

City of Carrollton

*1945 E. Jackson Rd.
Carrollton, Tx. 75006*



WORKSESSION & REGULAR MEETING

Tuesday, May 7, 2013

5:45 PM

CITY HALL, 2nd Floor

City Council

*Mayor Matthew Marchant
Mayor Pro Tem Jeff Andonian
Deputy Mayor Pro Tem Kevin Falconer
Councilmember Anthony Wilder
Councilmember Doug Hrbacek
Councilmember Bob Garza
Councilmember Terry Simons
Councilmember Lisa Sutter*

*****PRE-MEETING / EXECUTIVE SESSION*******5:45 P.M. – COUNCIL BRIEFING ROOM**

1. Mayor and Council reports and information sharing.
2. Receive **supplemental staff information** and responses to questions.
3. Council will convene in Executive Session pursuant to Texas Government Code:
 - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the City Council.
 - Discuss Camelot Landfill Application
 - **Section 551.072** to discuss certain matters regarding real property.
 - **Section 551.074** to discuss personnel matters.
 - **Section 551.076** to discuss security matters.
 - **Section 551.087** to discuss Economic Development.
4. Council will reconvene in open session to consider action, if any, on matters discussed in the Executive Session.

*****WORKSESSION*****

5. Discuss Centennial Celebration.
6. Discuss Metrocrest Leadership Academy Scholarships.
7. Briefing On The RAIDS Online Crime Reporting System.
8. Discuss Single-Family In-Fill And Re-Development Initiatives and the Neighborhood Empowerment Zone Concept.
9. Discuss Bond Election.

*****REGULAR MEETING 7:00 PM*******INVOCATION****PLEDGE OF ALLEGIANCE****PRESENTATIONS**

10. Present A Proclamation Declaring May As Older Americans Month.
11. Present A Proclamation Declaring May 12 Through May 17, 2013 As

National Police Week And May 15, 2013 As Peace Officers' Memorial Day
In The City of Carrollton.

PUBLIC FORUM

12. Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items. Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

CONSENT AGENDA

*(*All items marked with a single asterisk are part of a Consent Agenda and require no deliberation by the Council. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately. Contracts and agreements are available in the City Secretary's Office.)*

MINUTES

- *13. Consider Approval Of The April 16, 2013 Regular Meeting Minutes.

BIDS & PURCHASES

- *14. Consider Approval For Purchase Of "Better Billy Bunker" System To Renovate All Bunkers On The Creek Course From TDI In An Amount Not To Exceed \$371,000.00.
- *15. Consider Approval Of Bid #13-016 For Public Works From Jim Bowman Construction Company For Street, Alley, And Sidewalk Concrete Repairs In An Amount Not To Exceed \$1,100,000.00

CONTRACTS & AGREEMENTS

- *16. Consider Authorizing The City Manager To Approve A Contract With SYB Construction Company, Inc. For The 2013 Water Line Replacement Project In An Amount Of \$1,792,985.00.

- *17. Consider Authorizing The City Manager To Approve The Purchase Of An Irrigation Pump From Monroe Pump Systems, Inc For McInnish Park In The Amount Of \$49,200.00.
- *18. Consider Approval Of A Consulting Agreement With Dunaway & Associates To Update The Existing Park Master Plan In An Amount Not To Exceed \$56,000.00.

ORDINANCE

- *19. Consider An Ordinance Revising The General Design Standards.

RESOLUTIONS

- *20. Consider A Resolution Authorizing Sale of Foreclosed Property (Lot 2 of Advanced Car Wash - Rosemeade Addition).
- *21. Consider A Resolution Authorizing A Waiver of Penalty And Interest On Tax Account.
- *22. Consider A Resolution Authorizing The City Manager To Approve The Sale Of 230.4 Acres Of Land, Known As The Weaver Tract Lakes, To The City Of Dallas.

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

23. Hold A Public Hearing And Consider An Ordinance For Case No. 02-13Z2 Project Raiford To Establish A New Planned Development District For the (SF-5/12) Single Family Residential And (SF-TH) Single Family Townhouse Districts With Modified Development Standards. The Approximately 40-Acre Site Is Located On The East Side Of Old Denton Road, Just North Of Raiford Road And Is Currently Zoned PD-5 For The (SF-8.4/16) Single Family Residential District.
24. Hold A Public Hearing And Consider A Resolution Amending The Comprehensive Plan And The Future Land Use Map For A 13.967-Acre Site From Medium-Intensity Commercial To Single-Family Detached. The Site Is Located At The Northwest Corner Of Old Denton Road And Carrollton Parkway. Case No. 12-12MD1 The Ridge.
25. Hold A Public Hearing And Consider An Ordinance Changing The Zoning Of A Certain 13.967-Acre Site From The (LR-2) Local Retail District To The (SF-5/12) Single-Family Residential District. The Site Is Located At The Northwest Corner Of Old Denton Road And Carrollton Parkway, And Is Currently Zoned PD-123 For The (LR-2) Local Retail District. Case No. 12-12Z1 The Ridge.

OTHER BUSINESS

26. Consider A Letter Requesting A Waiver To The “One-Year Rule” For Reapplication of a Zoning Change Request Regarding Case No. 05-12Z1 MacArthur Drive at Trinity Mills Road.

ADJOURNMENT

CERTIFICATE - I certify that the above agenda giving notice of meeting was posted on the bulletin board at the City Hall of Carrollton, Texas on the 3rd day of May 2013 at 12:00pm.

Laura M. Bell, Deputy City Secretary

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City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0788

Agenda Date: 5/7/2013

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 5.

CC MEETING: April 2, 2013

DATE: March 26, 2013

TO: Leonard Martin, City Manager

FROM: Sheri Chadwick, Marketing Director

Discuss Centennial Celebration.



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0839

Agenda Date: 5/7/2013

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 6.

CC MEETING: May 7, 2013

DATE: May 2, 2013

TO: Leonard Martin, City Manager

FROM: Ashley D. Mitchell, Administrative Services Director

Discuss **Metrocrest Leadership Academy Scholarships.**



City of Carrollton

1945 E. Jackson Rd.
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Agenda Memo

File Number: 0817

Agenda Date: 5/7/2013

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 7.

CC MEETING: May 7, 2013

DATE: April 11, 2013

TO: Leonard Martin, City Manager

FROM: Rex D. Redden, Chief of Police

Briefing On The **RAIDS Online Crime Reporting System.**

BACKGROUND:

The purpose of this worksession agenda item is to allow the Police Department to provide the City Council with a demonstration of the RAIDS Online GIS crime reporting system.

The Police Department is working to improve communication and increase community awareness in regard to crime reporting and information through improved web-based crime reporting tools. Working toward that goal, the Police Department has joined other area police agencies in data sharing with RAIDS online.

FINANCIAL IMPLICATIONS:

This is a worksession item for the purpose of briefing the Council. The RAIDS Online crime data sharing site is provided at no cost to the Department.

IMPACT ON COMMUNITY SUSTAINABILITY:

The Police Department and the City can benefit from a safer community and improve community relationships through more effective crime data reporting. The RAIDS Online system also provides an efficient and accurate direct access method of providing crime information to the community

STAFF RECOMMENDATION/ACTION DESIRED:

Staff seeks to brief the City Council in regard to the described project.



City of Carrollton

1945 E. Jackson Rd.
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Agenda Memo

File Number: 0819

Agenda Date: 5/7/2013

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 8.

CC MEETING: May 7, 2013

DATE: April 18, 2013

TO: Leonard Martin, City Manager

FROM: Marc Guy, Assistant City Manager & Ravi Shah, Director of Development Services

Discuss **Single-Family In-Fill And Re-Development Initiatives and the Neighborhood Empowerment Zone Concept.**

BACKGROUND:

The purpose of this worksession agenda item is to present recommendations from staff and the Re-Development Sub-Committee regarding single-family in-fill and re-development initiatives and establishment of the Neighborhood Empowerment Zone concept in certain areas of Carrollton.



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0823

Agenda Date: 5/7/2013

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 9.

CC MEETING: May 7, 2013

DATE: April 25, 2013

TO: Leonard Martin, City Manager

FROM: Cesar J. Molina, Jr., P.E., Director of Engineering

Discuss **Bond Election.**

BACKGROUND:

At the April 2013 Retreat, City Council directed staff to begin working immediately towards a November 2013 bond election. Staff has developed a schedule to engage the Capital Improvements Project Advisory Committee (CIPAC) in assisting with the prioritization of projects.

Before proceeding on this effort, staff needs further direction from Council. At the Retreat, Council directed staff to develop three funding scenarios for the bond election. These scenarios are based upon determining total bond capacity based on three debt service levels. The scenarios would be based upon a tax rate allocation of 20.6 cents, 21.6 cents and 22.6 cents. These different scenarios will determine the overall debt capacity and the amount of funds that can be authorized. The current tax rate funding level of 22.6 cents will yield a bond capacity of \$60 million. Staff and CIPAC also need guidance on the appropriate amount of funding to use for the major project categories. As a point of reference, in the 2003 bond election City Council directed staff to allocate approximately 80 percent of available debt capacity towards infrastructure projects, with the balance applied towards culture, leisure and public safety projects. The actual amounts for the 2003 bond election are as follows:

Infrastructure	\$65,400,000	83.4 percent
Streets	\$50,000,000	
Drainage	\$15,400,000	
Public Safety/Parks	\$13,050,000	16.6 percent
Public Safety	\$750,000	
Parks	<u>\$12,300,000</u>	
Total	\$78,450,000	

In the 2007 bond election City Council directed staff to allocate no less than 70 percent of the available funds toward infrastructure projects, with the balance applied towards other needs. The actual amounts for the 2007 bond election are as follows:

Infrastructure	\$38,750,000	71.1 percent
Streets	\$27,550,000	
Drainage	\$9,200,000	
Economic Development	\$2,000,000	
Public Safety/Parks/Facilities	\$15,750,000	28.9 percent
Public Safety	\$3,950,000	
Parks	\$6,350,000	
Facilities	<u>\$5,450,000</u>	
Total	\$54,500,000	

The recently completed Infrastructure Report Card indicates that, in order to provide a sustainable community infrastructure network, approximately \$30 million per year should be allocated to surface infrastructure (streets, alleys, and sidewalks) projects. Over the last 12 months (thru March 31, 2013), the City has invested over \$12.3 million on infrastructure projects. Therefore, staff recommends that at least 80 percent of the expected \$60 million bond election authorization be allocated to surface infrastructure improvements. Suggested funding levels would be as follows:

Infrastructure	\$48,000,000
Public Safety/Parks/Facilities	\$12,000,000

Project Selection

Staff has developed a plan to vet all of the major categories of projects by June 26, 2013 with the involvement of CIPAC. However, staff would like to have two opportunities to discuss CIPAC's recommendation with Council. Staff is further constrained by the state law requirement that bond election language be sent to, and approved by the Attorney General's Office prior to calling the bond election. Staff understands that the AG's office needs to receive all of the City's election information by July 16, 2013. To meet this schedule, the projects need to be approved by Council and submitted to the City's bond counsel by the morning of July 15 in order to allow adequate time to draft the language and submit the appropriate paperwork. Staff is requesting that Council add a second meeting in July to allow for a bond election worksession and to provide sufficient time to discuss the recommendations with Council.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff desires to obtain general direction on the amount of funds to allocate to the major project categories for the upcoming bond election.

Schedule of Activities for November 2013 Bond Election
(Revised Scheduled based on April 2013 Direction)

Briefing to City Council and request for direction – May 7, 2013
Prioritization of streets, alleys and sidewalks – April and May 2013
Prioritization of drainage projects – April 2013
Prioritization of facility needs – April and May 2013
Prioritization of culture and leisure needs – April and May 2013
Drainage Infrastructure Presentation to CIPAC – **May 15, 2013**
Surface Infrastructure Presentation to CIPAC – **May 29, 2013**
Facility and Culture and Leisure Presentation to CIPAC – **June 12, 2013**
Initial Composite Scenario to CIPAC – **June 26, 2013**
Final Composite Scenario for CIPAC – **June 26, 2013**
CIPAC meeting to finalize presentation to Council – **June 26, 2013**
Initial Presentation to Council – July 2, 2013
Final Council Presentation – July 9, 2013
Council Calls a November 2013 Election – August 20, 2013 (70 day minimum)
Update to CIPAC and formation of Bond Election Committee – **August 21, 2013**
Bond Election – November 5, 2013

CIPAC Meetings in Bold



City of Carrollton

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Agenda Memo

File Number: 0824

Agenda Date: 5/7/2013

Version: 1

Status: Presentations

In Control: City Council

File Type: Presentation

Agenda Number: 10.

CC MEETING: May 7, 2013

DATE: April 25, 2013

TO: Leonard Martin, City Manager

FROM: Ashley D. Mitchell, Administrative Services Director

Present A **Proclamation Declaring May As *Older Americans Month*.**

Whereas, The City of Carrollton is home to citizens aged 60 and older, and

Whereas, *Senior Adult Services* is committed to helping these individuals maintain their independence and quality of life; and

Whereas, the older adults in the City of Carrollton have an important role in sharing knowledge, wisdom and understanding of the history of our community through interactions with citizens of all ages; and

Whereas, the fruits of knowledge and experience can be effectively transferred from generation to generation through meaningful social interactions; and

Whereas, old elder residents enrich the lives of family, friends and neighbors; and

Whereas, our community can provide opportunities to emphasize the value of including older adults in public and family life, create opportunities for all generations to interact and provide services and support systems that allow elders to participate in social activities in the community.

Now Therefore, I, Matthew Marchant, Mayor of the City of Carrollton do hereby proclaim May 2013 to be

Older Americans Month.

We urge our citizens to take time to engage with old older residents through social interactions, games and play.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Carrollton, Texas to be affixed this 7th day of May, 2013.

A handwritten signature in black ink, appearing to read 'Matthew Marchant', written over a horizontal line.

Matthew Marchant, Mayor



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0825

Agenda Date: 5/7/2013

Version: 1

Status: Presentations

In Control: City Council

File Type: Presentation

Agenda Number: 11.

CC MEETING: May 7, 2013

DATE: April 25, 2013

TO: Leonard Martin, City Manager

FROM: Rex D. Redden, Chief of Police

Present A **Proclamation Declaring May 12 Through May 17, 2013 As *National Police Week* And May 15, 2013 As *Peace Officers' Memorial Day* In The City of Carrollton.**

BACKGROUND:

In 1962, President John F. Kennedy signed Public Law 87-726 designating May 15 Peace Officers' Memorial Day, and the week in which May 15th falls as National Police Week. The law was amended by the Violent Crime Control and Law Enforcement Act of 1964, Public Law 103-322, signed by President Bill Clinton, directing that the flag of the United States be displayed at half-staff on all government buildings on May 15th each year. While the actual dates change from year to year, National Police Week is always the calendar week beginning on Sunday, which includes May 15th.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that the Mayor and City Council declare May 12 through May 17, 2013 as National Police Week and May 15, 2013 as Peace Officers' Memorial Day in the City of Carrollton, and that the Mayor and City Council pass a proclamation in support of this national recognition.

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as National Police Week; and

WHEREAS, the members of the Carrollton Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Carrollton; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression ; and

WHEREAS, the Carrollton Police Department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I, Matthew Marchant, call upon all citizens of Carrollton and upon all patriotic, civil and educational organizations to observe the week of May 12th-17th, 2013, as **National Police Week** with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I call upon all citizens of Carrollton to observe Tuesday, May 15, 2013, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Carrollton, Texas to be affixed this 15th day of May, 2013.

A handwritten signature in black ink, appearing to read 'Matthew Marchant', written over a horizontal line.

Matthew Marchant, Mayor



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0830

Agenda Date: 5/7/2013

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: *13.

CC MEETING: May 7, 2013

DATE: April 30, 2013

TO: Leonard Martin, City Manager

FROM: Ashley D. Mitchell, Administrative Services Director

Consider Approval Of The April 16, 2013 Regular Meeting Minutes.

**CARROLLTON CITY COUNCIL
WORKSESSION AND REGULAR MEETING
APRIL 16, 2013**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, April 16, 2013 at 5:45 p.m. with the following members present: Mayor Matthew Marchant, Mayor Pro Tem Jeff Andonian, Deputy Mayor Pro Tem Kevin Falconer, Councilmembers Anthony Wilder, Doug Hrbacek, Terry Simons, and Lisa Sutter. Councilmember Bob Garza was absent. Also present were City Manager Leonard Martin, Assistant City Managers Beth Bormann, Bob Scott and Marc Guy, Fire Chief John Murphy, Marketing Director Sheri Chadwick, Director of Development Services Ravi Shah, Senior Planner Michael McCauley, City Attorney Clayton Hutchins, and City Secretary Ashley D. Mitchell.

*****PRE-MEETING / EXECUTIVE SESSION***
5:45 P.M. – COUNCIL BRIEFING ROOM**

1. **Mayor and Council reports and information sharing.**
2. Receive **supplemental staff information** and responses to questions.

*****REGULAR MEETING 7:00 PM*****

Mayor Marchant called the meeting to order at 7:11 p.m.

INVOCATION led by Jeff Andonian

PLEDGE OF ALLEGIANCE led by Terry Simons

PUBLIC FORUM

7. **Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.** Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

There were no speakers.

CONSENT AGENDA (**All items marked with a single asterisk are part of a Consent Agenda and require no deliberation by the Council. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately. Contracts and agreements are available in the City Secretary's Office.*)

Mayor Pro Tem Andonian moved approval of Items 8 – 17; second by Deputy Mayor Pro Tem Falconer and the motion was approved with a 6-0 unanimous vote. Councilmember Garza was absent.

MINUTES

***8. Consider Approval Of The April 2, 2013 Regular Meeting Minutes.**

BIDS & PURCHASES

***9. Consider Approval For The Purchase Of Fire Fighter Protective Clothing From Casco Through An Interlocal Agreement With Buyboard In An Amount Not To Exceed \$90,000.00.**

***10. Consider Approval For Tree Trimming Services From Elite Tree Service For Various Departments In An Amount Not To Exceed \$67,500.00.**

***11. Consider Approval Of A Bid For Manhole Rehabilitation With Krapff Reynolds Construction Company In An Amount Not To Exceed \$39,984.00.**

***12. Consider Approval For The Purchase Of Self-Contained Breathing Apparatus, Accessories, And Supplies From Casco Through An Interlocal Agreement With Buyboard In An Amount To Not Exceed \$100,000.00.**

CONTRACTS & AGREEMENTS

***13. Consider Authorizing The City Manager To Approve Change Order No. 1 With RKM Utility Services, Inc. For The Parking Lot Reconstruction At Fire Station #2 And For The Two Worlds Of Keller Springs Street Replacements, Phase 3 Project In An Amount Of \$162,167.00, For A Revised Contract Amount Of \$1,205,562.00.**

RESOLUTIONS

***14. Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement With North Central Council Of Governments (NCCOG) For Jail Payments From GPS.**

***15. Consider A Resolution Authorizing The City Manager To Enter Into A Rehabilitation Incentive Agreement with Kelly Plaza, LTD.**

***16. Consider A Resolution Authorizing the City Manager to Enter Into A Rehabilitation Incentive Agreement With MyHy Property, LP.**

***17. Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement With Dallas County Road And Bridge District #4 For Asphalt Overlays Of Perry Road, Cox Street, Kirby Road And School Road In An Amount Not To Exceed \$246,681.80.**

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

18. Hold A Public Hearing And Consider An Ordinance Amending Article VII Of The Comprehensive Zoning Ordinance Regarding Regulations For Renewable Energy Systems In Single-Family Residential Districts. Case No. 01-13ZT1/Article VII (Single-Family Residential District Regulations Amendment).

Mayor Marchant stated that the Council would not take action on Item 18 and that it would be discussed during the Worksession. He stated there were two appearance cards submitted and invited the speakers to the podium.

Jerry Roehrig, 2306 Stonebrook Circle, referred to an email previously sent to Council and added concerns about the Green Code, attachments on wind turbines, and the limited size and location of rain barrels.

Lee Roehrig, 2306 Stonebrook Circle, stated she was opposed primarily to the section regarding solar panels and felt it was discriminatory.

19. Hold A Public Hearing And Consider An Ordinance For Case No. 01-13SUP1 Edwards Mail Service To Establish A Special Use Permit For An Accessory Use On A Lot Separate From The Main Use. The Approximately 3.55-Acre Site Is Located At 900 West Crosby Road And Is Zoned (FWY) Freeway District With The (IH-35E) Interstate Overlay District.

Michael McCauley, Sr. Planner, stated the request is for approval of a Special Use Permit to allow Edwards Mail Service to store trailers for tractor-trailer combinations or 18-wheelers from their nearby business. The Planning & Zoning Commission recommended approval of the request with amended staff stipulations at its March meeting. The proposed ordinance reflects the recommendation. He stated the site is expected to be partially or wholly acquired by TxDOT for future right-of-way widening. Once the acquisition is complete, the applicant will know if the remaining portion is usable. Due to the forthcoming acquisition, the Commission did not recommend requiring the applicant to fully meet the landscaping ordinance, but to meet some of the requirements. He stated the Commission asked the Council to consider the applicant's Alternate Screening Plan that calls for trees every 50 ft on the eastern perimeter rather than 20 ft apart as well as panels between the 50 ft span. The landscaping in the front as it abuts Crosby Road would not change. He noted that the applicant was in attendance.

Councilmember Simons stated he was in favor of a minimal amount of landscaping but was not in favor of the panels. In response to Councilmember Wilder, Mr. McCauley stated the panel was part of the Alternate Landscape Plan.

Deputy Mayor Pro Tem Falconer stated that he preferred the landscaping rather than the panels and asked if the case was approved as presented, would it be the landscaping only and Mr. McCauley replied it would be the one the Commission recommended for approval.

Deputy Mayor Pro Tem Falconer moved approval of Case No. 01-13SUP1 without the panels; second by Mayor Pro Tem Andonian. Discussion was held about the motion and landscape requirements. **Deputy Mayor Pro Tem Falconer amended the motion to require the landscape plan to include trees set at 40 ft intervals and Mayor Pro Tem Andonian seconded with amendment.** Councilmember Hrbacek asked if setting the trees every 20 ft was a comprise from standard requirements and Mr. McCauley advised that the City Arborist advised that it was consistent with the ordinance. **The motion was approved with a 6-0 vote, Councilmember Garza absent.**

Mayor Marchant adjourned the Regular Meeting at 7:38 p.m. and announced that Council would convene in Worksession after a short recess.

*****WORKSESSION*****

Mayor Marchant called the Worksession to order at 7:49 p.m.

5. Briefing On State of Texas Emergency Assistance Registry (STEAR) System.

Prior to beginning the presentation, John Murphy, Fire Chief, explained to Council the various procedures that are followed prior to and during a festival in Carrollton to insure safety. With regard to Item 5, he stated that the STEAR program was launched in March 2013 and it stores information gathered on a voluntary basis from individuals within a city with access, functional, medical and/or other special need requirements. The program's data base can be used to determine the type of assistance that may be required during a disaster. He explained that it is a hybrid of the Transportation Assistance Registry (TAR) that was developed after Hurricane Rita as a result of the Governor's Task Force on Evacuation. The STEAR program requires citizens to renew their registration annually and he again stressed that it is voluntary. He explained that the program is labor intensive and that Elliot Reep, Carrollton Emergency Management Coordinator, will be the City's initial STEAR Data Custodian. He advised that the data is purged each year. Chief Murphy recommended the City participate in the program the first year followed by an evaluation of its effectiveness. He noted that there is no GIS system associated with the State's program at this time, but staff would be stressing the need for the connection. He stated they would be reaching out to various community organizations such as homeowner associations and nursing facilities.

6. Discuss Centennial Celebration.

Sheri Chadwick, Marketing Director, stated that the Centennial Gala is scheduled for May 31 at the Senior Center and advised that 102 tickets have been sold to date. She talked about the sponsors that have agreed to participate, and she noted that staff is still working on finalizing the program for the evening as it pertains to entertainment and dinner. She mentioned that the Vintage Baseball game against Farmers Branch would be at 1:00 p.m. on June 1.

18. Discuss An Ordinance Amending Article VII Of The Comprehensive Zoning Ordinance Regarding Regulations For Renewable Energy Systems In Single-Family Residential Districts. Case No. 01-13ZT1/Article VII (Single-Family Residential District Regulations Amendment).

Michael McCauley, Sr. Planner, stated the ordinance is a result of discussions by the Redevelopment Subcommittee who focused on three of the most recognized renewable energy topics; solar panels, wind turbines and rainwater harvesting systems. The goal of the Subcommittee was to regulate the uses to reduce their impacts on neighbors. He reported that the Planning & Zoning Commission recommended approval at its March meeting with one change, Option B, to allow the homeowner to locate solar panels on alternate locations of the roof by submitting, with the permit application, a study showing that the location is at least 10% more efficient than the most efficient non-alternate location. He advised that the homeowner can obtain the information via the National Renewable Energy Laboratories website or the contractor could provide it. In response to Mayor Marchant, Ravi Shah, Director of Development Services, described the website and software program and stated that the homeowner would be able to print out the results to provide to the City.

Deputy Mayor Pro Tem Falconer felt that the Property Standards Board option (Option A) provides a way for homeowners to explain extenuating circumstances, to show what the panel or panels would look like and was a way to keep one person from adversely affecting their neighbors.

Councilmember Sutter voiced a concern with it going to the Property Standards Board because it would be subject to personal interpretation.

City Attorney Clayton Hutchins advised that if Council prefers Option A, the case would have to be referred back to the Planning & Zoning Commission because the Commission made a specific recommendation, Option B. Mr. McCauley stated both options were provided to the Commission and advised that the case could be placed on the Commission's June agenda.

Mayor Pro Tem Andonian asked if the ordinance requires the plane of the panels to be the same as the plane of the roof and Mr. Shah replied affirmatively. Mayor Pro Tem Andonian stated the main issue before the Council is whether or not to give latitude to residents whose most westwardly or southwestwardly facing plane of the house happens to be the front face of the house. Mr. Shah added that the ordinance also addresses an elevation facing an arterial or collector road.

Councilmember Sutter stated she would like the ordinance to have the B option and allow there to be an evaluation. She stated that she did not like being so restrictive because solar panels are the way of the future.

Councilmember Hrbacek asked for clarification about special exceptions. Deputy Mayor Pro Tem Falconer stated the special exception was included by the Planning & Zoning Commission. He stated that the Subcommittee felt the panel should not be allowed on the front of the house that would face the thoroughfare. He felt that Option B was overly bureaucratic. He stated the exception could be deleted and solar panels could be allowed on that side of the house.

Councilmember Wilder asked if Council preferred Option A, would language be needed and Marc Guy, Asst. City Manager, responded that in addition to adding it to the Single Family District, there would be an amendment to the section that outlines responsibilities and authority of the Property Standards Board and basically use the same criteria in Option B. Mr. Guy stated that each of the technologies has been around for some time and as the technology improves, Council will need to revisit the ordinance to recognize and address the changes. He used the changes in satellite dishes as an example. Mayor Marchant asked about solar panels and rain barrels that currently exist and Mr. Guy replied that those would have non-conforming rights. With regard to multi-family districts, Mr. Shah stated that due to cost, staff has not seen any interest for solar panels.

Councilmember Wilder asked about the 30 gallon limit for rain barrels and Mr. McCauley stated the 30 gallon barrel size is available and it isn't as visible as larger barrels. Mr. Hutchins stated a change in the size of the barrel is a minor change and would not have to be revisited by the Planning & Zoning Commission. Deputy Mayor Pro Tem Falconer stated that there are safety concerns and requiring a permit insures the rain collection systems are installed correctly.

Councilmember Sutter noted that the Home Depot website did not include any 30 gallon rain barrels. Deputy Mayor Pro Tem Falconer reiterated that if a homeowner installs a rain collection system, requiring a permit insures it will be installed properly.

Mayor Marchant asked about the Green Construction Code and Mr. Shah replied that there are several technical issues with the installation of solar panels and wind turbines, and the Green Construction Code is the only source document to insure proper installation of the devices and the same applies to the rain collection systems.

Councilmember Sutter felt that the 30 gallon size limit for the rain barrel system was too low and preferred a 40 or 50 gallon size so residents would not have to get a permit.

Councilmember Hrbacek stated he would like to have a process in place to address extenuating needs.

Mayor Pro Tem Andonian noted that he checked various on-line locations and was able to find barrels of various sizes including 30 gallon and smaller.

Councilmember Simons stated his preference to pull the item from the agenda and send it back to the Planning & Zoning Commission. In response to Mayor Marchant, Mr. Hutchins advised that a motion was not needed; the Council could pull it from the agenda and direct the City Manager to send back to the Planning & Zoning Commission with direction from the Council.

Mayor Marchant clarified that the question before the Council is to decide if Option A was preferred and if the Council wanted to delete the location restriction. Councilmember Wilder stated he would delete both options and allow solar panels as long as it meets the requirements and the Fire Code. Discussion was held about restricting panels that face a street, collector or arterial roadway. Mayor Marchant suggested the wording "for lots backing onto arterial streets, such systems shall not be directly visible from such street." Councilmember Hrbacek felt the ordinance should include a review process by the Property Standards Board for exceptions. Councilmember Wilder suggested a staff directive to have an annual review of the ordinance.

Mr. Hutchins described the difference between a hardship and a variance. Mayor Pro Tem Andonian stated that staff would alert Council if hardships and problems became evident and a general consensus was reached to move forward. Mayor Marchant clarified that the consensus was to ask the Planning & Zoning Commission to reconsider No. 4 to read, “Roof Mounted Panels/Modules: A. For lots backing onto arterial streets, such system shall not be directly visible from said streets. B. Panels shall meet the Fire Code as adopted by the City of Carrollton.” Mr. Guy added that the ordinance would include a statement that refers to the Transportation Plan to clearly define arterial streets.

With regard to rain barrels, Deputy Mayor Pro Tem Falconer stated the intent was to regulate the use of rain harvesting systems that use barrels larger than 30 gallons. He stated the size could be increased but he also felt the ordinance needs to address the use of several unpermitted barrels. Mr. Shah felt it was important to have a threshold. A general consensus was reached to allow a total of 50 gallons of collection capacity without requiring a permit.

*****EXECUTIVE SESSION*****

3. Council convened in **Executive Session** at 8:35 p.m. pursuant to Texas Government Code:

- **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the City Council.
 - Settlement Agreement Proposal For *Shomari Staten vs. David Tatom and City of Carrollton*
 - Discuss Camelot Landfill Application
- **Section 551.072** to discuss certain matters regarding real property.
- **Section 551.074** to discuss personnel matters.
- **Section 551.076** to discuss security matters.
- **Section 551.087** to discuss Economic Development.

4. Council **reconvened in open session** at 9:39 p.m. to consider action, if any, on matters discussed in the Executive Session. No action.

City Manager Leonard Martin provided additional information sharing items.

Mayor Marchant adjourned the meeting at 9:45 p.m.

ATTEST:

Ashley D. Mitchell, City Secretary

Matthew Marchant, Mayor



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0832

Agenda Date: 5/7/2013

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *14.

CC MEETING: May 7, 2013

DATE: April 30, 2013

TO: Leonard Martin, City Manager

FROM: Beth Bormann, Assistant City Manager & Scott Whitaker, Parks & Recreation Director

Consider Approval For Purchase Of “Better Billy Bunker” System To Renovate All Bunkers On The Creek Course From TDI In An Amount Not To Exceed \$371,000.00.

BACKGROUND:

Over the past several years, the Indian Creek Golf Club has suffered flooding to large portions of the golf course. One of the hardest hit areas has been the bunkers on the Creek Course. These bunkers have continued to deteriorate and become a quality of play issue and maintenance drain. Both city staff and Eagle management agree, because of the customer impact and speed of play, improvements must be made for the long-term benefit and sustainability of this community asset.

This past year Eagle has implemented several complete bunker renovation projects at key courses within their portfolio. They have also worked with staff and piloted two different methods at Indian Creek. While no method will be totally fool proof in a flooding environment, we all believe the method we are jointly recommending is the best for our golf course. Staff has engaged our agronomist consultant and completed extensive research and evaluated the methods at our course and other golf clubs. We are in unanimous agreement that the “Better Billy Bunker” is the best business decision. Staff has seen these bunkers perform after a heavy rain and have been extremely impressed.

