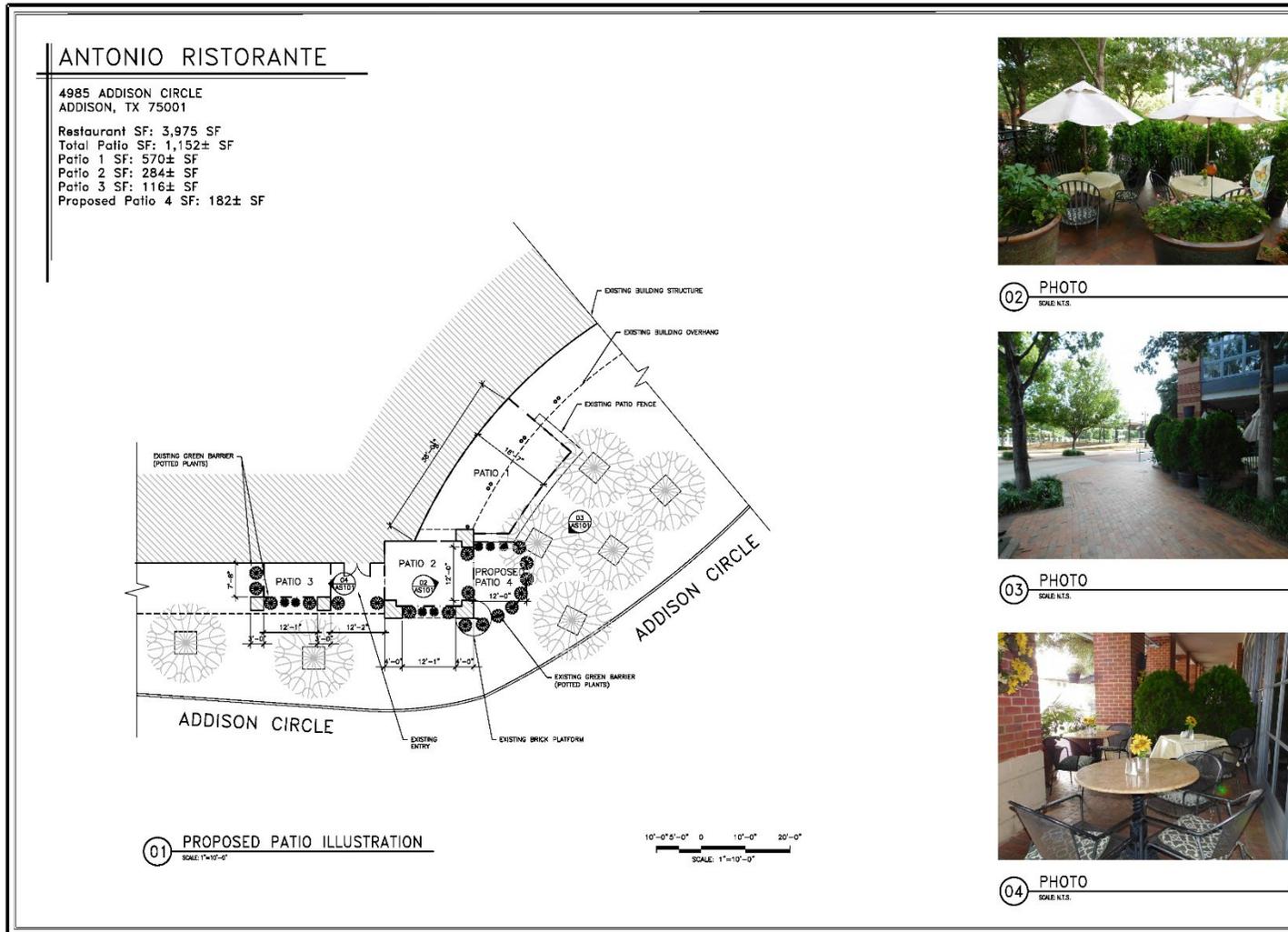
Case No. 1724-SUP/Antonio Ristorante

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Brenda N. McDonald, City Attorney

PUBLISHED ON: \_\_\_\_\_

EXHIBIT A



**Work Session and Regular Meeting****Meeting Date:** 01/12/2016**Department:** Infrastructure- Development Services**AGENDA CAPTION:**

Hold A Public Hearing, Discuss And Consider Approval Of An **Ordinance Rezoning An Approximately 17.4 Acre Property Located At 4150 Belt Line Road From PD (Planned Development) to A New PD (Planned Development)**. Case 1725-Z/Addison Groves/Mr. Frank Liu.

**BACKGROUND:**

The 17.4 acre property located at 4150 Belt Line Road is currently the vacant Sam's Club property. A request has been made to rezone the property to a Planned Development District which would permit a mixed-use development including up to 350 apartments, 161 townhouses, 17 live/work units, and 20,025 square feet of retail. A more detailed assessment of the case can be found in the attached staff report. Staff's recommendation to the Planning and Zoning Commission was to approve the proposed zoning subject to the following conditions:

1. The private drive commonly referred to as Runyon Road between the western property line and the intersection of Belt Line Road shall be upgraded to Town standards and become public right of way.
2. The Townhouses and Live/Work units within Block A (as shown on the concept plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the units, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for these units to assure they will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once constructed, and verify that the required noise level has been attained.
3. The sanitary sewer line servicing this development shall be increased to a minimum 10" line in accordance with Town standards. This includes approximately an additional 230 linear feet of line than is being proposed in the applicant's wastewater study.
4. The driveway access to the property adjacent to this site (4180 Belt Line Road) shall be reconstructed to align with the entrance/exit of the parking structure being proposed on the site. The applicant shall make any improvements necessary on the adjacent property (4180 Belt Line Road) to accommodate the driveway relocation.

**RECOMMENDATION TO COMMISSION:**

Staff recommends approval with conditions listed above (See attachment 1725-Z Council Packet pg. 10)

**COMMISSION RECOMMENDATION:**

The Addison Planning and Zoning Commission, meeting in regular session on January 5, 2015, voted to recommend approval of an ordinance changing the zoning on the property located at 4150 Belt Line Road in order to create a new Planned Development District for retail, restaurant, residential and office uses with modified development standards, subject to the following conditions:

1. The private drive commonly referred to as Runyon Road between the western property line and the intersection of Belt Line Road shall be upgraded to Town standards and become public right of way (staff recommendation).
2. The Townhouses and Live/Work units within Block A (as shown on the concept plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the units, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for these units to assure they will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once constructed, and verify that the required noise level has been attained (staff recommendation).
3. The sanitary sewer line servicing this development shall be increased to a minimum 10" line in accordance with Town standards. This includes approximately an additional 230 linear feet of line than is being proposed in the applicant's wastewater study (staff recommendation).
4. The driveway access to the property adjacent to this site (4180 Belt Line Road) shall be reconstructed to align with the entrance/exit of the parking structure being proposed on the site. The applicant shall make any improvements necessary on the adjacent property (4180 Belt Line Road) to accommodate the driveway relocation (staff recommendation).
5. Medical and health related uses shall be permitted upon approval of a Special Use Permit.
6. At least 50% of the live/work and townhome units must be under construction prior to the issuance of a building permit for the multifamily units or the garage building.
7. The existing screening wall along the southern property line shall not be removed until construction has commenced on the Townhome units along the wall.

8. The site plan shall be amended to exclude the type A street and the proposed type C street from Belt Line Road to Beltway Drive and to make it a pedestrian connection.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Schaeffer

Voting Nay: Robinson, Smith

Absent: none

SPEAKERS AT THE PUBLIC HEARING (held 12-15-15):

For: none

On: none

Against: Morgan Jones, 14824 Le Grande Drive  
Lorrie Semler, 14821 Le Grande Drive  
Joyce Gruger, 3804 Waterside Court  
Ray Ryland, 14817 Surveyor Blvd  
Jim Duffy, 3887 Ridgelake Court  
Roger Hart, 4135 Towne Green Circle  
Dave Marold, 3918 Winter Park Lane  
Susan Halpern, 14800 Le Grande Drive  
Cathy Ways, 4104 Rush Circle  
Aubri Simmons, 4102 Rush Circle  
Nathan Caplovitz, 4015 Bobbin Lane  
Ron Whitehead, 3919 Bobbin Lane  
Paul Walden, 14806 Le Grande Drive  
Mary Laub, 10925 Crooked Creek Circle Dallas, TX 75229  
Greg Cohlma, 14805 Le Grande Drive  
Cindi Kruse, 4167 Towne Green Circle  
Robert Clinesmith, 3025 Bryan Street #2E Dallas, TX  
Vickie Belen, 4105 Pokolodi Circle  
Renee Rossi, 14872 Towne Lake Circle

POSITION OF THOSE PRESENT BUT NOT SPEAKING AT THE PUBLIC HEARING:

For: none

On: none

Against: Tanya Thomas, 14879 Towne Lake Circle  
Teresa Wilkin, 4133 Towne Green Circle  
Judy Lindloff, 14891 Towne Lake Circle  
Iris Smith Caplovtiz, 4015 Bobbin Lane  
Eric Laub, 10925 Crooked Creek Circle, Dallas, TX 75229  
Maureen Smith, 4409 Leadville Place  
Steve Loras, 4114 Rush Circle  
Joan Loras, 4114 Rush Circle  
Sharon Magro, 4110 Rush Circle  
Jeri Marold, 3918 Winter Park Lane  
Pat Matula, 3884 Lakeview Court  
Joan Dominique, 14818 Le Grande Drive  
Kent Dominique, 14818 Le Grande Drive

**RECOMMENDATION:**

Administration recommends approval.

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**Attachments**

Ordinance P&Z Recommendations to Original  
Proposed Ordinance-Staff Recommendations  
Council Supplemental Information

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**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, CREATING PLANNED DEVELOPMENT DISTRICT \_\_\_\_\_ FOR RETAIL, RESTAURANT, RESIDENTIAL AND OFFICE USES WITH MODIFIED DEVELOPMENT STANDARDS ON APPROXIMATELY 17.4 ACRES OF PROPERTY LOCATED AT 4150 BELT LINE DRIVE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at meetings held on December 15, 2015 and January 5, 2016, the Planning & Zoning Commission considered and made recommendations on a request for a Planned Development District (Case No. 1725-Z); and

**WHEREAS**, this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this amendment promotes the general welfare and safety of this community.

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

**Section 1.** The recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

**Section 2.** Planned Development District \_\_\_\_\_ is hereby established for the 17.4 acres of property located at 4150 Belt Line Drive and more specifically described in **Exhibit A** attached hereto and incorporated herein (the "Property"), to allow retail, restaurant, residential and office uses developed in accordance with the Development Standards contained in **Exhibit B** attached hereto and incorporated herein and in accordance with the following conditions:

- A. The private drive commonly referred to as Runyon Road between the western property line and the intersection of Belt Line Road shall be upgraded to Town standards and become public right of way.
- B. The Townhouses and Live/Work units within Block A (as shown on the concept plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the units, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for these units to assure they

- will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once constructed, and verify that the required noise level has been attained.
- C. The sanitary sewer line servicing this development shall be increased to a minimum 10' line in accordance with Town standards. This includes approximately an additional 230 linear feet of line than is being proposed in the applicant's wastewater study.
  - D. The driveway access to the property adjacent to this site (4180 Belt Line Road) shall be reconstructed to align with the entrance/exit of the parking structure being proposed on the site. The applicant shall make any improvements necessary on the adjacent property (4180 Belt Line Road) to accommodate the driveway relocation.
  - E. Medical and health related uses shall be permitted upon approval of a Special Use Permit.
  - F. At least 50% of the live/work and townhome units must be under construction prior to the issuance of a building permit for the multifamily units or the garage building.
  - G. The existing screening wall along the southern property line shall not be removed until construction has commenced on the Townhome units along the wall.
  - H. The site plan shall be amended to exclude the type A street and the proposed type C street from Belt Line Road to Beltway Drive and to make it a pedestrian connection.

**Section 3.** Development and use of the Property must substantially comply with the Concept Plan shown in **Exhibit C** attached hereto and incorporated herein.

**Section 4.** The streets within the Property and connecting the development to existing public streets shall be designed and constructed in accordance with the street cross sections contained in **Exhibit D** attached hereto and incorporated herein.

**Section 5.** Street furnishings for the development of the Property shall include benches, trash receptacles and bicycle racks; shall be located as approved by the City; and shall be provided in accordance with **Exhibit E** attached hereto and incorporated herein.

**Section 6.** 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, infrastructure element, 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, as amended. A development plan (whether submitted for the entire Property or for a portion thereof) must comply with the Concept 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.

**Section 7.** The creation of Planned Development District \_\_\_\_\_ 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 8.** That the provisions of the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect save and except as amended by this ordinance.

**Section 9.** That any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 10.** The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

**Section 11.** That all ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section 12.** This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

Case No. 1725-Z/Addison Groves

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12 day of January, 2016.**

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

\_\_\_\_\_  
Laura Bell, City Secretary

CASE NO: 1725-Z/Addison Groves

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

PUBLISHED ON: \_\_\_\_\_

**EXHIBIT A: PROPERTY DESCRIPTION**

BEING a tract of land situated in the THOMAS L. CHENOWETH SURVEY ABSTRACT NO. 273 in the Town of Addison, Dallas County, Texas and being all of Replat of Lot 1, Block A, Sam's Club Addition, an Addition to the Town of Addison according to the Plat recorded in Volume 92109, Page 3696 of the Map Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set for corner at the intersection of the South line of Beltline Road (a variable width right-of way) also being the Northeast corner Lot 4, Block A of Sam's Club Addition.

THENCE South 89 °25'00" East along the South line of said Beltline Road a distance of 171.87 feet to a 1/2 inch iron rod set for corner;

THENCE North 00 °35'00" East continuing along said south line a distance of 15.00 feet to a 1/2 inch rod set for corner;

THENCE South 89 °25'00" East along the said South line of Beltline Road for a distance of 202.08 feet to a 1/2 inch iron rod set for corner at the beginning of a non-tangent curve to the left having a radius of 317.00 feet, a central angle of 11 °45'03", and a chord which bears of South 76 °03'12" East 64.90 feet;

THENCE in a Southeasterly direction along the said South line of Beltline Road and said curve to the left for an arc distance of 65.01 feet to a 1/2 inch iron rod set at the end of said curve;

THENCE South 89 °25'00" East along the said South line of Beltline Road for a distance of 312.32 feet to a 1/2 inch iron rod set for corner in the West line of Lot 2, Block A of said Sam's Club Addition;

THENCE South 00 °01'18" West along West line of said Lot 2, Block A of said Sam's Club Addition a distance of 352.96 feet to a 1/2 inch iron rod set for corner;

THENCE North 89 °57'48" East along South line of said Lot 2, a distance of 203.47 feet to a 1/2 inch iron rod set for corner;

THENCE South 01 °18'15" East along the West line of said Sam's Club Addition a distance of 110.86 feet to a 1/2 inch iron rod set for corner;

THENCE West along the North line of Lot 3, Block A of said Sam's Club Addition a distance of 95.80 feet to a 1/2 inch iron rod set for corner;

THENCE South 00 °01'18" West along the West line of said Lot 3 a distance of 289.41 feet to South face of a brick wall as follows:

THENCE South 89 °59'37" West, a distance of 16.71 feet along said wall, a total distance of 20.14 feet;

THENCE South 86 °25'13" West, a distance of 15.13 feet;  
THENCE South 66 °04'28" West, a distance of 9.84 feet;  
THENCE South 64 °24'17" West, a distance of 15.43 feet;  
THENCE South 62 °32'23" West, a distance of 15.64 feet;  
THENCE South 66 °53'03" West, a distance of 16.43 feet;  
THENCE South 77 °19'48" West, a distance of 16.07 feet;  
THENCE South 80 °25'01" West, a distance of 16.08 feet;  
THENCE South 81 °22'02" West, a distance of 15.88 feet;  
THENCE South 87 °30'18" West, a distance of 15.73 feet;  
THENCE South 89 °02'07" West, a distance of 32.33 feet;  
THENCE North 89 °59'23" West, a distance of 56.82 feet;  
THENCE North 89 °48'25" West, a distance of 56.42 feet;  
THENCE South 00 °11'48" East, a distance of 6.11 feet;  
THENCE South 89 °48'12" West, a distance of 100.29 feet;  
THENCE South 00 °03'23" East, a distance of 3.93 feet;  
THENCE South 89 °56'37" West, a distance of 24.19 feet;  
THENCE North 00 °26'13" East, a distance of 5.95 feet;  
THENCE North 89 °41'45" West, a distance of 25.76 feet;  
THENCE North 00 °18'22" West, a distance of 6.39 feet;  
THENCE South 89 °29'20" West, a distance of 24.40 feet;  
THENCE South 00 °49'52" East, a distance of 9.91 feet;  
THENCE South 89 °21'46" West, a distance of 25.89 feet;  
THENCE North 00 °01'18" West, a distance of 9.87 feet;

THENCE North 89 °58'08" West, a distance of 97.86 feet;  
THENCE South 00 °43'22" West, a distance of 10.07 feet;  
THENCE South 89 °53'31" West, a distance of 102.06 feet;  
THENCE North 00 °23'01" West, a distance of 9.95 feet;  
THENCE North 89 °52'59" West, a distance of 97.97 feet;  
THENCE South 00 °50'41" West, a distance of 9.97 feet;  
THENCE North 89 °51'35" West, a distance of 26.00 feet;  
THENCE North 01 °13'33" East, a distance of 3.78 feet;  
THENCE North 89 °50'29" West, a distance of 26.13 feet;  
THENCE North 00 °03'22" West, a distance of 6.29 feet;  
THENCE South 89 °11'28" West, a distance of 26.17 feet;  
THENCE South 01 °57'57" East, a distance of 9.55 feet;  
THENCE South 88 °20'59" West, a distance of 26.04 feet;  
THENCE North 00 °03'16" East, a distance of 4.02 feet;  
THENCE South 89 °59'13" West, a distance of 90.27 feet;  
THENCE North 01 °06'10" East, a distance of 55.89 feet;  
THENCE North 89 °05'27" West, a distance of 6.66 feet;  
THENCE North 00 °17'51" East, a distance of 27.11 feet;  
THENCE South 89 °42'09" East, a distance of 9.26 feet;  
THENCE North 01 °12'32" East, a distance of 22.36 feet;  
THENCE North 89 °42'09" West, a distance of 10.17 feet;  
THENCE North 00 °12'50" East, a distance of 36.84 feet;  
THENCE North 89 °31'08" West, a distance of 40.30 feet, being a point for corner on the East line of said Lot 1, Block A of said Sam's Club Addition;

Case No. 1725-Z/Addison Groves

THENCE North 00 °01'18" East along the West line of said Sam's Club Addition a distance of 441.36 feet to a 1/2 inch iron rod set for corner in the South line of Lot 4, Block A of said Sam's Club Addition;

THENCE South 89 °25'00" East along the South line of said Lot 4 a distance of 175.00 feet to a 1/2 inch iron rod set for corner;

THENCE North 00 °01'18" East along the East line of said Lot 4 a distance of 230.00 feet to the POINT OF BEGINNING and Containing 17.347 acres or 755,648.37 square feet of land.

*NOTE: LEGAL DESCRIPTION IS BASED ON REPLAT OF LOT 1, BLOCK A, SAM'S CLUB ADDITION, RECORDED IN VOLUME 2004081, PAGE 210, PLAT RECORDS, DALLAS, COUNTY, TEXAS*

## EXHIBIT B: DEVELOPMENT STANDARDS

### 1. Purpose.

The purpose of this Planned Development District (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 (the "Ordinance"). These Planned Development conditions 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. 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.

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

Townhouse  
Condominium  
Multifamily (with a maximum of 350 units)

- (2). *Live/Work*. For the purposes of the PD District, "Live Work" means a residential unit used jointly for commercial and residential purposes and must comply with the following provisions:

- (a). Live/Work units shall be limited to a maximum of 25 units and must be labeled as such on the approved concept and development plan.

(b). The commercial use is limited to occupations such as accountants, architects, artisans, attorneys, computer and multimedia related professionals, consultants, engineers, hair stylists, insurance, real estate, travel agents, one-on-one instructors, and similar occupations as may be approved by the Zoning Administrator provided that the use does not detract from, or pose a nuisance to, the adjacent uses.

(c). Both the residential and commercial components of the Live/Work unit must be occupied by the same tenant.

(3). *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 D. of this section):

Antique shop  
Art gallery  
ATM facilities  
Bakery, retail sales only  
Bank without drive-thru  
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 (sales office only, no commercial kitchen)  
Cleaning, dyeing and laundry pick-up station for receiving and delivery of articles to be cleaned, dyed and laundered, but no actual cleaning, dyeing, or laundering work is to be done on the premises  
Cleaning, dyeing and laundry pick-up station, with cleaning, dyeing and/or laundry work done on the premises (upon the issuance of a special use permit)  
Coffee shop (no seating on premises)  
Convenience store  
Cosmetic and beauty supplies  
Dance studios  
Department store  
[Dental Clinic](#)  
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  
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, hobby, paints, wallpaper, clothing, retail sales only  
Health club - private and public  
Household and office furniture, furnishings and appliances, retail sales only  
Jewelry, optical goods, photographic supplies - retail sales only  
Leasing office  
Magazine store  
Meat market, retail sales only  
Medical and ~~dental clinic~~ [health related uses \(upon the issuance of a special use permit\)](#)  
Message and chiropractic offices  
Movie DVD and VHS rental and sales  
Nail salon  
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 contracting work)  
Printing, copy shop, and mail reception, retail sales only  
Professional offices for architect, attorney, engineer and real estate  
Public garage, parking, no repairs  
Public safety facilities (upon the issuance of a special use permit)  
Restaurant (upon the issuance of a special use permit)  
Sale of alcohol for on-premises consumption in conjunction with a restaurant (upon the issuance of a special use permit)  
Sale of beer and wine for off-premises consumption in conjunction with a convenience or grocery store, but not including a store for which beer and wine sales constitute the primary source of revenue for the business (upon the issuance of a special use permit)  
Seamstress, dressmaker, or tailor  
Shoe repair shop, retail sales only  
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  
Transit facilities (upon the issuance of a special use permit)  
Travel services  
Wearing apparel, including clothing, shoes, hats, millinery and accessories

(4). *Office*. (Defined under article XXX of the Zoning Ordinance)

(5). *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.

(6). *Civic*. (Defined under article XXX of the Zoning Ordinance)

(7). *Mixed use (with residential)*. (Defined under article XXX of the Zoning Ordinance)

(8). *Mixed use (with nonresidential)*. (Defined under article XXX of the Zoning Ordinance)

C. 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.

D. 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) A retail use is permitted only in connection with and as a part of a "mixed use (with residential)," which includes live/work units as the same is defined in Article XXX of the Zoning Ordinance.

(b) Free-standing retail is prohibited. For purposes hereof, "free-standing retail" means the use or occupancy of a freestanding building for a retail use.

4. 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**:

<b>Table A: Development Standards</b>	
<b><u>Street Build-to Line</u></b>	Street build-to lines within the property are as shown or identified on the Concept Plan and Street Cross Sections. No more than 30 percent of any street frontage may vary from the build-to line.
	Buildings greater than three stories in height may be set back above the third floor a maximum of 10 feet behind the building face of the first three floors along the street.
<b><u>Side Yard Setback</u></b>	None
<b><u>Rear Yard Setback</u></b>	None
<b><u>Perimeter Setback</u></b>	10 feet
<b><u>Minimum Building Height</u></b>	23 feet/2 stories
<b><u>Maximum Building Height</u></b>	Single-Family maximum height to midpoint of roof = 60 feet Multifamily maximum height to midpoint of roof = 85 feet Parking structure maximum height = 85 feet. Structure may not exceed height of multifamily structures.
	Detached non-residential structure maximum height = 60 feet All heights subject to FAA approval.

<b><u>Minimum Lot Area</u></b>	None
<b><u>Minimum Lot Width</u></b>	None
<b><u>Minimum Lot Depth</u></b>	None
<b><u>Minimum Area per Residential Dwelling Unit</u></b>	Efficiency = 450 SF One-Bedroom = 600 SF Two-Bedroom = 850 SF Three-Bedroom = 1,000 SF Townhouse = 1,350 SF Live/Work Units = 2,000 SF
<b><u>Maximum Non-Residential Square Footage</u></b>	With the exception of Live/Work units, maximum = 30,000 SF
<b><u>Maximum Lot Coverage</u></b>	95%
<b><u>Buildings fronting each other shall be no closer than 30 feet.</u></b>	

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 floor plan 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 above the first floor.
- (b) *Patios.* Patios may be constructed within the required setback zones.

(4). Buildings which are located on axis with a terminating street or at the intersection of streets shall be considered a landmark building. Such buildings shall be designed with landmark features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set

from the front wall planes and goes above the main building eave or parapet line.

5. Open Space.

A. Two acres for every 1,000 residents shall be dedicated for public open space use by the project applicant. After sufficient open space has been dedicated to meet the requirement for 2,250 residents, 1 ½ 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. Notwithstanding the foregoing, a minimum of 1.5 acres of open space shall be provided.

B. Land and improvements proposed to be dedicated as public open space shall be clearly shown on the Concept Plan and final development plan submittals.

C. Land and improvements to be dedicated for public open space shall be considered 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 Resolution accepting the dedication. Failure of the City Council to execute an acceptance of dedication shall be deemed to be a refusal of the proposed dedication.

D. The area designated as open space shall be improved in accordance with a plan approved by the City prior to installation, and the improvements shall be accepted as part of the receipt of dedication of the open space for public park purposes and shall thereafter be maintained by the City.

E. In its approval of any development plan, the City may impose such conditions as deemed necessary to ensure that the intent and purpose of this section is satisfied, including but not limited to conditions relating to the timing of the open space improvements and dedication.

6. Parking.

A. *Generally*. Off-street parking must be provided for the appropriate building use classification according to the following ratios:

- (1). *General retail*. (1/300 s.f.) One space per each 300 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*. (1/300 s.f.) One space per each 300 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: (1/400 s.f.). One space per 400 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: Townhome and Live/Work*. Two (2) spaces/unit. Spaces may be in tandem.
- (8). *Residential: Multifamily Apartments*. One (1) space/ bedroom.
- (9). *Restaurant*. (1/100 s.f.) One space per each 100 square feet of gross floor area.
- (10). *Civic*. To be determined by parking demand analysis study for proposed use and approved by the City's Zoning Administrator.
- (11). *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 City's Zoning Administrator.

C. *Below-grade parking*. Off-street below-grade parking is permitted to the lot lines, but must be designed to allow for proper ventilation and the planting of landscape materials.

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.

## 7. Exterior Appearance.

### A. *Materials*:

- (1). For Townhouses and Live/Work units, at least 80 percent of the exterior cladding of all exterior walls shall be masonry construction.
- (2). For all other buildings (including above grade parking structures) at least 80 percent of the exterior walls fronting or visible from public streets or public open space shall be masonry construction.
- (3). 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.
- (4). No more than 15% of each exterior wall fronting or visible from public streets (including above grade parking structures) shall use accent materials such as architectural metal paneling, tile, and fiber cement siding (e.g. hardi-

material).

(5). For buildings which are not Townhouses or Live/Work units, up to 40 percent of exterior cladding of all walls not fronting on, or not visible from, public areas (including above grade parking structures) may be constructed of noncombustible materials including exterior stucco and fibrous cementitious material (e.g. hardi-material) construction.

(6). The exterior cladding (excluding glass) of all buildings, (including above grade parking structures) shall be composed of not more than three materials (excluding roofs).

(7). The following materials are prohibited as primary cladding materials:

- Aluminum siding or cladding
- Fiberboard or Masonite siding
- Wood roof shingles
- Unfinished concrete block (architecturally finished concrete block is permitted as a cladding material)

(7). The following materials are prohibited as primary roofing materials:

- Wood roof shingle
- Composite shingles with less than a 50-year life

(8). Balcony and patio railings and fences shall be constructed of wrought iron, steel or glass. Wood fences and railings and chain-link fencing are prohibited.

(9). All balcony and stairway walking surfaces shall be constructed of noncombustible materials. The structural elements may be constructed of noncombustible materials or decay-resistant wood or as required by the Building Code. All handrails and guardrails shall be constructed of noncombustible materials.

*B. Windows:*

(1). With the exception of Live/Work units, 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). 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.

8. Landscape. Landscaping within the Property shall comply with the provisions in this section and with the standards contained in the Town of Addison Code of Ordinances, as amended. Where conflicts exist between this section and the landscaping regulations, requirements in this section shall control.

A. *Streetscape Zone*. In this 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 shall have street trees planted at uniform spacing, commencing no closer than 40 feet from the face of the curb of intersecting streets.

(b). Typically, street trees shall be planted as shown on the street cross sections at a spacing of 35 feet on center in tree wells of 5 feet wide by 10 feet long.

(c). Street tree varieties shall be approved by the City having a minimum of four (4) caliper inches.

(d). The streetscape shall have a continuous soil trench 5 feet wide and 3 feet deep with root barriers. The soil mixture for the soil trench shall be approved by the City. Any paving, structural elements, base course material or other associated items in/on/over the soil trench must be approved by a professionally licensed geotechnical engineer with final approval by the City.

(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 the street cross sections. The exact location shall be provided in accordance with a lighting plan approved at the time of development plan approval. Photometric drawings will be required with a minimum light level of 2 foot candles in all pedestrian areas.

(3). Landscaping for Non-residential ground floor frontages. Non-Residential ground floor frontages may pave the area between the building face and sidewalk.

(4). 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 facade, 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 City 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 the Town of Addison Code of Ordinances, as amended.

D. *Perimeter Screening.* Masonry or landscape screening shall be provided from properties west of this property. Screening shall be approved by the City as part of the development plan approval for each development.