There are a variety of bunker solutions available and we have been monitoring and benchmarking solution for several years. Eagle and staff feel this product is the best business solution and best value for Indian Creek Golf Course.

An RFP was sent out through Purchasing and five bids were received. Two bids did not submit the certification to install this product so they were not considered. Of the three that were further reviewed, one contractor had significantly more experience. TDI has completed Cowboys Club and Westridge Golf Course this past year. The other two did not appear to have

installed more than a couple bunkers at a golf course. TDI has finished their projects on time and under budget without any issues from the golfers during construction, which we believe to be a positive customer service factor.

Better Billy Bunkers uses pea gravel and polymer that, once in place, adds improved drainage of water and better surface for the sand to stay in place and be easily raked back into position. This product also comes with a 10 year limited warranty.

If approved, the project would begin around the first of June and take no more than 90 days to complete, including all new sand in every Creek Course bunker. This would have minimal to no impact on golfers while the bunkers were under renovation.

FINANCIAL IMPLICATIONS:

The funding of this project is unique. Eagle will contribute \$224,000.00 towards the complete bunker renovation and the City will fund the remaining \$147,000.00 from our golf capital funds. These are proceeds from the golf course after the annual debt payment has been made.

IMPACT ON COMMUNITY SUSTAINABILITY:

The impact of not making these improvements will continue to affect playability and maintenance costs.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff and Eagle recommend using the “Better Billy Bunker” system to renovate all the bunkers on the Creek Course. We also recommend TDI as the company to do the work with a not to exceed amount of \$371,000.00.

Golf Bunker Project Bids				
Name	Bid Amt	# courses/bunkers	Sq ft of bunker work	certificate
Landscapes Unlimited	\$325,137	2/4	2,400	yes
TDI	\$370,610	6/hundreds	255,000	yes
Fleetwood	\$311,627	1/1	3,000	yes
Land Constructors	\$358,487	1/1	3,200	no
Duininck	\$387,004	3	n/a	no









City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0838

Agenda Date: 5/7/2013

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *15.

CC MEETING: May 7, 2013

DATE: May 2, 2013

TO: Leonard Martin, City Manager

FROM: Vince Priolo, Purchasing Manager

Consider Approval Of Bid #13-016 For Public Works From Jim Bowman Construction Company For Street, Alley, And Sidewalk Concrete Repairs In An Amount Not To Exceed \$1,100,000.00

BACKGROUND:

This contract will be utilized by the Street Department to reduce pending backlog of street, alley, and sidewalk concrete repairs which will enable the department to stay current with incoming service requests.

Bids were advertised and received from seven vendors of which all responded.

FINANCIAL IMPLICATIONS:

The service on **Bid # 13-016** will be purchased from budgeted funds for the cost centers and amounts as listed below.

<u>COST CENTER</u>	<u>LINE ITEM</u>	<u>BUDGET AMOUNT</u>
CAP ACCOUNT	854460 - 68200-113170499	\$1,100,000.00
	TOTAL	\$1,100,000.00

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that the low bid meeting all specifications be awarded to Jim Bowman Construction Company for the amount not to exceed \$1,100,000.

NOTE: Staff received a call from Jet Underground Utilities stating their intent to withdraw their bid due to misunderstanding and mispricing the bid. Therefore, Jet Underground has asked for staff to return their bid bond and not consider their bid.

NOTE: The quantities listed on the tabsheet and in the bid document were stated in the bid as estimates only. The staff recommended amount is based on their budget and based on immediate need and statistical data compiled by the Public Works Streets and Alley survey.

Curb and Sidewalk Repair				The Fain Group	Jet Underground	Estrada	Jim Bowman	Nashcm Inc	CMD	Ken-Do
M	QTY	UNIT	DESCRIPTION	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE
1	3000	Sq. Yd	6 Inch Concrete - Street repairs	\$ 240,000.00	\$ 144,000.00	\$ 189,000.00	\$ 159,000.00	\$ 168,000.00	\$ 162,000.00	\$ 178,320.00
2	2000	Sq. Yd.	6 Inch Concrete - Alley repairs ("V" bottom)	\$ 168,000.00	\$ 96,000.00	\$ 126,000.00	\$ 108,000.00	\$ 118,000.00	\$ 80,000.00	\$ 118,780.00
3	2000	Sq. Yd.	10 Inch Concrete - Alley repairs (Flat bottom/5" invert)	\$ 186,000.00	\$ 110,000.00	\$ 130,000.00	\$ 121,500.00	\$ 156,000.00	\$ 94,000.00	\$ 130,000.00
4	150	Sq. Yd	6 Inch Concrete - Street repairs (Class "K" Concrete)	\$ 12,750.00	\$ 9,000.00	\$ 10,800.00	\$ 9,112.50	\$ 12,600.00	\$ 15,000.00	\$ 9,210.00
5	1,000	Sq. Yd.	7 Inch Concrete - Street repairs	\$ 89,000.00	\$ 51,000.00	\$ 64,000.00	\$ 56,500.00	\$ 62,000.00	\$ 57,000.00	\$ 68,060.00
6	150	Sq. Yd.	7 Inch Concrete - Street repairs (Class "K" Concrete)	\$ 13,950.00	\$ 9,300.00	\$ 11,475.00	\$ 9,825.00	\$ 13,350.00	\$ 16,500.00	\$ 9,204.00
7	1,500	Sq. Yd	8 Inch Concrete - Street repairs	\$ 129,000.00	\$ 82,500.00	\$ 100,500.00	\$ 94,875.00	\$ 100,500.00	\$ 90,000.00	\$ 99,000.00
8	150	Sq. Yd.	8 Inch Concrete - Street repairs (Class "K" Concrete)	\$ 13,500.00	\$ 9,750.00	\$ 12,150.00	\$ 11,025.00	\$ 14,250.00	\$ 18,000.00	\$ 9,450.00
9	1500	L. F.	Installation of 6 inch integral curb in conjunction with other repairs	\$ 9,000.00	\$ 21,000.00	\$ 15,000.00	\$ 3,375.00	\$ 18,000.00	\$ 18,000.00	\$ 6,750.00
10	2000	Sq. Yd.	Repair of Sidewalks in conjunction with street repairs	\$ 120,000.00	\$ 76,000.00	\$ 90,000.00	\$ 86,500.00	\$ 100,000.00	\$ 112,500.00	\$ 81,100.00
11	600	Sq. Yd	Repair or Replacement of Drive Approaches	\$ 48,600.00	\$ 24,000.00	\$ 37,800.00	\$ 30,900.00	\$ 46,200.00	\$ 43,200.00	\$ 35,664.00
12	30	Each	Reinforced Concrete Wheelchair Ramps at Street Corner	\$ 34,650.00	\$ 45,000.00	\$ 30,000.00	\$ 21,000.00	\$ 43,350.00	\$ 54,000.00	\$ 30,000.00
13	20	Each	Ramps at Alley Approaches	\$ 23,100.00	\$ 30,000.00	\$ 20,000.00	\$ 12,000.00	\$ 22,240.00	\$ 27,000.00	\$ 18,000.00
14	50	Sq. Yd	New sidewalks	\$ 2,200.00	\$ 1,750.00	\$ 2,250.00	\$ 1,750.00	\$ 2,250.00	\$ 2,250.00	\$ 2,000.00
15	50	Sq. Yd	Installation of brick median pavers in conjunction with other repairs	\$ 4,650.00	\$ 2,500.00	\$ 3,000.00	\$ 2,500.00	\$ 2,250.00	\$ 4,050.00	\$ 3,000.00
16	250	L.F.	18 inch Curb and Gutter (on asphalt street)	\$ 7,750.00	\$ 3,750.00	\$ 7,500.00	\$ 5,000.00	\$ 5,750.00	\$ 5,250.00	\$ 7,000.00
17	250	L.F.	24 inch Curb and Gutter (on asphalt street)	\$ 8,750.00	\$ 4,500.00	\$ 8,750.00	\$ 5,625.00	\$ 7,000.00	\$ 6,000.00	\$ 7,500.00
18	250	L.F.	30 inch Curb and Gutter (on asphalt street)	\$ 9,500.00	\$ 4,750.00	\$ 10,000.00	\$ 6,250.00	\$ 9,750.00	\$ 6,750.00	\$ 8,000.00
19	3000	L.F.	18 inch Curb and Gutter (on concrete street)	\$ 81,000.00	\$ 45,000.00	\$ 66,000.00	\$ 75,000.00	\$ 75,000.00	\$ 54,000.00	\$ 84,000.00
20	2500	Sq. Yd.	50/50 Sidewalk Program	\$ 180,000.00	\$ 81,250.00	\$ 157,500.00	\$ 101,250.00	\$ 125,000.00	\$ 125,000.00	\$ 137,500.00
21	100	Sq. Yd.	conjunction with curb and gutter repairs on asphalt streets	\$ 10,100.00	\$ 4,800.00	\$ 6,000.00	\$ 2,000.00	\$ 5,600.00	\$ 4,200.00	\$ 6,000.00
22	2	EACH	8 Foot Curb Line Inlet	\$ 15,218.00	\$ 5,000.00	\$ 7,000.00	\$ 6,950.00	\$ 11,112.00	\$ 14,000.00	\$ 6,000.00
23	4	EACH	8 Foot Inlet Top	\$ 21,072.00	\$ 3,400.00	\$ 10,000.00	\$ 9,000.00	\$ 8,892.00	\$ 10,000.00	\$ 8,000.00
24	2	EACH	10 Foot Curb Line Inlet	\$ 16,974.00	\$ 5,700.00	\$ 8,000.00	\$ 7,600.00	\$ 12,224.00	\$ 17,000.00	\$ 8,000.00
25	4	EACH	10 Foot Inlet Top	\$ 22,828.00	\$ 4,000.00	\$ 10,000.00	\$ 10,000.00	\$ 8,892.00	\$ 10,800.00	\$ 12,000.00
26	20	EACH	sewer cleanouts or sprinkler control boxes to grade	\$ 10,260.00	\$ 7,000.00	\$ 3,000.00	\$ 3,000.00	\$ 4,460.00	\$ 4,000.00	\$ 1,500.00
27	5	EACH	Rebuild Brick mailboxes due to relocation or grade adjustments	\$ 18,295.00	\$ 4,250.00	\$ 5,000.00	\$ 2,500.00	\$ 11,115.00	\$ 7,500.00	\$ 5,000.00
28	500	Cu. Yds.	Topsoil fill material	\$ 14,500.00	\$ 10,500.00	\$ 3,000.00	\$ 10,000.00	\$ 25,000.00	\$ 11,000.00	\$ 9,000.00
29	500	Sq. Yds.	Common Bermuda sod	\$ 1,750.00	\$ 2,500.00	\$ 4,500.00	\$ 2,000.00	\$ 5,000.00	\$ 9,000.00	\$ 1,750.00
	500	Sq. Yds.	Raleigh St. Augustine sod	\$ 2,750.00	\$ 2,500.00	\$ 4,500.00	\$ 3,000.00	\$ 5,000.00	\$ 10,000.00	\$ 1,750.00
Total				\$ 1,515,147.00	\$ 900,700.00	\$ 1,152,725.00	\$ 977,037.50	\$ 1,198,785.00	\$ 1,088,000.00	\$ 1,101,538.00

bid withdrew by
vendor



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0828

Agenda Date: 5/7/2013

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *16.

CC MEETING: May 7, 2013

DATE: April 30, 2013

TO: Leonard Martin, City Manager

FROM: Cesar J. Molina, Jr., P.E., Director of Engineering

Consider Authorizing The City Manager To Approve A Contract With SYB Construction Company, Inc. For The 2013 Water Line Replacement Project In An Amount Of \$1,792,985.00.

BACKGROUND:

This project is part of an ongoing program to replace water mains which have experienced repeated breaks and repair problems over the past years. This project will replace approximately 12,400 linear feet of existing 12-inch water mains in Crescent Drive, Halsey Way, Eisenhower Drive (Halsey to Frankford) and Carter Drive (PGBT to MacArthur).

The project involves the removal and replacement of existing pavement and the construction of new water lines. Therefore, environmental impacts should be minimal. No trees or wildlife will be affected by the construction.

The duration of construction is 12 months. Project signs will be erected at each end of the project areas. The project has been placed on the monthly Construction Update and on the City's website. Additionally, all affected businesses will be notified in writing as to the construction schedule one week prior to any work beginning. Additional handouts will be distributed as required during the course of the project.

FINANCIAL IMPLICATIONS:

Nine (9) bids were received on April 25, 2013. Bids ranged from a low bid of \$1,792,985.00 by SYB Construction Co., Inc. to a high bid of \$2,364,361.00. SYB has completed several projects in Carrollton, including three water line projects and most recently the Tarpley Road Project. All were completed with satisfactory results. They appear capable of completing this project within the allotted time and budget.

The construction budget originally set up for this project was \$2,000,000.00. Funding for this project is available in Account Unit 855160 (Utility Consolidated), Activity Number

108500799 in the amount of \$1,792,985.00.

IMPACT ON COMMUNITY SUSTAINABILITY:

This project will contribute to community sustainability by:

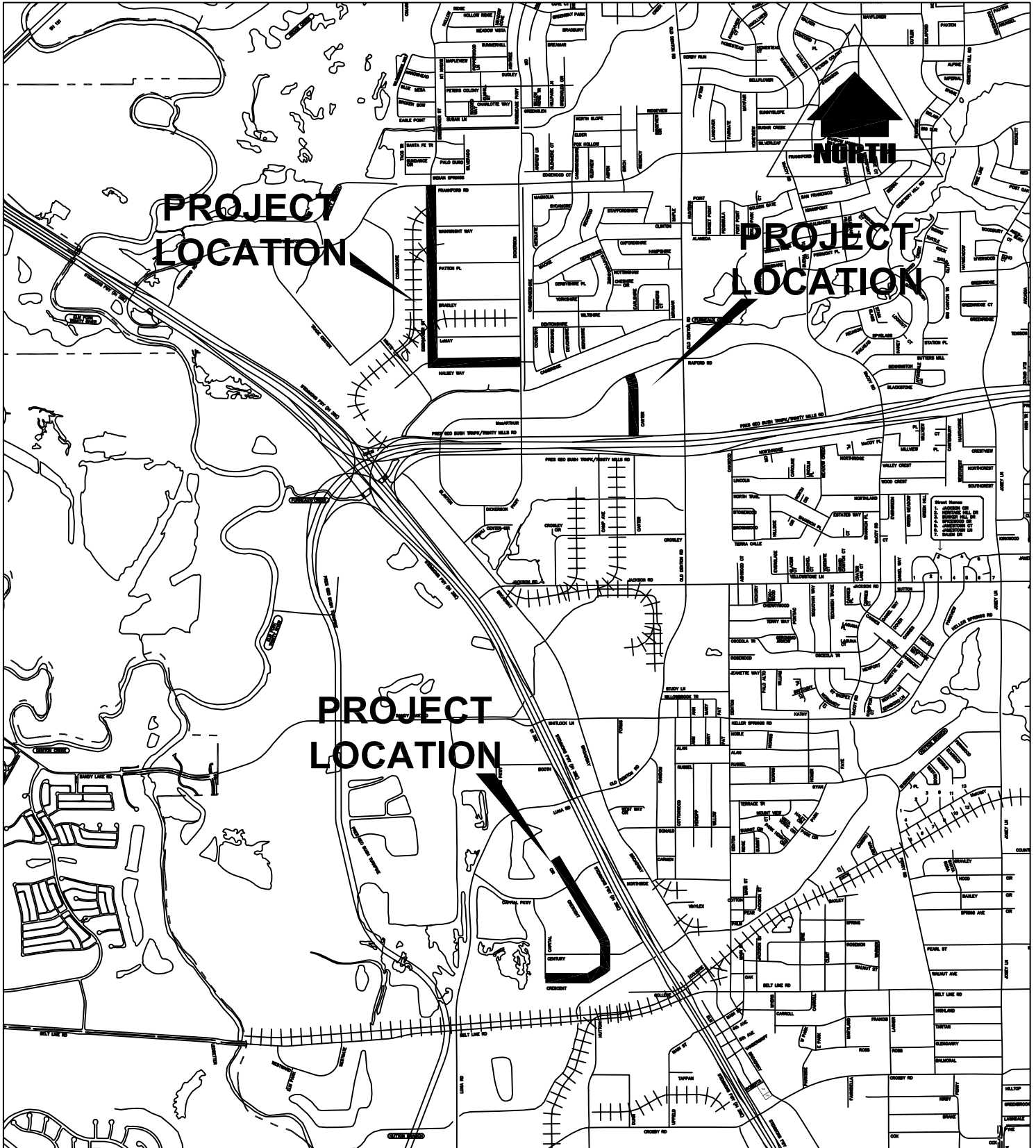
Sustaining quality of life - Improvements to the water lines will ensure that lines will work properly and that capacity is maintained.

Sustaining day-to-day operations - The replacement of the old water lines should reduce the need for non-scheduled or emergency repairs.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends award of the construction contract for the 2013 Water Line Replacement Project to SYB Construction Co., Inc. in the amount of \$1,792,985.00.

ATTACHMENT A LOCATION MAP



CARROLLTON
TEXAS

**WATER LINE
REPLACEMENT 2013**

SCALE: NTS DATE: 05-13

**ENGINEERING
DEPARTMENT**

Where Connections Happen

ATTACHMENT B

BIDDERS LIST

PROJECT: Water Line Replacements 2013 DATE: April 25, 2013

DAYS/COMPLETE: 360 ESTIMATED COST: \$1,800,000.00

CONTRACTOR	BID AMOUNT
SYB Construction Co., Inc.	\$1,792,985.00
Camino Construction, LP	\$1,815,635.00
CPS Civil	\$1,985,900.00
Wilson Contractor Service	\$2,029,833.00
RKM Utility Services, Inc.	\$2,037,395.00
Jeske Construction Co.	\$2,054,000.00
Jim Bowman Construction	\$2,064,054.00
Ark Contracting Services	\$2,154,780.00
Atkins Bros.	\$2,361,010.00



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0836

Agenda Date: 5/7/2013

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *17.

CC MEETING: May 7, 2013

DATE: May 1, 2013

TO: Leonard Martin, City Manager

FROM: Vince Priolo, Purchasing Manger & Cesar J. Molina, Jr., P.E., Director of Engineering

Consider Authorizing The City Manager To **Approve The Purchase Of An Irrigation Pump From Monroe Pump Systems, Inc For McInnish Park** In The Amount Of \$49,200.00.

BACKGROUND:

Staff has received three quotes to install a new pump at McInnish Park. This pump will use raw water (untreated water) for the irrigation of several sports fields and landscaping.

FINANCIAL IMPLICATIONS:

Three quotes were obtained to acquire and install this pump. The lowest apparent bidder was Monroe Pump Systems, Inc. (MPS) with a quote of \$49,200.00.

IMPACT ON COMMUNITY SUSTAINABILITY:

This project can contribute to community sustainability by lowering watering costs through the use of raw water instead of potable water.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing the City Manager to procure the pump from MPS for \$49,200.00.

Attachment

Bid Quotes

Description: Purchase and install a variable speed centrifugal pumping station rated for 1,200 gallons per minute at 100 pounds per square inch at the discharge station; 3,600 RPM, 460 V, three phase.

BIDDER	BID AMOUNT	DATE
Monroe Pumping System, Inc (H.U.B)	\$49,200	4/16/2013
C & P Pump Services, Inc	\$53,000	4/16/2013
Greenscape Pump Services, Inc.	\$56,540	4/6/2013



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0837

Agenda Date: 5/7/2013

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *18.

CC MEETING: May 7, 2013

DATE: May 1, 2013

TO: Leonard Martin, City Manager

FROM: Beth Bormann, Assistant City Manager, Scott Whitaker, Parks & Recreation Director

Consider Approval Of A Consulting Agreement With Dunaway & Associates To Update The Existing Park Master Plan In An Amount Not To Exceed \$56,000.00.

BACKGROUND:

In 2004, City Council approved the very first Park Master Plan. This comprehensive plan prioritized future projects based on feedback from citizens, user groups, staff, the Parks & Recreation Advisory Board and City Council. It also recorded a complete inventory of the park system, benchmarked our park system against national standards and provided an executive summary of recommendations to move the department forward.

This comprehensive plan was submitted to Texas Parks & Wildlife, which allowed the city to apply for certain grants through the state. Park master plans are typically considered viable for eight to ten years before it is time to update and reevaluate a city's priorities.

Updating the Park Master Plan is accomplished by hiring a professional firm that specializes in this type of work. The scope of the project was reviewed by staff and our professional services contract will be used to define the work. This scope includes updating the park inventory, completing a needs assessment and reviewing the current city standards from the 2004 plan. The firm will complete a demand analysis and design a concise survey document. There will be a mail-out survey and a summary will be provided. A priority ranking will be analyzed and ranking matrix provided. An action plan and mapping will also be included. An expenditure analysis and recommendations from the consultants will be submitted in electronic form. The report will go to the Parks & Recreation Advisory Board for approval and then be recommended to City Council for approval. Ultimately it will be submitted to the state.

Staff requested experience qualifications from known firms and reviewed three proposals. After reviewing the proposals, work experience, familiarity with the city, reasonable timeline and fee, staff recommends Dunaway & Associates to complete the Park Master Plan update. The total project will take approximately six to eight months. Staff will work with Dunaway to complete the survey in time for input on Parks & Recreation projects for the bond election later in 2013.

FINANCIAL IMPLICATIONS:

The cost to update the Park Master Plan will be funded out of a Parks & Recreation capital account. Completion of the update will allow us to be in a better position to apply for grants for capital improvement projects and to provide better sustainability of Parks & Recreation facilities and properties.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends hiring Dunaway & Associates to update the Park Master Plan in a not to exceed amount of \$56,000.00.



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0822

Agenda Date: 5/7/2013

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: *19.

CC MEETING: May 7, 2013

DATE: April 22, 2013

TO: Leonard Martin, City Manager

FROM: Cesar J. Molina, Jr., P.E., Director of Engineering

Consider An **Ordinance Revising The General Design Standards.**

BACKGROUND:

The City of Carrollton General Design Standards were adopted by ordinance as minimum standards for all infrastructure. Staff re-evaluates the General Design Standards annually to ensure the standards are current with today's construction materials and design needs, state mandates and to support community sustainability. The Standards were last updated on January 22, 2013.

This agenda item modifies the residential street width from 30 feet to a range of between 28 and 30 feet.

FINANCIAL IMPLICATIONS:

There are no financial implications to the city's operating budget as a result of the adoption of the proposed amendments.

IMPACT ON COMMUNITY SUSTAINABILITY:

Staff is proposing these changes in an effort to improve the service life of infrastructure, reduce maintenance, and to incorporate new materials that are now available to help meet those needs.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends adoption of the General Design Standards as revised.

ENGINEERING DEPARTMENT

City of Carrollton

Date: 05/07/13

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING CHAPTER 54, OTHERWISE KNOWN AS THE GENERAL DESIGN STANDARDS, OF THE CARROLLTON CODE OF ORDINANCES, BY ALLOWING VARIOUS RESIDENTIAL STREET WIDTHS; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$500 PER DAY, SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS:

Section 1.

That the Code of Ordinances, City of Carrollton, Texas is hereby amended as shown in the attached General Design Standards, Detail P-2, Sheet 1 of 8 in Part B of the Standard Details, "Lane Standards" as included in Exhibit A, which is attached hereto and incorporated herein for all purposes.

[This Sheet reflects that residential lane width is modified to allow a width of 28 to 30 feet.]

Section 2.

Penalty Clause

That any person violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 3.

Savings

That except as herein amended, Title V, Chapter 54, otherwise known as the General Design Standards of the Code of the Carrollton, as amended, shall remain in full force and effect.

Section 4.
Severability Clause

That the provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 5.
Repealing Clause

To the extent of any prior ordinance of the City of Carrollton (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence or paragraph is hereby repealed.

Section 6.

That this ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the 7th day of May, 2013.

CITY OF CARROLLTON

By: _____
Matthew Marchant, Mayor

ATTEST:

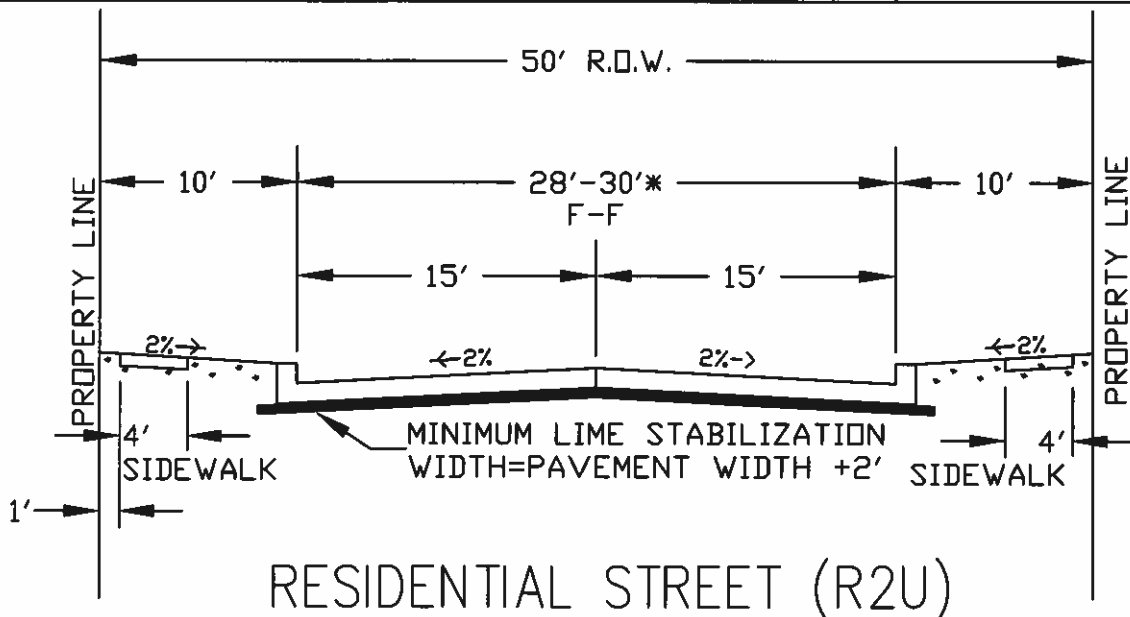
Ashley D. Mitchell
City Secretary

APPROVED AS TO FORM:

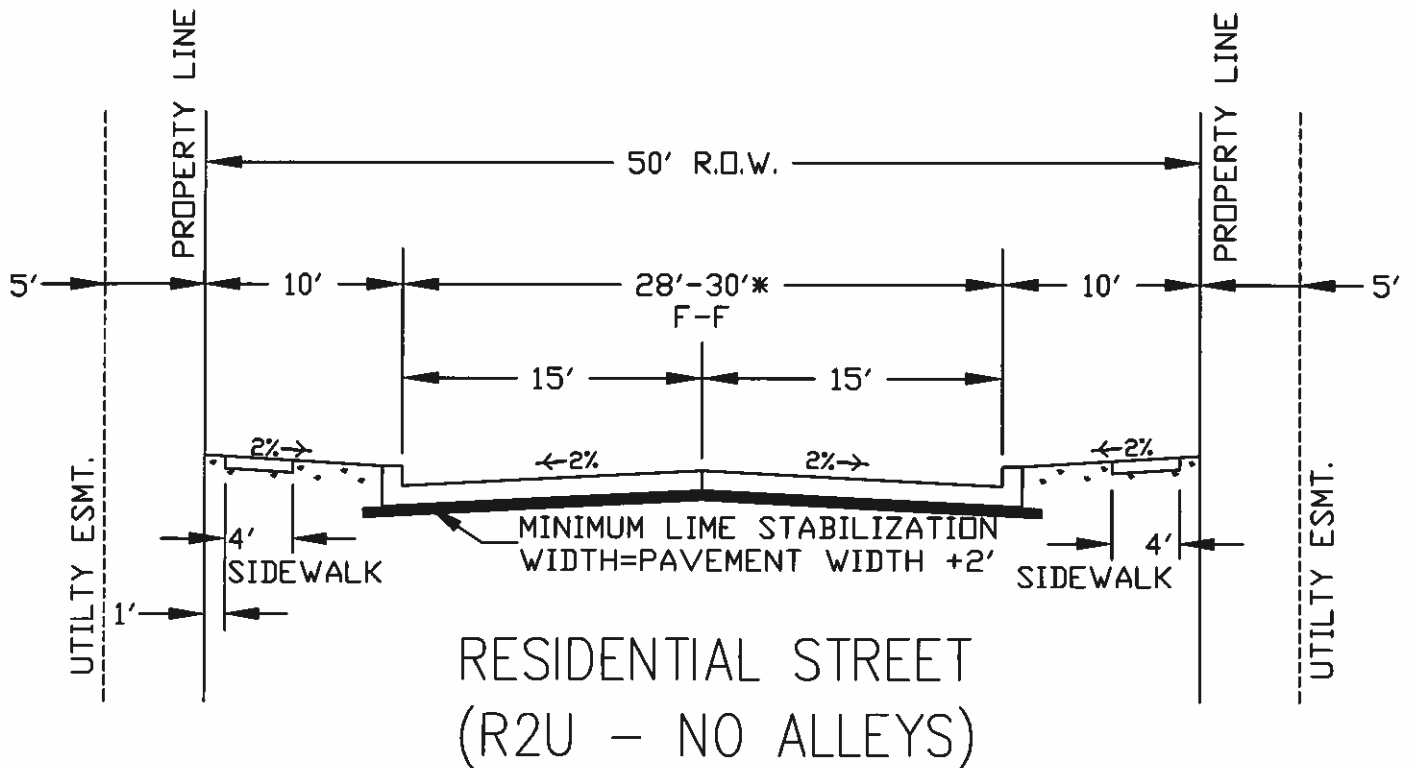
Regina Edwards
First Asst. City Attorney

APPROVED AS TO CONTENT:

Cesar J. Molina, Jr. P.E.
Director of Engineering



N.T.S.



N.T.S.

NOTE: PARABOLIC SECTIONS SHALL BE CONSTRUCTED IN ACORDANCE WITH STANDARD DETAIL P-8 FOR NEW SUBDIVISIONS.
* DETAIL P-1, SHEETS 2-18, SHALL CHANGE ACCORDINGLY.

GENERAL DESIGN STANDARDS PAVING DETAILS

SCALE: NTS DATE: 05/2013
SHEET 1 OF 8



LANE STANDARDS

Exhibit A

P-2

ENGINEERING
DEPARTMENT



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0821

Agenda Date: 5/7/2013

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *20.

CC MEETING: May 7, 2013

DATE: April 18, 2013

TO: Leonard Martin, City Manager

FROM: Bob Scott, Assistant City Manager

Consider A **Resolution Authorizing Sale of Foreclosed Property (Lot 2 of Advanced Car Wash - Rosemeade Addition).**

BACKGROUND:

On October 2, 2009, the District Court granted a judgment for foreclosure of the Advance Car Wash at 2631 E. Rosemeade Parkway. On November 1, 2011, this property was offered for sale by the Sheriff of Denton County and did not receive sufficient bids as set by law. At this time, the property was struck off to Denton County as trustee for all the taxing entities.

The Denton County's delinquent tax attorneys, McCreary Veselka, Bragg & Allen, P.C., have requested that the City Council approve the sale of this property to the highest bidder even if the bid is less than the market value of the land or the total amount of the tax judgment against the property.

FINANCIAL IMPLICATIONS:

While the attached resolution will allow the sale of the property for less than the taxes owed, a sale will bring the property back on the tax rolls.

STAFF RECOMMENDATION/ACTION DESIRED:

Approval of the attached resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING SALE OF FORECLOSED PROPERTY (LOT 2 OF ADVANCED CAR WASH-ROSEMEADE ADDITION); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Cause No. **2004-0651-211, County of Denton vs. Jasper Jet, Inc.** was filed in the District Court of Denton County, Texas to collect delinquent taxes on the following described property, to wit:

Lot 2 of Advanced Car Wash-Rosemeade Addition, City of Carrollton, Denton, Texas being that property more particularly described in Volume 2023, Page 754 of the Deed Records, Denton County, Texas

WHEREAS, the District Court of Denton County, Texas granted Judgment on October 2, 2009, in favor of the taxing jurisdictions of Denton County as follows:

County of Denton	\$26,037.89
City of Carrollton	\$49,280.64
Lewisville ISD	\$138,189.01

Total Due	\$213,507.54
Market Value	\$225,600.00

(According to Denton Central Appraisal District)

WHEREAS, said parcels of land were offered for sale on November 1, 2011, by the Sheriff of Denton County at public auction pursuant to judgment of the District Court of Denton County, Texas, for foreclosure of the tax liens securing payment of delinquent property taxes and accrued penalty and interest;

WHEREAS, said parcels of land did not receive sufficient bids as set by law and were struck off to the **County of Denton, Trustee, in trust for itself, City of Carrollton and Lewisville Independent School District** pursuant to V.T.C.A., Tax Code Chapter 34; and

WHEREAS, the taxing units involved desire to resell said parcels of land in an expeditious manner pursuant to V.T.C.A., Tax Code Section 34.05.

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

SECTION 1

That City Council of the **CITY OF CARROLLTON** does hereby authorize the Trustee to solicit from the public bids on the said parcel of land or to request that the Sheriff of Denton County sell this property pursuant to V.T.C.A., Tax Code Section 34.05, and we do hereby

consent to the sale of said parcel of land to the highest bidder even if the bid tendered is less than the market value of the land specified in the judgment of foreclosure or the total amount of the judgment against the property. We authorize the presiding officer of this body to execute any deed necessary to convey the parcels of land upon sale.

SECTION 2

That this resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this 2nd day of April, 2013.

CITY OF CARROLLTON, TEXAS

Matthew Marchant, Mayor

ATTEST:

Ashley D. Mitchell, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Regina Edwards, First Asst. City Attorney

Bob Scott, Chief Financial Officer



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0827

Agenda Date:

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *21.

CC MEETING: May 7, 2013

DATE: April 29, 2013

TO: Leonard Martin, City Manager

FROM: Bob Scott, Assistant City Manager

Consider A **Resolution Authorizing A Waiver of Penalty And Interest On Tax Account.**

BACKGROUND:

Staff has received a recommendation from the Denton County Tax Assessor of a waiver of penalty and interest on behalf of David and Julie Martinez (Account #162563DEN).

The property was purchased on September 25, 2012. The property owner was updated in the Appraisal District records for the 2013 year however a Name and Address Change was not submitted for the 2012 Tax Year.

As a result, the property owner did not receive a tax bill and subsequently was unaware that taxes were due. The property owner is now aware of the taxes that are due and has made payment for the original base tax.

The State of Texas Tax Code Section 33.011 provides for a waiver of penalty and/or interest by a governing body of the taxing unit under certain circumstances. It is very rare for the Tax Assessor Collector to encounter a truly valid request and make a recommendation for a waiver. The governing body must approve the waiver.

FINANCIAL IMPLICATIONS:

Total amount of penalty and interest to be waived will be \$128.66.

STAFF RECOMMENDATION/ACTION DESIRED:

Approval of the attached resolution.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING A
WAIVER OF PENALTY AND INTEREST ON TAX ACCOUNT 162563DEN FOR
2012 TAXES**

WHEREAS, David Gregg and Julie M. Martinez ("Property Owner") are the owners of a parcel of real property being Oak Creek Estates Phase 1 Block A Lot 36 and located at 3705 Poplar Ct, City of Carrollton, Denton County, Texas, bearing Denton County tax identification number 162563DEN;

WHEREAS, Denton County advises that the Property Owners associated with tax Account 162563DEN have requested a waiver of penalty and interest as a name and address change was not submitted for the tax year 2012 after their purchase of the property on September 25, 2012;

WHEREAS, after being notified of the error by Denton County, Property Owner paid the taxes, penalty and interest within the required 21 days from the date the property owner knew or should have known that taxes were due;

WHEREAS, accordingly, the Denton County Tax Assessor/Collector recommends a waiver of penalty and interest pursuant to Section 33.011 of the Property Tax Code;

WHEREAS, the City of Carrollton, Texas has investigated and determined that the waiver of penalty and interest is appropriate and warranted; and

WHEREAS, the City of Carrollton, Texas authorizes, empowers, and directs the Denton County Tax Assessor/Collector to refund the penalties and interest that were paid on Denton County tax account 162563DEN for 2012 taxes.

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

SECTION 1

The City Council of Carrollton, Texas, hereby authorizes a waiver of penalty and interest on tax account 162563DEN for 2012 taxes.

SECTION 2

The Denton County Tax Assessor/Collector is hereby authorized, empowered, and directed to refund the penalties and interest that were paid on Denton County tax account 162563DEN for 2012 taxes.

SECTION 3

This Resolution shall take effect immediately upon its passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas,
this 7th day of May, 2013.

CITY OF CARROLLTON, TEXAS

Matthew Marchant, Mayor

ATTEST:

Ashley D. Mitchell, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Clayton Hutchins, City Attorney

Bob Scott, Chief Financial Officer



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0829

Agenda Date: 5/7/2013

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *22.

CC MEETING: May 7, 2013

DATE: April 30, 2013

TO: Leonard Martin, City Manager

FROM: Cesar J. Molina, Jr., P.E., Director of Engineering

Consider A **Resolution Authorizing The City Manager To Approve The Sale Of 230.4 Acres Of Land, Known As The Weaver Tract Lakes, To The City Of Dallas.**

BACKGROUND:

This agenda item is to seek authorization to sell property to the City of Dallas for use as a sedimentation pond water intake. This sale consists of one tract of vacant property (known as Weaver Tract Lakes) being 230.4 acres of land, more or less. Exhibit A describes the exact amount of land proposed for the sale. Exhibit B shows the location of the parcel. The City of Dallas has provided a full appraisal establishing the fair market value of the property at \$312,000.00.

FINANCIAL IMPLICATIONS:

Proceeds from the sale \$312,000.00 will be deposited to the Solid Waste Fund as these are the funds that bought this land in 1991.

IMPACT ON COMMUNITY SUSTAINABILITY:

An asset with limited utility will be removed from the city's balance sheet and no longer require maintenance or upkeep. The city will also be relieved of the liability of a large area of unsupervised lakes and ponds.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends the approval of the attached resolution authorizing the City Manager or his designee to sell the tract of land as outlined in Exhibit A.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF CARROLLTON, TEXAS DECLARING A PUBLIC NECESSITY, AUTHORIZING SALE OF ONE VACANT PARCEL OF LAND (203.4 ACRES) KNOWN AS WEAVER TRACT LAKES FOR A SEDIMENTATION POND FOR THE CITY OF DALLAS WATER UTILITIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that the sale of a tract of vacant land known as Weaver Tract Lakes for a sedimentation pond for the City of Dallas water intake is necessary and in the best interests of the residents of the City of Carrollton.

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

SECTION 1:

That the City Council of the City of Carrollton hereby authorizes the City Manager or his designee to sell one vacant parcel (230.4 acres) of land known as the Weaver Tract Lakes, as described in the attached Exhibit A and depicted in Exhibit B, for a sedimentation pond to City of Dallas Water Utilities. That public necessity requires that the City of Dallas acquire the property interest in the Property for public uses.

SECTION 2:

That the City Council of the City of Carrollton hereby authorizes the City Manager, through his staff, to accept the offer of fair market value as determined by an appraisal and market studies and sell the said Weaver Tract Lakes to the City of Dallas. All closing costs and title expenses of the property shall be paid by the buyer.

SECTION 3:

That this resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED May 7, 2013.

CITY OF CARROLLTON, TEXAS

By: _____
Matthew Marchant, Mayor

ATTEST:

Ashley D. Mitchell, City Secretary

Approved as to form:

Regina A. Edwards
First Assistant City Attorney

Approved as to content:

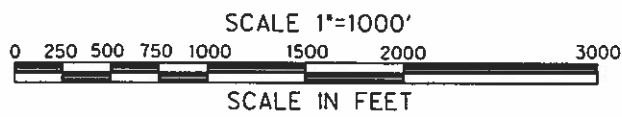
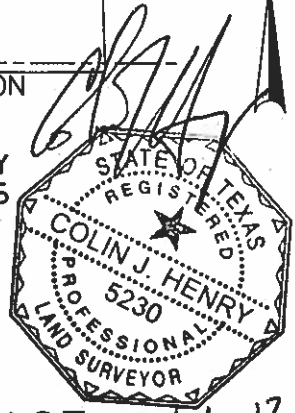
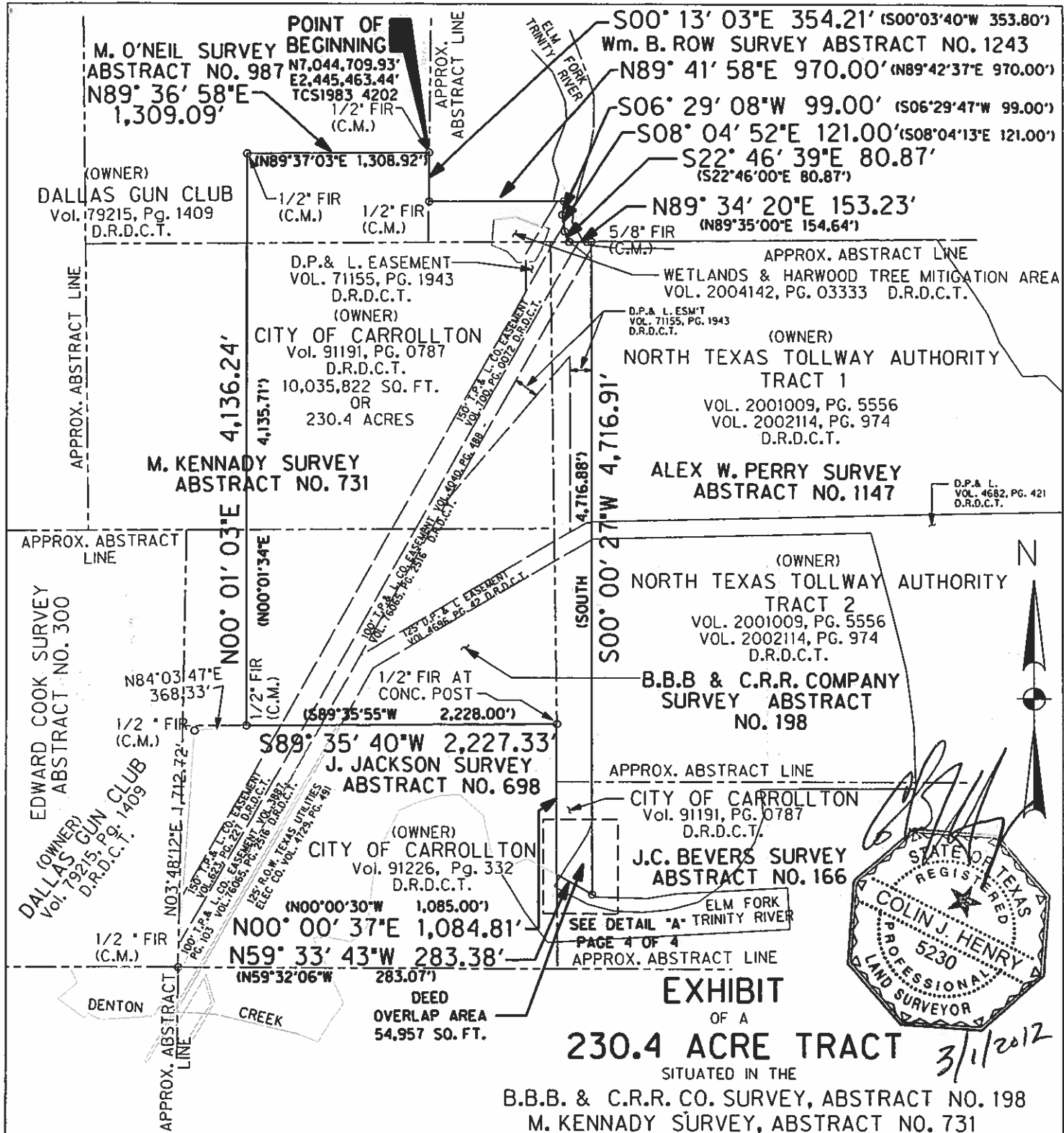
Cesar J. Molina, P.E.
Director of Engineering

25-HP8100_MON.FS.FW.plt

De Fault

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1/20/2012 4:49:05 PM 01582 HALFF



LEGEND	
(C.M.)	CONTROLLING MONUMENT
○ 1/2" FIR	1/2" FOUND IRON ROD
()	RECORD CALLS

NOTE: Calls to Elm Fork of Trinity River as a natural monument are subject to change. Basis of Bearing is Texas Coordinate System of 1983, North Central Zone 4202, as determined by GPS measurements on Julian day 324, 2002 from Arlington RRP (PID CS3400).

EXHIBIT
OF A
230.4 ACRE TRACT 3/1/2012

SITUATED IN THE
B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NO. 198
M. KENNADY SURVEY, ABSTRACT NO. 731
M. O'NEIL SURVEY, ABSTRACT NO. 987
Wm. B. ROW SURVEY, ABSTRACT NO. 1243
ALEX W. PERRY SURVEY, ABSTRACT NO. 1147
J.C. BEVERS SURVEY, ABSTRACT NO. 166
CITY OF CARROLLTON, TEXAS
CITY DRAWING NUMBER 043D-14

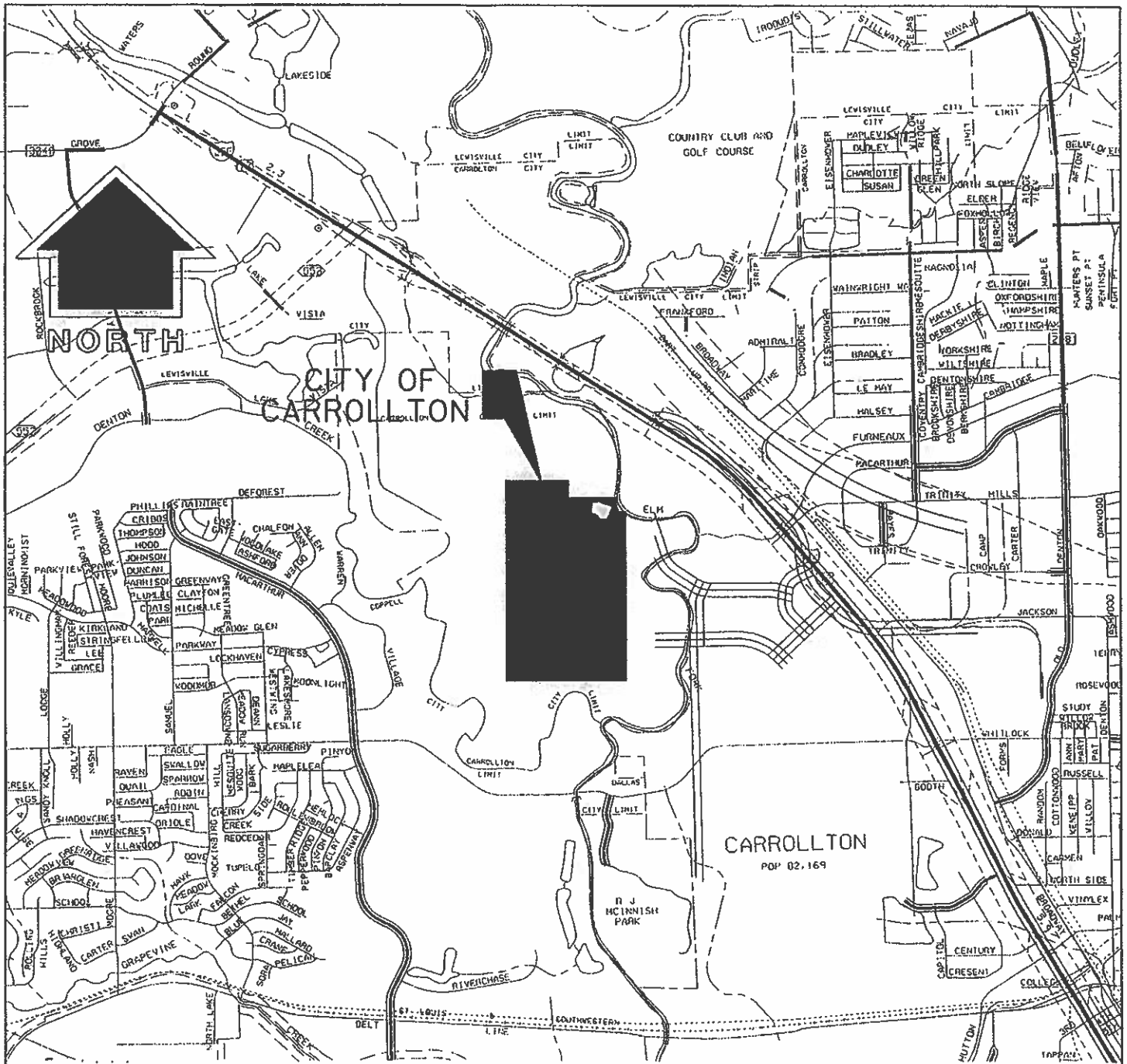
FOR

DALLAS WATER UTILITIES

DATE: 2/15/2012 AVO: 21721



1201 NORTH BOWSER ROAD RICHARDSON, TEXAS 75081 (214) 346-6200



LOCATION MAP

N.T.S.

TO BE ACQUIRED
FOR DALLAS WATER
UTILITIES PURPOSES

CITY OF DALLAS
223.9 ACRES



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0826

Agenda Date: 5/7/2013

Version: 1

Status: Public
Hearing/Individual
Consideration

In Control: City Council

File Type: Ordinance

Agenda Number: 23.

CC MEETING: May 7, 2013

DATE: April 29, 2013

TO: Leonard Martin, City Manager

FROM: Christopher Barton, Chief Planner

Hold A Public Hearing And Consider An Ordinance For Case No. 02-13Z2 Project Raiford To Establish A New Planned Development District For the (SF-5/12) Single Family Residential And (SF-TH) Single Family Townhouse Districts With Modified Development Standards. The Approximately 40-Acre Site Is Located On The East Side Of Old Denton Road, Just North Of Raiford Road And Is Currently Zoned PD-5 For The (SF-8.4/16) Single Family Residential District.

BACKGROUND:

This is a request for approval of the creation of a new planned development district to be created out of a portion of PD-5, and based on the (SF-5/12) Single-Family Residential District with modified development standards. The approximately 40-acre site is located on the east side of Old Denton Road, just north of Raiford Road and is currently zoned PD-5 for the (SF-8.4/16) Single-Family Residential District.

STAFF RECOMMENDATION/ACTION DESIRED:

On April 4, 2013 the Planning & Zoning Commission recommended **APPROVAL** as submitted. The attached ordinance reflects the action of the Commission.

Since the Commission meeting, staff has continued to work with the City's consultant and the intended developer, Arcadia Realty, to further refine and improve the proposed ordinance. This effort has resulted in several recommended changes, discussed in detail in the Updates Since P&Z Meeting portion of this case report.

Although the action of the Commission was unanimous and no public opposition has been received, this item is being placed on the Public Hearing - Individual Consideration portion of the agenda so that the City Council may consider these recommended changes.

RESULT SHEET

Date: 04/05/12

Case No./Name: 02-13Z2 Project Raiford

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends approval, with the proposed ordinance language found in the case report. Note that there are three minor changes to this proposed language

B. P&Z RECOMMENDATION from P&Z meeting: 04/04/13
Result: **APPROVAL**/Vote: 7 – 0 (Daniel-Nix absent)

C. CC PUBLIC HEARING from CC meeting: 05/07/13
Result: /Vote:

ZONING

Case Coordinator: Christopher Barton

GENERAL PROJECT INFORMATION

SITE ZONING: PD-5 for the (SF-8.4/16) Single Family Residential District and “open space.”

	SURROUNDING ZONING	SURROUNDING LAND USES
NORTH	PD-63 for the (SF-PH) Single-Family Residential District	Single-family homes
SOUTH	PD-5 for the (LR-2) Local Retail District and for open space	Vacant (across Furneaux Creek)
EAST	PD-63 for the (SF-7/14) Single-Family Residential District	Single-family homes
WEST	(SF-10/18) Single Family Residential District and PD-81 for the (SF-8.4/16) Single Family Residential District	Single-family homes (across Old Denton Road)
REQUEST:	Remove the subject tract from PD-5 and establish a new Planned Development District for the (SF-5/12) Single Family Residential District, with modified development standards.	
PROPOSED USE:	Single-family detached residential	
ACRES:	Approximately 79.471 acres/3 tracts	
LOCATION:	East side of Old Denton Road, just north of Raiford Road and north of Furneaux Creek.	
HISTORY:	The subject property was annexed into the city in April 1990. At that time the current zoning was established. The tract has never been platted. The tract is currently vacant. Prior to its demolition in 2008 the site was the location of a single, single-family residence. The date of construction of the residence is unknown.	
COMPREHENSIVE PLAN:	Single Family Detached Uses	

**THOROUGHFARE
PLAN:**

Old Denton Road is designated as an (A8D) Eight-Lane Divided Arterial at this location. Raiford Road is designated as an (A4D) Four-Lane Divided Arterial.

The Transportation Plan calls for Cemetery Hill Road to be extended to the west to intersect with Old Denton Road opposite Nottingham Drive.

The Plan also calls for a hike and bike trail to be built alongside Furneaux Creek. This is currently under construction by the City.

OWNER:

City of Carrollton

REPRESENTED BY:

Christopher Barton; City of Carrollton

STAFF ANALYSIS

PROPOSAL

A request to create a new Planned Development District (PD-194) out of a portion of PD-5, based on the (SF-5/12) Single-Family Residential District, with modified development standards.

The approximately 80-acre site is located on the east side of Old Denton Road, just north of Raiford Road and is currently zoned PD-5 for the (SF-8.4/16) Single Family Residential District.

ORDINANCE HISTORY

1. The subject tract was annexed into Carrollton in April 1990.
2. In May 1990 Ordinance No. **1626** incorporated the subject tract into PD-5. There have been no changes to the zoning on the subject tract since that date.

CURRENT ORDINANCE REQUIREMENTS

- Any use permitted in the (SF-8.4/16) Single-Family Residential District is permitted on this site. Any use permitted upon approval of a Special Use Permit in the (SF-8.4/16) Single-Family Residential District is permitted on this site upon approval of the SUP.
- Development standards under the existing ordinance allowing for residential development and which are different from the “base” (SF-8.4/16) Single-Family Residential District standards are:
 - i. Minimum dwelling size is 2,000 square feet (“base” zoning is 1,600 square feet)
 - ii. A screening wall along Old Denton Road is not required, but if one is provided, it shall be of brick or stone.

Development under the current standards could therefore result in a very average single-family residential subdivision.

PROJECT BACKGROUND

Upon acquiring the 110-acre *Raiford* site in January 2008, the City Council Redevelopment Subcommittee directed staff to sell the site to developers that would create a premier development and create a new destination in Carrollton.

In February 2008, the City hired Carter-Burgess to conduct a planning study to review the decades-old zoning and recommend new zoning for the property and PD-5. Carter-Burgess

recommended development should primarily be residential uses to the north of Furneaux Creek and primarily non-residential on the south side of the creek at densities greater than those contemplated under the then-existing zoning.

In February 2008, the City contracted with The Staubach Company to conduct a market study and represent the City on the sale of the property. Residential market research indicated support for single-family housing, market-rate apartments, townhomes, and senior housing for the site. Hotel market research indicated support for at least one hotel.

In September 2008, the Redevelopment Subcommittee recommended pursuing denser development along Raiford Road.

In August 2008, the *Villas at Raiford Road* project submitted plans for 188 units of senior housing on Raiford Road.

In October 2008, City released a *Request for Proposals* for the sale of the subject property. No responsive bids were received.

In April 2010, the City released a second *Request for Proposals* seeking a unified and master-planned development theme that created a 'signature place' for the community. The Redevelopment Subcommittee interviewed four respondents including *Arcadia Realty*.

In September 2010, The City rejected all bids and elected to sell a portion of the property to *Lowen Holdings* for at least one hotel and the western portion to *Arcadia Realty*.

In November 2010, the City contracted with *TBG* to develop design standards for the area. On the advice of *Arcadia Realty*, City directed *TBG* to develop design standards in context with the surrounding neighborhoods.

In December 2010, the City rezoned the southeastern portion of the property to allow for an eight-story hotel and two six-story hotels. In February 2011, the City approved the contract to sell *Lowen Holdings* the hotel site with the urban design standards attached to the contract.

In May 2011, the Planning & Zoning Commission heard a presentation on the development of the *Raiford Road Overlay Strategic Vision* and *Raiford Road Urban Design Standards*.

In September 2011 staff presented the *Raiford Road Urban Design Standards* to the Redevelopment Subcommittee, and the Standards were formally adopted by City Council as a guiding document for future development in the area on December 6, 2011 (Resolution 3503).

Arcadia Realty continued to work with the City Council Redevelopment Subcommittee to develop and refine a vision for the single-family development north of Furneaux Creek. The result is a shared vision incorporating the following elements:

- Designed as a traditional neighborhood with an integrated, dense and complete network of streets, and organized around open space (both internal to the development and adjacent to it (e.g. Furneaux Creek).
- “Traffic calming” street design (e.g. narrower than standard pavement width, small curve radii at intersections and a large number of intersections). Slower traffic speeds reduce both the likelihood and severity of accidents, which in turn encourages pedestrian activity.
- Significant open space/landscaping along Old Denton Road, and organizing the streets and blocks to “open up” the neighborhood to Old Denton, creating visual appeal and an “invitation” to passers-by.
- Open space is fronted by homes and accessible to the public (including the larger community of Carrollton).
- A variety of home types and styles, leading to a diverse mix of family types (singles, couples, families, “empty-nesters”). Included in the home designs being developed are “gifts to the street.” These are optional home design elements the City pioneered in The Homestead (still one of the more successful and desirable neighborhoods in the city) which provide visual appeal to the neighborhood and lessen the “cookie cutter” effect of multiple homes with the same floor plan. Examples of these “gifts” are covered porches, bay and bow windows, and “sunrooms.”
- Strict design review and architectural control incorporated into deed restrictions for the neighborhood.

ELEMENTS TO CONSIDER

- A. The site has never developed.
- B. Access will be provided from Old Denton Road. Secondary access will be provided from an extension of Cemetery Hill Road.
- C. The Transportation Plan calls for a roadway connection to be made from the current terminus of Cemetery Hill Road to Old Denton Road. The precise location and route of this is not specifically established. The proposal does provide for this connection.
- D. The subject tract is currently owned by the City of Carrollton. It’s sale and development as an exceptional residential development has been a high priority of the City Council for quite some time.
- E. The proposed developer – Arcadia Realty Corp. – has been working with the City Council on this project since September 2010. The result is the development of vision for a premier development shared by the City Council.

- F. The realization of the Council vision may require flexibility and alternate development standards, particularly with some aspects of the Comprehensive Subdivision Ordinance and General Design Standards.

Examples include some lots which do not directly front on a public street (although there is precedent for this in the Austin Waters development) and streets that are narrower and without “bulb-outs” at corners.

Those ordinances are not part of the Comprehensive Zoning Ordinance, and so will not be discussed in detail as part of this case.

- G. Alternate development standards which are part of the Comprehensive Zoning Ordinance (for example; smaller than standard building setbacks) are written into the proposed ordinance language, later in this case report.
- H. The overall intent of this project is to create a development which is very different from anything around it, so that higher prices – and thus value to the community - can be justified and supported by market analysis and “comps.” The hope is that the excellence of this development will help to “lift up” the surrounding values.

UPDATES SINCE P&Z MEETING

Subsequent to the meeting of the Planning & Zoning Commission on April 4, Bill Gietema of Arcadia Realty (proposed developer, also acting as a consultant to the City on this project) and City staff have continued to work together to refine and improve the proposed ordinance. That effort has led to several proposed changes which were not discussed at the Planning & Zoning Commission meeting.

1. Language dealing with the exterior façade material content was erroneously omitted for the section dealing with townhouse lots. This language duplicates the language for the detached lots (see stipulation 12 in the proposed ordinance) which was included in the case report for the Planning & Zoning Commission meeting. The intent is for both townhouse and detached houses to have the same façade materials for visual consistency in the development.

Staff and Mr. Gietema recommend that a new development regulation be added to the Townhouse Lots subsection reading:

Minimum exterior façade masonry content shall be 90%. For the purposes of this ordinance, “masonry” shall include brick, natural stone, cast stone, stucco (but not EIFS) and cementitious fiberboard in a horizontal “lap board” siding or with a decorative pattern (see examples as Exhibit E).

2. It was noted that although there is a specific regulation dealing with detached garages and how close their garage doors could be to the alley, there was no similar regulation for attached garages. Stipulations 11 and 20 set a minimum rear setback of 3 feet for any building, but this is clearly too close to the alley for a garage door.

Staff and Mr. Gietema recommend that new language be added to Stipulations 11 and 20 so that these stipulations read:

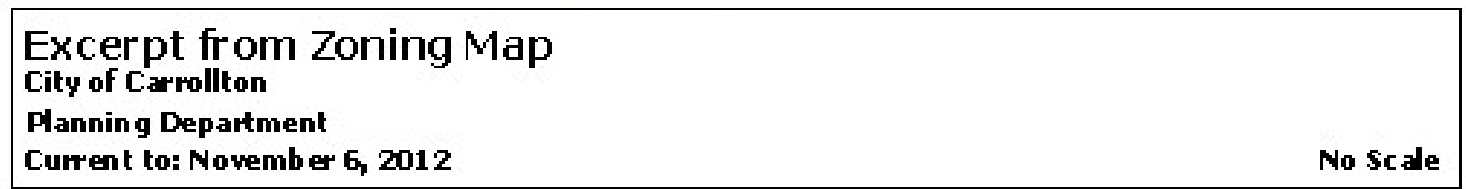
Minimum rear setback shall be 3 feet, provided however that garage doors facing the alley shall be placed between 7 and 9 feet, or at least 17 feet from said alley right-of-way.

3. Staff is requesting that Mr. Gietema revise Exhibit D Street Cross Sections to remove the trees from the residential alley detail. Although there is no plan to plant street trees in the alleys, showing trees on this detail may cause confusion as to the intent.
4. Mr. Gietema has revised two exhibits (Exhibit E *Conceptual Site Plans for Individual Lots* and Exhibit H *Townhouse Conceptual Site Plan*) to incorporate information found in Exhibits I & J (specifically setbacks and “gift to the street” encroachments). Thus, these

latter two exhibits no longer serve a purpose. Staff and Mr. Gietema recommend that they be deleted.

CONCLUSION

The proposed zoning change appears appropriate for the site.



PROPOSED ORDINANCE LANGUAGE

Changes since the meeting of the Planning & Zoning Commission
highlighted in yellow, and *italicized*.

Section 1.

That Planned Development ____ is hereby established for a certain approximately 40-acre site located on the east side of Old Denton Road, just north of Raiford Road and north of Furneaux Creek, being more specifically depicted on the attached Exhibit A, providing for the following uses:

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-5/12) Single Family Residential and the (SF-TH) Townhouse Residential Districts, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-5/12) Single Family Residential and the (SF-TH) Townhouse Residential Districts and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided in this ordinance.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-5/12) Single Family Residential and the (SF-TH) Townhouse Residential Districts, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

Section 2.

That development shall be in accordance with the following special conditions, restrictions and regulations:

General

1. A homeowner's association shall be established in accordance with the Comprehensive Subdivision Ordinance prior to platting the tract. The property owner's association will be responsible for the improvement and maintenance of all private common areas and/or common facilities contained within the area of the Concept Plan.
2. Lot layout shall be as shown on the *Concept Plan* attached as Exhibit B.
3. Street layout, design and cross-sections shall be as shown on the *Conceptual Thoroughfare Plan* and *Street Cross Sections* exhibits attached as Exhibits C & D.