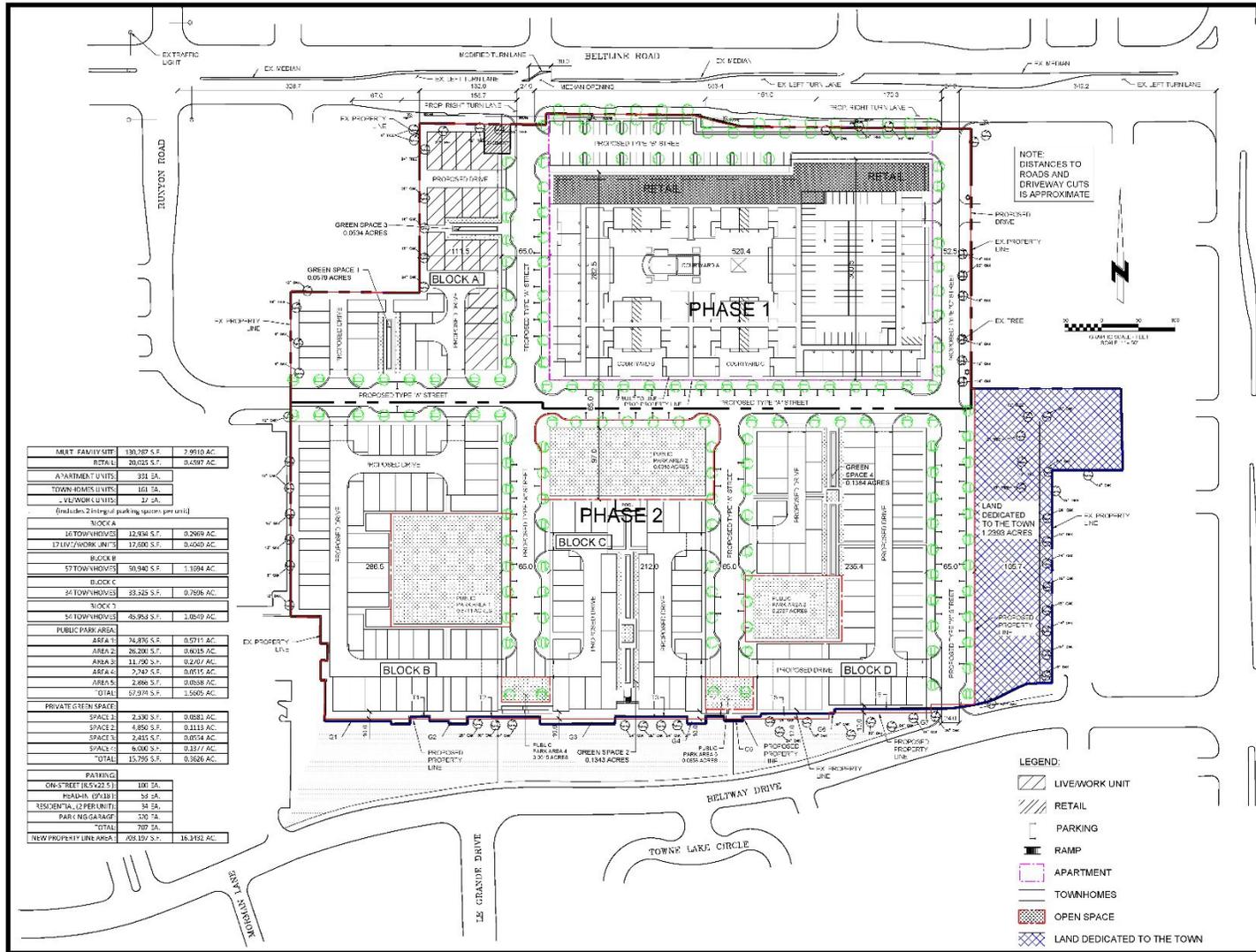
10. Screening of Mechanical Equipment and Service Areas:

A. Mechanical equipment shall be mounted on the roof and be screened from view from all rights-of-way 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.

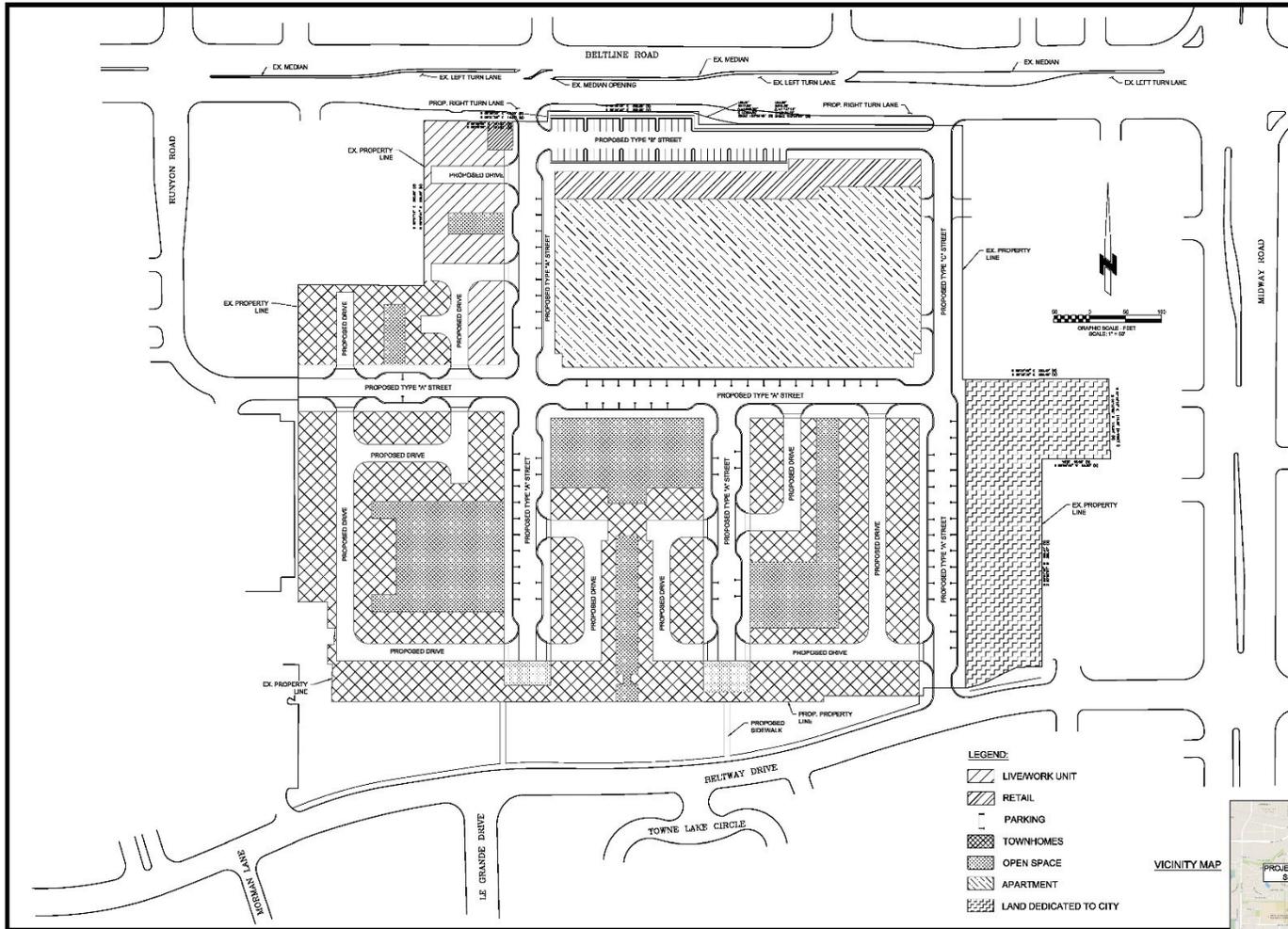
B. Loading, service, and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad, including drive approach. The required screening must be composed of the same exterior materials as the buildings or through the use of masonry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

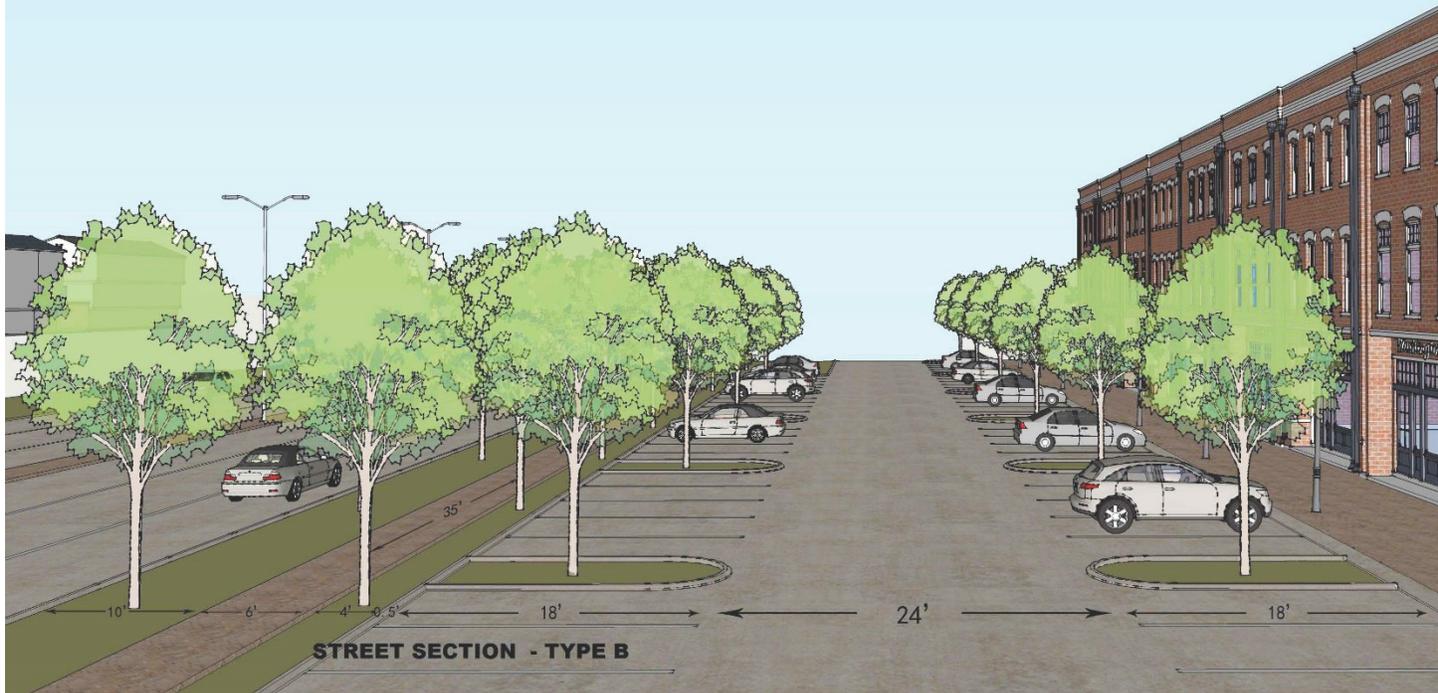
C. All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

### EXHIBIT C: CONCEPT PLAN



### EXHIBIT D: STREET CROSS SECTIONS

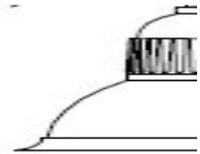
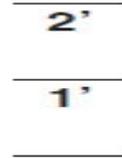
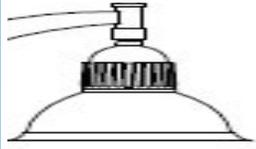






**EXHIBIT E: SITE FURNISHINGS**

Streetlights: Oncor Philadelphia Style Pole



Hand  
(Full C

le Pole



Landscape Forms: 35: Sit Bench

## BENCH

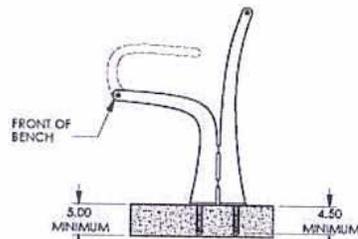
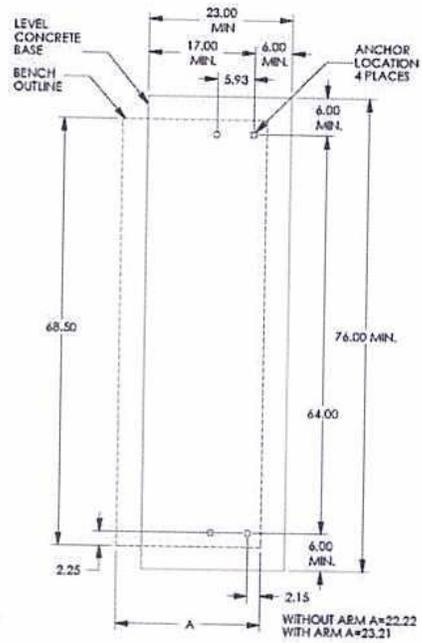
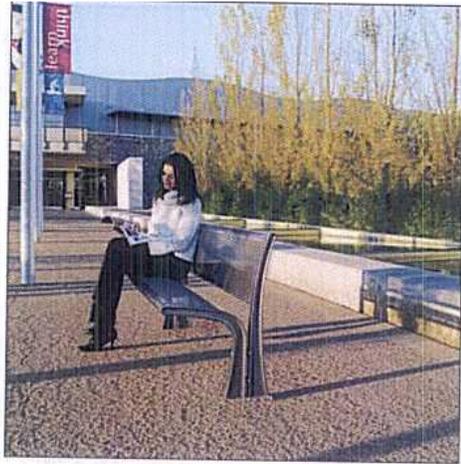
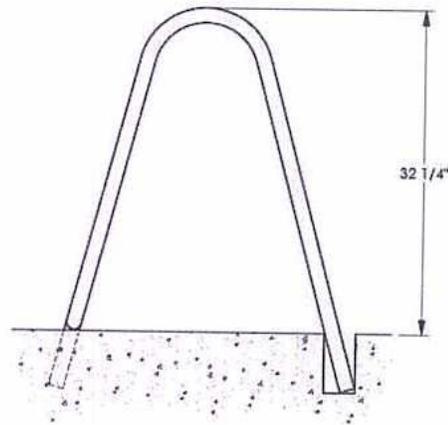
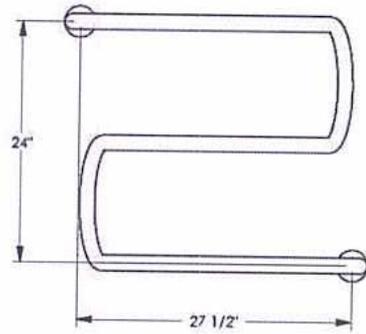
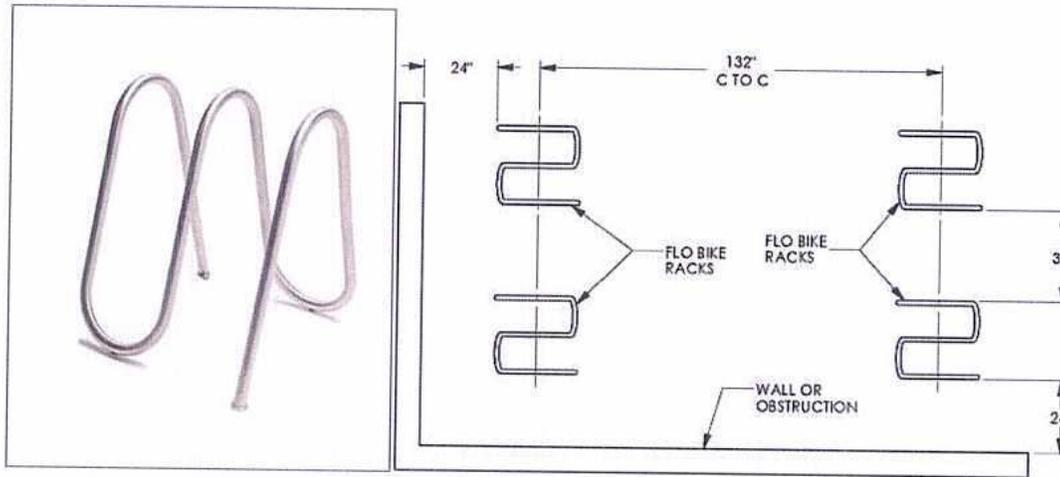


FIGURE 2  
STAY BACKED BENCH  
SURFACE MOUNT ANCHOR LOCATIONS  
DIMENSIONS IN INCHES

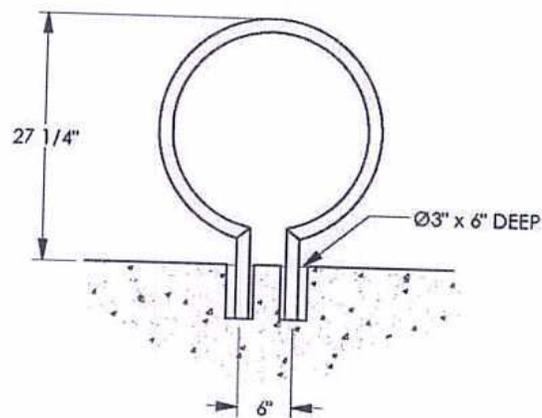
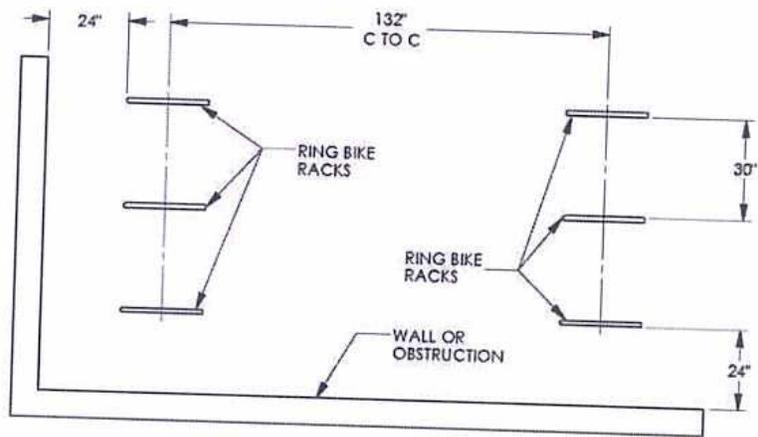
## Landscape Forms: 35: Stay Bench