Lots & Homes

Single-Family Detached Lots:

4. Maximum building coverage for single-family detached lots shall be 75%.
5. Minimum lot width for single-family detached lots shall be 40 feet.
6. Minimum lot depth for single-family detached lots shall be 100 feet.
7. Minimum lot area for single-family detached lots shall be 4,000 square feet.
8. Minimum front yard setback for single-family lots shall be 10 feet provided however that unenclosed porches, chimneys, eaves and similar architectural features, bay or bow windows may encroach into this setback up to 8 feet.
9. Minimum side yard setback, not abutting a street, for single family lots shall be 3 feet, provided however that no dwelling may be closer to an adjacent building than 10 feet.
10. Minimum side yard setback, abutting a street not designated as an arterial or collector on the Carrollton Transportation Plan shall be 10 feet, provided however that unenclosed porches, chimneys, eaves and similar architectural features, bay or bow windows and sunrooms (being an enclosed room no more than 15 feet in width and having glass on at least 50% of each encroaching face) may encroach into this setback up to 5 feet.
11. Minimum rear yard setback shall be 3 feet *provided however that garage doors facing the alley shall be placed between 7 and 9 feet, or more than 17 feet from said alley right-of-way.*
12. Minimum exterior façade masonry content shall be 90%. For the purposes of this ordinance, "masonry" shall include brick, natural stone, cast stone, stucco (but not EIFS) and cementitious fiberboard in a horizontal "lap board" siding or with a decorative pattern (see examples as Exhibit E).

13. Maximum height of a structure shall be 25 feet, as measured to the eave or top plate (whichever is higher).
14. Fences, if any, along any alley right-of-way shall be placed no closer to said right-of-way than three feet.

Townhouse Lots:

15. Maximum building coverage for townhouse lots shall be 80%.
16. Minimum lot width for townhouse lots shall be 25 feet.
17. Minimum lot depth for townhouse lots shall be 80 feet.
18. Minimum lot area for townhouse lots shall be 2,000 square feet.
19. Minimum side yard setback, abutting a street shall be 10 feet, provided however that unenclosed porches, chimneys, eaves and similar architectural features, bay or bow windows and sunrooms (being an enclosed room no more than 15 feet in width and having glass on at least 50% of each encroaching face) may encroach into this setback up to 5 feet.
20. Minimum rear yard setback shall be 3 feet *provided however that garage doors facing the alley shall be placed between 7 and 9 feet, or more than 17 feet from said alley right-of-way.*
21. *Minimum exterior façade masonry content shall be 90%. For the purposes of this ordinance, “masonry” shall include brick, natural stone, cast stone, stucco (but not EIFS) and cementitious fiberboard in a horizontal “lap board” siding or with a decorative pattern (see examples as Exhibit E).*
22. Maximum height of a structure shall be 30 feet, as measured to the eave or top plate (whichever is higher).
23. Minimum required off-street parking spaces for townhouse lots shall be 1 per dwelling. See also Exhibit D Conceptual Site Plan for Individual Lots.
24. Fences, if any, placed along alley rights-of-way shall be no closer to said alley right-of-way than three feet.

Accessory Buildings

25. Accessory buildings containing bathrooms and/or kitchens are allowed, provided that no more than one water or electric meter is allowed per lot and no accessory building shall exceed 800 square feet in area.
26. Accessory building shall be architecturally consistent with the main building.
27. Detached “rear-loaded” garages shall have a minimum side yard setback of zero feet, provided however that all building and fire code requirements are met. See also Exhibit D Conceptual Site Plans For Individual Lots.
28. Detached “rear-loaded” garages shall have a minimum rear yard setback of three feet,

provided however that garage doors facing the alley shall be placed between 7 and 9 feet, or more than 17 feet from said alley right-of-way.

Streets

29. An “entry ribbon” consisting of decorative pavers or stained and pattern-stamped concrete shall be placed in each street intersecting with Old Denton Road. Said entry ribbon shall be no less than ten feet (10’) in depth, shall extend across the width of the street and shall generally align with the abutting sidewalk.
30. Landscaping and screening fences along Old Denton Road shall be as shown on Exhibit *F Landscaping & Screening Fences Along Old Denton Road*.

Exhibit A
Legal Description

(metes and bounds description included in the draft ordinance,
but not repeated here in order to save space)

Exhibit B
Concept Plan

Blue = 25' Townhouse Lots, Orange = 40' x 110' Lots, Pink = 55' x 110' Lots

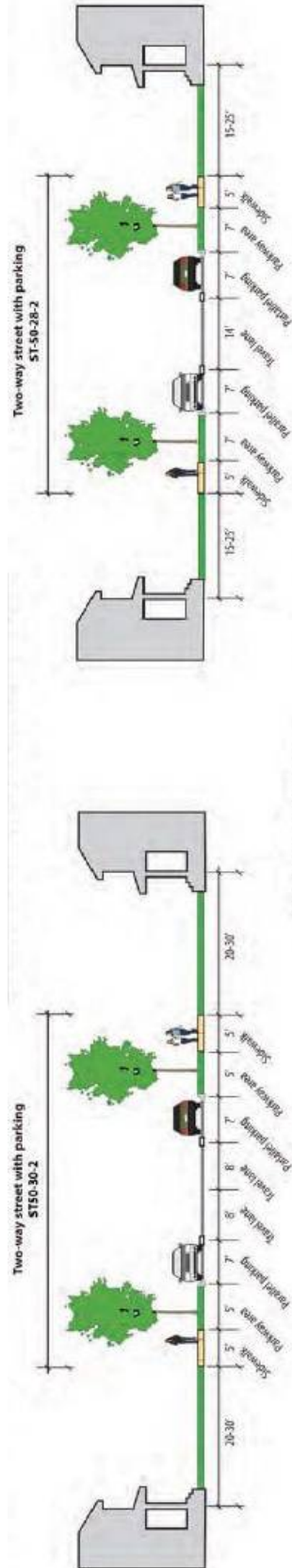


Exhibit C
Conceptual Thoroughfare Plan



PROPOSED THOROUGHFARE TYPES	
	ST50-30-2
	ST50-28-2
	ST40-20-1
	ST34-24-2
	ST31-20-1
	A15-12-1
	A20-20-2

Exhibit D Street Cross Sections



Street Cross Sections:

1. The first letter indicates the category of street type: Avenue, street, residential alley, or commercial alley.
2. The first number in the type name establishes the right-of-way width; the second number establishes the paved section width. The paved section width dimensions are set curb face to face, and the parkway includes the top of curb. To calculate the back-of-curb dimension, add one foot to the roadway width. All streets shall have 15' curb return radius except at intersections with Old Denton Road. Alley intersection radii shall be 5'. Intersections may be bulb-out to the width of fine parking lanes. Non-ninety degree intersections will be allowed per AASHTO standards.

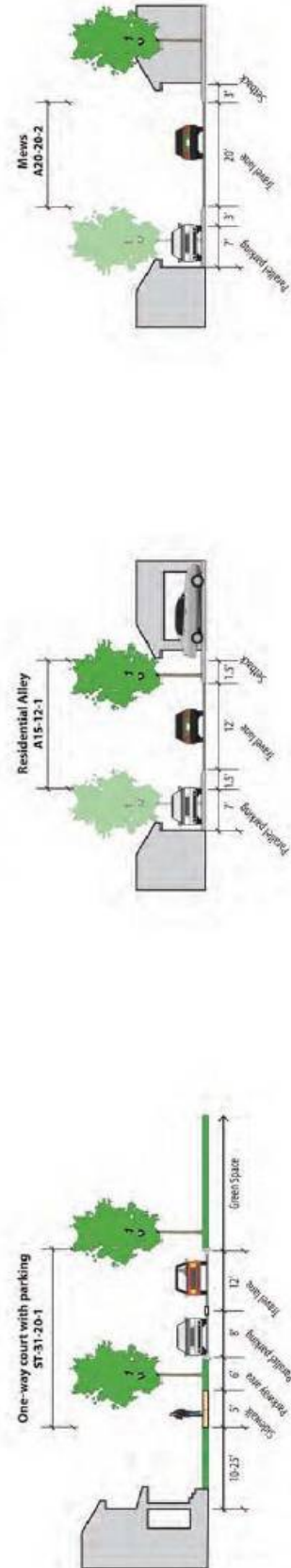
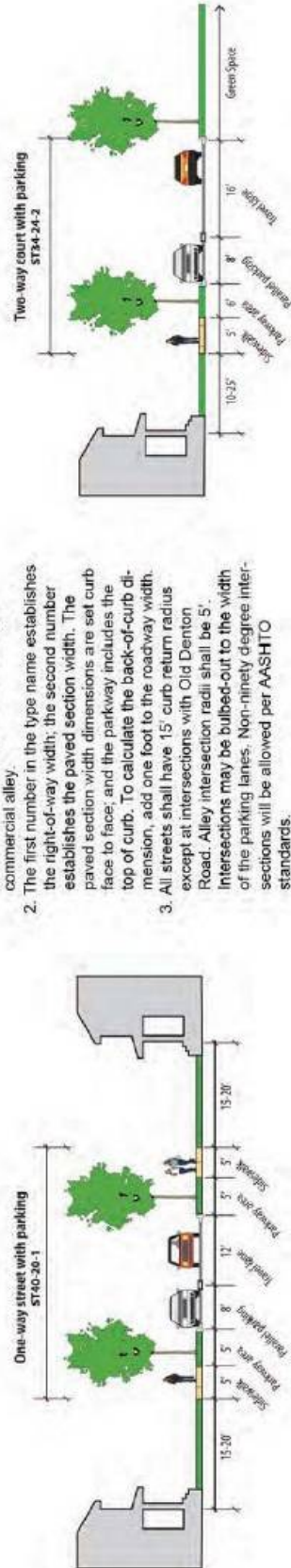
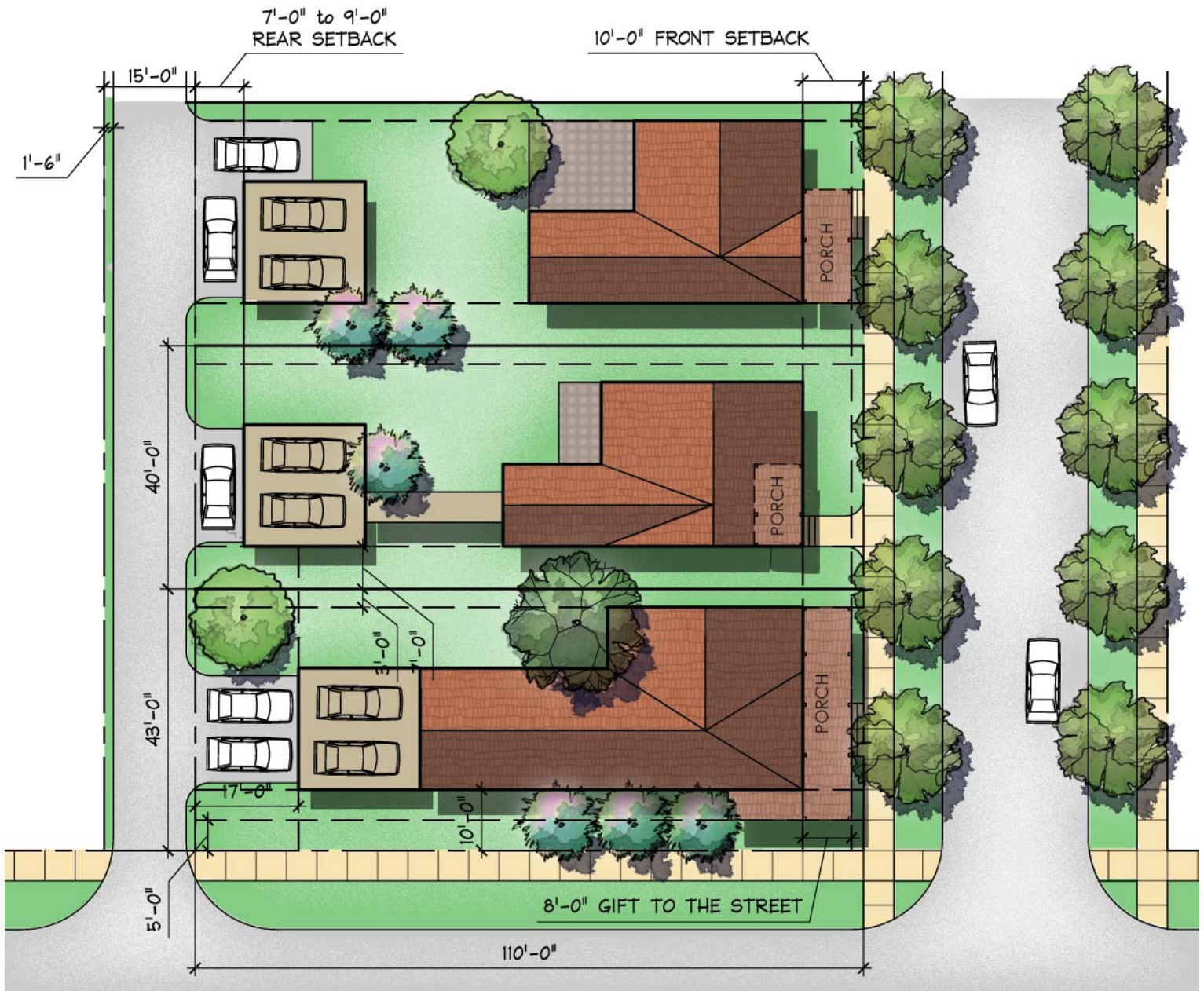


Exhibit E
Conceptual Site Plans
For Individual Lots



For Individual Lots

Exhibit F
Cementitious Fiberboard
Examples of Decorative Patterns



Exhibit G
Landscaping & Screening Fence Along Old Denton Road
(conceptual section view)

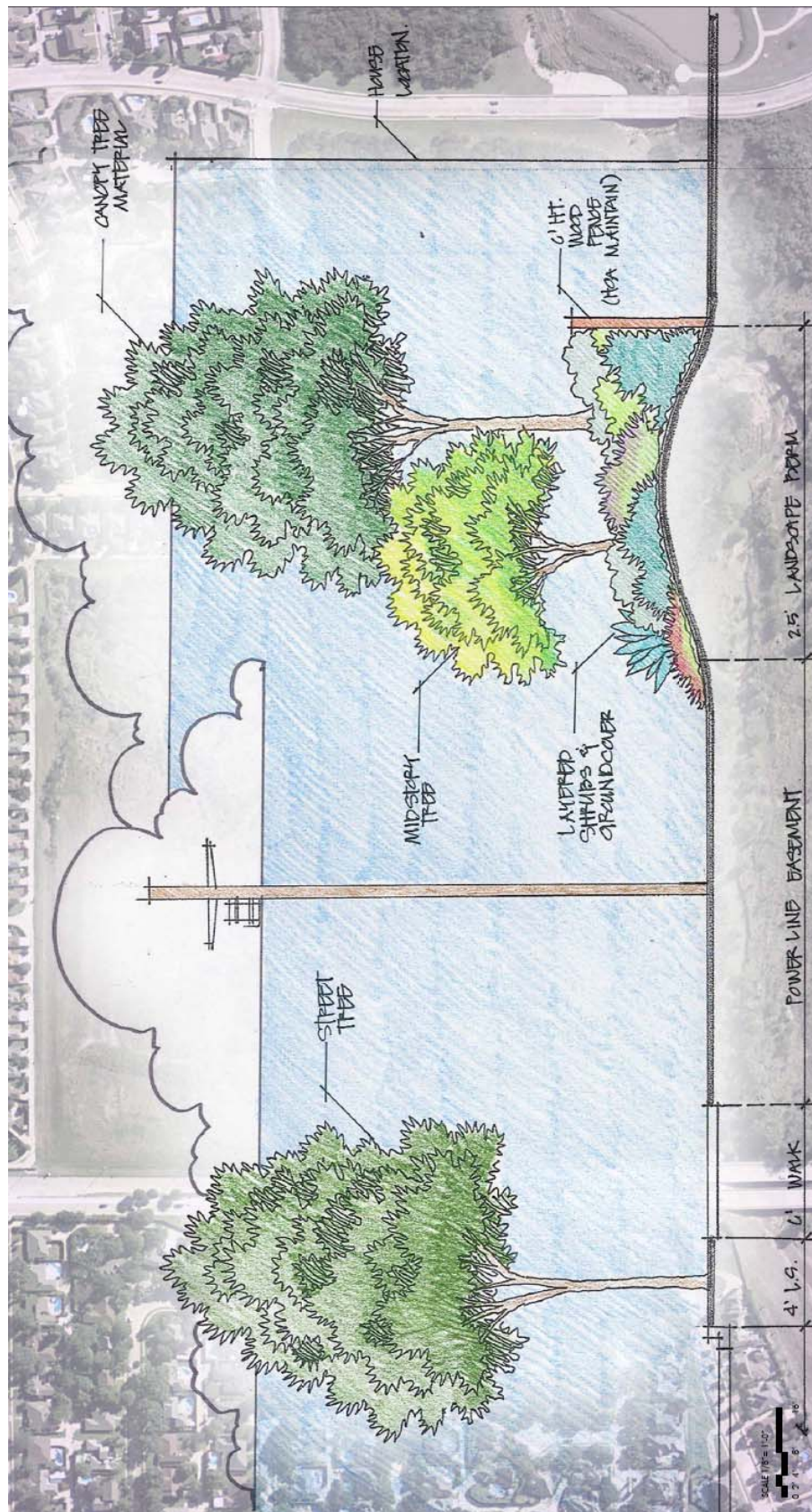


Exhibit G
Landscaping & Screening Fence Along Old Denton Road
(conceptual plan view)

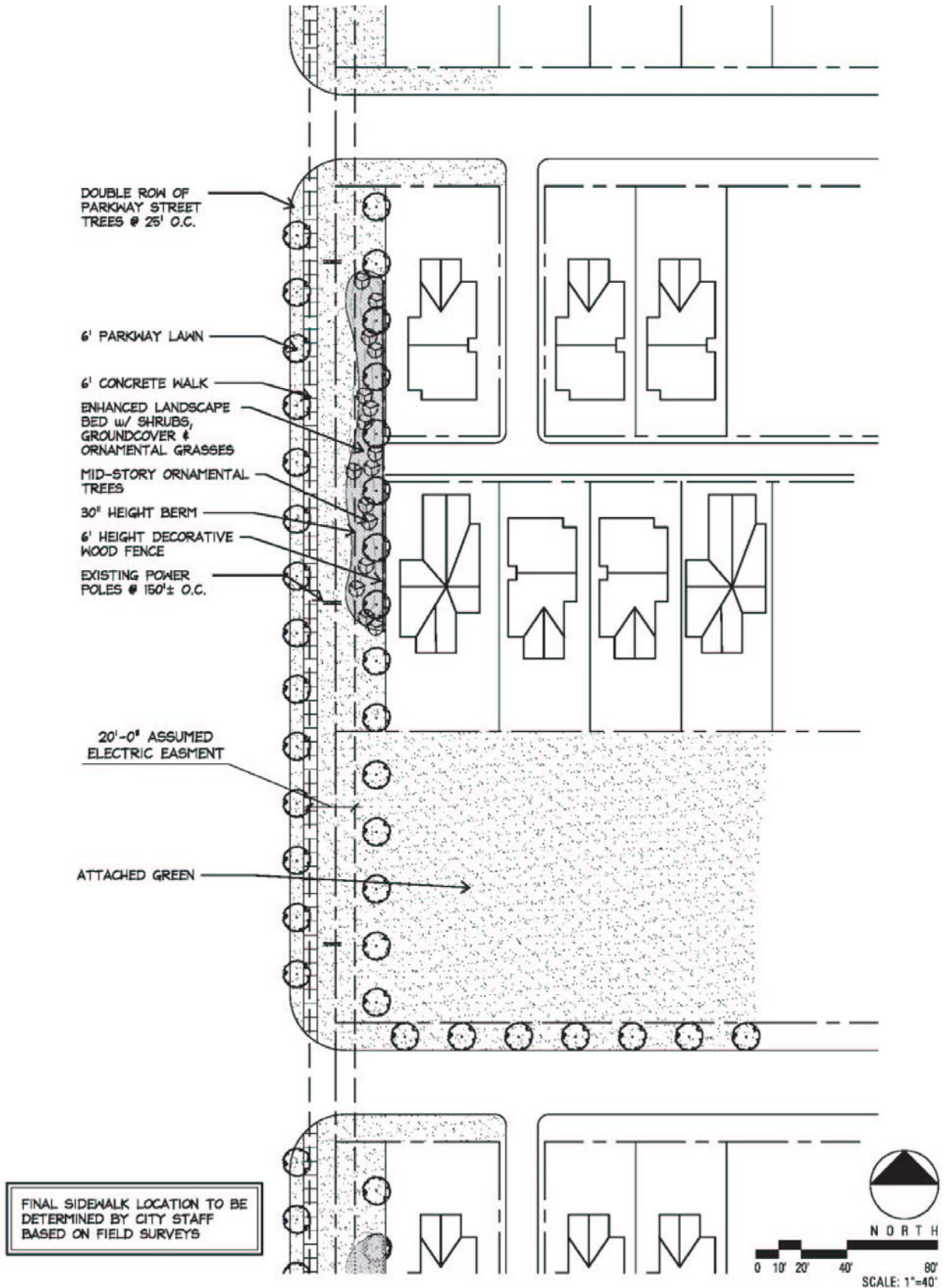


Exhibit H
Townhouse Conceptual Site Plan
(showing possible detached garage locations)

THIS EXHIBIT UPDATED

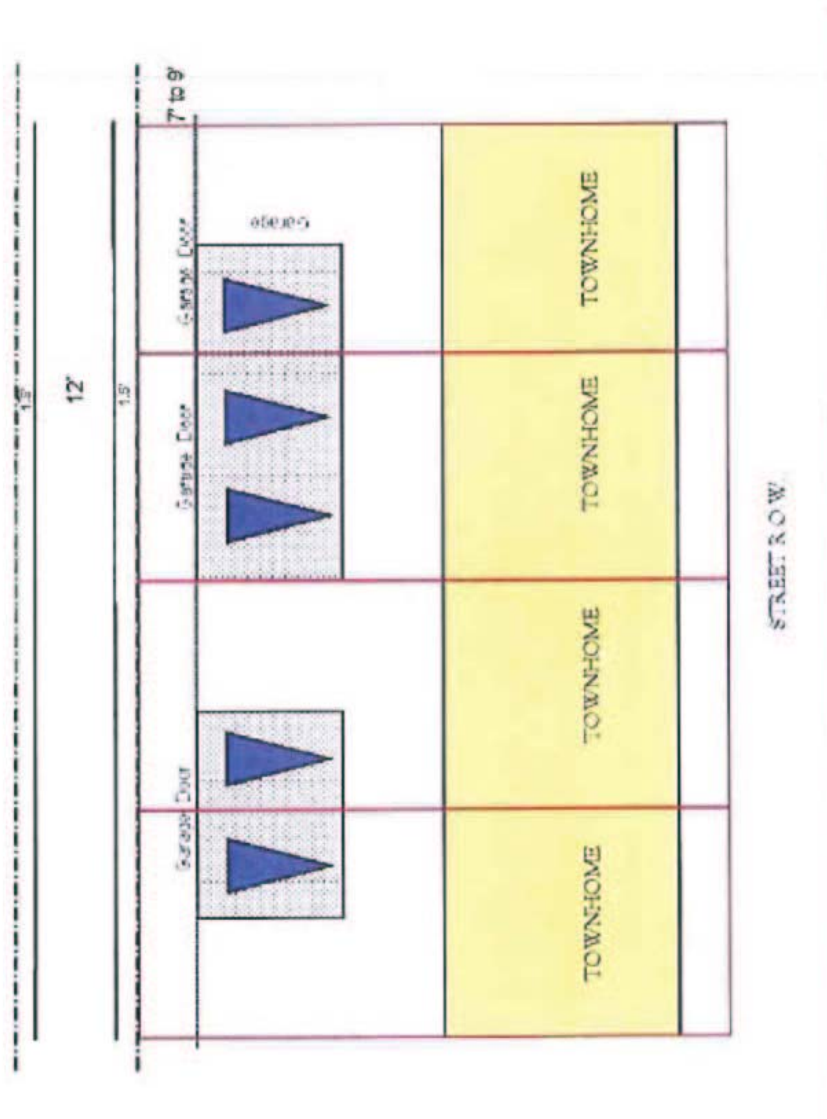
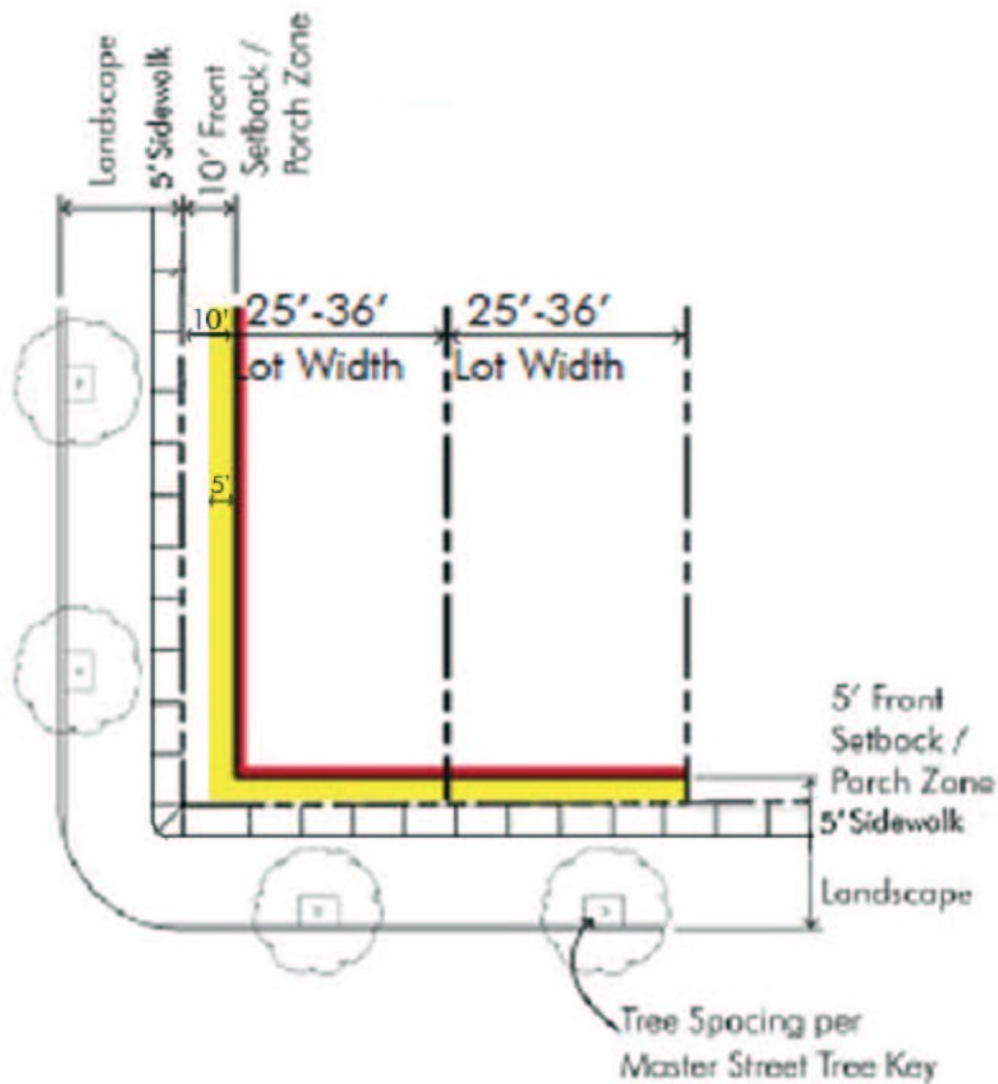


Exhibit I
Townhouse Conceptual Site Plan
(showing setback zones)

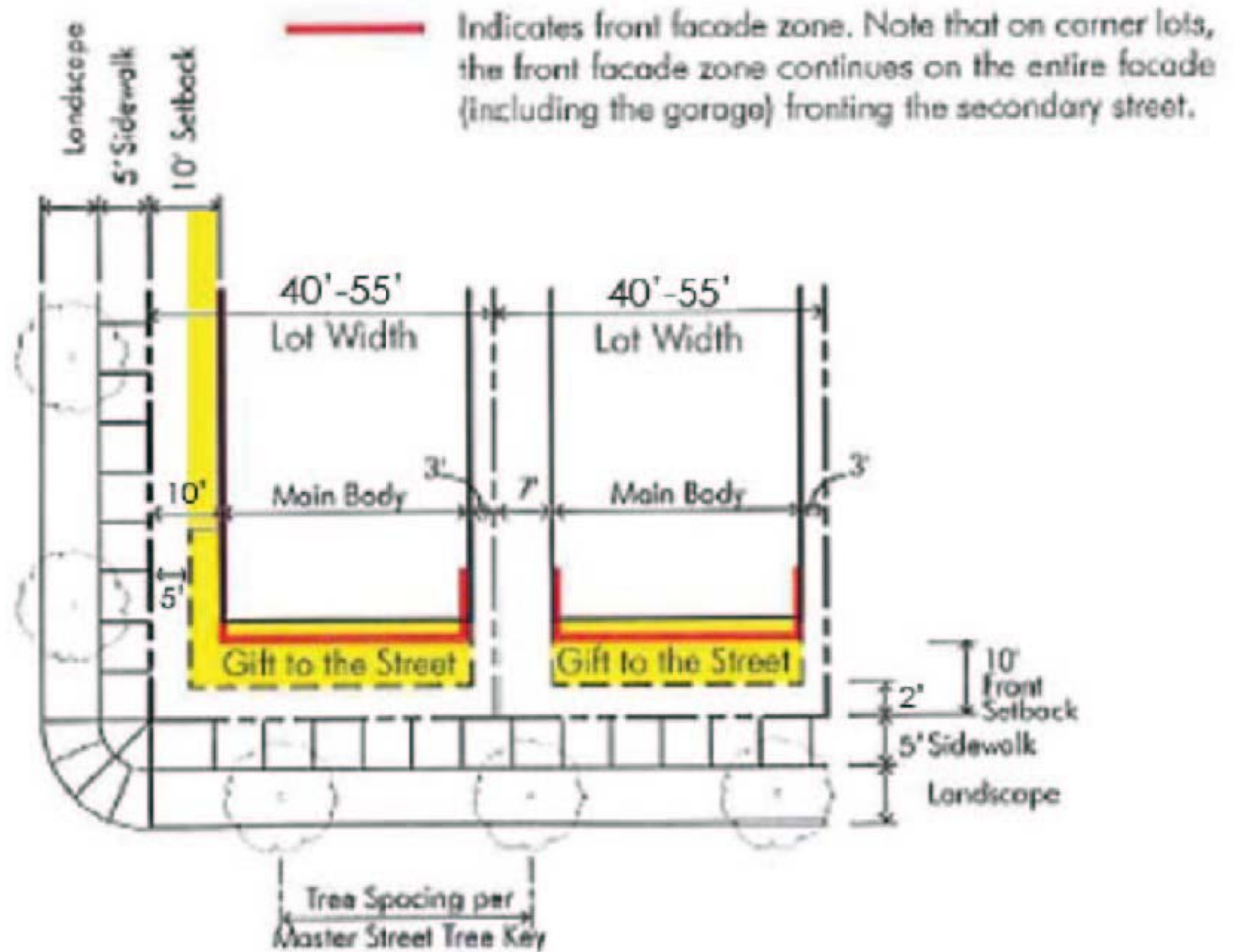
THIS EXHIBIT TO BE DELETED,
Now a part of Exhibit H



Source: Arcadia Realty

Exhibit J
Detached Home Conceptual Site Plan
(showing setback zones)

THIS EXHIBIT TO BE DELETED
Now a part of Exhibit E



Source: Arcadia Realty

**Excerpt from Draft Minutes
Planning & Zoning Commission
Meeting of April 4, 2013**

Hold a public hearing and consider a **Change in Zoning for a Portion of PD-5** to establish a new Planned Development for the (SF-5/12) Single-Family District with modified development standards. The approximately 79.465-acres site is located on the east side of Old Denton Road, just north of Raiford Road and is currently zoned PD-5 for the (8.4/19) Single-Family Residential District. Case No. 02-13Z2 Project Raiford/City of Carrollton. Case Coordinator: Christopher Barton.

Pfeil noted that the City of Carrollton was the applicant and the property was owned by the City. He further stated that a representative of the developer was present and would provide a presentation. He asked staff to present the request.

McCauley advised that the City of Carrollton Redevelopment Subcommittee has been working on this project for the past year and worked with the proposed developer on the design.

Pfeil noted for the record that Commissioner Sylo had filed a Conflict of Interest affidavit on the case and stepped away from the dais.

William Gietema Jr., CEO and co-founder of Arcadia Realty, 3500 Maple Avenue, Suite 1165, Dallas, stated they have been working with the Redevelopment Committee for the past two years. He stated that the site was part of an overall study area that was associated with the Transit Station at Trinity Mills. He described the location and stated that the property has a tremendous amount of fall across it and urban drainage flow that hasn't been well managed. The property also had to accommodate the redevelopment of Old Denton Road and Furneaux Creek. He used a topography and slope map to illustrate the fall rate from the northwest corner to the creek. He talked about making the property an amenity for the immediate overall area and as a gateway to the neighborhoods to the north. He noted the improvements to the creek were exceptionally well done and he talked about providing access to Old Denton Road in a multi model ways to include pedestrians and bicyclist. He stated that they have a fundamental belief that fronting open space creates value. To that end, the plan not only fronts onto Furneaux Creek but it also fronts homes on created internal sub-destinations. He explained that the plan uses the crevice to create ponds to stair-step down to slow the velocity and create an amenity that would be open to the overall neighborhood. He talked about the open space plan that provides for different functions and meeting spaces. He described the multi model safe street design. He stated that one of the goals of Arcadia and of the Committee was to have an example state-of-the-art infill development and the open space was essential. He stated that the plan calls for a multi generational housing mix and also includes the "gift to the street" concept that includes covered porches, bay and bow windows, and sunrooms, which was a design element in the Homestead neighborhood. He noted that the plan includes row homes, township homes, and garden homes. He stated that the smaller parks would be the responsibility of the mandatory HOA and the large central park would remain the responsibility of the City. He described the "open network" for traffic flow that includes two roads to Old Denton Road at established medians and two that are right in and right out so the porosity is very efficient to

this neighborhood and to those to the east. Mr. Gietema used a slide to talk about the price points and property values surrounding the site and stated they have conducted extensive studies and focus groups. He noted that with a detached garage, the homes can have more windows and noted the similarities to the homes in the Homestead subdivision.

With regard to the erosion setback line, Pfeil asked how much capacity it provides for future creeping of the floodplain and the type of exposure the homeowners would have that front on the park. Mr. Gietema stated the line was determined by City staff. He noted that the ponds were part of an erosion control velocity management strategy. Ravi Shah stated staff would look at the setbacks during the construction stage and he stated the intent is to have the slopes further back from the homes than required by the Code.

Halloin voiced a concern about the speed of traffic on Old Denton Road noting each access point is a potential point for accidents. It was his feeling that at least two points should be changed to cul-de-sacs. Mr. Gietema referred to standards adopted by the State of Texas that include roundabouts and different techniques that insure very high rates of ADT by managing its edges and using alternative intersections. In this case, there are two that are right in, right out that off existing median breaks and two that are on median breaks that could be signalized as warranted.

Blanscet asked about the comment on a presentation slide regarding the potential to clean up overhead utilities and Mr. Gietema stated the comment means they plan to landscape around it and move the utilities underground as the budget allows. The landscape plan includes the traffic calming street trees, a 6 ft sidewalk, the overhead power lines would be in a grassed-in area that would go to a landscaped berm, and the idea is that when Old Denton Road is reconstructed with underground utilities, that this section could be put underground cost effectively without tearing up any of the landscaping. He stated it is expected that some of the overhead poles will have to be replaced, but it is designed flexibly so it can transform from the overhead to the underground. If the City doesn't move the lines underground, the expectation is that the trees will screen the poles. He stated that trees are traffic calming, beautiful and hide a lot of past mistakes.

There being no further questions from the Commission, Pfeil opened the public hearing and invited speakers to come forward; there were no speakers.

*** *Blanscet moved to close the public hearing and approve Case No. 02-13Z2 Project Raiford with stipulations; second by Nesbit and the vote was cast 7-0, Sylo abstained and Daniel-Nix absent.***

Commissioner Sylo returned to the dais.

PLANNING DEPARTMENT
City of Carrollton
Date: 05/07/13

PLANNED DEVELOPMENT NO. 194
Raiford Crossing

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING PLANNED DEVELOPMENT NUMBER 194 WHICH PROVIDES FOR THE (SF-5/12) SINGLE FAMILY DETACHED AND (SF-TH) TOWNHOUSE RESIDENTIAL DISTRICTS ON AN APPROXIMATELY 40-ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF OLD DENTON ROAD JUST NORTH OF RAIFORD ROAD; AMENDING THE OFFICIAL ZONING MAP; AND PROVIDING FOR A PENALTY OF \$2,000 PER DAY, SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Fourth day of April, 2013, the Planning & Zoning Commission considered and made recommendations on a certain request establishing Planned Development No. 194 (Case No. 02-13Z2);

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

That Planned Development 194 is hereby established for a certain approximately 40-acre site located on the east side of Old Denton Road, just north of Raiford Road and north of Furneaux Creek, being more specifically depicted on the attached Exhibit A, providing for the following uses:

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-5/12) Single Family Residential and the (SF-TH) Townhouse Residential Districts, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-5/12) Single Family Residential and the (SF-TH) Townhouse Residential Districts and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided in this ordinance.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-5/12) Single Family Residential and the (SF-TH) Townhouse Residential Districts, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

Section 2.

That development shall be in accordance with the following special conditions, restrictions and regulations:

General

1. A homeowner's association shall be established in accordance with the Comprehensive Subdivision Ordinance prior to platting the tract. The property owner's association will be responsible for the improvement and maintenance of all private common areas and/or common facilities contained within the area of the Concept Plan.
2. Lot layout shall be as shown on the *Concept Plan* attached as Exhibit B.
3. Street layout, design and cross-sections shall be as shown on the *Conceptual Thoroughfare Plan* and *Street Cross Sections* exhibits attached as Exhibits C & D.

Lots & Homes

Single-Family Detached Lots:

4. Maximum building coverage for single-family detached lots shall be 75%.
5. Minimum lot width for single-family detached lots shall be 40 feet.
6. Minimum lot depth for single-family detached lots shall be 100 feet.
7. Minimum lot area for single-family detached lots shall be 4,000 square feet.
8. Minimum front yard setback for single-family lots shall be 10 feet provided however that unenclosed porches, chimneys, eaves and similar architectural features, bay or bow windows may encroach into this setback up to 8 feet.
9. Minimum side yard setback, not abutting a street, shall be 3 feet, provided however that no dwelling may be closer to an adjacent building than 10 feet.
10. Minimum side yard setback, abutting a street not designated as an arterial or collector on the Carrollton Transportation Plan shall be 10 feet, provided however that unenclosed porches, chimneys, eaves and similar architectural features, bay or bow windows and sunrooms (being an enclosed room no more than 15 feet in width and having glass on at least 50% of each encroaching face) may encroach into this setback up to 5 feet.
11. Minimum rear yard setback shall be 3 feet.
12. Minimum exterior façade masonry content shall be 90%. For the purposes of this ordinance, "masonry" shall include brick, natural stone, cast stone, stucco (but not EIFS) and cementitious fiberboard in a horizontal "lap board" siding or with a decorative pattern (see examples as Exhibit F).
13. Maximum height of a structure shall be 25 feet, as measured to the eave or top plate (whichever is higher).
14. Fences, if any, along any alley right-of-way shall be placed no closer to said right-of-way than three feet.

Townhouse Lots:

15. Maximum building coverage for townhouse lots shall be 80%.
16. Minimum lot width for townhouse lots shall be 25 feet.
17. Minimum lot depth for townhouse lots shall be 80 feet.
18. Minimum lot area for townhouse lots shall be 2,000 square feet.
19. Minimum side yard setback, abutting a street shall be 10 feet, provided however that unenclosed porches, chimneys, eaves and similar architectural features, bay or bow windows and sunrooms (being an enclosed room no more than 15 feet in width and having glass on at least 50% of each encroaching face) may encroach into this setback up to 5 feet.
20. Minimum rear yard setback shall be 3 feet.
21. Maximum height of a structure shall be 30 feet, as measured to the eave or top plate (whichever is higher).
22. Minimum required off-street parking spaces for townhouse lots shall be 1 per dwelling. See also Exhibit D *Conceptual Site Plan for Individual Lots*.
23. Fences, if any, placed along alley rights-of-way shall be no closer to said alley right-of-way than three feet.

Accessory Buildings

24. Accessory buildings containing bathrooms and/or kitchens are allowed, provided that no more than one water or electric meter is allowed per lot and no accessory building shall exceed 800 square feet in area.
25. Accessory building shall be architecturally consistent with the main building.
26. Detached “rear-loaded” garages shall have a minimum side yard setback of zero feet, provided however that all building and fire code requirements are met. See also Exhibit D *Conceptual Site Plans For Individual Lots*.
27. Detached “rear-loaded” garages shall have a minimum rear yard setback of three feet, provided however that garage doors facing the alley shall be placed between 7 and 9 feet, or at least 17 feet from said alley right-of-way.

Streets

28. An “entry ribbon” consisting of decorative pavers or stained and pattern-stamped concrete shall be placed in each street intersecting with Old Denton Road. Said entry ribbon shall be no less than ten feet (10’) in depth, shall extend across the width of the street and shall generally align with the abutting sidewalk.
29. Landscaping and screening fences along Old Denton Road shall be as shown on Exhibit G Landscaping & Screening Fences Along Old Denton Road.

Section 3.

That the Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 4.
Penalty Clause

That any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 5.
Severability Clause

That the provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 6.
Repealing Clause

To the extent of any prior ordinance of the City of Carrollton (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence or paragraph is hereby repealed.

Section 7.
Savings Clause

That Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 8.

That this ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Seventh day of May, 2013.

CITY OF CARROLLTON

By: _____
Matthew Marchant, Mayor

ATTEST:

Ashley D. Mitchell
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Regina A. Edwards
First Assistant City Attorney

Christopher Barton, AICP
Chief Planner

Exhibit A
Legal Description

Tract 1:

Being a 26.232 acre tract of land situated in the G. Gaskin Survey, Abstract No. 492, in the City of Carrollton, Denton County, Texas and being a portion of those same tracts or parcels of land conveyed to the City of Carrollton as evidenced by the Deed recorded in Volume 2415 at page 711 of the Deed Records of Denton County, Texas. Said 26.232 acre portion being more fully described as follows:

BEGINNING at a ½ inch steel rod found for corner on the existing east right-of-way line of Old Denton Road (a variable width right-of-way also known as F.M. Highway No. 2281), and being the southwest corner of Kingspoint Phase II, an addition to the City of Carrollton as shown on the Plat recorded in Cabient E at Page 395 of the Map Records of Denton County, Texas;

THENCE North 89 deg. 57 min. 29 sec. East, departing said east right-of-way line and along the common line between said City of Carrollton tract and said Kingspoint Phase II, a distance of 997.22 feet to a ½ inch steel rod set for corner and being the beginning of a non-tangent curve to the right having a central angle of 26 deg. 50 min. 47 sec. a radius distance of 460.00 feet, a chord distance of 213.57 feet and a chord bearing of South 13 deg. 22 min. 53 sec. West;

THENCE departing said common line and southerly along said curve to the right, an arc distance of 215.54 feet to a ½ inch steel rod set for corner at the end of said curve;

THENCE South 26 deg. 48 min. 16 sec. East, a distance of 46.60 feet to a ½ inch steel rod set for corner at the beginning of a curve to the left having a central angle of 26 deg. 48 min. 15 sec., a radius distance of 460.00 feet, a chord distance of 213.37 feet and a chord bearing of South 13 deg. 23 min. 39 sec. West;

THENCE southerly along said curve to the left, an arc distance of 215.33 feet to a ½ inch steel rod set for corner at the end of said curve;

THENCE South 00 deg. 00 min. 59 sec. East, a distance of 165.81 feet to a ½ inch steel rod set for corner at the beginning of a curve to the left having a central angle of 11 deg. 27 min. 46 sec., a radius distance of 525.00 feet, a chord distance of 104.86 feet and a chord bearing of South 05 deg. 44 min. 52 sec. East;

THENCE southerly along said curve to the left, an arc distance of 105.03 feet to a ½ inch steel rod set for corner;

THENCE South 11 deg. 28 min. 45 sec. East, a distance of 311.47 feet to a ½ inch steel rod set for corner at the beginning of a non-tangent curve to the right having a central angle of 10 deg. 41 min. 48 sec., a radius distance of 411.50 feet, a chord distance of 89.02 feet and a chord bearing of North 59 deg. 39 min. 14 sec. East;

THENCE northeasterly along said curve to the right, an arc distance of 89.15 feet to a ½ inch steel rod set for corner;

THENCE South 00 deg. 32 min. 42 sec. West, a distance of 65.74 feet to a ½ inch steel rod set for corner;

THENCE South 33 deg. 28 min. 41 sec. East, a distance of 125.38 feet to a ½ inch steel rod set for corner;

THENCE North 55 deg. 33 min. 41 sec. West, a distance of 131.14 feet to a ½ inch steel rod set for corner;

THENCE South 68 deg. 41 min. 49 sec. West, a distance of 138.33 feet to a ½ inch steel rod set for corner;

THENCE South 40 deg. 40 min. 38 sec. West, a distance of 85.33 feet to a ½ inch steel rod set for corner;

THENCE South 46 deg. 10 min. 09 sec. West, a distance of 86.97 feet to a ½ inch steel rod set for corner;

THENCE South 56 deg. 20 min. 29 sec. West, a distance of 59.90 feet to a ½ inch steel rod set for corner;

THENCE North 71 deg. 27 min. 23 sec. West, a distance of 86.97 feet to a ½ inch steel rod set for corner;

THENCE South 82 deg. 40 min. 26 sec. West, a distance of 51.84 feet to a ½ inch steel rod set for corner;

THENCE South 79 deg. 48 min. 55 sec. West, a distance of 60.11 feet to a ½ inch steel rod set for corner;

THENCE North 52 deg. 59 min. 51 sec. West, a distance of 45.64 feet to a ½ inch steel rod set for corner;

THENCE North 81 deg. 12 min. 50 sec. West, a distance of 54.01 feet to a ½ inch steel rod set for corner;

THENCE North 72 deg. 23 min. 33 sec. West, a distance of 95.87 feet to a ½ inch steel rod set for corner;

THENCE North 86 deg. 55 min. 10 sec. West, a distance of 23.12 feet to a ½ inch steel rod set for corner;

THENCE South 70 deg. 30 min. 43 sec. West, a distance of 76.09 feet to a ½ inch steel rod set for corner;

THENCE South 56 deg. 09 min. 56 sec. West, a distance of 68.10 feet to a ½ inch steel rod set for corner;

THENCE South 40 deg. 15 min. 30 sec. West, a distance of 58.59 feet to a ½ inch steel rod set for corner;

THENCE South 69 deg. 01 min. 52 sec. West, a distance of 105.60 feet to a ½ inch steel rod set for corner;

THENCE South 36 deg. 39 min. 19 sec. West, a distance of 60.88 feet to a ½ inch steel rod set for corner on the previously mentioned east right-of-way line of Old Denton Road;

THENCE North 01 deg. 05 min. 49 sec. West along said east line, a distance of 114.46 feet to a ½ inch steel rod set at an angle point;

THENCE North 00 deg. 50 min. 28 sec. West, a distance of 749.62 feet to a ½ inch steel rod set for corner at an angle point;

THENCE North 00 deg. 50 min. 29 sec. West, a distance of 149.92 feet to a ½ inch steel rod set for corner at an angle point;

THENCE North 00 deg. 16 min. 31 sec. East, a distance of 374.44 feet to the POINT OF BEGINNING;

And containing 26.232 acres or 1,142,682 square feet of land more or less.

Tract 2:

Being a description of a 10.134 acres tract of land situated in the George Gaskin Survey, Abstract No. 492 and the Benjamin Bacchus Survey, Abstract No. 119, in the City of Carrollton, Denton County, Texas and being a portion of that same tract or parcel of land conveyed to the City of Carrollton as evidenced by the Deed recorded in Volume 2415, at Page 711 of the Deed Records of Denton County, Texas. Said 10.134 acre portion thereof being more fully described as follows:

COMMENCING at a ½ inch steel rod found for corner on the existing east right of way line of Old Denton Road (a variable width right of way also known as F.M. Highway No. 2281), and being the southwest corner of Kingspoint Phase II, an addition to the City of Carrollton as shown on the Plant recorded in Cabinet E, at Page 395 of the Map Records of Denton County, Texas;
THENCE North 89 deg. 57 min. 29 sec. East, departing said east right of way line and along the common line between said City of Carrollton tract and said Kingspoint Phbase II, a distance of 997.22 feet to a ½ inch steel rod set for corner and being the POINT OF BEGINNING;

THENCE continuing along said common line, a distance of 375.00 feet to a chiseled "X" set for corner and being on the west line of The Palisades Phase II, and addition to the City of Carrollton as shown on the Plat recorded in Cabinet F, at Page 44 of the Map Records of Denton County, Texas;

THENCE South 00 deg. 00 min. 59 sec. East, departing said Kingspoint Phase II and along the west line of The Palisades Phase II, a distance of 954.87 feet to a ½ inch steel rod set for corner;

THENCE North 84 deg. 19 min. 29 sec. West, a distance of 97.26 feet to a ½ inch steel rod set for corner at the beginning of a curve to the left having a central angle of 41 deg. 22 min. 11 sec., a radius distance of 477.50 feet, a chord distance of 337.33 feet and a chord bearing of South 74 deg. 59 min. 26 sec. West;

THENCE easterly along said curve to the left, an arc distance of 344.77 feet to a ½ inch steel rod set for corner;

THENCE North 11 deg. 28 min. 45 sec. West, a distance of 311.47 feet to a ½ inch steel rod set at the beginning of a curve to the right having a central angle of 11 deg. 27 min. 46 sec., a radius distance of 525.00 feet, a chord distance of 104.86 feet and a chord bearing of North 05 deg. 44 min. 52 sec. West;

THENCE northerly along said curve to the right, an arc distance of 105.03 feet to a ½ inch steel rod set for corner;

THENCE North 00 deg. 00 min. 59 sec. West, a distance of 165.81 feet to a ½ inch steel rod set for corner at the beginning of a curve to the right having a central angle of 26 deg. 48 min. 15 sec., a radius distance of 460.00 feet, a chord distance of 213.57 feet and a chord bearing of North 13 deg. 23 min. 39 sec. East;

THENCE northerly along said curve to the right, an arc distance of 215.33 feet to a ½ inch steel rod set for corner at the end of said curve;

THENCE North 26 deg. 48 min. 16 sec. East, a distance of 46.60 feet to a ½ inch steel rod set for corner at the beginning of a curve to the left having a central angle of 26 deg. 50 min. 47 sec., a radius distance of 460.00 feet, a chord distance of 213.57 feet and a chord bearing of North 13 deg. 22 min. 53 sec. East;

THENCE northerly along said curve to the left, an arc distance of 215.54 feet to the POINT OF BEGINNING;

And containing 10.134 acres or 441,424 square feet of land more or less.

Tract 3:

Being a 3.822 acre tract of land situated in the G. Gaskin Survey, Abstract No. 492, in the City of Carrollton, Teton County, Texas and being a portion of those same tracts or parcels of land conveyed to the City of Carrollton as evidenced by the Deed recorded in Volume 2415 at Page 711 of the Deed records of Denton County, Texas. Said 3.822 acres portion being more fully described as follows:

COMMENCING at a ½ inch steel rod found for corner on the existing east right of way line of Old Denton Road (a variable width right of way also known as F.M. Highway No. 2281), and being the southwest corner of Kingspoint Phase II, an addition to the City of Carrollton as shown on the Plat recorded in Cabinet E, at Page 395 of the Map Records of Denton County, Texas;

THENCE North 89 deg. 57 min. 29 sec. East, departing said east right of way line and along the common line between said City of Carrollton tract and said Kingspoint Phase II, a distance of 997.22 feet to a ½ inch steel rod set for corner and being the beginning of a non-tangent curve to the right having a central angle of 26 deg. 50 min. 47 sec., a radius distance of 460.00 feet, a chord distance of 213.57 feet and a chord bearing of South 13 deg. 22 min. 53 sec. West;

THENCE departing said common line and southerly along said curve to the right, an arc distance of 215.54 feet to a ½ inch steel rod set for corner at the end of said curve;

THENCE South 26 deg. 48 min. 16 sec. East, a distance of 46.60 feet to a ½ inch steel rod set for corner at the beginning of a curve to the left having a central angle of 26 deg. 48 min. 15 sec., a radius distance of 460.00 feet, a chord distance of 213.37 feet and a chord bearing of South 13 deg. 23 min. 39 sec. East;

THENCE southerly along said curve to the left, an arc distance of 215.33 feet to a ½ inch steel rod set for corner at the end of said curve;

THENCE South 00 deg. 00 min. 59 sec. East, a distance of 165.81 feet to a ½ inch steel rod set for corner at the beginning of a curve to the left having a central angle of 11 deg. 27 min. 46 sec., a radius distance of 525.00 feet, a chord distance of 104.86 feet and a chord bearing of South 05 deg. 44 min. 52 sec. East;

THENCE southerly along said curve to the left, an arc distance of 105.03 feet to a ½ inch steel rod set for corner;

THENCE South 11 deg. 28 min. 45 sec. East, a distance of 311.47 feet to a ½ inch steel rod set for corner at the beginning of a non-tangent curve to the right having a central angle of 10 deg. 41 min. 48 sec. , a radius distance of 477.50 feet, a chord distance of 89.02 feet and a chord bearing of South 05 deg. 44 min. 52 sec. East;

THENCE northeasterly along said curve to the right, an arc distance of 89.15 feet to a ½ inch steel rod set for corner;

THENCE South 00. Deg. 32 min. 42 sec. West, a distance of 65.74 feet to a ½ inch steel rod set for corner;

THENCE South 33 deg. 28 min. 41 sec. East, a distance of 125.38 feet to a ½ inch steel rod set for corner and being the POINT OF BEGINNING;

THENCE South 07 deg. 26 min. 00 sec. West, a distance of 169.76 feet to a ½ inch steel rod set for corner;

THENCE South 20 deg. 25 min. 09 sec. West, a distance of 73.78 feet to a ½ inch steel rod set for corner;

THENCE South 88 deg. 28 min. 23 sec. West, a distance of 167.83 feet to a ½ inch steel rod set for corner;

THENCE South 87 deg. 19 min. 10 sec. West, a distance of 233.74 feet to a ½ inch steel rod set for corner;

THENCE North 76 deg. 14 min. 37 sec. West, a distance of 131. 81 feet to a ½ inch steel rod set for corner;

THENCE North 71 deg. 00 min. 38. Sec. West, a distance of 99.98 feet to a ½ inch steel rod set for corner;

THENCE North 74 deg. 00. Min. 38 sec. West, a distance of 97.56 feet to a ½ inch steel rod set for corner;

THENCE North 79 deg. 38 min. 18 sec. West, a distance of 64.98 feet to a ½ inch steel rod set for corner;

THENCE North 88 deg. 01 min. 37 sec. West, a distance of 49.85 feet to a ½ inch steel rod set for corner;

THENCE South 73 deg. 37 min. 19 sec. West, a distance of 52.52 feet to a ½ inch steel rod set for corner;

THENCE South 67 deg. 32 min. 58 sec. West, a distance of 43.62 feet to a ½ inch steel rod set for corner;

THENCE South 52 deg. 35 min. 56 sec. West, a distance of 42.71 feet to a ½ inch steel rod set for corner;

THENCE South 38 deg. 44 min. 07 sec. West, a distance of 42.08 feet to a ½ inch steel rod set for corner;

THENCE South 14 deg. 43 min. 02 sec. West, a distance of 42.96 feet to a ½ inch steel rod set for corner;

THENCE South 49 deg. 02 min. 00 sec. West, a distance of 52.46 feet to a ½ inch steel rod set for corner on the previously mentioned east right of way of Old Denton Road;

THENCE north 01 deg. 05 min. 49 sec. West, along said right of way line, a distance of 85.32 feet to a ½ inch steel rod set for corner;

THENCE North 36 deg. 39 min. 19 sec. West, along said right of way line, a distance of 60.88 feet to a ½ inch steel rod set for corner;

THENCE North 69 deg. 01 min. 52 sec. East, a distance of 105.60 feet to a ½ inch steel rod set for corner;

THENCE North 40 deg. 15 min. 30 sec. East, a distance of 58.59 feet to a ½ inch steel rod set for corner;

THENCE North 56 deg. 09 min. 56 sec. East, a distance of 68.10 feet to a ½ inch steel rod set for corner;

THENCE North 70 deg. 30 min. 43 sec. East, a distance of 76.09 feet to a ½ inch steel rod set for corner;

THENCE South 86 deg. 55 min. 10 sec. East, a distance of 23.12 feet to a ½ inch steel rod set for corner;

THENCE South 72 deg. 23 min. 33 sec. East, a distance of 95.87 feet to a ½ inch steel rod set for corner;

THENCE South 81 deg. 12 min. 50 sec. East, a distance of 54.01 feet to a ½ inch steel rod set for corner;

THENCE South 52 deg. 59 min. 51 sec. East, a distance of 45.64 feet to a ½ inch steel rod set for corner;

THENCE North 79 deg. 48 min. 55 sec. East, a distance of 60.11 feet to a ½ inch steel rod set for corner;

THENCE North 82 deg. 40 min. 26 sec. East, a distance of 51.84 feet to a ½ inch steel rod set for corner;

THENCE South 71 deg. 27 min. 23 sec. East, a distance of 86.97 feet to a ½ inch steel rod set for corner;

THENCE North 56 deg. 20 min. 29 sec. East, a distance of 59.90 feet to a ½ inch steel rod set for corner;

THENCE North 46 deg. 10 min. 09 sec. East, a distance of 56.27 feet to a ½ inch steel rod set for corner;

THENCE North 40 deg. 40 min. 38 sec. East, a distance of 85.45 feet to a ½ inch steel rod set for corner;

THENCE North 68 deg. 41 min. 49 sec. East, a distance of 138.33 feet to a ½ inch steel rod set for corner;

THENCE South 55 deg. 33 min. 22 sec. East, a distance of 131.33 feet to the POINT OF BEGINNING;

And containing 3.822 acres or 166, 492 square feet of land more or less.