# BENCH



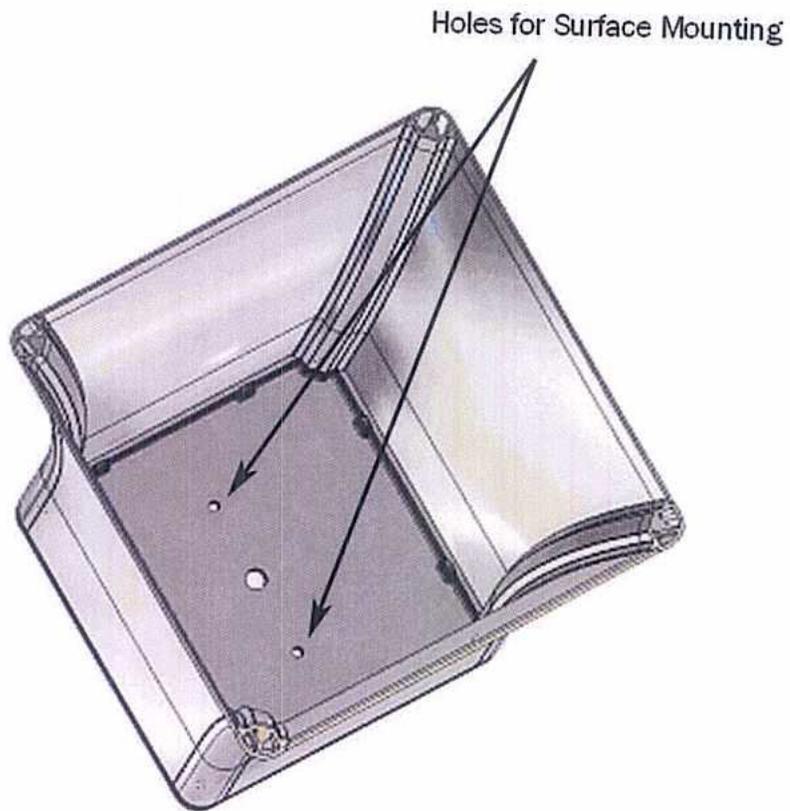
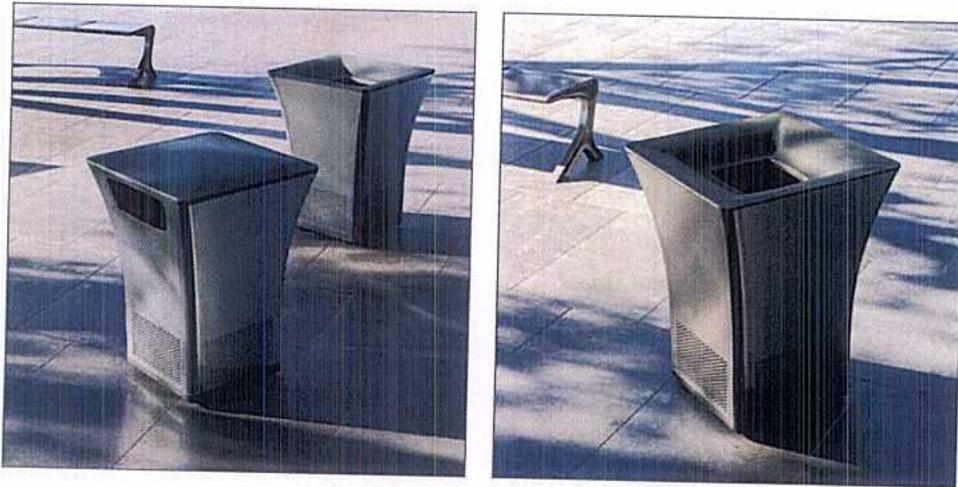
Landscape Forms: Flo2 Bike Rack

# BIKE RACK



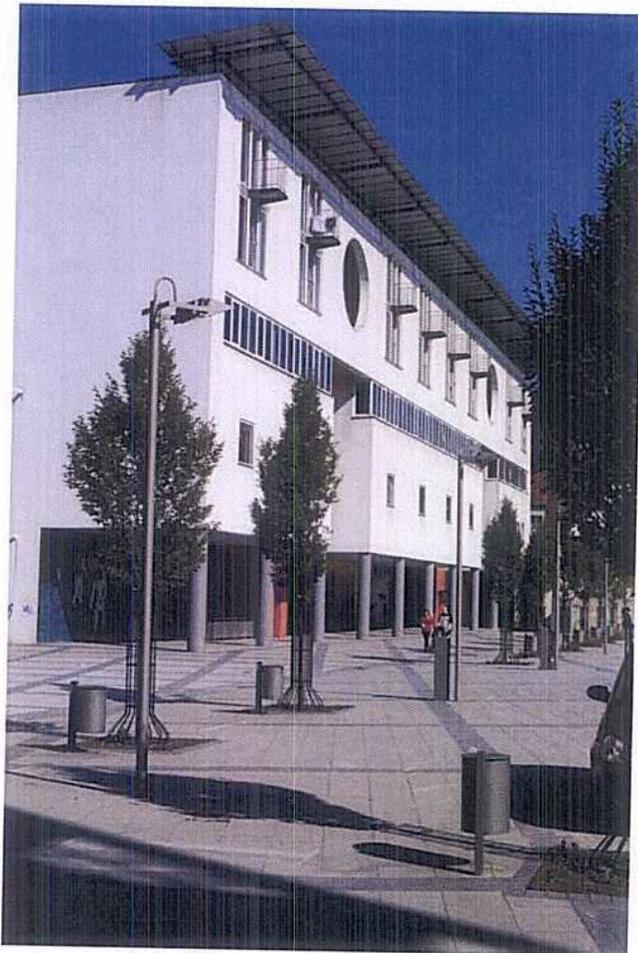
Landscape Forms: Ring Bike Rack

# BIKE RACK



Landscape Forms: 35: Pitch Litter Receptacle

## LITTER RECEPTACLE



Hess: Punto Litter Receptacle

## LITTER RECEPTACLE



Most Dependable Fountains: Model 493SS, 325

## DRINKING FOUNTAIN

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, CREATING PLANNED DEVELOPMENT DISTRICT \_\_\_\_\_ FOR RETAIL, RESTAURANT, RESIDENTIAL AND OFFICE USES WITH MODIFIED DEVELOPMENT STANDARDS ON APPROXIMATELY 17.4 ACRES OF PROPERTY LOCATED AT 4150 BELT LINE DRIVE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at meetings held on December 15, 2015 and January 5, 2016, the Planning & Zoning Commission considered and made recommendations on a request for a Planned Development District (Case No. 1725-Z); and

**WHEREAS**, this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this amendment promotes the general welfare and safety of this community.

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

**Section 1.** The recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

**Section 2.** Planned Development District \_\_\_\_\_ is hereby established for the 17.4 acres of property located at 4150 Belt Line Drive and more specifically described in **Exhibit A** attached hereto and incorporated herein (the "Property"), to allow retail, restaurant, residential and office uses developed in accordance with the Development Standards contained in **Exhibit B** attached hereto and incorporated herein and in accordance with the following conditions:

- A. The private drive commonly referred to as Runyon Road between the western property line and the intersection of Belt Line Road shall be upgraded to Town standards and become public right of way.
- B. The Townhouses and Live/Work units within Block A (as shown on the concept plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the units, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for these units to assure they

- will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once constructed, and verify that the required noise level has been attained.
- C. The sanitary sewer line servicing this development shall be increased to a minimum 10' line in accordance with Town standards. This includes approximately an additional 230 linear feet of line than is being proposed in the applicant's wastewater study.
  - D. The driveway access to the property adjacent to this site (4180 Belt Line Road) shall be reconstructed to align with the entrance/exit of the parking structure being proposed on the site. The applicant shall make any improvements necessary on the adjacent property (4180 Belt Line Road) to accommodate the driveway relocation.

**Section 3.** Development and use of the Property must substantially comply with the Concept Plan shown in **Exhibit C** attached hereto and incorporated herein.

**Section 4.** The streets within the Property and connecting the development to existing public streets shall be designed and constructed in accordance with the street cross sections contained in **Exhibit D** attached hereto and incorporated herein.

**Section 5.** Street furnishings for the development of the Property shall include benches, trash receptacles and bicycle racks; shall be located as approved by the City; and shall be provided in accordance with **Exhibit E** attached hereto and incorporated herein.

**Section 6.** 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, infrastructure element, 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, as amended. A development plan (whether submitted for the entire Property or for a portion thereof) must comply with the Concept 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.

**Section 7.** The creation of Planned Development District \_\_\_\_\_ 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 8.** That the provisions of the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect save and except as amended by this ordinance.

**Section 9.** That any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 10.** The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

**Section 11.** That all ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section 12.** This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

Case No. 1725-Z/Addison Groves

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12 day of January, 2016.**

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

\_\_\_\_\_  
Laura Bell, City Secretary

CASE NO: 1725-Z/Addison Groves

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

PUBLISHED ON: \_\_\_\_\_

**EXHIBIT A: PROPERTY DESCRIPTION**

BEING a tract of land situated in the THOMAS L. CHENOWETH SURVEY ABSTRACT NO. 273 in the Town of Addison, Dallas County, Texas and being all of Replat of Lot 1, Block A, Sam's Club Addition, an Addition to the Town of Addison according to the Plat recorded in Volume 92109, Page 3696 of the Map Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set for corner at the intersection of the South line of Beltline Road (a variable width right-of way) also being the Northeast corner Lot 4, Block A of Sam's Club Addition.

THENCE South 89 °25'00" East along the South line of said Beltline Road a distance of 171.87 feet to a 1/2 inch iron rod set for corner;

THENCE North 00 °35'00" East continuing along said south line a distance of 15.00 feet to a 1/2 inch rod set for corner;

THENCE South 89 °25'00" East along the said South line of Beltline Road for a distance of 202.08 feet to a 1/2 inch iron rod set for corner at the beginning of a non-tangent curve to the left having a radius of 317.00 feet, a central angle of 11 °45'03", and a chord which bears of South 76 °03'12" East 64.90 feet;

THENCE in a Southeasterly direction along the said South line of Beltline Road and said curve to the left for an arc distance of 65.01 feet to a 1/2 inch iron rod set at the end of said curve;

THENCE South 89 °25'00" East along the said South line of Beltline Road for a distance of 312.32 feet to a 1/2 inch iron rod set for corner in the West line of Lot 2, Block A of said Sam's Club Addition;

THENCE South 00 °01'18" West along West line of said Lot 2, Block A of said Sam's Club Addition a distance of 352.96 feet to a 1/2 inch iron rod set for corner;

THENCE North 89 °57'48" East along South line of said Lot 2, a distance of 203.47 feet to a 1/2 inch iron rod set for corner;

THENCE South 01 °18'15" East along the West line of said Sam's Club Addition a distance of 110.86 feet to a 1/2 inch iron rod set for corner;

THENCE West along the North line of Lot 3, Block A of said Sam's Club Addition a distance of 95.80 feet to a 1/2 inch iron rod set for corner;

THENCE South 00 °01'18" West along the West line of said Lot 3 a distance of 289.41 feet to South face of a brick wall as follows:

THENCE South 89 °59'37" West, a distance of 16.71 feet along said wall, a total distance of 20.14 feet;

THENCE South 86 °25'13" West, a distance of 15.13 feet;  
THENCE South 66 °04'28" West, a distance of 9.84 feet;  
THENCE South 64 °24'17" West, a distance of 15.43 feet;  
THENCE South 62 °32'23" West, a distance of 15.64 feet;  
THENCE South 66 °53'03" West, a distance of 16.43 feet;  
THENCE South 77 °19'48" West, a distance of 16.07 feet;  
THENCE South 80 °25'01" West, a distance of 16.08 feet;  
THENCE South 81 °22'02" West, a distance of 15.88 feet;  
THENCE South 87 °30'18" West, a distance of 15.73 feet;  
THENCE South 89 °02'07" West, a distance of 32.33 feet;  
THENCE North 89 °59'23" West, a distance of 56.82 feet;  
THENCE North 89 °48'25" West, a distance of 56.42 feet;  
THENCE South 00 °11'48" East, a distance of 6.11 feet;  
THENCE South 89 °48'12" West, a distance of 100.29 feet;  
THENCE South 00 °03'23" East, a distance of 3.93 feet;  
THENCE South 89 °56'37" West, a distance of 24.19 feet;  
THENCE North 00 °26'13" East, a distance of 5.95 feet;  
THENCE North 89 °41'45" West, a distance of 25.76 feet;  
THENCE North 00 °18'22" West, a distance of 6.39 feet;  
THENCE South 89 °29'20" West, a distance of 24.40 feet;  
THENCE South 00 °49'52" East, a distance of 9.91 feet;  
THENCE South 89 °21'46" West, a distance of 25.89 feet;  
THENCE North 00 °01'18" West, a distance of 9.87 feet;

THENCE North 89 °58'08" West, a distance of 97.86 feet;  
THENCE South 00 °43'22" West, a distance of 10.07 feet;  
THENCE South 89 °53'31" West, a distance of 102.06 feet;  
THENCE North 00 °23'01" West, a distance of 9.95 feet;  
THENCE North 89 °52'59" West, a distance of 97.97 feet;  
THENCE South 00 °50'41" West, a distance of 9.97 feet;  
THENCE North 89 °51'35" West, a distance of 26.00 feet;  
THENCE North 01 °13'33" East, a distance of 3.78 feet;  
THENCE North 89 °50'29" West, a distance of 26.13 feet;  
THENCE North 00 °03'22" West, a distance of 6.29 feet;  
THENCE South 89 °11'28" West, a distance of 26.17 feet;  
THENCE South 01 °57'57" East, a distance of 9.55 feet;  
THENCE South 88 °20'59" West, a distance of 26.04 feet;  
THENCE North 00 °03'16" East, a distance of 4.02 feet;  
THENCE South 89 °59'13" West, a distance of 90.27 feet;  
THENCE North 01 °06'10" East, a distance of 55.89 feet;  
THENCE North 89 °05'27" West, a distance of 6.66 feet;  
THENCE North 00 °17'51" East, a distance of 27.11 feet;  
THENCE South 89 °42'09" East, a distance of 9.26 feet;  
THENCE North 01 °12'32" East, a distance of 22.36 feet;  
THENCE North 89 °42'09" West, a distance of 10.17 feet;  
THENCE North 00 °12'50" East, a distance of 36.84 feet;  
THENCE North 89 °31'08" West, a distance of 40.30 feet, being a point for corner on the East line of said Lot 1, Block A of said Sam's Club Addition;

Case No. 1725-Z/Addison Groves

THENCE North 00 °01'18" East along the West line of said Sam's Club Addition a distance of 441.36 feet to a 1/2 inch iron rod set for corner in the South line of Lot 4, Block A of said Sam's Club Addition;

THENCE South 89 °25'00" East along the South line of said Lot 4 a distance of 175.00 feet to a 1/2 inch iron rod set for corner;

THENCE North 00 °01'18" East along the East line of said Lot 4 a distance of 230.00 feet to the POINT OF BEGINNING and Containing 17.347 acres or 755,648.37 square feet of land.