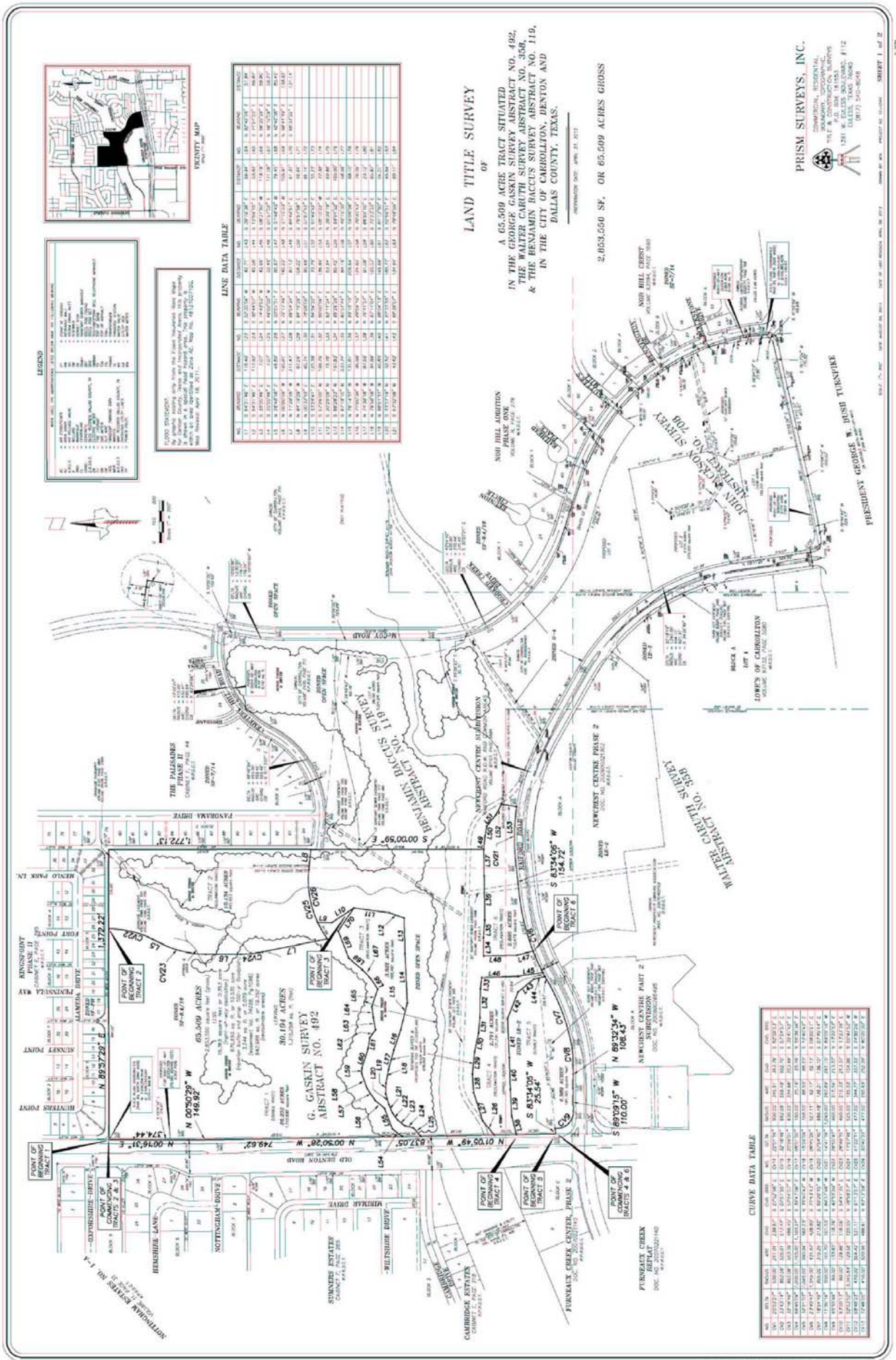


Exhibit B
Concept Plan

Blue = 25' Townhouse Lots, Orange = 40' x 110' Lots, Pink = 55' x 110' Lots



Exhibit C
Conceptual Thoroughfare Plan



PROPOSED
THOROUGHFARE TYPES

	ST50-30-2
	ST50-28-2
	ST40-20-1
	ST34-24-2
	ST31-20-1
	A15-12-1
	A20-20-2

Exhibit D Street Cross Sections

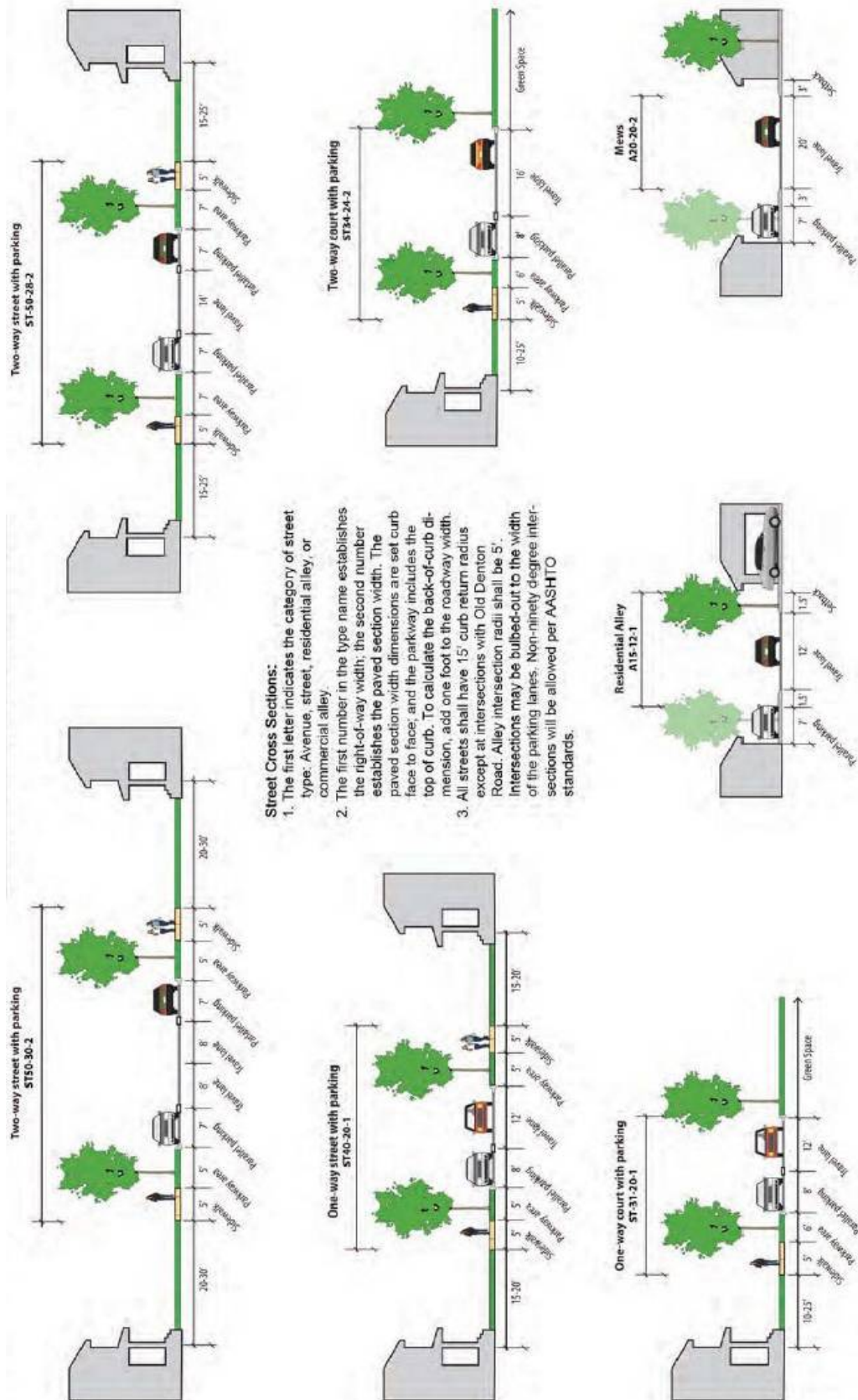


Exhibit E
Conceptual Site Plans
For Individual Lots

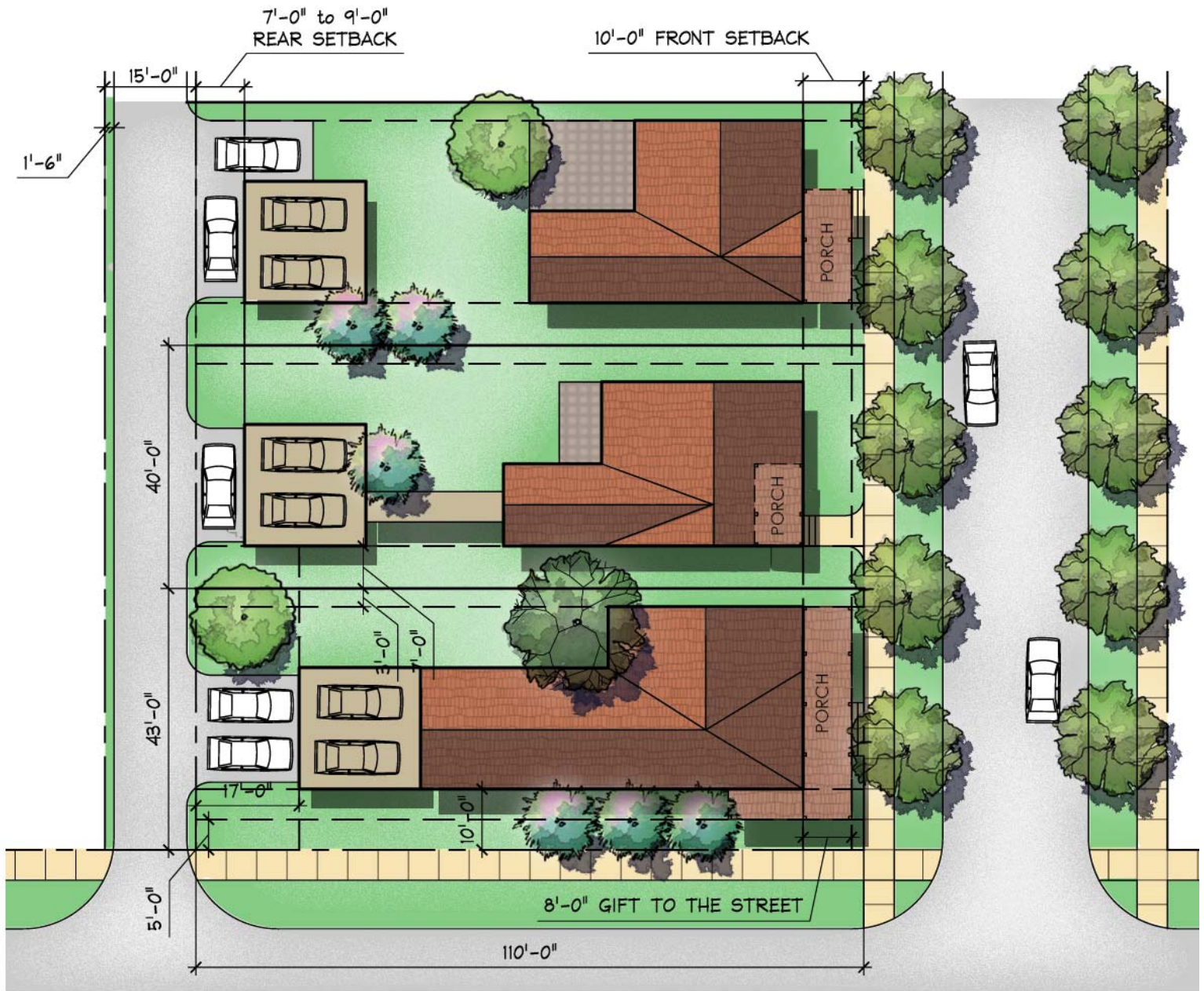


Exhibit F
Cementitious Fiberboard
Examples of Decorative Patterns



Exhibit G
Landscaping & Screening Fence Along Old Denton Road
(conceptual section view)

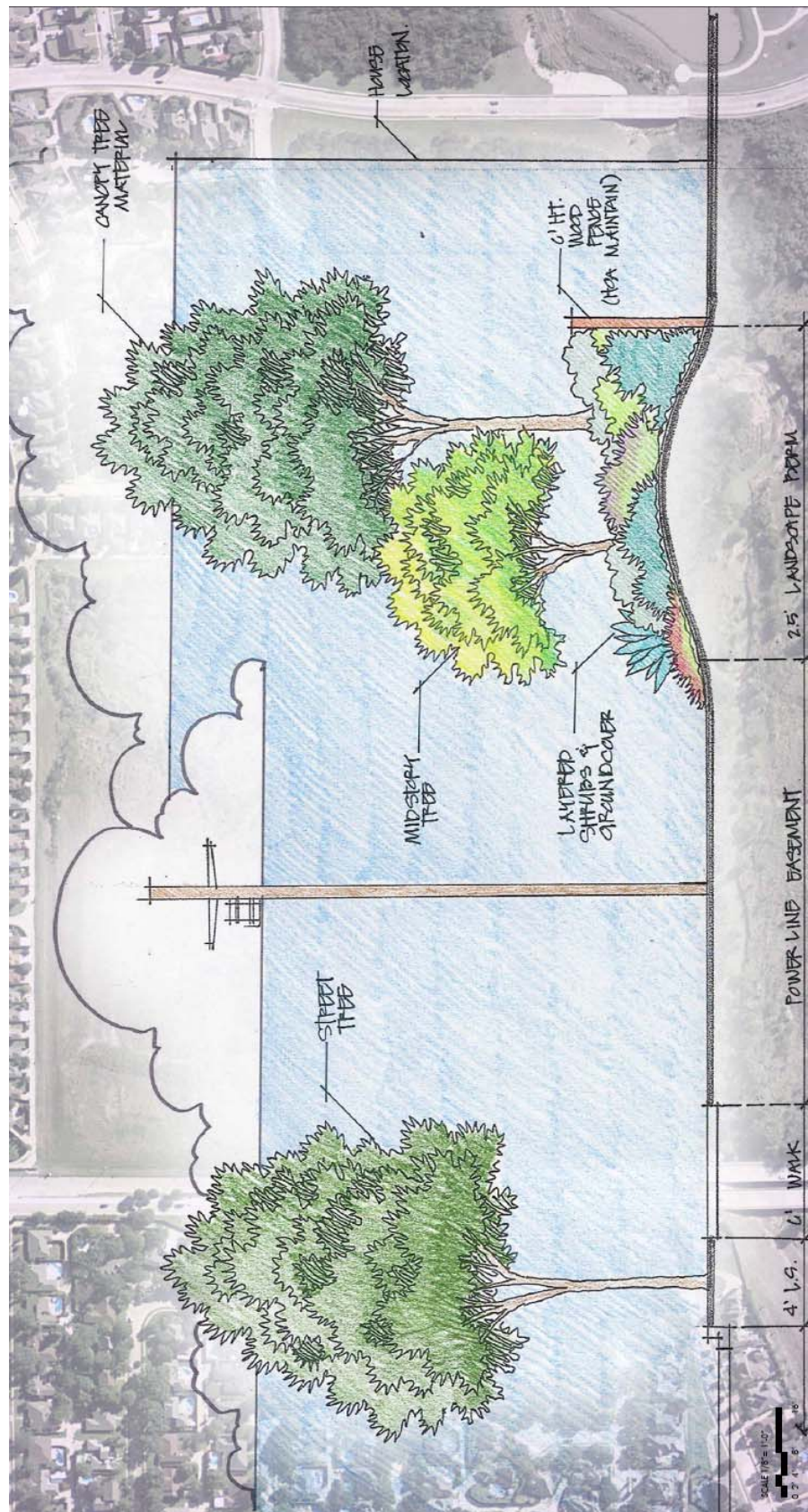


Exhibit G
Landscaping & Screening Fence Along Old Denton Road
(conceptual plan view)

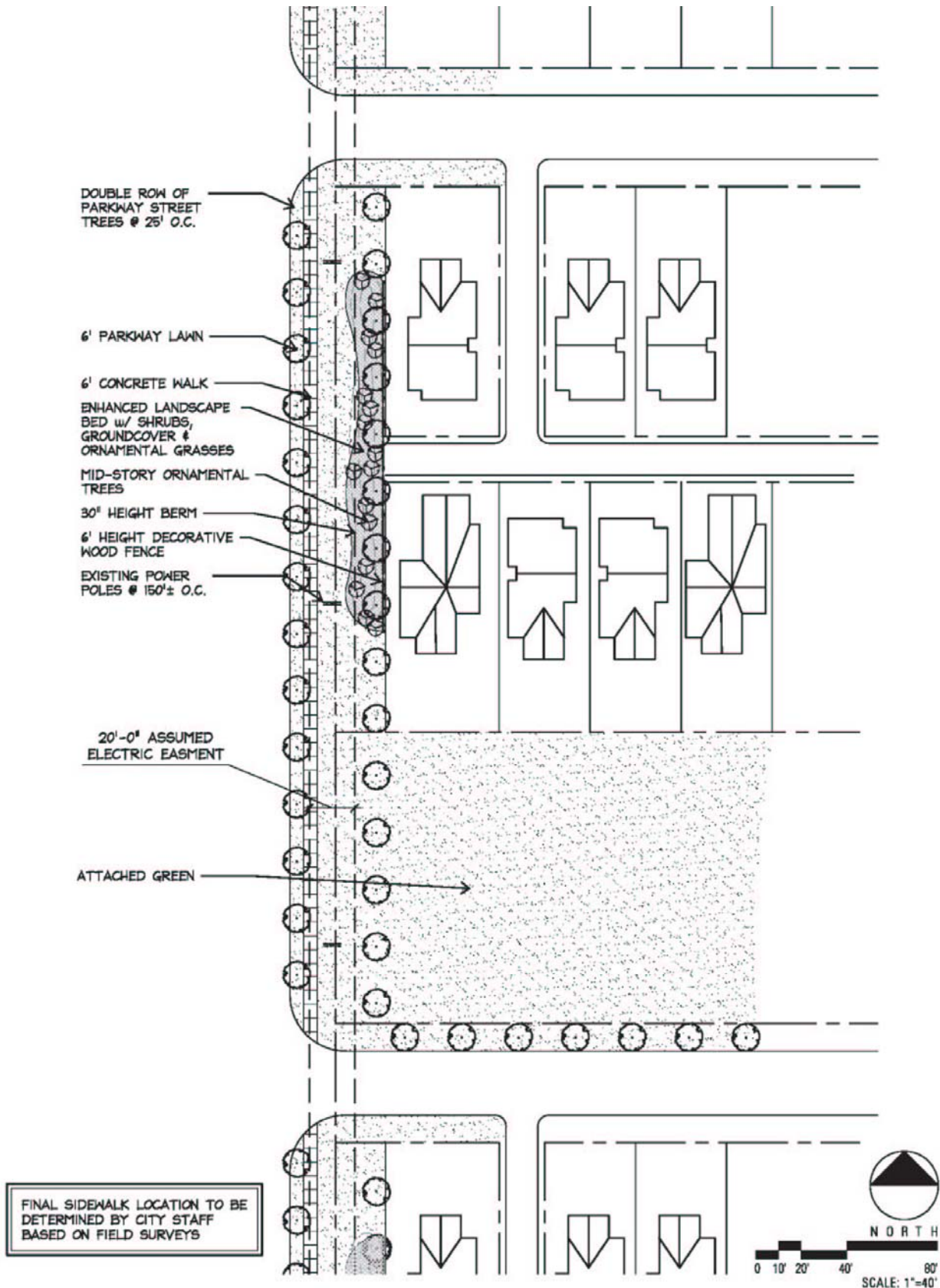


Exhibit H
Townhouse Conceptual Site Plan
(showing possible detached garage locations)

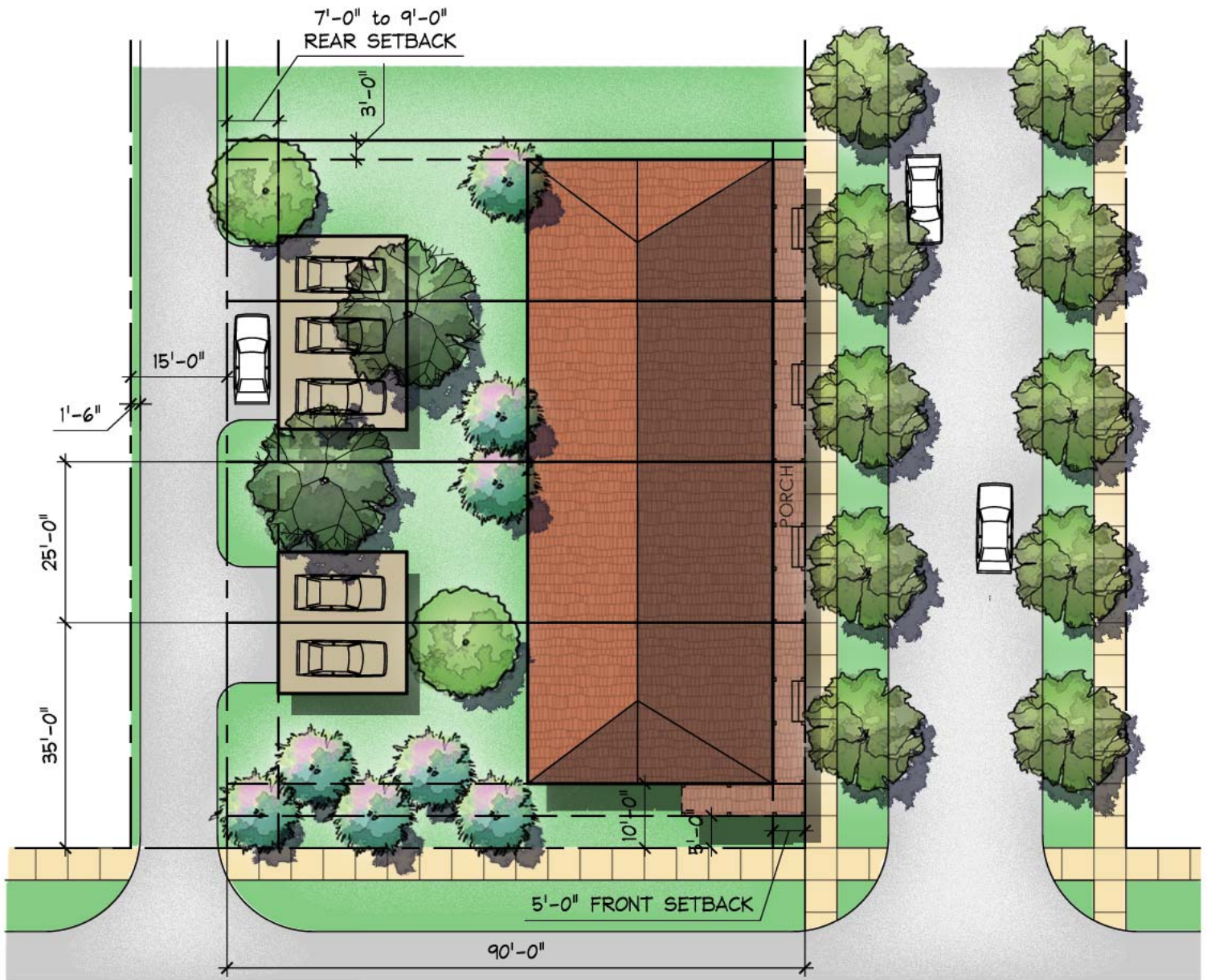
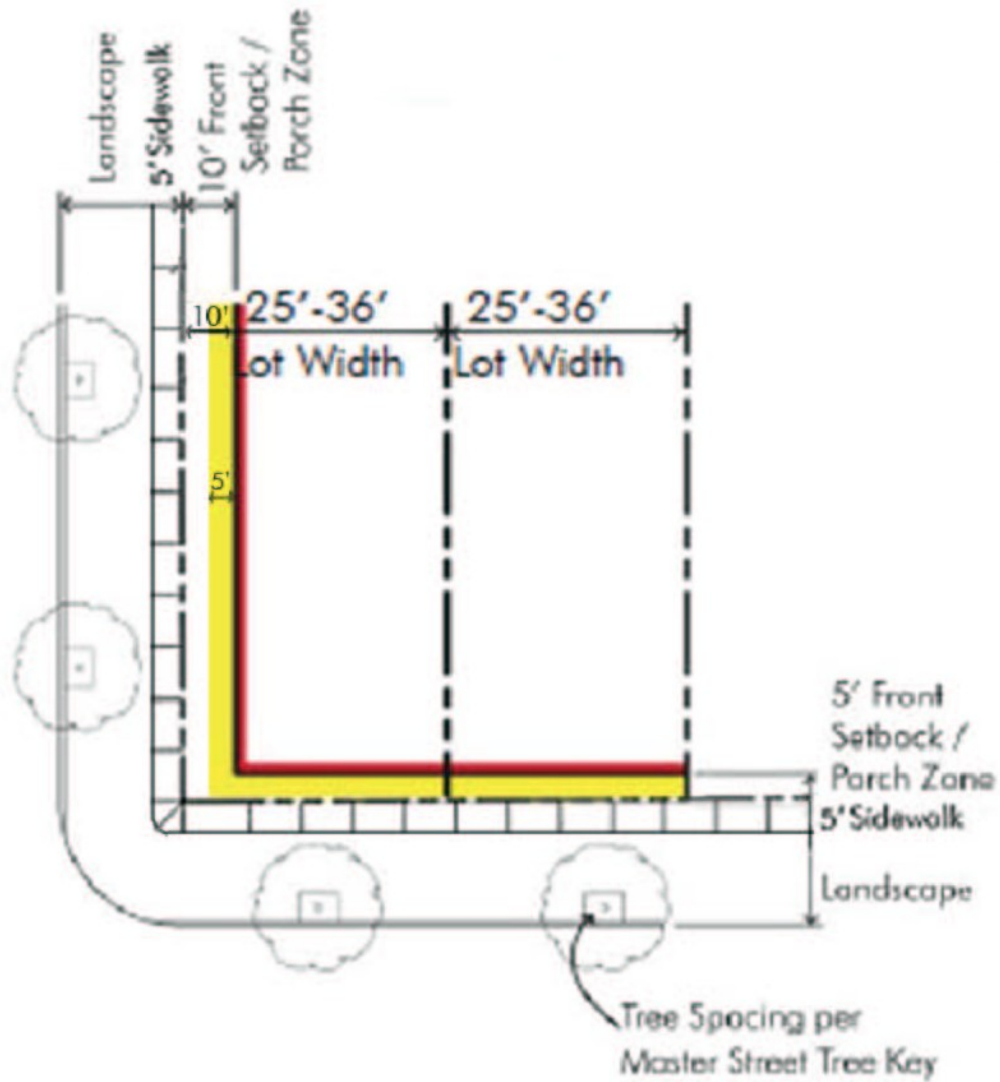
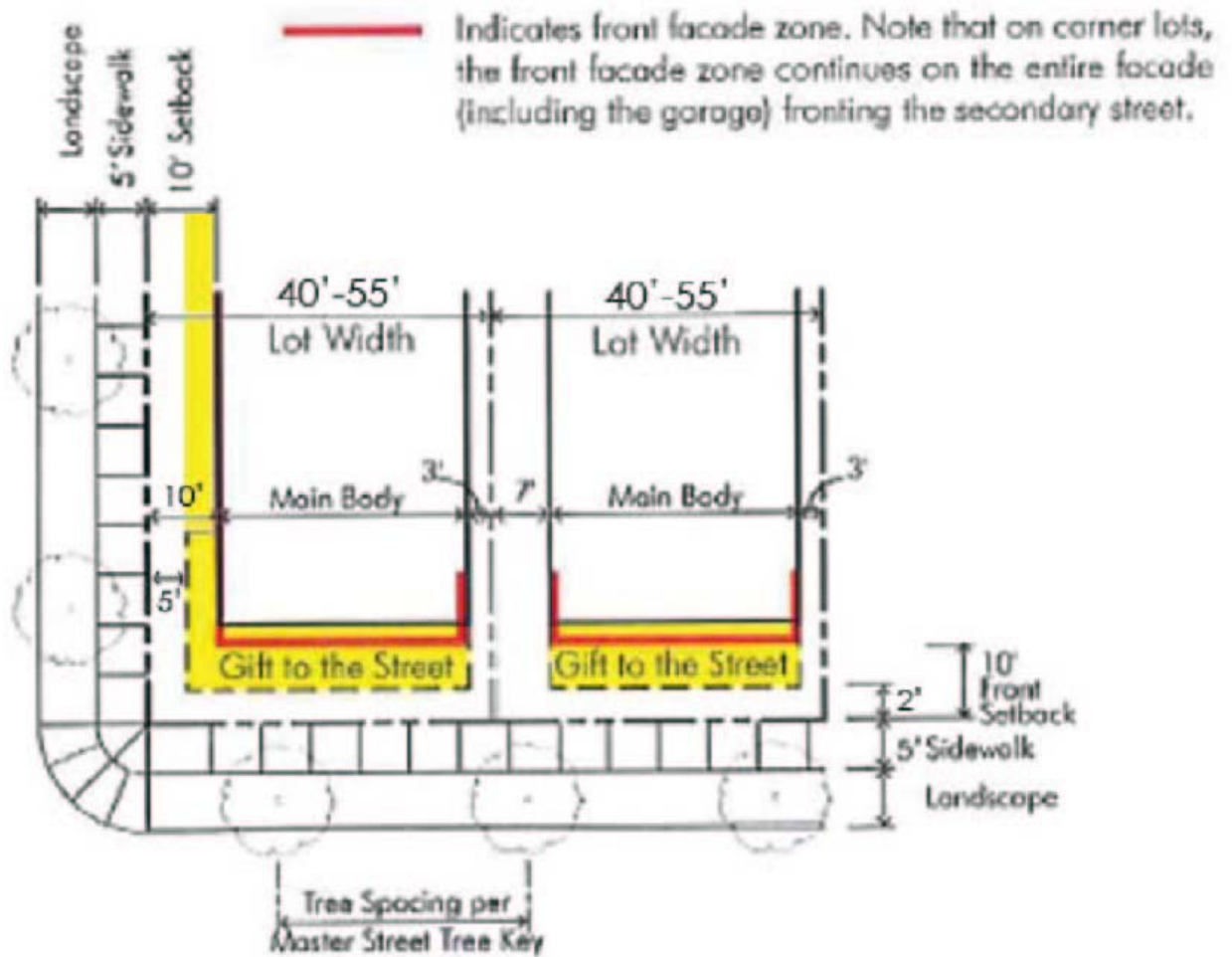


Exhibit I
Townhouse Conceptual Site Plan
(showing setback zones)



Source: Arcadia Realty

Exhibit J
Detached Home Conceptual Site Plan
(showing setback zones)



Source: Arcadia Realty



City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0831

Agenda Date: 5/7/2013

Version: 1

Status: Public
Hearing/Individual
Consideration

In Control: City Council

File Type: Resolution

Agenda Number: 24.

CC MEETING: May 7, 2013

DATE: April 24, 2013

TO: Leonard Martin, City Manager

FROM: Michael McCauley, Senior Planner

Hold A Public Hearing And Consider A **Resolution Amending The Comprehensive Plan And The Future Land Use Map For A 13.967-Acre Site From Medium-Intensity Commercial To Single-Family Detached.** The Site Is Located At The Northwest Corner Of Old Denton Road And Carrollton Parkway. Case No. 12-12MD1 The Ridge.

BACKGROUND:

This is a request for an amendment to the Comprehensive Plan and the Future Land Use Map to change approximately 13.967-acres from Medium-Intensity Commercial to Single-Family Residential Detached. The site is located on the northwest corner of Old Denton Road and Carrollton Parkway.

On December 6, 2012, the Planning and Zoning Commission approved the applicant's request to continue the case to the January 10, 2013 Commission meeting to allow additional time for the applicant to re-submit.

On January 10, 2013, the Planning and Zoning Commission approved the applicant's request to continue the case to the February 7, 2013 Commission meeting to allow additional time for the applicant to re-submit.

On February 7, 2013, the Planning and Zoning Commission recommended approval.

On March 5, 2013, the City Council continued this case to its May 7, 2013 agenda to allow the applicant's companion rezoning case (Case No. 12-12Z1 The Ridge) to be considered on the same night's agenda.

STAFF RECOMMENDATION/ACTION DESIRED:

On February 7, 2013, the Planning and Zoning Commission recommended **APPROVAL**. The

attached resolution reflects the Commission's action. Although no opposition has been filed, the request did not receive a unanimous vote of approval. Therefore, this case is being placed on the agenda under Public Hearing for Individual Consideration.

RESULT SHEET

Date: 05/08/13

Case No./Name: 12-12MD1 The Ridge

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends **DENIAL** of the Comprehensive Plan Amendment.

B. P&Z RECOMMENDATION from P&Z meeting: 12/06/12

Result: **CONTINUED** to the January 10, 2013 meeting /Vote: 8-0 (Daniel-Nix absent)

C. P&Z RECOMMENDATION from P&Z meeting: 01/10/13

Result: **CONTINUED** to the February 7, 2013 meeting /Vote: 8-0 (Daniel-Nix absent)

D. P&Z RECOMMENDATION from P&Z meeting: 02/07/13

Result: **APPROVED** /Vote: 6-2 (McAninch and Halloin opposed, Loreto absent)

E. CC PUBLIC HEARING from CC meeting: 03/05/13

Result: **CONTINUED** to 05/07/13 /Vote: 7-0

F. CC PUBLIC HEARING from CC meeting: 05/07/13

Result: /Vote:

COMPREHENSIVE PLAN AMENDMENT

Case Coordinator: Michael McCauley

GENERAL PROJECT INFORMATION

SITE ZONING: PD-123 for the (LR-2) Local Retail District

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	Unincorporated Denton County	Castle Hills Subdivision
SOUTH	PD-123 for the (LR-2) Local Retail District	Coyote Ridge Elementary School
EAST	Unincorporated Denton County	Castle Hills Subdivision and Xplor Early Childhood Learning Center
WEST	PD-123 for the (FWY) Freeway District	Undeveloped

REQUEST: Approval of amendment to the City's Comprehensive Plan Future Land Use Map to change an approximately 13.967-acre tract from Medium-Intensity Commercial to Single-Family Residential Detached Uses

PROPOSED USE: Single-family detached residential subdivision

ACRES/LOTS: 13.967 acres

LOCATION: Northwest corner of Old Denton Road and Carrollton Parkway

HISTORY: The subject site was zoned for retail uses in February 1992 as part of a 450+ acre master planned development

COMPREHENSIVE PLAN: Medium Intensity Commercial

TRANSPORTATION PLAN: Old Denton Road is designated as an (A8D) Eight-Lane, Divided Arterial; Carrollton Parkway is designated as an (A6DL) Six-Lane Divided (limited access) Arterial

OWNER: DBSI Carrollton East LLC

REPRESENTED BY: Mike Daniel/Nathan D. Maier

STAFF ANALYSIS

PROPOSAL/REQUEST

- The applicant is requesting a change in the land use designation for an approximately 13.967-acre tract of land from Medium-Intensity Commercial Uses to Single-Family Residential Detached Uses.
- The applicant has submitted a zoning change request in conjunction with the proposed land use amendment which was continued by the Commission to its April 4, 2013 meeting; Case No. 12-12Z1 The Ridge.

SITE ELEMENTS

- The subject property is bordered on the west by vacant land zoned PD-123 for the (FWY) Freeway District with a land use designation of High-Intensity Commercial; across Old Denton Road to the east is unincorporated Denton County with Castle Hills Subdivision and Xplor Early Childhood Learning Center; to the north is unincorporated Denton County with Castle Hills Subdivision; and to the south is Coyote Ridge Elementary School zoned PD-123 for the (LR-2) Local Retail District with a land use designation of Public/Semi-Public.
 - The tract of land has remained designated Medium-Intensity Commercial since the most recent Comprehensive Plan was adopted in 2003.
 - The property has remained zoned PD-123 for the (LR-2) Local Retail District since the Planned Development was established in 1992.
- Access will be provided from Carrollton Parkway and Old Denton Road.
- This area of Carrollton is still developing, with new homes being built, so demand for retail/commercial space may still be increasing.
- The subject property is at a major intersection of Carrollton Parkway (designated as an A6DL Six-Lane Divided Arterial, Limited Access) and Old Denton Road (designated as an A8D Eight-Lane Divided Arterial). Additionally, it is fairly close the intersection of the S.H. 121 and Business S.H. 121 and so has good access to the regional freeway system, which is attractive for retail development. In addition, it has been the City's planning policy to place commercial and retail projects at the intersection of major arterials.
- There are other commercially-zoned tracts in the immediate area which are much more suitable for rezoning to residential uses (whether single-family detached, townhouse or multi-family). They are on the east side of S.H. 121 at Creek Valley Drive (both north and

south sides) and at Chickasaw Drive (south side). These tracts suffer from not being located at a “major intersection.”

COMPREHENSIVE PLAN ELEMENTS

A. According to the Comprehensive Plan (page 25):

...there is market support for approximately 250 single-family units and 100 multi-family units annually in the City to the year 2025. While the City does not have available residential land area to accommodate this level of development, there are ample residential market opportunities, or niches, emerging for infill and redevelopment within Carrollton. These niches include: rental apartments targeted to young professionals employed in the IH-35E and PGBT corridors...

Over the past five years, a total of 826 new residential homes have been constructed resulting in an average annual completion rate of 165. This illustrates a reduction in new homeownership demand.

The following policies form the intention of the City Council regarding development issues within the City related to the subject site:

URBAN FORM

- LU-9 As conditions change and alternative land uses are considered, stable single-family neighborhoods should be preserved.

On March 6, 2012, the Council approved a Comprehensive Plan amendment and Rezoning for an approximately 30-acre site (Estates of Indian Creek Phase 7) from (FWY) Freeway District to Single Family Residential within the same PD-123 master planned area. The property is located at the southeast corner of Carrollton Parkway and SH-121. The new single-family subdivision consists of 118 lots. Any new subdivision may cause slower residential development in this area.

COMMERCIAL

- LU-19 Retail areas should be pedestrian-oriented and easily accessible to adjacent residential and commercial areas.

When retail develops on this tract, there will be pedestrian links to residential development to the immediate north, south and eastern borders.

The following policy forms the intention of the City Council regarding Economic Development Policies within the City related to the subject site:

- ED-2 Encourage a full array of retail and service opportunities, thus reducing the need to purchase goods and services outside the community.

The current land use designation would allow for retail and service type uses to occur. With the recently approved 118 lot single-family subdivision to the south, the property should be more appealing to developers.

APPLICANT'S POSITION

- The applicant submitted a document entitled "Retail Study of Underperforming and Vacant Retail Areas for the Cities of Carrollton, Plano and Richardson."

This is a study conducted jointly by the cities of Plano, Carrollton and Richardson to develop tools and policies to deal with then-underperforming retail centers in 2001 and 2002. One of the primary findings of the study was the underperforming retail centers were adversely affected by a surplus of property for retail use, and that careful "pruning" of retail zoned land might be worthwhile.

While still a valuable reference tool, this study is more than ten years old, and market conditions have changed markedly. The previous change for Estates of Indian Creek Phases 7a and 7b was supported in part by referring to this study. However, every parcel rezoned away from retail uses is intended to increase the viability of the remaining retail land in the immediate area.

- The subject property is less likely to develop as commercial than the High Intensity Commercial Tract which had frontage along SH 121 Toll Road which was reclassified to residential.

The applicant is referring to the Comprehensive Plan Amendment for the Estates of Indian Creek, Phases 7a and 7b (Case No. 01-12MD2) development. However, that property had somewhat different circumstances than the case under consideration now: it was more than twice as large in area (nearly 30 acres) and it did not have any frontage on Old Denton Road and so had no exposure to that traffic.

- The applicant has stated that “low traffic counts lend to the area for residential use and not commercial use. Traffic demand for users, junior anchors or even grocers to locate here requires 30,000 cars per day on both thoroughfares at a minimum.”

Staff believes the property’s location and surrounding zoning still provides value for a neighborhood retail center.

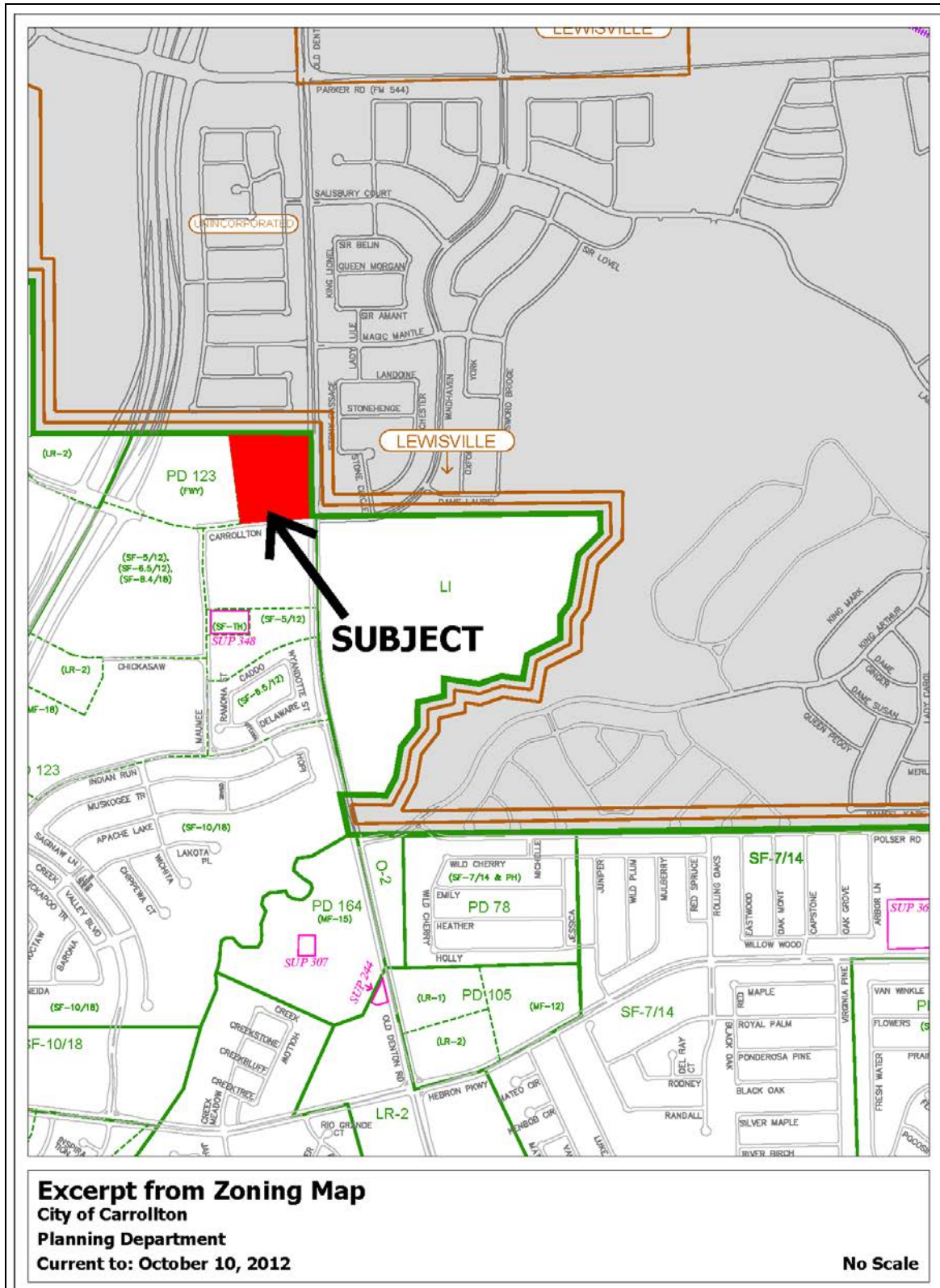
- The traffic along Old Denton Road using the most current Carrollton Traffic Counts is less than 12,000 cars per day. Carrollton Parkway traffic based upon most recent Carrollton Traffic Counts is less than 800 cars per day. Commercial development and tenant retention is more likely to occur along Major Arterials intersections such as Old Denton Road and Hebron Parkway or at the SE Quadrant of SH 121 Toll Road and Hebron Parkway over the less travelled intersection of Carrollton Parkway and Old Denton Road.

According to the North Central Texas Council of Governments (NCTCOG), the estimated 2035 traffic counts at the intersection of Old Denton Road and Carrollton Parkway will be between 35,000 and 40,000 vehicles per day. This may not meet current market requirements for a major retail development; that does not necessarily lead to the conclusion that no retail or office use is viable in the foreseeable future. Note that the Comprehensive Plan is generally intended to have a twenty-year “horizon.” The year 2035 is 22 years from now.

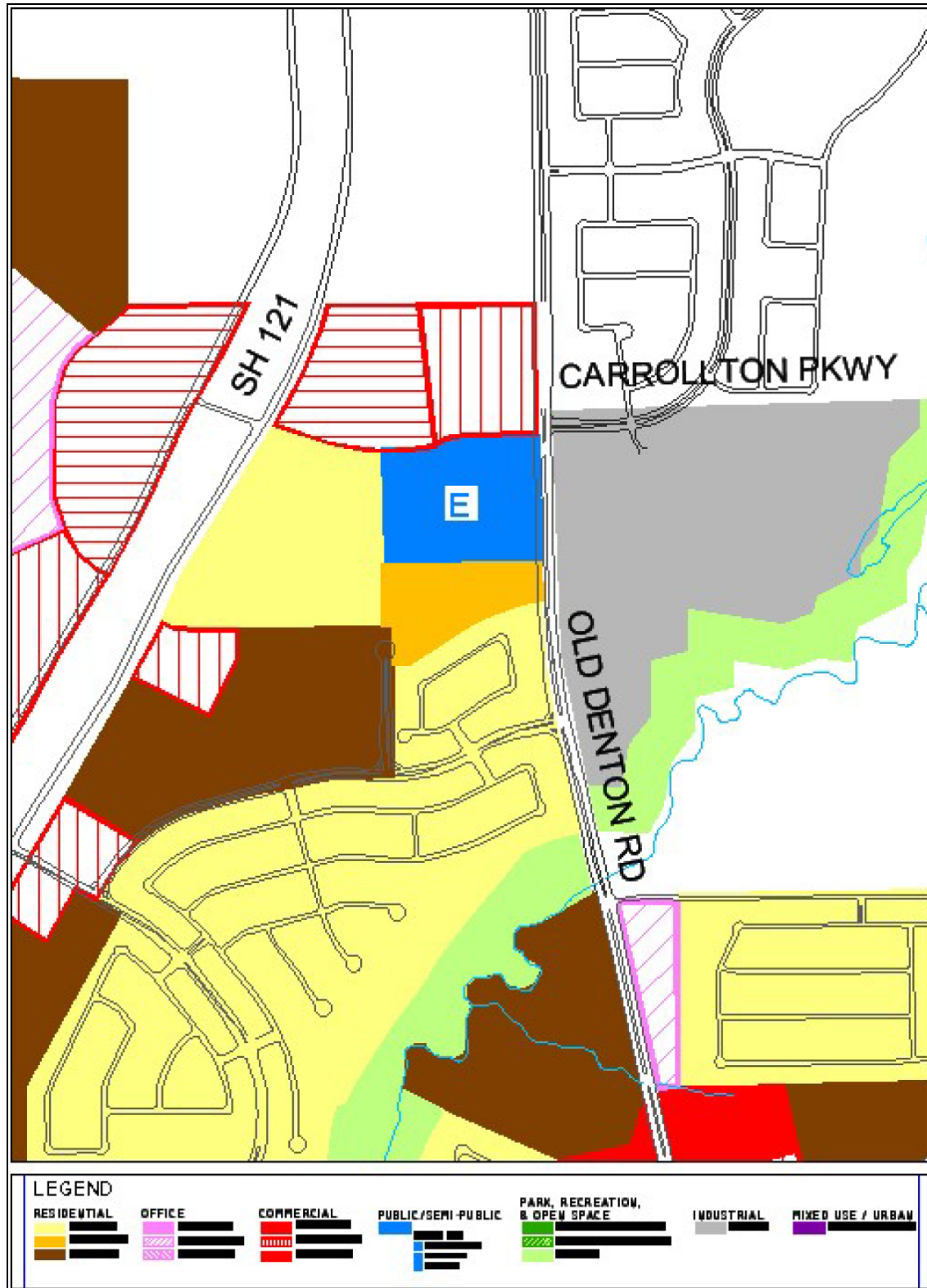
Conclusion

Although staff did not support the request to change the Future Land Use Map of the Comprehensive Plan from Medium-Intensive Commercial to Single-Family Residential Detached, the Planning & Zoning Commission recommended **APPROVAL** by a 6-2 vote. Since Carrollton no longer has an abundant amount of vacant land that can be developed for commercial uses in this area, staff believes the Comprehensive Plan’s future land use map, its “blueprint for growth and development,” still shows some commercial value to this intersection of arterial roadways and its proximity to an attractive customer base.

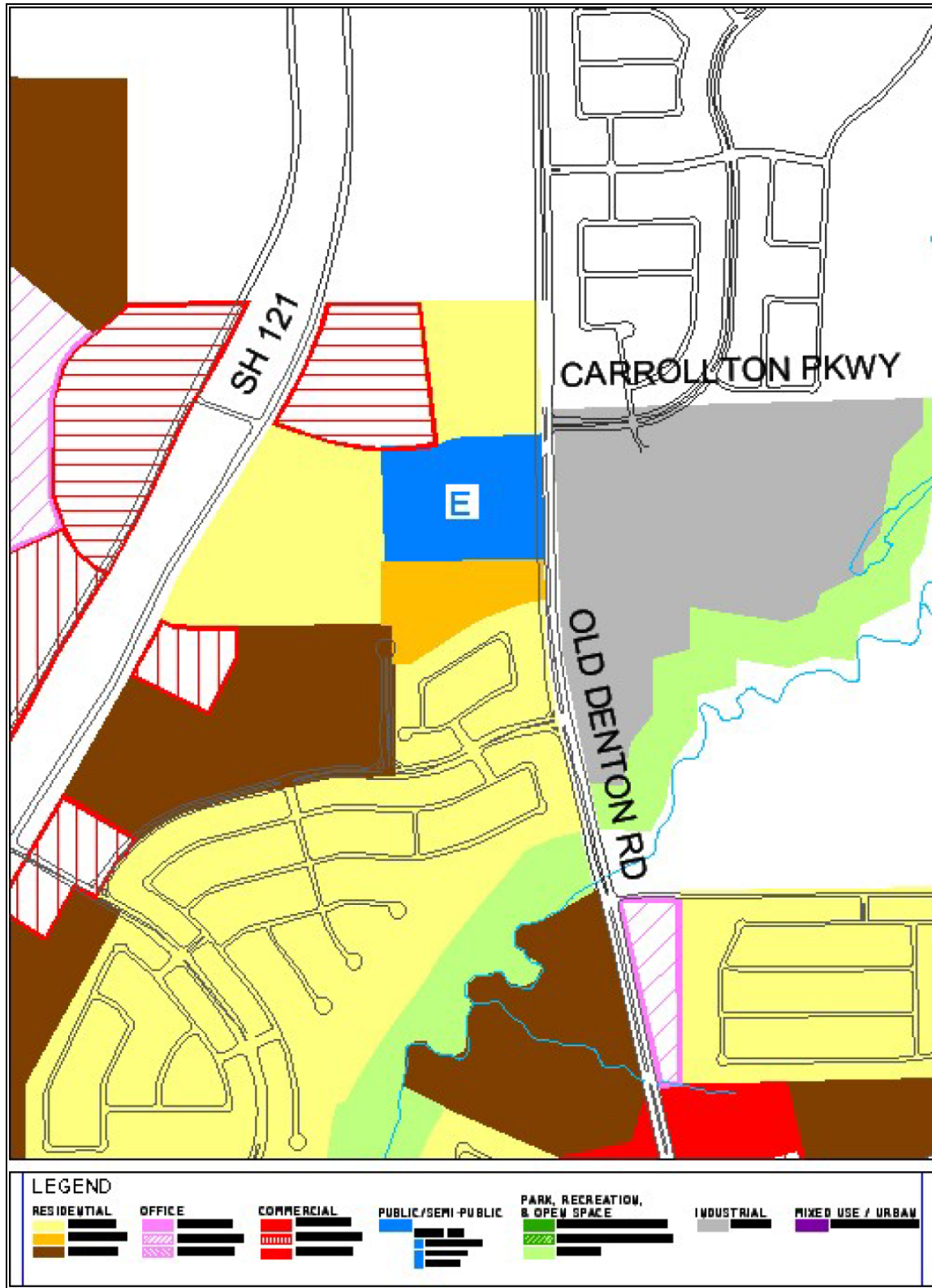
LOCATION MAP



EXISTING COMPREHENSIVE PLAN



PROPOSED COMPREHENSIVE PLAN



APPLICANT'S NARRATIVE

The Ridge @ the NWC of Carrollton Parkway and Old Denton Drive
Fourth Avenue Investments, LLC has requested a change in the comprehensive land use plan adopted February 18, 2003 from Medium Intensity commercial to single family residential planned development with a base zoning classification of SF 5/12.

The subject property

- Located NWC of Old Denton Road and Carrollton Parkway
- Contains approximately 13 acres of land
- Immediately adjacent to an approximate 6 acre site (different ownership) which fronts SH 121 Toll Road which is also noted on the Comprehensive Land Use Plan as being High Intensity Commercial.
- Located within a market area that is a residential market rather than a regional commercial market area.
- An elementary school is situated directly across Carrollton Parkway from the site.
- Single Family residential has been developed along the north boundary and to the east across Old Denton Drive.

Previous Comprehensive Land Use Plan Changes

- During the calendar year 2012 the City modified the Comprehensive Land Use Plan for land located along SH 121 Toll Road and across Carrollton Parkway from the subject from High Intensity Commercial to single family residential.

Traffic

- The traffic along Old Denton Road using the most current Carrollton Traffic Counts is less than 12,000 cars per day. Carrollton Parkway traffic based upon most recent Carrollton Traffic Counts is less than 800 cars per day.
- Low traffic counts lend to the area for residential use and not commercial use. Traffic demand for users, Jr Anchors or even grocers to locate here requires 30,000 cars per day on both thoroughfares at a minimum.

Conclusion

- The subject property is less likely to develop as commercial than the High Intensity Commercial Tract which had frontage along SH 121 Toll Road which was reclassified to residential.
- Commercial development and tenant retention is more likely to occur along Major Arterials intersections such as Old Denton Road and Hebron Parkway or at the SE Quadrant of SH 121 Toll Road and Hebron Parkway over the less travelled intersection of Carrollton Parkway and Old Denton Road.

**PUBLIC COMMENTS
LETTER OF SUPPORT**

MEMO

DATE: February 7, 2013
TO: Planning and Zoning Commission – City of Carrollton, Texas
FROM: Ownership Leadership Committee – Windhaven West LLC Owners
SUBJECT: Zoning Case No. 12-12Z1 and Comp Plan Case No. 12-12MD1

On behalf of all 22 investor/owners of Windhaven West LLC, the owners of the adjacent 11.84 acres to the west of the Applicant's property, we support the rezoning and Comp Plan amendment.

We authorize our real estate Broker, Mr. Jim Riggert of Newmark Grubb Knight Frank to speak at the Public Hearing on our behalf. He is also authorized to answer any questions the Commission may have about the Owners' position of supporting the Comp Plan amendment and rezoning.

The proposed use and development of the adjacent property will bring the necessary water and sewer utilities to our property for future development.

Windhaven West LLC

By:

Mr. Jon Maakestad
Mr. Marty Udisches
Mr. Jerry Davis

**Excerpt from Draft Minutes
Planning & Zoning Commission
Meeting of April 4, 2013**

5. Hold a public hearing and consider approval of an **Amendment to the Future Land Use Map of the Plan**. The request is to change the future land use designation from Medium Intensity Commercial to Single Family Detached. The approximately 13.967-acre site is located at the northwest corner of Old Denton Road and Carrollton Parkway and is currently zoned PD-123 for the (LR-2) Local Retail District. Case No. 12-12MD1 The Ridge (comp plan)/Nathan D. Maier, Inc. Acquisition. Case Coordinator: Michael McCauley.

Pfeil presented the case and asked if there was an applicant present.

Shane Jordan, 4951 Airport Pkwy., #800, Addison, TX, spoke. He stated they wished to change the comp plan and zoning to single family homes similar to what was approved in 2012 for Estates of Indian Creek Phase 7, just south of this location. He referenced several studies showing why this area probably won't develop into the retail and office space that the comprehensive plan had predicted ten years ago. He believes traffic flow is insufficient along Carrollton Parkway to support retail and that locations with a higher volume in traffic are having difficulty getting retail to develop. He thinks any new retail development within one and a half miles of Hebron Parkway and Old Denton Road will put a strain on the existing shopping centers. He said what surrounds this property is an elementary school and single family homes, so he thinks it is logical to bring in more housing.

McAninch expressed the belief that people make conscious decisions as to where they shop and eat. She believes most people don't just drive and at the last minute decide to pull in somewhere. She thinks if you bring quality businesses, then people will make an effort to come.

Jordan said that big businesses do studies and choose locations where there is high volume of traffic. Once the best location is found, the business is built and then people come to it.

Blanscet asked staff how much the comprehensive plan has changed in this area since its adoption in 1992.

Barton stated the comprehensive plan expected Hebron Parkway to be what it is today, but it also expected Carrollton Parkway to be similar to Hebron Parkway. The role that Carrollton Parkway was to play in the comprehensive plan has changed significantly. Originally the comprehensive plan was to have a large amount of office and commercial use in this area, which may have been a little too ambitious.

Pfeil opened the hearing to the public.

Jim Riggert, 2515 McKinney, #1300, Dallas, TX, stepped forward. He read a memorandum from 22 investors that are the adjacent property owners which authorized him to speak in their behalf. He said the owners support this change because it would bring utilities to the site. He said Estates of Indian Creek will be completing the southern portion of Carrollton Parkway and Jordan's project will complete the northern portion of Carrollton Parkway with the exception of a small strip.

Randall Chrisman, 1501 Broken Bow Tr., Carrollton, TX, spoke in support of the project. He stated that he had served on the Planning & Zoning Commission in the past and that Carrollton has not always developed the way it was envisioned. He said a large portion that could have been developed as retail was rejected by the city and now houses numerous churches which do not add to the tax base. He says he knows the developer and many of the home builders and can speak for the quality of their products.

Scott Landers, 14180 Dallas Parkway, #510, Dallas, TX, spoke for the current landowners. The property was purchased in 2007 by a group of 23 investors as a tax-deferred investment and was placed into this investment by a company named DBSI. That company had 10,000 investors who have lost everything due to it being a scam company. These investors are almost the only ones that actually have something of value. The investors are now at retirement age and don't want to sit on the project five or more years until something else comes along. In addition, DBSI quietly added an Agricultural exemption, which allowed the company to use the money reserves elsewhere, which will result in a huge tax bill the 23 investors will have to pay.

Stephen Brooks, 4230 Beverly, Dallas, TX, president of Grand Homes, spoke next. He believes the location will not support retail due to the lack of homes in the area. Since the elementary school is nearby, he thinks this will be a good location for homes. He said Grand Homes will bring a quality project to Carrollton.

Sylo said he thinks the area is no longer viable for commercial use for many reasons. He said the surrounding sites have not developed as commercial but as single family homes, feels that Carrollton Parkway at Old Denton will not become a major intersection and thinks that the retail at Hebron and Old Denton doesn't need competition of additional retail nearby. But if it is to be changed to single family homes he feels what they have proposed is not the best for the property. He doesn't think the layout is good and that the size of homes proposed need to be on bigger lots. He feels this is just a typical subdivision and he doesn't want to change the comp plan for a subdivision but wants a neighborhood.

Nesbit agreed that he doesn't feel retail is the best use for the property. He also agreed with Sylo's comment that what staff had presented as a possible retail plan could cause unused land to become undevelopable. He doesn't share Sylo's concerns on the layout of the

development and feels the market will support the type of homes proposed. He is in support to both the comprehensive plan and zoning changes.

Sylo asked Jordan if they would be willing to look at redesigning the property layout.

Jordan said they would look at changing the perceived cut-through in their neighborhood design that Sylo was concerned about and look at moving the open spaces more to the front of the development so more of the homeowners could access it.

*** *Motion made by Nesbit, second by Daniel-Nix to close the public hearing and approve Case No. 12-12MD1, passed 6-2 (McAninch and Halloin opposed, Loreto absent).***

RESOLUTION NO. _____
Case No. 12-12MD1

PLANNING DEPARTMENT
City of Carrollton
Date: 05/07/2013

DEVELOPMENT NAME: THE RIDGE
(Comprehensive Plan Amendment)

RESOLUTION NUMBER _____

RESOLUTION NUMBER _____ OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE LAND USE PLAN ADOPTED BY RESOLUTION NUMBER 2672 ON FEBRUARY 18, 2003; PROVIDING FOR SINGLE FAMILY DETACHED RESIDENTIAL FOR A 13.967-ACRE TRACT OF LAND LOCATED ON THE NORTHWEST CORNER OF OLD DENTON ROAD AND CARROLLTON PARKWAY; PROVIDING FOR SAVINGS AND AN EFFECTIVE DATE AFTER ITS ADOPTION AND PASSAGE.

WHEREAS, the Planning and Zoning Commission reviewed and studied an amendment to the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on February 7, 2013, and after all persons were given an opportunity to present testimony, considered and recommended the following change regarding an appropriate future land use; and

WHEREAS, the City Council conducted public hearings on March 5, 2013 and on May 7, 2013, at which all persons were given an opportunity to present testimony; and

WHEREAS, the City Council has concluded that the amendment to the Plan is in the best interest of the city and is for the purpose of protecting the health, safety, and general welfare of the city and its citizens; and

WHEREAS, the amendment is in accordance with the goals, objectives and policies of the Comprehensive Plan, adopted by Resolution Number 2672 on February 18, 2003, as amended.

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

Section 1.

That an amendment to the Future Land Use Map of the City's Comprehensive Land Use Plan, which amendment is attached hereto as Exhibit B and incorporated herein for all purposes, is hereby adopted by the City Council for property located on the northwest corner of Old Denton Road and Carrollton Parkway.

RESOLUTION NO. _____
Case No. 12-12MD1

Section 2.

That this amendment is intended to repeal in its entirety the 2003 Comprehensive Land Use Plan's land use designation of Medium-Intensity Commercial for that 13.967-acre portion of the City of Carrollton (as identified on the attached Exhibit A) and replace it with the land use designation as identified on Exhibit B (Single Family Detached Residential); and this change will constitute the Comprehensive Plan for all matters related to long-range guidance relative to zoning decisions, land subdivision, thoroughfare construction and growth management on such property.

Section 3.

That save and except as amended herein, the Comprehensive Plan adopted on February 18, 2003 by Resolution Number 2672, as amended, shall remain in full force and effect.

Section 4.

That the provisions of this resolution are severable. If any section, sub-section, paragraph, clause, phrase or provision of this resolution or its application to any person or circumstance shall be adjudged or held invalid, that invalidity shall not affect the provisions that can be given effect without the invalid provision or application.

Section 5.

That this resolution shall become and be effective on and after its passage and adoption.

RESOLUTION NO. _____
Case No. 12-12MD1

PASSED AND APPROVED this the 7th day of May, 2013.

CITY OF CARROLLTON

By: _____
Matthew Marchant, Mayor

ATTEST:

Ashley D. Mitchell
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Regina A. Edwards
First Assistant City Attorney

Michael McCauley
Senior Planner

RESOLUTION NO. _____
Case No. 12-12MD1

EXHIBIT A

608,385 SQ. FT. / 13.967 ACRES

LEGAL DESCRIPTION

BEING a tract of land situated in the Harrison Young Survey, Abstract No. 1448, in the City of Carrollton, Denton County, Texas, and being part of a called 25.350 acre tract of land described in deed as Tract 1 to Elm Fork Ranch Partners, Ltd., recorded under Denton County Clerk's File No. 97-R0062265 of the Real Property Records of Denton County, Texas, and being more particularly described by metes and bounds as follows (bearings referenced to plans and right-of-way dedication for State Highway No. 121):

BEGINNING at a 1/2-inch iron rod found in the Westerly right-of-way line of a tract described in Donation Deed to the State of Texas for Old Denton Highway (Farm Market Road 2281), recorded in Volume 3128, Page 0882 of the Real Property Records of Denton County, Texas, for the Northeasterly corner of the before mentioned 25.350 acre tract and the beginning of a non-tangent curve to the right;

THENCE with the Westerly right-of-way line of Old Denton Highway, the following courses and distance to wit:

Southerly, with a curve to the right, through a central angle of 00 degrees 23 minutes 41 seconds, having a radius of 5669.58 feet and a chord bearing and distance of South 00 degrees 19 minutes 19 seconds West, 39.07 feet, an arc distance of 39.07 feet to a 1/2-inch iron rod set for the end of said curve;

South 00 degrees 31 minutes 10 seconds West, a distance of 692.72 feet to a 1/2-inch iron rod set for the beginning of a curve to the left;

Southerly, with the curve to the left, through a central angle of 00 degrees 13 minutes 55 seconds, having a radius of 5789.58 feet and a chord bearing and distance of South 00 degrees 24 minutes 13 seconds West, 23.43 feet, an arc distance of 23.44 feet to a 1/2-inch iron rod set at the intersection of the Northerly right-of-way line of Carrollton Parkway (a 150-foot wide public right-of-way) dedicated by deed to the City of Carrollton, Texas recorded in Volume 3128, Page 0877 of the Real Property Records of Denton County, Texas, and the Westerly right-of-way line Old Denton Highway for the Southeast corner of the 25.350 acre tract;

THENCE leaving the Westerly right-of-way line of Old Denton Highway with the Northerly right-of-way line of Carrollton Parkway, the following courses and distances to wit:

RESOLUTION NO. _____
Case No. 12-12MD1

South 89 degrees 34 minutes 33 seconds West, a distance of 371.09 feet to a 5/8-inch "KHA" capped iron rod found for the beginning of a curve to the left;

Westerly, with the curve to the left, having a central angle 07 degrees 57 minutes 48 seconds, having a radius of 1704.92 feet and a chord bearing and distance of South 85 degrees 35 minutes 39 seconds West, 236.77 feet, an arc distance of 236.96 feet to a 5/8-inch "KHA" capped iron rod found for the end of said curve;

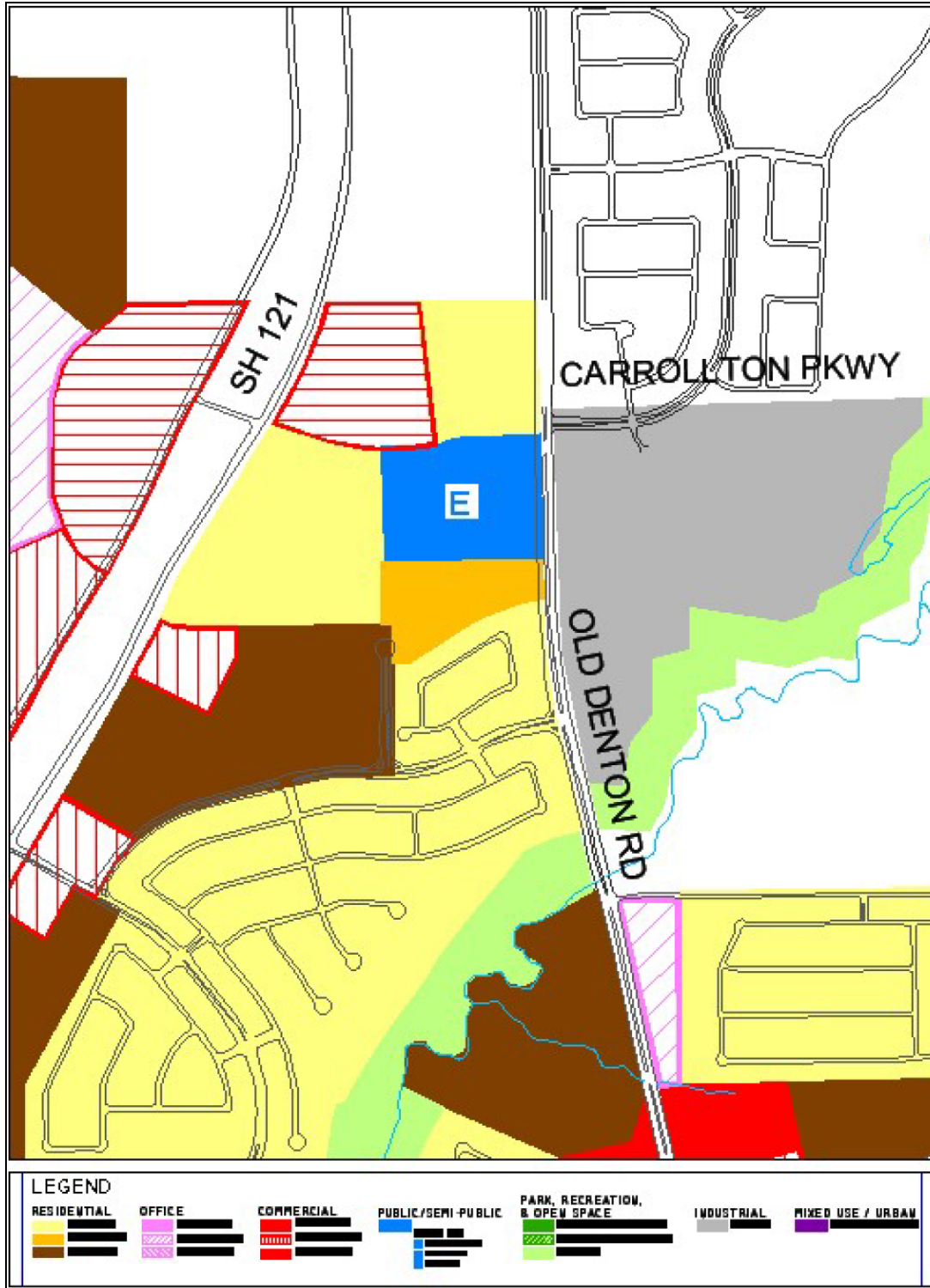
South 81 degrees 36 minutes 45 seconds West, a distance of 137.91 feet to a to a 1/2-inch iron rod set for corner;

THENCE leaving the Northerly right-of-way line of Carrollton Parkway and across the 25.350 acre tract, North 06 degrees 48 minutes 01 minute West, a distance of 800.86 feet to a 1/2-inch iron rod set for corner in the North line of the 25.350 acre tract;

THENCE with the north line of the 25.350 acre tract, North 89 degrees 55 minutes 33 seconds East, a distance of 845.08 feet to the POINT OF BEGINNING and containing 608,385 sq. ft. or 13.967 acres of land.