*NOTE: LEGAL DESCRIPTION IS BASED ON REPLAT OF LOT 1, BLOCK A, SAM'S CLUB ADDITION, RECORDED IN VOLUME 2004081, PAGE 210, PLAT RECORDS, DALLAS, COUNTY, TEXAS*

## EXHIBIT B: DEVELOPMENT STANDARDS

### 1. Purpose.

The purpose of this Planned Development District (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 (the "Ordinance"). These Planned Development conditions 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. 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.

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

Townhouse  
Condominium  
Multifamily (with a maximum of 350 units)

(2). *Live/Work*. For the purposes of the PD District, "Live Work" means a residential unit used jointly for commercial and residential purposes and must comply with the following provisions:

(a). Live/Work units shall be limited to a maximum of 25 units and must be labeled as such on the approved concept and development plan.

(b). The commercial use is limited to occupations such as accountants, architects, artisans, attorneys, computer and multimedia related professionals, consultants, engineers, hair stylists, insurance, real estate, travel agents, one-on-one instructors, and similar occupations as may be approved by the Zoning Administrator provided that the use does not detract from, or pose a nuisance to, the adjacent uses.

(c). Both the residential and commercial components of the Live/Work unit must be occupied by the same tenant.

(3). *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 D. of this section):

Antique shop  
Art gallery  
ATM facilities  
Bakery, retail sales only  
Bank without drive-thru  
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 (sales office only, no commercial kitchen)  
Cleaning, dyeing and laundry pick-up station for receiving and delivery of articles to be cleaned, dyed and laundered, but no actual cleaning, dyeing, or laundering work is to be done on the premises  
Cleaning, dyeing and laundry pick-up station, with cleaning, dyeing and/or laundry work done on the premises (upon the issuance of a special use permit)  
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  
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, hobby, paints, wallpaper, clothing, retail sales only  
Health club - private and public  
Household and office furniture, furnishings and appliances, retail sales only  
Jewelry, optical goods, photographic supplies - retail sales only  
Leasing office  
Magazine store  
Meat market, retail sales only  
Medical and dental clinic  
Message and chiropractic offices  
Movie DVD and VHS rental and sales  
Nail salon  
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 contracting work)  
Printing, copy shop, and mail reception, retail sales only  
Professional offices for architect, attorney, engineer and real estate  
Public garage, parking, no repairs  
Public safety facilities (upon the issuance of a special use permit)  
Restaurant (upon the issuance of a special use permit)  
Sale of alcohol for on-premises consumption in conjunction with a restaurant (upon the issuance of a special use permit)  
Sale of beer and wine for off-premises consumption in conjunction with a convenience or grocery store, but not including a store for which beer and wine sales constitute the primary source of revenue for the business (upon the issuance of a special use permit)  
Seamstress, dressmaker, or tailor  
Shoe repair shop, retail sales only  
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  
Transit facilities (upon the issuance of a special use permit)  
Travel services  
Wearing apparel, including clothing, shoes, hats, millinery and accessories

(4). *Office*. (Defined under article XXX of the Zoning Ordinance)

(5). *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.

(6). *Civic*. (Defined under article XXX of the Zoning Ordinance)

(7). *Mixed use (with residential)*. (Defined under article XXX of the Zoning Ordinance)

(8). *Mixed use (with nonresidential)*. (Defined under article XXX of the Zoning Ordinance)

C. 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.

D. 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) A retail use is permitted only in connection with and as a part of a "mixed use (with residential)," which includes live/work units as the same is defined in Article XXX of the Zoning Ordinance.

(b) Free-standing retail is prohibited. For purposes hereof, "free-standing retail" means the use or occupancy of a freestanding building for a retail use.

4. 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**:

<b>Table A: Development Standards</b>	
<b><u>Street Build-to Line</u></b>	<p>Street build-to lines within the property are as shown or identified on the Concept Plan and Street Cross Sections. No more than 30 percent of any street frontage may vary from the build-to line.</p> <p>Buildings greater than three stories in height may be set back above the third floor a maximum of 10 feet behind the building face of the first three floors along the street.</p>
<b><u>Side Yard Setback</u></b>	None
<b><u>Rear Yard Setback</u></b>	None
<b><u>Perimeter Setback</u></b>	10 feet
<b><u>Minimum Building Height</u></b>	23 feet/2 stories
<b><u>Maximum Building Height</u></b>	<p>Single-Family maximum height to midpoint of roof = 60 feet</p> <p>Multifamily maximum height to midpoint of roof = 85 feet</p> <p>Parking structure maximum height = 85 feet. Structure may not exceed height of multifamily structures.</p> <p>Detached non-residential structure maximum height = 60 feet</p> <p>All heights subject to FAA approval.</p>

<b><u>Minimum Lot Area</u></b>	None
<b><u>Minimum Lot Width</u></b>	None
<b><u>Minimum Lot Depth</u></b>	None
<b><u>Minimum Area per Residential Dwelling Unit</u></b>	Efficiency = 450 SF One-Bedroom = 600 SF Two-Bedroom = 850 SF Three-Bedroom = 1,000 SF Townhouse = 1,350 SF Live/Work Units = 2,000 SF
<b><u>Maximum Non-Residential Square Footage</u></b>	With the exception of Live/Work units, maximum = 30,000 SF
<b><u>Maximum Lot Coverage</u></b>	95%
<b><u>Buildings fronting each other shall be no closer than 30 feet.</u></b>	

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 floor plan 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 above the first floor.

(b) *Patios.* Patios may be constructed within the required setback zones.

(4). Buildings which are located on axis with a terminating street or at the intersection of streets shall be considered a landmark building. Such buildings shall be designed with landmark features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

5. Open Space.

A. Two acres for every 1,000 residents shall be dedicated for public open space use by the project applicant. After sufficient open space has been dedicated to meet the requirement for 2,250 residents, 1 ½ 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. Notwithstanding the foregoing, a minimum of 1.5 acres of open space shall be provided.

B. Land and improvements proposed to be dedicated as public open space shall be clearly shown on the Concept Plan and final development plan submittals.

C. Land and improvements to be dedicated for public open space shall be considered 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 Resolution accepting the dedication. Failure of the City Council to execute an acceptance of dedication shall be deemed to be a refusal of the proposed dedication.

D. The area designated as open space shall be improved in accordance with a plan approved by the City prior to installation, and the improvements shall be accepted as part of the receipt of dedication of the open space for public park purposes and shall thereafter be maintained by the City.

E. In its approval of any development plan, the City may impose such conditions as deemed necessary to ensure that the intent and purpose of this section is satisfied, including but not limited to conditions relating to the timing of the open space improvements and dedication.

6. Parking.

A. *Generally*. Off-street parking must be provided for the appropriate building use classification according to the following ratios:

- (1). *General retail*. (1/300 s.f.) One space per each 300 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*. (1/300 s.f.) One space per each 300 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: (1/400 s.f.) One space per 400 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: Townhome and Live/Work.* Two (2) spaces/unit. Spaces may be in tandem.
- (8). *Residential: Multifamily Apartments.* One (1) space/ bedroom.
- (9). *Restaurant.* (1/100 s.f.) One space per each 100 square feet of gross floor area.
- (10). *Civic.* To be determined by parking demand analysis study for proposed use and approved by the City's Zoning Administrator.
- (11). *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 City's Zoning Administrator.

*C. Below-grade parking.* Off-street below-grade parking is permitted to the lot lines, but must be designed to allow for proper ventilation and the planting of landscape materials.

*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.

## 7. Exterior Appearance.

### *A. Materials:*

- (1). For Townhouses and Live/Work units, at least 80 percent of the exterior cladding of all exterior walls shall be masonry construction.
- (2). For all other buildings (including above grade parking structures) at least 80 percent of the exterior walls fronting or visible from public streets or public open space shall be masonry construction.
- (3). 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.
- (4). No more than 15% of each exterior wall fronting or visible from public streets (including above grade parking structures) shall use accent materials such as architectural metal paneling, tile, and fiber cement siding (e.g. hardi-material).

(5). For buildings which are not Townhouses or Live/Work units, up to 40 percent of exterior cladding of all walls not fronting on, or not visible from, public areas (including above grade parking structures) may be constructed of noncombustible materials including exterior stucco and fibrous cementitious material (e.g. hardi-material) construction.

(6). The exterior cladding (excluding glass) of all buildings, (including above grade parking structures) shall be composed of not more than three materials (excluding roofs).

(7). The following materials are prohibited as primary cladding materials:

- Aluminum siding or cladding
- Fiberboard or Masonite siding
- Wood roof shingles
- Unfinished concrete block (architecturally finished concrete block is permitted as a cladding material)

(7). The following materials are prohibited as primary roofing materials:

- Wood roof shingle
- Composite shingles with less than a 50-year life

(8). Balcony and patio railings and fences shall be constructed of wrought iron, steel or glass. Wood fences and railings and chain-link fencing are prohibited.

(9). All balcony and stairway walking surfaces shall be constructed of noncombustible materials. The structural elements may be constructed of noncombustible materials or decay-resistant wood or as required by the Building Code. All handrails and guardrails shall be constructed of noncombustible materials.

*B. Windows:*

(1). With the exception of Live/Work units, 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). 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.

8. Landscape. Landscaping within the Property shall comply with the provisions in this section

and with the standards contained in the Town of Addison Code of Ordinances, as amended. Where conflicts exist between this section and the landscaping regulations, requirements in this section shall control.

A. *Streetscape Zone*. In this 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 shall have street trees planted at uniform spacing, commencing no closer than 40 feet from the face of the curb of intersecting streets.

(b). Typically, street trees shall be planted as shown on the street cross sections at a spacing of 35 feet on center in tree wells of 5 feet wide by 10 feet long.

(c). Street tree varieties shall be approved by the City having a minimum of four (4) caliper inches.

(d). The streetscape shall have a continuous soil trench 5 feet wide and 3 feet deep with root barriers. The soil mixture for the soil trench shall be approved by the City. Any paving, structural elements, base course material or other associated items in/on/over the soil trench must be approved by a professionally licensed geotechnical engineer with final approval by the City.

(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 the street cross sections. The exact location shall be provided in accordance with a lighting plan approved at the time of development plan approval. Photometric drawings will be required with a minimum light level of 2 foot candles in all pedestrian areas.

(3). Landscaping for Non-residential ground floor frontages. Non-Residential ground floor frontages may pave the area between the building face and sidewalk.

(4). 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 facade, 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 City 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 the Town of Addison Code of Ordinances, as amended.

D. *Perimeter Screening.* Masonry or landscape screening shall be provided from properties west of this property. Screening shall be approved by the City as part of the development plan approval for each development.

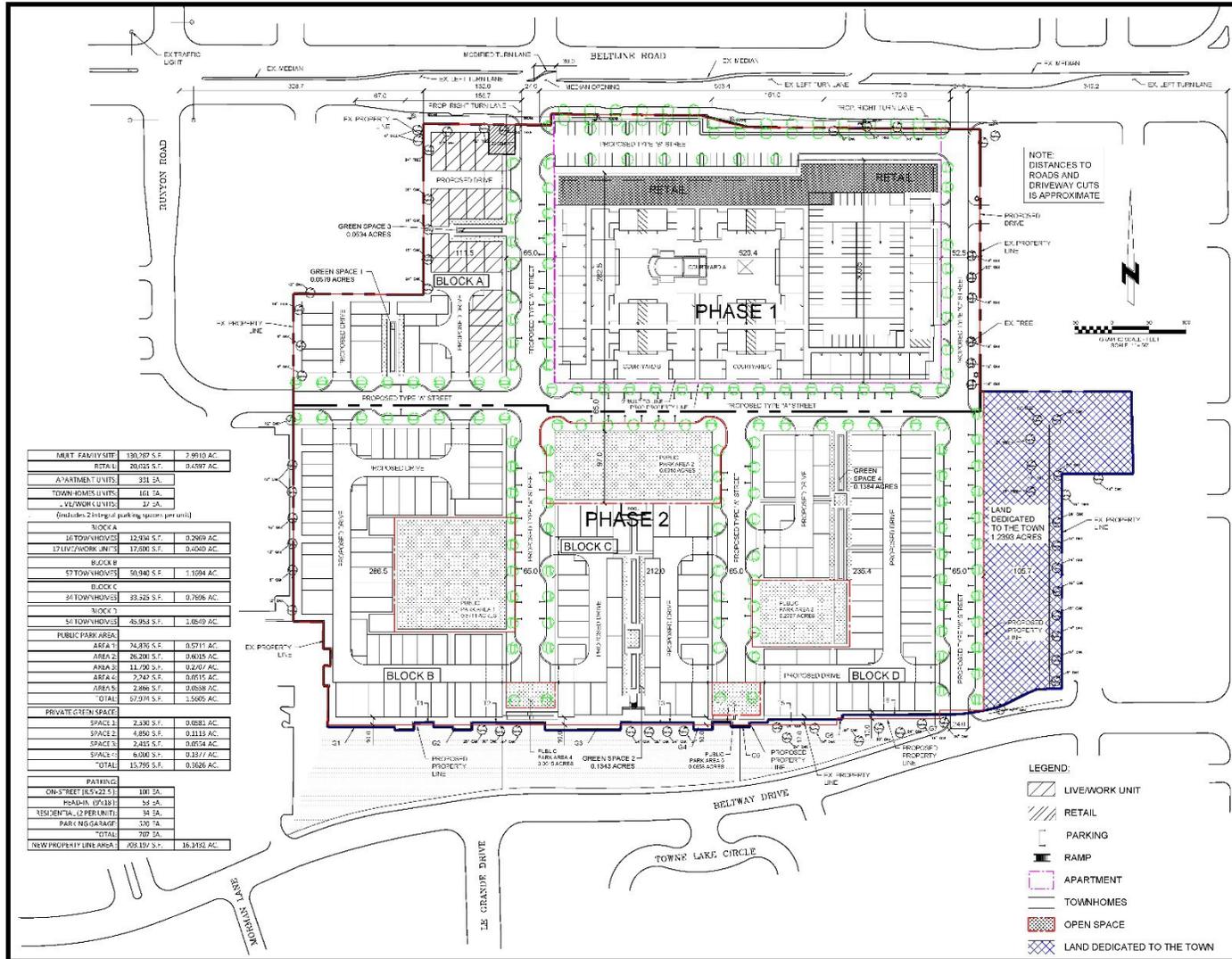
10. Screening of Mechanical Equipment and Service Areas:

A. Mechanical equipment shall be mounted on the roof and be screened from view from all rights-of-way 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.

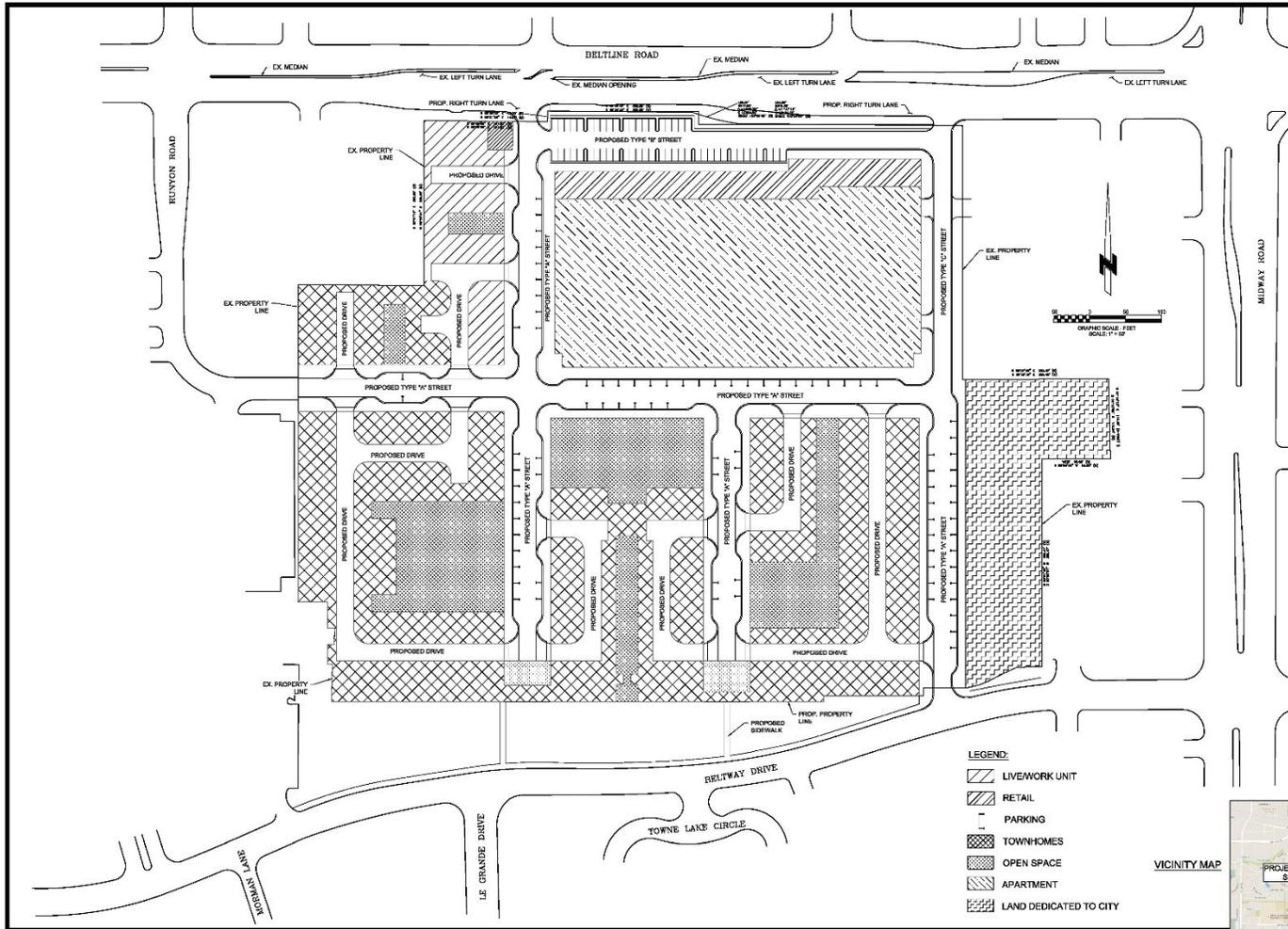
B. Loading, service, and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad, including drive approach. The required screening must be composed of the same exterior materials as the buildings or through the use of masonry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

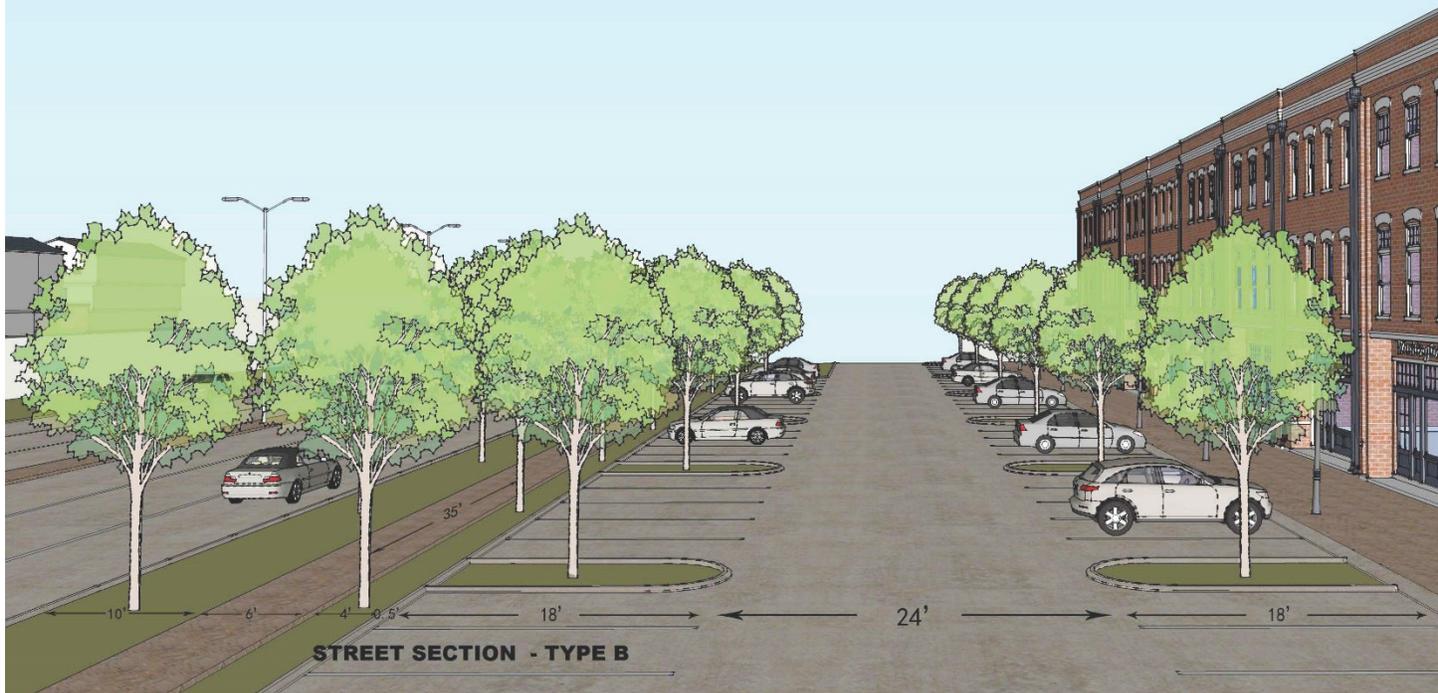
C. All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

**EXHIBIT C: CONCEPT PLAN**



**EXHIBIT D: STREET CROSS SECTIONS**

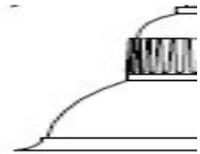
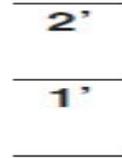
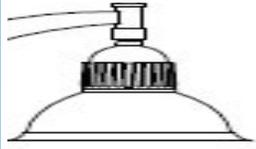






**EXHIBIT E: SITE FURNISHINGS**

Streetlights: Oncor Philadelphia Style Pole



Hand  
(Full C

le Pole



Landscape Forms: 35: Sit Bench

## BENCH

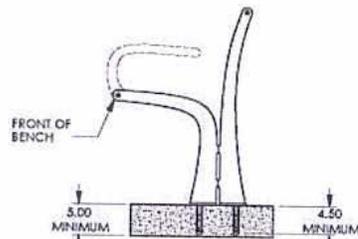
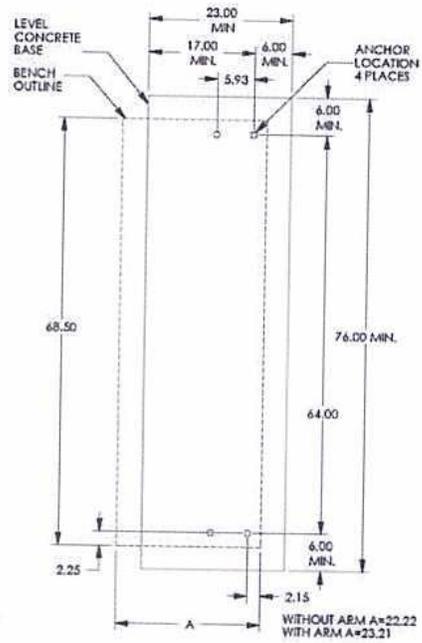
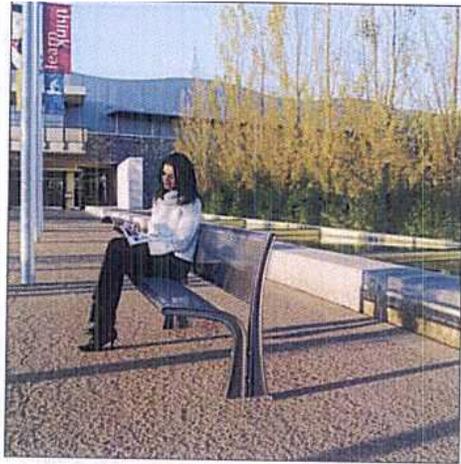
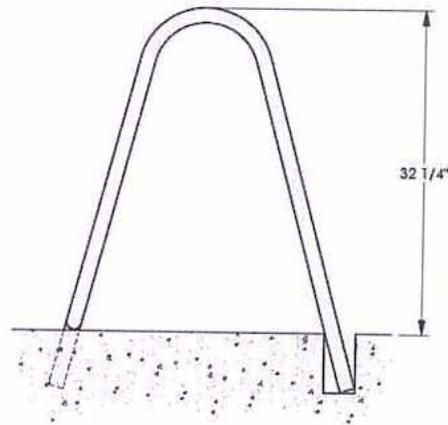
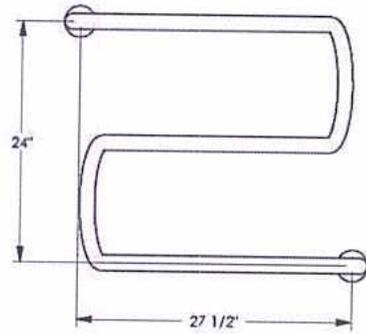
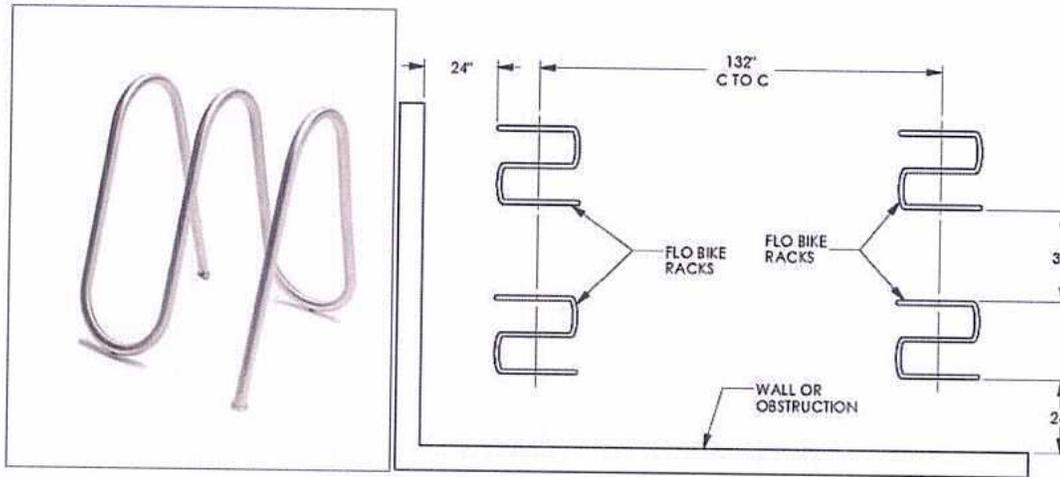


FIGURE 2  
STAY BACKED BENCH  
SURFACE MOUNT ANCHOR LOCATIONS  
DIMENSIONS IN INCHES

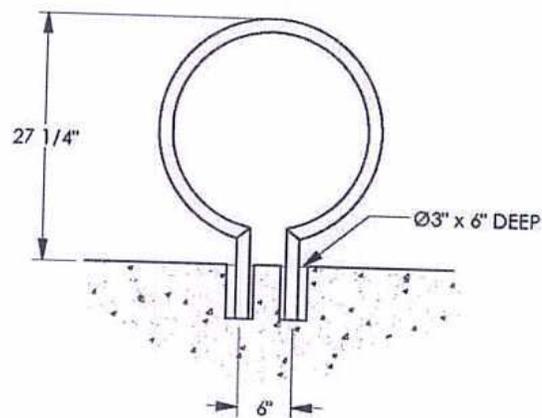
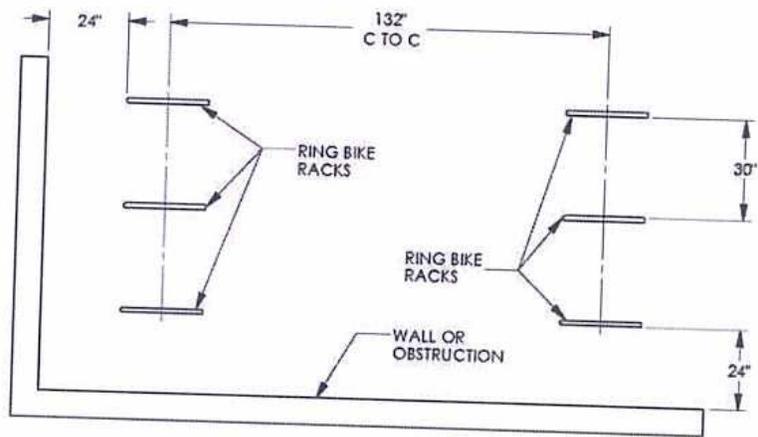
## Landscape Forms: 35: Stay Bench

# BENCH



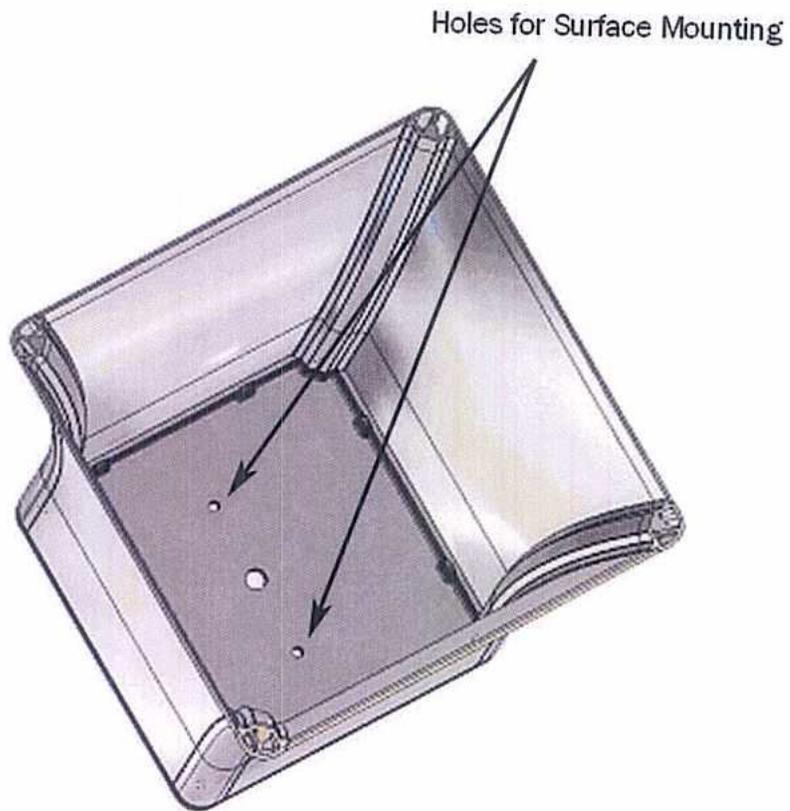
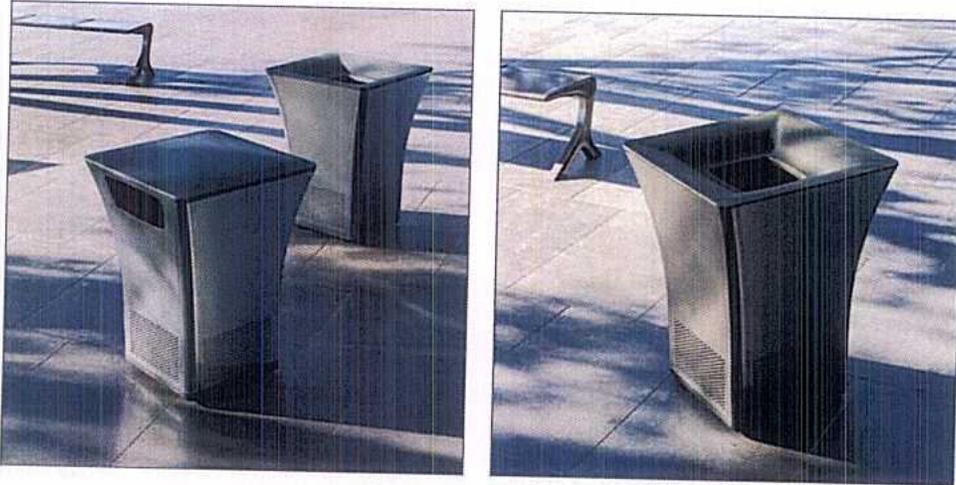
Landscape Forms: Flo2 Bike Rack

# BIKE RACK



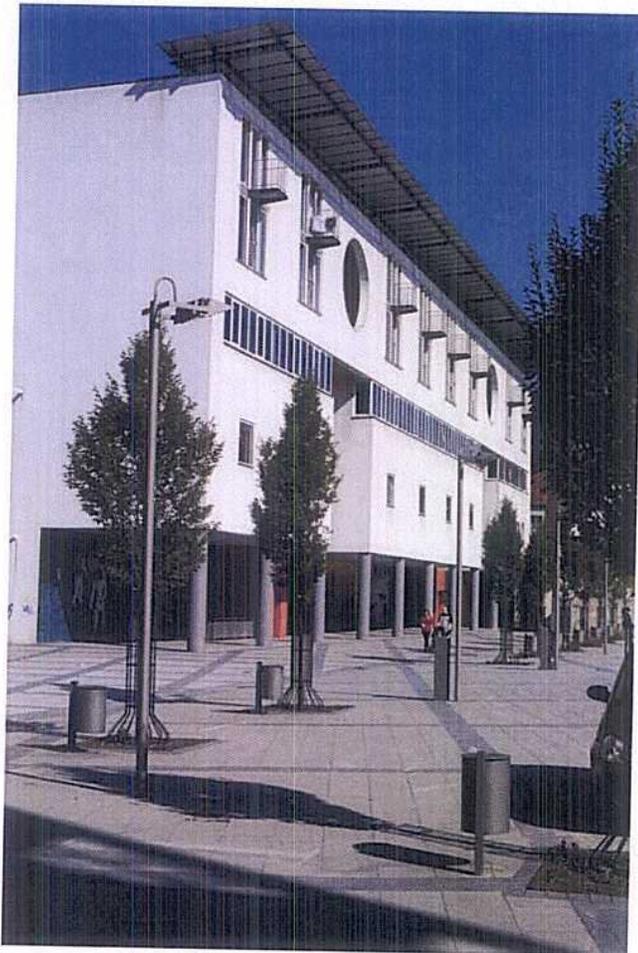
Landscape Forms: Ring Bike Rack

# BIKE RACK



Landscape Forms: 35: Pitch Litter Receptacle

# LITTER RECEPTACLE



Hess: Punto Litter Receptacle

## LITTER RECEPTACLE



Most Dependable Fountains: Model 493SS, 325

## DRINKING FOUNTAIN

# 1725-Z

**PUBLIC HEARING** Case 1725-Z/Addison Groves. Public hearing, discussion, and take action on a recommendation regarding an ordinance rezoning approximately 17.4 acres of land located at 4150 Belt Line Road in order to create a new Planned Development District for retail, restaurant, residential and office uses with modified development standards, on application from Fenway Development, Inc., represented by Mr. Frank Liu.

## LOCATION MAP





December 10, 2015

## STAFF REPORT

RE: Case 1725-Z/Addison Groves

LOCATION: 4150 Belt Line Drive

REQUEST: Approval of an ordinance rezoning the property from PD (Planned Development) for a retail use to a new PD (Planned Development) for a mixed use development.

APPLICANT: Fenway Development, Inc., represented by Mr. Frank Liu.

## DISCUSSION:

Background: The property located at 4150 Belt Line Road consists of two lots totaling approximately 17.4 acres. This property was zoned as a Planned Development in 1991 through ordinance O91-066 to accommodate the development of a Sam's Wholesale Club that was constructed the following year. As part of the approval, the developer was required to dedicate a small strip of land as public park space to serve as a buffer between the retail development and the residential uses on the south side of Beltway Drive that existed at that time or were anticipated in the future. Furthermore, the developer was required to construct a 10 foot high wall to further isolate the uses.

Sam's Club continued to operate on the site until it relocated in the summer of 2015 to a new building at Midway Road and Interstate 635. The Town was notified in 2012 that Walmart intended to close the store. In anticipation of this, the Comprehensive Plan identified this site as a potential location for a signature redevelopment and proposed conducting a special area study to establish a vision for the site and the adjacent properties. The study was funded and carried out in late 2014. This study area consisted of not only the Sam's Club site, but also properties along the western edge of Midway Road extending south to the Oncor transmission line easement.

The special area study committee consisted of a consultant team that facilitated a process involving Addison residents, Council Members, Planning and Zoning Commissioners and property owners within the study area. The committee recommended that any redevelopment meet the following criteria:

- This is a prime location within Addison; its development should provide a good return on investment for the owner and the Town.
- We need to recognize that Addison is an urban community. We need to insist on mixed use development with an appropriate scale, density and diversity.

- High quality design is an Addison characteristic that needs to continue here.
- Plan should succeed in phases.
- Organic expansion of existing neighborhoods into study area.
- Add housing choices that aren't easily found in Addison today, particularly for "aging in place".
- Create new employment locations.
- Provide retail, service, health/wellness businesses that serve nearby residents.
- Include people places and sidewalk / trail connections.
- Desired pedestrian connections allow for removal of wall.

The committee submitted its preferred development concept plan to the Council in late 2014. For the Sam's site itself, this plan called for 600 urban apartments, 150 condominium units and 74 townhomes.

After receiving the committee's input, the Council chose to hold a community meeting on the proposed redevelopment. This was held at the Conference Centre on March 2<sup>nd</sup> and was attended by approximately 100 residents, mostly from the Les Lacs, Midway Meadows and Towne Lake neighborhoods. The comments received at the community meeting were recapped as follows:

- It's good to have a plan to refresh an aging area.
- The open spaces and parks were a positive aspect of the plan.
- Participants liked the walkability and connectivity within the study area.
- They also liked the connections to the rest of the Town and to the Town's overall trail systems.
- Comments supported efforts to add more ownership residential units in Addison.
- Most comments favored the mixed use character of the proposal overall.
- Most comments supported the overall density but some felt it was not appropriate.
- Some comments advocated keeping the wall that currently exists on the south side of the Sam's Club property while other comments supported the wall's removal as shown in the Concept Plan.
- The inclusion of rental residential units received comments on both sides, from people who felt that was appropriate and necessary for the project's economics and from people who do not want any more rental units in Addison.

Concurrent to this process, the City Council held a number of work sessions to develop a housing policy to guide new development in the Town and adopted the following guidelines:

- New housing should increase the proportion of fee-simple ownership in Addison's housing mix. Apartment-only rezoning is unlikely to be approved, as currently the ratio of rental to ownership properties is higher than desired.
- A proposal should offer a 'best fit' mix of uses and housing choices within the context of the surrounding Addison community. The Town may use a study area committee (with staff, elected, and appointed members such as area residents and business representatives) to evaluate a proposal's fit in Addison.
- New housing should create or enhance neighborhoods of urban character rather than locate on a stand-alone, nonintegrated property and should continue the high quality design and walkability that make Addison's existing neighborhoods distinctive.

Based on these two processes, the Council approved a vision that kept the basic framework of the development concept presented by the study committee, but encouraged developers of the Sam's Club Site to explore a mixed use development with a retail component and that maximizes the residential fee simple ownership opportunities of the site.

Since that time, Fenway Development, Inc., also known as InTown Homes or Lovett Homes, has put the property under contract with Walmart. Staff has been working with this group for several months to finalize a redevelopment plan for the site that complies with the Committee's recommendations and Council direction.

Proposed Conceptual Plan: The plan that is being put forward for consideration is primarily a residential oriented mixed-use development. The property would become bisected by an extension of Runyon Road running east/west through the property. There would also be three north/south streets through the site, with the eastern most street tying into Beltway Drive. On the northern section of the property, between Belt Line Road and the extension of Runyon, would be a multifamily building with ground level retail fronting Belt Line. Plans also call for several Live/Work units. These are residential buildings similar to a Townhouse, but that allow retail and/or office uses on the ground floor with residential accommodations for the business owner above. The area south of the Runyon extension and north of the Beltway Park would consist of Townhouses. This area would also feature three new public parks that would serve as the required public open space for this development.

The proposed plan contemplates removing the existing wall and constructing a row of Townhouses that would front the existing park along Beltway Drive. The site is currently graded so that the Sam's site sits as much as ten feet below the grade of Beltway Park. The grade differential gets shallower as you move east along the property line. The Townhouses along the park would be built up even (at-grade) with the park, however the two roads that are not connecting with Beltway Drive would be set lower than the grade of the park and will require stairs and accessible ramps in order to make pedestrian connections through the park to the sidewalks along these streets.

In total, the concept plan anticipates 161 Townhouses, 17 Live/Work Units and 331 multifamily apartments, with 20,025 square feet of retail along Belt Line Road. Additionally, the concept plan shows that approximately 1.24 acres of land on the east side will be dedicated to the Town. This will square up this development and maintain flexibly with that land to incorporate into a future redevelopment of the properties east of this site.

Proposed Uses: The proposed uses closely resemble the uses permitted in our other mixed use districts, such as Addison Circle and Vitruvian Park.

The following residential uses would be allowed by right within the Planned Development district.

- Townhouse
- Condominium
- Multifamily (with a maximum of 350 units)

Additionally, a maximum of 25 Live/Work units would be allowed. The commercial component of the Live/Work units would be limited to occupations such as accountants, artisans, hair stylists, real estate agents, etc. Both the residential and commercial component of the unit would be required to be occupied by the same tenant.

Retail would only be allowed in conjunction with a mixed use building. The use list is extensive, but would be oriented towards neighborhood retail, as opposed to destination retail, and primarily include the uses found in the Local Retail district and the Vitruvian PD standards.

Office, home office and civic uses would also be permitted on the site, though none are being proposed as part of the current conceptual plan.

The following uses would be required to obtain a Special Use Permit in order to be allowed:

- Cleaning, dyeing and laundry pick-up station, with cleaning, dyeing and/or laundry work done on the premises
- Public safety facilities
- Restaurant
- Retirement home
- Sale of alcohol for on-premises consumption in conjunction with a restaurant
- Sale of beer and wine for off-premises consumption in conjunction with a convenience or grocery store, but not including a store for which beer and wine sales constitute the primary source of revenue for the business
- Transit facilities

Development Standards: The following development standards would apply to lots and buildings on the site:

**Street Build-to Line**

Street build-to lines within the property are as shown or identified on the Concept Plan and Street Cross Sections. No more than 30 percent of any street frontage may vary from the build-to line.

Buildings greater than three stories in height may be set back above the third floor a maximum of 10 feet behind the building face of the first three floors along the street.

**Side Yard Setback**

None

**Rear Yard Setback**

None

**Site Perimeter Setback**

10 feet

**Minimum Building Height**

23 feet/2 stories

**Maximum Building Height**

Single-Family maximum height to midpoint of roof = 60 feet

Multifamily maximum height to midpoint of roof = 85 feet

Parking structure maximum height = 85 feet. Structure may not exceed height of multifamily structures.

Detached non-residential structure maximum height = 60 feet

All heights subject to FAA approval.

<b><u>Minimum Lot Area</u></b>	None
<b><u>Minimum Lot Width</u></b>	None
<b><u>Minimum Lot Depth</u></b>	None
<b><u>Minimum Area per Residential Dwelling Unit</u></b>	Efficiency = 450 SF One-Bedroom = 600 SF Two-Bedroom = 850 SF Three-Bedroom = 1,000 SF Townhouse = 1,350 SF Live/Work Units = 2,000 SF
<b><u>Maximum Non-Residential Square Footage</u></b>	With the exception of Live/Work units, maximum = 30,000 SF
<b><u>Maximum Lot Coverage</u></b>	95%

**Buildings fronting each other shall be no closer than 30 feet.**

These standards closely resemble the standards in the Town's other mixed use developments of Addison Circle and Vitruvian Park and are intended to create a compact, urban, walkable environment.

There are some nuances to these standards that would be included in the regulations that would allow for architectural features to extend up to 15 feet higher than the included maximum permitted heights. This would allow buildings to have a little more flexibility in their design to create more visually interesting buildings. Additionally, the regulations would allow overhangs, balconies, and patios to extend into the area setback. This is often allowed in these types of developments and promotes a more active streetscape that can improve safety on the streets as there is more potential for people to be out on their patios or balconies, increasing the number of "eyes on the street."

Open Space: Historically, Addison has embraced the idea that public open space that is maintained by the Town should be included in residential developments. This has been especially important in more dense, mixed use developments because these spaces become the "yards" for the residents of the area. The intent behind making these spaces public and having the Town maintain them is that this promotes community and allows the Town to ensure a certain level of quality in these areas. The Town can also leverage its resources to maintain them to a higher standard than the property owner(s). Staff intends to continue that approach on this site.

The open space calculation used here is the same that was applied in Addison Circle and Vitruvian Park with success. It requires that two acres be provided for every 1,000 residents. The number of residents is determined by taking the unit count and assuming 1.5 persons per unit. For this development, the concept plan anticipates 509 units with 763.5 residents for an open space

requirement of 1.527 acres. This could increase or decrease based on the final unit count. The concept site plan shows that 1.56 acres will be provided.

The development achieves this by providing three small parks, as shown on the concept plan, as well as two additional areas being proposed as an expansion of Beltway Park where pedestrians would transition from the higher elevation of Beltway Park to the lower elevation of the development. The plans for these parks will be considered by the Planning and Zoning Commission and City Council as part of the development approval process to ensure that they are designed and constructed to the level of previous Addison parks and will provide amenities for the residents and also the general public. The developer will be responsible for the improvement of these parks in accordance with the approved plans prior to their dedication to the Town.

Staff has also crafted the concept plan so as to straighten out the property line between this site and Beltway Park. It is currently very jagged, notching north and south along the length of the park. When the property is replatted, this line would get straightened out, however the line will be established in such a way that there is no net loss of park land.

**Parking:** The off-street parking requirements for this development are as follows:

- *General retail.* (1/300 s.f.) One space per each 300 square feet of gross floor area.
- *Furniture store.* (1/1,000 s.f.) One space per each 1,000 square feet of gross floor area.
- *Medical or dental clinics.* (1/300 s.f.) One space per each 300 square feet of gross floor area.
- *Bank or savings and loans.* (1/300 s.f.) One space per each 300 square feet of gross floor area.
- *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: (1/400 s.f.). One space per 400 square feet of gross leasable area.
- *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.
- *Residential: Townhome and Live/Work.* Two (2) spaces/unit. Spaces may be in tandem.
- *Residential: Multifamily Apartments.* One (1) space/ bedroom.
- *Restaurant.* (1/100 s.f.) One space per each 100 square feet of gross floor area.
- *Civic.* To be determined by parking demand analysis study for proposed use and approved by the City's Zoning Administrator.
- *Mixed Use.* Number of spaces resulting from application of ratios provided above for respective uses in the development.

These parking requirements are similar to what is found in other mixed use developments. Additionally, there will be a provision allowing the developer to demonstrate through a parking study that parking can be shared between uses because they are likely to be used in alternating time periods in order to have these parking requirements adjusted accordingly.

**Exterior Appearance:** The outside face of all structures on the site will be regulated by the Planned Development district text.

For Townhouse and Live/Work buildings, a minimum of 80 percent of all facades shall be of masonry construction, meaning brick, stone, cultured stone, glazing, plate glass or split face concrete masonry

units. For all other buildings, including parking structures, the 80 percent requirement shall be applied to the exterior walls fronting or visible from public areas (streets and parks). For all buildings, no more than 15 percent of the facades visible from the public areas shall use metal panels, tile or fiber cement siding. For non-Townhouse or Live/Work buildings, the exterior facades which are not visible from a public area, meaning those around the interior court yards, the allowance for metal panels, and tile or fiber cement siding increases to a maximum of 40 percent. On all buildings, a maximum of three materials would be permitted, excluding windows and roof materials.

For the retail uses, at least 70 percent of the store front would be glass.

The color of buildings within the development will be muted shades of color. This means that there will be no black, stark whites or fluorescent colors.

Landscaping: The landscaping must comply with the Town's landscaping regulations. With regards to the streetscape, the Planned Development District contemplates a look similar to Addison Circle with landscaping beds with trees. Two of the lessons learned from Addison Circle is that the trees were planted a little too close together and that there needs to be some protection between the tree roots and the adjacent infrastructure (streets and sidewalks). For this site, we are proposing street trees at 35 feet on center, as opposed to 25 feet on center in Addison Circle. Additionally, the street scape will have a continuous subterranean soil trench 5 feet wide and 3 feet deep with root barriers to keep the roots separated from the infrastructure. These trees and planting areas would become the Town's responsibility to maintain.

Another lesson learned from Addison Circle is that more lighting is necessary. For this site, we are requiring that a study be done to establish the exact number and placement of lights so that there be a minimum light level of two foot candles in all pedestrian areas. A foot candle is the measure of light emitted from an average candle at a distance of one foot away from the candle. Two foot candles is a commonly accepted standard for lighting in pedestrian areas.

For private landscaping, the applicant will have to submit detailed landscaping plans as part of the development approval process, and must comply with the Town's general landscaping requirements. Additionally, perimeter screening will be required to screen this site from the properties to the west.

Screening of Mechanical Equipment and Service Areas: For this Planned Development, mechanical equipment will be required to be mounted on the roof and shall be screened from view of all public areas. Loading, service and trash storage areas will also need to be screened from public areas.

Street Cross Sections: The site will feature 4 types of drives with this development, three of the four are detailed in the attached street cross sections. Street types A and C will be public streets. Street Type B and the alleys behind the Townhouses will be private drives. All drives will be 24 feet wide and serve as fire lanes for the development.

Street type A will be the primary street type throughout the development and will allow for parallel parking adjacent to the drive lanes. This street type calls for a five foot landscape area that would include the planting beds and street trees, then a six foot sidewalk and a five foot front yard setback.

Street type B is intended address the Belt Line Road frontage and support the ground floor retail along that frontage with head-in parking. There will be two pedestrian zones within street type B. One would be a public six foot sidewalk set ten foot back of curb from Belt Line Road. The second would be located adjacent to the building and would include 14 feet for landscaping, patios and walkways. This would be privately maintained. The dimensions for street type B reflect the requirements of the Belt Line zoning district standards and are intended to match with future development along Belt Line.

Street type C is a variation of street type A and is only located along the eastern side of the multifamily building. For this street type, the parallel parking is not required. This was done because the garage entrances and exits serving multifamily and retail will intersect with this street. The drives accessing the garage would have mostly eliminated the ability to put on-street parking on this side of the building.

Site Furnishings: The Planned Development will require specific site furnishings including street lights, benches, trash receptacles and bicycle racks. Staff and the applicant are proposing to go with a standard Oncor street light design. This will match the street lights being added to Beltway Drive and will be Oncor's responsibility to maintain. All other street furnishings will match those at Vitruvian Park and will become the Town's responsibility.

Utility Study Findings: As part of the staff review process for this project, staff and the applicant have conducted preliminary utility discussions to ensure that the site can be properly serviced by the Town's water, waste water, and stormwater systems.

There is sufficient capacity in the water system in the area to support this use. The design of the system internal to the site will have to be determined during civil plan review as part of the construction phase of the project.

With regards to the stormwater system, the development will not be allowed to discharge additional stormwater into the system above current levels. The site as it exists today has two areas for above ground detention. The new development will have to account for this detention with the final calculations being based on the amount of impervious area. The concept plan calls for this detention to be placed underground. The location and size of any underground detention system will be determined during civil plan review as part of the construction phase of the project.

The applicant was asked to study the wastewater system to determine current capacity and identify if any improvements are necessary. Kimley-Horn was selected and determined that several line segments of the downstream wastewater system will need to be upgraded from an eight inch line to a ten inch line to accommodate the additional flow from this development. This line runs along the south side of Belt Line Road from this site, west to Surveyor Blvd. There is an additional 230 feet of line west of Surveyor that is eight inches where the study shows has just enough capacity to handle this

development and therefore the study does not recommend upgrading this segment. Town engineering staff have reviewed the study findings and would recommend that the 230 feet of line be upsized to a ten inch line as well. They note that although the line may have capacity, operationally, it is not a good practice within a wastewater system for a larger line to flow into a smaller line.

**Traffic Impact Analysis:** The applicant was also asked to study the impact that this development will have on the roadway network both in the near term (2017) and long term (2035). It is important to remember that this is a redevelopment site, so there is a pre-existing traffic volume generating from the site. As part of the analysis, traffic engineers consider a use's trip generation rate. These rates come from an industry standard set by the *Trip Generation Manual* published by the Institute of Transportation Engineers which set the average number of one way trips that a use will generate in day as well as in the AM peak hour and PM peak hour. Below is a table indicating the one way trips currently being generated and the one way trips that the proposed development would likely generate on average.

Use	Amount	Unit of Measure	Daily One Way Trips	AM Peak Hour One-Way Trips			PM Peak Hour One-Way Trips		
				In	Out	Total	In	Out	Total
<b>Current:</b>									
Discount Superstore	138,000	SF	7,004	143	122	255	294	306	600
<b>Redevelopment:</b>									
Retail	15,000	SF	641	9	5	14	27	29	56
Multifamily	350	Units	2,328	36	143	179	141	76	217
Fee-Simple Homes (Townhouse)	233	Units	1,354	18	85	103	81	40	121
Total Trip Generation:			4,323	63	233	296	249	145	394

Based on this comparison, the proposed development is likely to generate fewer overall trips throughout the day than is being generated currently. During the peak hours, the proposed development is likely to generate slightly more trips in the morning and a third less trips in the evening. It should also be noted that the unit count for the multifamily and townhouses are higher in this analysis than what is shown on the concept plan. This was assuming a "worst-case" scenario from a traffic perspective, but the actual impact on traffic is likely to be less than what is presented.

The analysis also details how traffic will enter and exit the site and how specific intersections will be affected. Of particular interest to staff was the proposed street connecting to Beltway Drive. After analyzing traffic models, the traffic impact analysis indicates that during the AM peak hour, 7 vehicles will exit the site at this intersection and travel westbound on Beltway, while 58 will exit and go eastbound towards Midway. In the PM peak hour, 4 vehicles are likely to go westbound, while 36 are likely to travel eastbound towards Midway.

It was determined that neither the signalized intersection of Belt Line Road and Midway Road nor the intersection of Beltway Drive and Midway Road would experience a drop in the level of service classification based on the proposed development.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

Staff recommends approval of the request subject to the following conditions:

- 1.) The private drive commonly referred to as Runyon Road between the western property line and the intersection of Belt Line Road shall be upgraded to Town standards and become public right of way.

Currently, this drive is privately owned by two property owners with a common access easement allowing the customers of Sam's to have access. It was Walmart's responsibility to maintain this drive. Now that the site is being redeveloped, it is anticipated that this drive will tie into a public street when it reaches the development, and, under the current arrangement, would become the responsibility of the property owners, likely through an HOA, to maintain. Where the Town has tried private streets in the past, property owners have typically come to the Town several years later once the street needs to be maintained or reconstructed because of the cost of doing so. Therefore, we no longer allow private streets in new developments. It would be best for the portion of this drive to be reconstructed to Town standards as part of this project and dedicated to the Town to avoid this situation from arising in the future.

- 2.) The Townhouses and Live/Work units within Block A (as shown on the concept plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the units, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for these units to assure they will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once constructed, and verify that the required noise level has been attained.

Staff is somewhat hesitant to place owner-occupied residential units fronting Belt Line Road and adjacent to the existing restaurant uses immediately to the west of this site because of the potential for noise. To address noise in other areas around Town, we have imposed this requirement requiring so as to insulate the unit and reduce the noise level to 45 DNL (Day-Night Average Sound Level), which is a standard residential noise level.

- 3.) The sanitary sewer line servicing this development shall be increased to a minimum 10' line in accordance with Town standards. This includes approximately an additional 230 linear feet of line than is being proposed in the applicant's wastewater study.

This was addressed previously in this staff report. The applicant is proposing to upgrade much of this line, however engineering review staff would prefer that the entire length of the 8 inch line be upgraded to a 10 inch line.

- 4.) The driveway access to the property adjacent to this site (4180 Belt Line Road) shall be reconstructed to align with the entrance/exit of the parking structure being proposed on the

site. The applicant shall make any improvements necessary on the adjacent property (4180 Belt Line Road) to accommodate the driveway relocation.

The Snuffers and La Ventana restaurant site is accessed through an access easement through the Sam's site. This easement gives the owner of the Sam's site the flexibility to relocate that access. With this development that site will have access off of the proposed eastern public street. This is also the street from which the parking structure will be accessed. From a traffic safety standpoint, it would be preferable for the restaurant driveway and the parking structure driveway align. This condition would compel the developer to do so.

Should this case be approved, it will lay the foundation for this development. As the project progresses, the applicant will be required to come back through the zoning process for what is known as development plan approval. It is at that stage that details regarding exact site plans, floor plans, building elevations, landscaping and open space improvement plans, etc. will be presented for consideration. These plans will be drafted in accordance with the concept plan and development standards discussed in this report.

Staff believes that the proposed development achieves the goals of both the special area study committee and the City Council and conforms to many of the comments received at the community meeting. This will be a mixed use development that adds to the owner occupied housing options in Addison, but that also provides additional retail space along Belt Line. Because of the residential nature of much of this development, the stated pedestrian connectivity goals, and the desire for this development to be an expansion of the existing neighborhoods, staff supports the removal of the wall as well as the addition of the road connection to Beltway along the eastern edge of the site. Staff believes that neither of these will have a negative impact on the adjacent residential areas.

More broadly, a development of this character should promote additional redevelopment along Belt Line, west of Midway Road. Midway has previously been perceived as a boundary for new development on Belt Line, especially for retail. This development, in conjunction with the Belt Line median and lighting enhancements conducted a couple years ago and the ongoing utility undergrounding project, could help pull development interest further west on Belt Line Road.

## Land Use Analysis

### Attributes of Success Matrix

Addison Groves, 4150 Belt Line Road

1725-Z

Attribute	Comment	Score
Competitive	The development includes a variety of uses which should be very attractive to future residents and tenants.	
Safe	The concept plan and development standards have been crafted to promote a safe, walkable environment. The street connection with Beltway Drive will reduce emergency response times to the site.	
Functional	The various components of the plan should function well together and integrate into the area without a negatively impacting the surrounding properties.	
Visually Appealing	The development will be required to build to a high visual standard. The parks and street trees will make the development visually appealing.	
Supported with Amenities	The mix of uses within the development will provide amenities for the residents. Additionally, the adjacent properties will provide easy access to additional amenities .	
Environmentally Responsible	This will be a compact, pedestrian oriented mixed-use development. This is an environmentally responsible development pattern.	
Walkable	The development is very walkable and will improve pedestrian connections along Beltway. Additionally, the sidewalk along Belt Line will be improved to promote better accommodate pedestrians.	
<b>Overall Assessment</b>	<b>This will be a high-quality redevelopment that rates highly in these criteria as well as with the goals stated by the study committee and the City Council.</b>	





Case 1725-Z/Addison Groves  
January 5, 2015

COMMISSION RECOMMENDATION:

The Addison Planning and Zoning Commission, meeting in regular session on January 5, 2015, voted to recommend approval of an ordinance changing the zoning on the property located at 4150 Belt Line Road in order to create a new Planned Development District for retail, restaurant, residential and office uses with modified development standards, subject to the following conditions:

- A. The private drive commonly referred to as Runyon Road between the western property line and the intersection of Belt Line Road shall be upgraded to Town standards and become public right of way.
- B. The Townhouses and Live/Work units within Block A (as shown on the concept plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the units, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for these units to assure they will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once constructed, and verify that the required noise level has been attained.
- C. The sanitary sewer line servicing this development shall be increased to a minimum 10' line in accordance with Town standards. This includes approximately an additional 230 linear feet of line than is being proposed in the applicant's wastewater study.
- D. The driveway access to the property adjacent to this site (4180 Belt Line Road) shall be reconstructed to align with the entrance/exit of the parking structure being proposed on the site. The applicant shall make any improvements necessary on the adjacent property (4180 Belt Line Road) to accommodate the driveway relocation.
- E. Medical and health related uses shall be permitted upon approval of a Special Use Permit.
- F. At least 50% of the live/work and townhome units must be under construction prior to the issuance of a building permit for the multifamily units or the garage

building.

- G. The existing screening wall along the southern property line shall not be removed until construction has commenced on the Townhome units along the wall.
- H. The site plan shall be amended to exclude the type A street and the proposed type C street from Belt Line Road to Beltway Drive and to make it a pedestrian connection.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Schaeffer

Voting Nay: Robinson, Smith

Absent: none

**SPEAKERS AT THE PUBLIC HEARING (held 12-15-15):**

For: none

On: none

Against: Morgan Jones, 14824 Le Grande Drive  
 Lorrie Semler, 14821 Le Grande Drive  
 Joyce Gruger, 3804 Waterside Court  
 Ray Ryland, 14817 Surveyor Blvd  
 Jim Duffy, 3887 Ridgelake Court  
 Roger Hart, 4135 Towne Green Circle  
 Dave Marold, 3918 Winter Park Lane  
 Susan Halpern, 14800 Le Grande Drive  
 Cathy Ways, 4104 Rush Circle  
 Aubri Simmons, 4102 Rush Circle  
 Nathan Caplovitz, 4015 Bobbin Lane  
 Ron Whitehead, 3919 Bobbin Lane  
 Paul Walden, 14806 Le Grande Drive  
 Mary Laub, 10925 Crooked Creek Circle Dallas, TX 75229  
 Greg Cohlma, 14805 Le Grande Drive  
 Cindi Kruse, 4167 Towne Green Circle  
 Robert Clinesmith, 3025 Bryan Street #2E Dallas, TX  
 Vickie Belen, 4105 Pokolodi Circle  
 Renee Rossi, 14872 Towne Lake Circle

**POSITION OF THOSE PRESENT BUT NOT SPEAKING AT THE PUBLIC HEARING:**

For: none

On: none

Against: Tanya Thomas, 14879 Towne Lake Circle  
 Teresa Wilkin, 4133 Towne Green Circle  
 Judy Lindloff, 14891 Towne Lake Circle

Iris Smith Caplovtiz, 4015 Bobbin Lane  
Eric Laub, 10925 Crooked Creek Circle, Dallas, TX 75229  
Maureen Smith, 4409 Leadville Place  
Steve Loras, 4114 Rush Circle  
Joan Loras, 4114 Rush Circle  
Sharon Magro, 4110 Rush Circle  
Jeri Marold, 3918 Winter Park Lane  
Pat Matula, 3884 Lakeview Court  
Joan Dominique, 14818 Le Grande Drive  
Kent Dominique, 14818 Le Grande Drive