RESOLUTION NO. _____
Case No. 12-12MD1

EXHIBIT B
REVISED LAND USE MAP





City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0834

Agenda Date: 5/7/2013

Version: 1

Status: Public
Hearing/Individual
Consideration

In Control: City Council

File Type: Ordinance

Agenda Number: 25.

CC MEETING: May 7, 2013

DATE: April 24, 2013

TO: Leonard Martin, City Manager

FROM: Michael McCauley, Senior Planner

Hold A Public Hearing And Consider An **Ordinance Changing The Zoning Of A Certain 13.967-Acre Site From The (LR-2) Local Retail District To The (SF-5/12) Single-Family Residential District.** The Site Is Located At The Northwest Corner Of Old Denton Road And Carrollton Parkway, And Is Currently Zoned PD-123 For The (LR-2) Local Retail District. Case No. 12-12Z1 The Ridge.

BACKGROUND:

This is a request for approval of amendments to PD-123 changing the zoning of a certain tract from (LR-2) Local Retail District to (SF-5/12) Single-Family Residential District. The approximately 13.967 acre site is located at the northwest corner of Old Denton Road and Carrollton Parkway.

On December 6, 2012, the Planning and Zoning Commission approved the applicant's request to continue the case to the January 10, 2013 Commission meeting to allow additional time for the applicant to re-submit.

On January 10, 2013, the Planning and Zoning Commission approved the applicant's request to continue the case to the February 7, 2013 Commission meeting to allow additional time for the applicant to re-submit.

On February 7, 2013, the Planning and Zoning Commission continued the case to the April 4, 2013 Commission meeting to allow the applicant time to submit a revised zoning exhibit to address the Commission's concerns relating to cut-through traffic and the centralized common area.

On April 4, 2013, the Planning and Zoning Commission recommended approval.

A companion Comprehensive Plan Amendment request, Case No. 12-12MD1 The Ridge (Comp Plan), was approved by the Commission on February 7, 2013. City Council continued the case to the May 7, 2013 meeting to allow the applicant's zoning request to be considered by the Council on the same agenda.

STAFF RECOMMENDATION/ACTION DESIRED:

On April 4, 2013, the Planning and Zoning Commission recommended **APPROVAL** with stipulations. The attached ordinance reflects the Commission's action. Although no opposition has been filed, the request did not receive a unanimous vote of approval. Therefore, this case is being placed on the agenda under Public Hearing for Individual Consideration.

RESULT SHEET

Date: 05/07/13

Case No./Name: 12-12Z1 The Ridge (zoning)

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends **DENIAL** of the proposed zoning change. However, if the Commission chooses to recommend in favor of the zoning change, staff recommends the following stipulations:

1. The approval is contingent upon approval of the accompanying Comprehensive Plan Future Land Use Map change request (Case No. 12-12MD1).
2. Remove from the zoning exhibit the note “THIS TECHNICAL SITE PLAN WAS APPROVED ON....” This is not a Technical Site Plan but a Zoning Exhibit and is not required.
3. Provide information to show that the downstream drainage system is adequate to handle development flow and the flow from the land to the west.
4. Relocate the manhole from the backyard.
5. The site shall be developed consistent with the conceptual zoning exhibit.
6. Repeal and re-establish PD-123 for the (LR-2) Local Retail District (Tract A-5) and rezone to (SF-5/15) Single Family District:

Proposed Ordinance Language

Section 1.

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-5/12) Single Family Residential District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-5/12) Single Family Residential District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided in this ordinance.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-5/12) Single Family Residential District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below. Such Special Use Permit(s)

shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

Section 2.

That development shall be in accordance with the following special conditions, restrictions and regulations:

1. Lot layout shall be as shown on the Conceptual Lot Layout Plan attached as Exhibit B.
2. Home elevations shall be similar in composition and architectural character to the examples shown in Exhibit E.
3. Alleys shall not be required and front-entry garages shall be allowed.
4. Minimum front yard setback shall be 15 feet, provided however that any garage door shall be placed no less than five feet further from the property line than the front façade of the living area.
5. Minimum lot frontage shall be 50 feet.
6. Garage doors shall be clad in stained natural cedar or faux wood, as conceptually shown in Exhibit E.
7. Driveways shall be decorative pavers, exposed concrete aggregate, stained and pattern-stamped, patterned, saw-cut or salt-finished concrete.
8. Driveways shall be placed to allow adequate on-street parking (e.g. “paired”).
9. Carports shall be prohibited.
10. A homeowner’s association shall be established in accordance with the Comprehensive Subdivision Ordinance prior to platting the tract. The property owner’s association will be responsible for the improvement and maintenance of all common areas and/or common facilities shown on the Conceptual Site Plan.
11. An “entry ribbon” consisting of decorative pavers or stained and pattern-stamped concrete shall be placed in each street intersecting with Old Denton Road and Carrollton Parkway. Said entry ribbon shall be no less than ten feet (10’) in depth, shall extend across the width of the street and shall generally align with the abutting sidewalk.

12. Landscaping shall be consistent with the Conceptual Landscape Plan (Exhibit D).
13. Along Old Denton Road & Carrollton Parkway, a landscape buffer a minimum of fifteen feet (15') in width shall be placed adjacent to the right-of-way. Said buffer shall be established as a common area lot or lots, and shall be maintained by the homeowners association.

Said buffer shall contain, at a minimum, the following:

- a. Three (3) three-inch (3") caliper shade trees, ten-to-twelve feet (10-12') in height at the time of planting, for each one hundred linear feet (100') of street frontage or fraction thereof, and;
 - b. Three (3) ornamental trees, six-to-eight feet (6-8') in height with a minimum of three caliper inches (3") in size at the time of planting, for each one hundred linear feet (100') of street frontage or fraction thereof. Three (3) ornamental trees may be substituted for each required shade tree if planted directly underneath overhead utility lines.
 - c. Such trees are encouraged to be placed in "natural groupings" where possible. However, if they are placed in a linear layout, the shade trees shall have a maximum spacing of forty feet (40'), while the ornamental trees shall have a maximum spacing of fifteen feet (15'), and either;
 - d. Thirty-four (34) five (5) gallon shrubs, twenty-four inches (24") in height at the time of planting, for each one hundred linear feet (100') of street frontage or fraction thereof, planted in groupings. A minimum three foot (3') wide planting bed shall be provided for the planting of such shrubs, or;
 - e. A combination of a discontinuous landscaped earthen mound constructed to a minimum height of three feet (3'), and evergreen shrubs.
 - f. A maximum seventy percent (70%) of the buffer area may be landscaped with turf grass.
 - g. Such trees shall be planted in "natural groupings" where possible.
 - h. A public sidewalk may encroach into or be incorporated into the landscape buffer, provided that a public access easement is provided for it at the time of development.
14. A Major Entry Feature (see Exhibit B) shall be located at the corner of Old Denton Road and Carrollton Parkway. Said Major Entry Feature shall be maintained by the homeowners association.
 15. A solid masonry perimeter screening wall, not less than six feet (6') in height as measured at the highest finished grade shall be installed along Old Denton Road, Carrollton Parkway and along the west property line abutting the retail tract to the

west.

Said screening walls shall match in color and design the existing screening walls constructed with the development of other portions of the Estates of Indian Creek (including Coyote Ridge Elementary School). The design of said walls shall be approved by the City Manager or designee, and constructed prior to the issuance of a letter of acceptance by the Engineering Department for the construction of any public improvements.

Said screening walls shall be maintained by the homeowner's association.

- B. P&Z RECOMMENDATION** from P&Z meeting: 12/06/12
Result: **CONTINUED** to the January 10, 2013 meeting/Vote: 8-0 (Daniel-Nix absent)
- C. P&Z RECOMMENDATION** from P&Z meeting: 01/10/13
Result: **CONTINUED** to the February 7, 2013 meeting/Vote: 8-0 (Daniel-Nix absent)
- D. P&Z RECOMMENDATION** from P&Z meeting: 02/07/13
Result: **CONTINUED** to the April 4, 2013 meeting/Vote: 6-0 (Stotz and Daniel-Nix opposed, Loreto absent)
- E. P&Z RECOMMENDATION** from P&Z meeting: 04/04/13
Result: **APPROVAL** with stipulations /Vote: 7-1 (McAninch opposed, Daniel-Nix absent)
- F. CC PUBLIC HEARING** from CC meeting: 05/07/13
Result: /Vote:

ZONING

Case Coordinator: Michael McCauley

GENERAL PROJECT INFORMATION

SITE ZONING: PD-123 for the (LR-2) Local Retail District

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	Unincorporated Denton County	Castle Hills Subdivision
SOUTH	PD-123 for the (LR-2) Local Retail District	Coyote Ridge Elementary School
EAST	Unincorporated Denton County	Castle Hills Subdivision and Xplor Early Childhood Learning Center
WEST	PD-123 for the (FWY) Freeway District	Undeveloped

REQUEST: Approval of amendments to the City's Comprehensive Plan and PD 123 for the (SF-5/12) Single-Family Residential District in lieu of the (LR-2) Local Retail District

PROPOSED USE: Single-family detached residential subdivision

ACRES/LOTS: 13.967 acres

LOCATION: Northwest corner of Old Denton Road and Carrollton Parkway

HISTORY: The subject site was zoned for retail uses in February 1992 as part of a 450+ acre master planned development.

COMPREHENSIVE PLAN: Medium Intensity Commercial

TRANSPORTATION PLAN: Old Denton Road is designated as an (A8D) Eight-Lane, Divided Arterial; Carrollton Parkway is designated as an (A6DL) Six-Lane Divided (limited access) Arterial.

OWNER: DBSI Carrollton East LLC

REPRESENTED BY: Mike Daniel/Nathan D. Maier

STAFF ANALYSIS

PROPOSAL

This is a request to amend PD-123 to change the zoning of a certain tract from (LR-2) Local Retail District to (SF-5/12) Single-Family Residential District for an approximately 13.507-acre site.

ORDINANCE HISTORY

In 1992 Ordinance No. 1774 was adopted, which established PD-123, a 454+ acre planned development. The subject property was included in this Planned Development and was zoned for “(LR-2) Local Retail” uses on the northerly tract (the northwest corner of Old Denton Road and Carrollton Parkway).

Throughout the years, PD-123 has been repealed and re-established allowing for various changes to the Planned Development. In June 1992 Ordinance No. **1811** was adopted, which removed the subject property from PD-6 and zoned it to the (LR-2) Local Retail District.

CURRENT ORDINANCE REQUIREMENTS

- Any use permitted in the (LR-2) Local Retail District is permitted on this site.
- Any use permitted upon approval of a Special Use Permit in the (LR-2) Local Retail District is permitted on this site upon approval of a Special Use Permit.

ELEMENTS TO CONSIDER

1. This area of Carrollton is still developing, with new homes being built, so demand for retail/commercial space may still be increasing.
2. The subject property is at the intersection of Carrollton Parkway (designated as an A6DL Six-Lane Divided Arterial, Limited Access) and Old Denton Road (designated as an A8D Eight-Lane Divided Arterial); this is a “major intersection.” Additionally, it is fairly close to the intersection of S.H. 121 and Business S.H. 121 and so it has good access to the regional freeway system.
3. According to the Comprehensive Plan, adopted in 2003, the local market (Carrollton and its immediate area) is estimated to be capable of supporting from 100,000 to 150,000 square feet of additional office space per year, and from 80,000 – 100,000 square feet of additional retail space per year. A new office building or other major commercial building on the subject site still seems a reasonable proposition.
4. In general it has been the City’s planning policy to place commercial and retail projects at the intersection of major arterials. This is shown on zoning and land use maps of

Carrollton. In many cases, all four corners of such intersections are commercial/retail.

5. With respect to the intersection of S.H. 121 and Carrollton Parkway, as well as the intersection of Carrollton Parkway and Old Denton Road, this policy resulted in what appears to be very large areas of land zoned for non-residential uses. However, there are some mitigating circumstances in this area.
 - a. A very large tract of land at the southwest corner of S.H. 121 and Carrollton Parkway is now owned by the First Baptist Church of Carrollton, and is being developed for their purposes. Thus, while it is not a residential use, neither is it an office or retail use.
 - b. The northwest corner of S.H. 121 and Carrollton Parkway is still zoned for retail uses, but it is a fairly small area (6.8 acres).
 - c. The southeast corner of S.H. 121 and Carrollton Parkway was recently rezoned (March 2012; Case No. 01-12Z1 Estates of Indian Creek 7) from Freeway Commercial zoning to Single-Family Residential zoning, and is now being developed for 118 homes. This increased residential development should result in increased demand for commercial and retail uses in the area.
 - d. The southwest corner of Carrollton Parkway and Old Denton Road is zoned for retail uses, but it is occupied by the Coyote Ridge Elementary School. Thus, while it is not a residential use, neither is it an office or retail use.
 - e. The southeast corner of Carrollton Parkway and Old Denton Road is currently zoned for the (LI) Light Industrial District, and could presumably be used for office or retail uses. However, it is currently the site of a single family home (Nickles & Dimes Ranch). Thus, it is unknown if or when it will ever re-develop.
 - f. The northeast corner of Carrollton Parkway and Old Denton Road is in unincorporated Denton County and is currently developed as single family residences (Castle Hills).
6. There are other commercially-zoned tracts in the immediate area which are much more suitable for rezoning to residential uses (whether single-family detached, townhouse or multi-family). They are on the east side of S.H. 121 at Creek Valley Drive (both north and south sides) and at Chickasaw Drive (south side).

All three of these tracts suffer from not being located at a “major intersection.” Additionally, neither Creek Valley Drive nor Chickasaw Drive have bridges over S.H. 121, so access to these tracts is limited.

7. Approximately a mile north is the intersection of S.H. 121, Business 121 and Parker Road

(F.M. 544). This intersection may ultimately be the location of a much larger commercial and shopping venture, but its development is dependent on the provision of water and sewer service. Presumably water and sewer would be provided by the City of Lewisville, but according to their Planning Department, there is no set schedule or estimated timetable for this.

Additionally, commercial areas in Carrollton are often located within about a mile of each other, so it would not be unreasonable to expect both locations to be successful if developed.

8. The entirety of the tract north of Carrollton Parkway between Old Denton Road and S.H. 121 has “divided” topography. This means the easterly portion (roughly 1/2 to 2/3) can be served by “gravity flow” sewers connecting to the existing sewer network, but the westerly portion (roughly 1/3 to 1/2 slopes towards the northwest and development on that portion will require a lift station or grinder pump to carry sewage uphill in order to get to the existing sewer network.

The cost of this lift station will remain the same regardless of how much land is being developed. As proposed by the applicant, this cost will be borne by a smaller, less financially capable development in the future, and makes the remainder portion even less developable than it currently is. This may well pass the difficult development costs to the next developer which could result in lots/tracts remaining undeveloped for many years. Examples could be the approximately 28-acre tract at the east end of Branch Hollow Drive, just east of Old Denton Road, the approximately 3.7-acre tract at the east end of Briardale Drive, just east of Kelly Boulevard, and the old *Moore Homestead* tract on Old Denton Road, just north of Furneaux Creek.

9. Although on March 6, 2012, the Council approved a Comprehensive Plan amendment and Rezoning for an approximately 30-acre site (Estates of Indian Creek Phases 7a and 7b) from (FWY) Freeway District to Single Family Residential within the same PD-123 master planned area, the property had different circumstances than the case under consideration now. The property was more than twice as large in area and it did not have frontage or exposure on Old Denton Road.
10. On February 7, 2013, the Planning and Zoning Commission continued the case to the April 4, 2013 Commission meeting to allow the applicant time to submit a revised zoning exhibit to address the Commission’s concerns relating to cut-through traffic and the centralized common area. The applicant has submitted revisions (attached as resubmitted exhibits) to the zoning exhibit and landscape plan addressing the Commission’s concerns with cut-through traffic and the centralized common area.

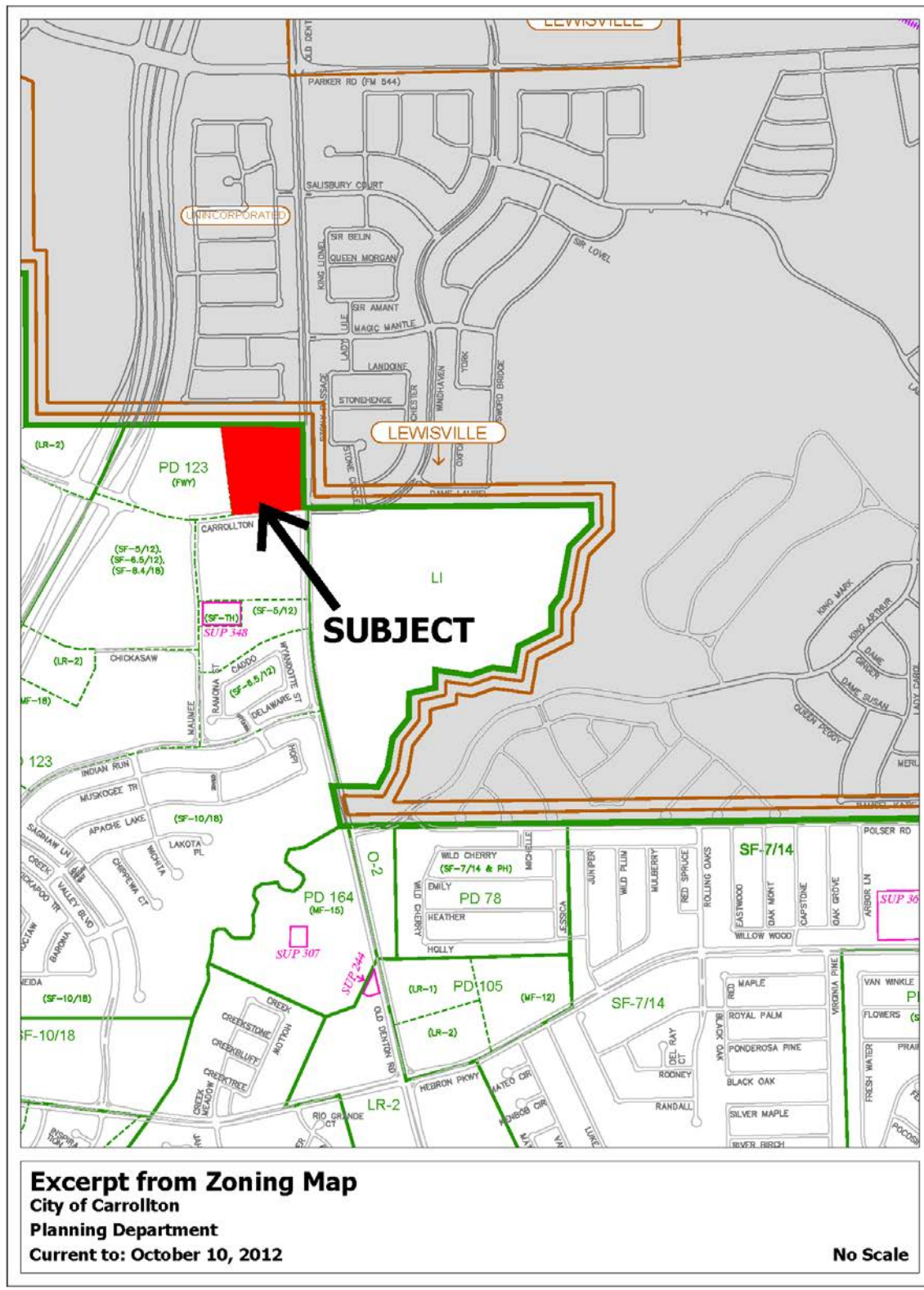
Unlike large-scaled, master-planned communities, it is somewhat difficult to design the small subdivision in a manner which reduces potential cut-through traffic due to the size and dimensions of the parcel. The zoning exhibit, as resubmitted, shows an adjustment to

the northwestern portion of the plan with an island added to the knuckle. This addition may cause some difficulty for potential homeowners of lots 13, 14 and 15, with exiting the subdivision on Caprock Lane eastward onto Old Denton Road.

CONCLUSION

Although the proposed development of this site is attractive, the use is not appropriate for this site. Staff feels that changing the zoning from commercial to residential on this piece of property is premature and, therefore, recommend denial.

LOCATION AND ZONING MAP



PROPOSED AMENDMENT TO PD-123 MAP

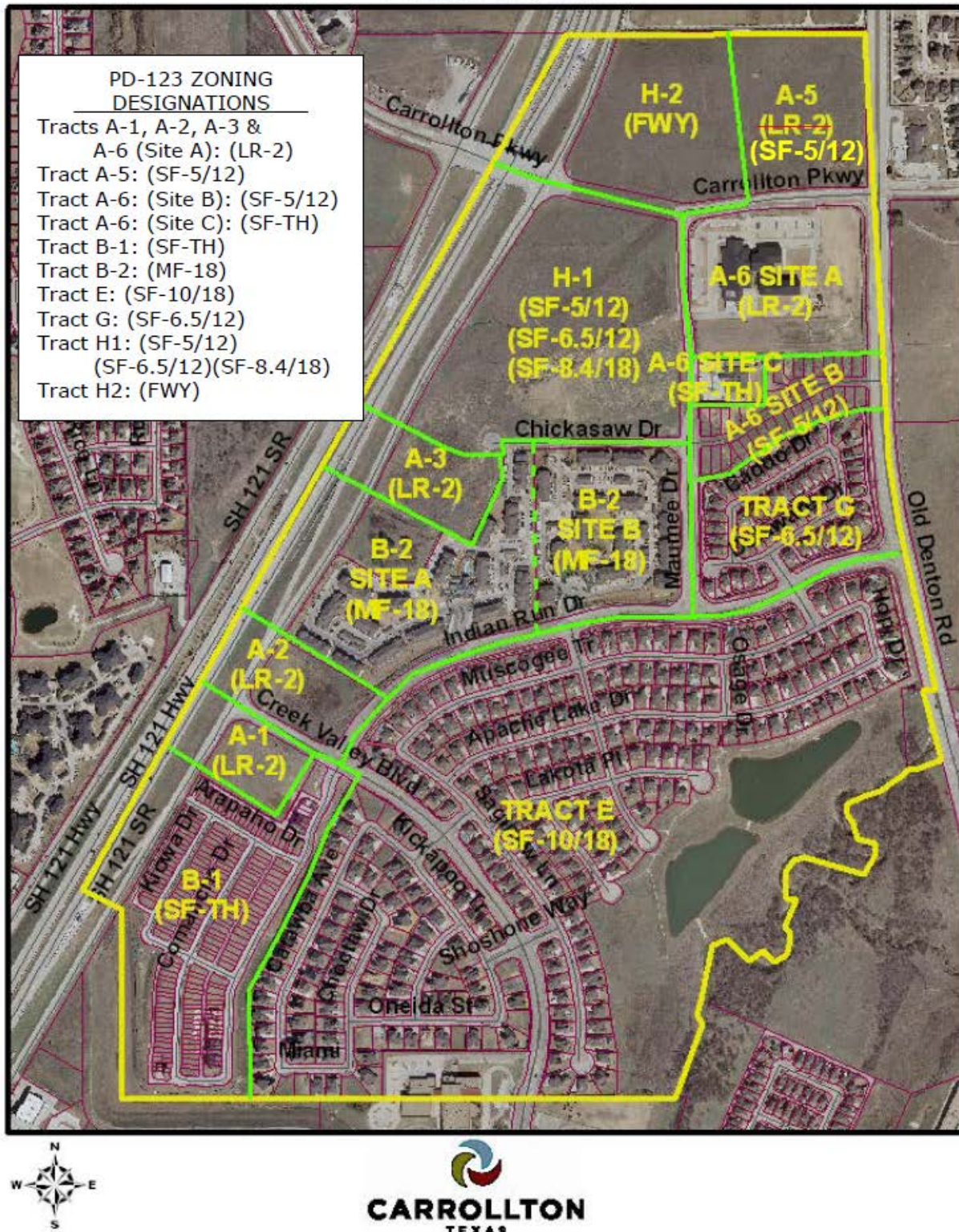


**EXHIBIT A
LEGAL DESCRIPTION**

608,385 SQ. FT. / 13.967 ACRES

BEING a tract of land situated in the Harrison Young Survey, Abstract No. 1448, in the City of Carrollton, Denton County, Texas, and being part of a called 25.350 acre tract of land described in deed as Tract 1 to Elm Fork Ranch Partners, Ltd., recorded under Denton County Clerk's File No. 97-R0062265 of the Real Property Records of Denton County, Texas, and being more particularly described by metes and bounds as follows (bearings referenced to plans and right-of-way dedication for State Highway No. 121):

BEGINNING at a 1/2-inch iron rod found in the Westerly right-of-way line of a tract described in Donation Deed to the State of Texas for Old Denton Highway (Farm Market Road 2281), recorded in Volume 3128, Page 0882 of the Real Property Records of Denton County, Texas, for the Northeasterly corner of the beforementioned 25.350 acre tract and the beginning of a non-tangent curve to the right;

THENCE with the Westerly right-of-way line of Old Denton Highway, the following courses and distance to wit:

Southerly, with a curve to the right, through a central angle of 00 degrees 23 minutes 41 seconds, having a radius of 5669.58 feet and a chord bearing and distance of South 00 degrees 19 minutes 19 seconds West, 39.07 feet, an arc distance of 39.07 feet to a 1/2-inch iron rod set for the end of said curve;

South 00 degrees 31 minutes 10 seconds West, a distance of 692.72 feet to a 1/2-inch iron rod set for the beginning of a curve to the left;

Southerly, with the curve to the left, through a central angle of 00 degrees 13 minutes 55 seconds, having a radius of 5789.58 feet and a chord bearing and distance of South 00 degrees 24 minutes 13 seconds West, 23.43 feet, an arc distance of 23.44 feet to a 1/2-inch iron rod set at the intersection of the Northerly

right-of-way line of Carrollton Parkway (a 150-foot wide public right-of-way) dedicated by deed to the City of Carrollton, Texas recorded in Volume 3128, Page 0877 of the Real Property Records of Denton County, Texas, and the Westerly right-of-way line Old Denton Highway for the Southeast corner of the 25.350 acre tract;

THENCE leaving the Westerly right-of-way line of Old Denton Highway with the Northerly right-of-way line of Carrollton Parkway, the following courses and distances to wit:

South 89 degrees 34 minutes 33 seconds West, a distance of 371.09 feet to a 5/8-inch "KHA" capped iron rod found for the beginning of a curve to the left;

Westerly, with the curve to the left, having a central angle 07 degrees 57 minutes 48 seconds, having a radius of 1704.92 feet and a chord bearing and distance of South 85 degrees 35 minutes 39 seconds West, 236.77 feet, an arc distance of 236.96 feet to a 5/8-inch "KHA" capped iron rod found for the end of said curve;

South 81 degrees 36 minutes 45 seconds West, a distance of 137.91 feet to a 1/2-inch iron rod set for corner;

THENCE leaving the Northerly right-of-way line of Carrollton Parkway and across the 25.350 acre tract, North 06 degrees 48 minutes 01 minute West, a distance of 800.86 feet to a 1/2-inch iron rod set for corner in the North line of the 25.350 acre tract;

THENCE with the north line of the 25.350 acre tract, North 89 degrees 55 minutes 33 seconds East, a distance of 845.08 feet to the POINT OF BEGINNING and containing 608,385 sq. ft. or 13.967 acres of land.

EXHIBIT B
ZONING EXHIBIT

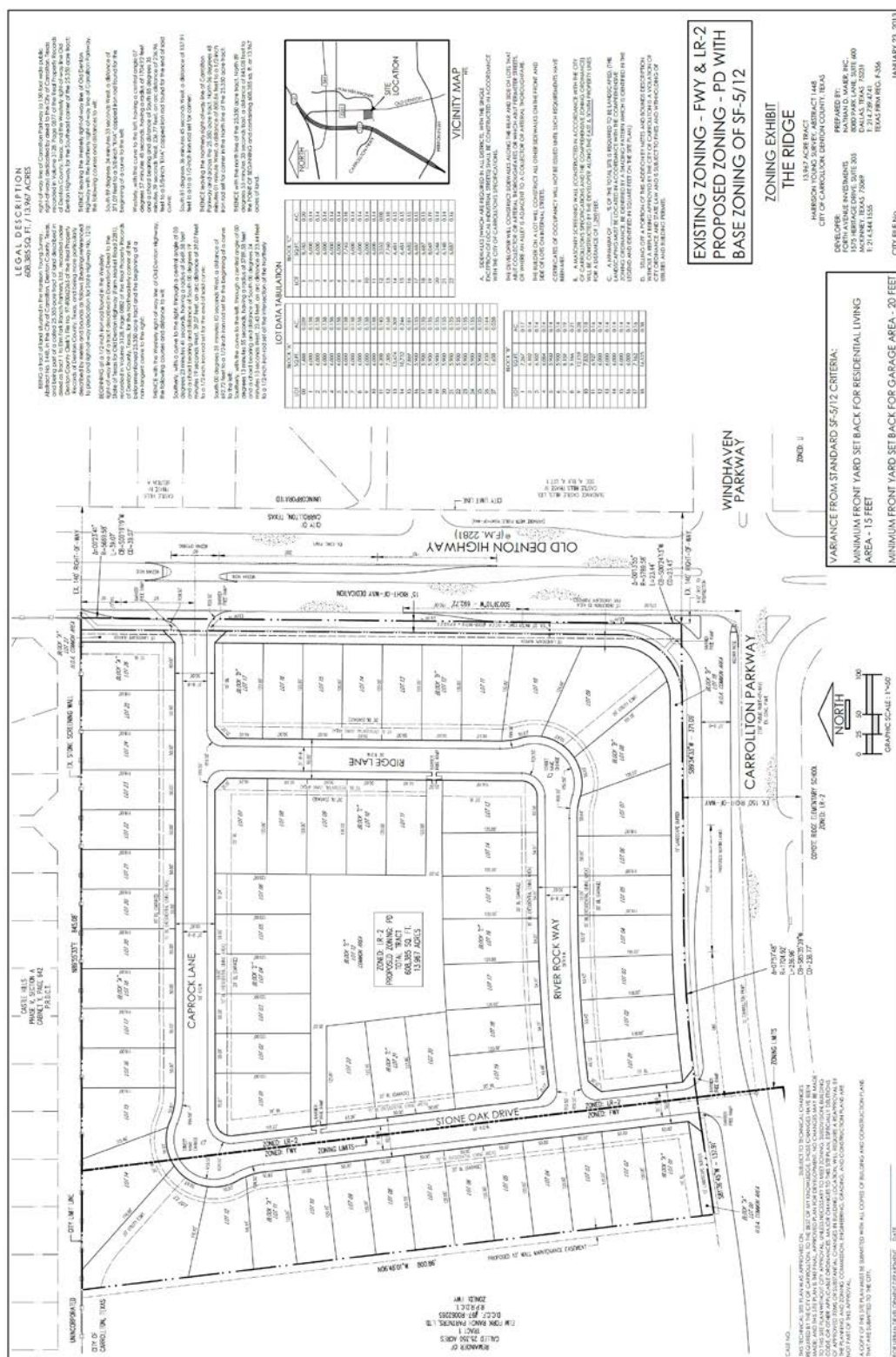
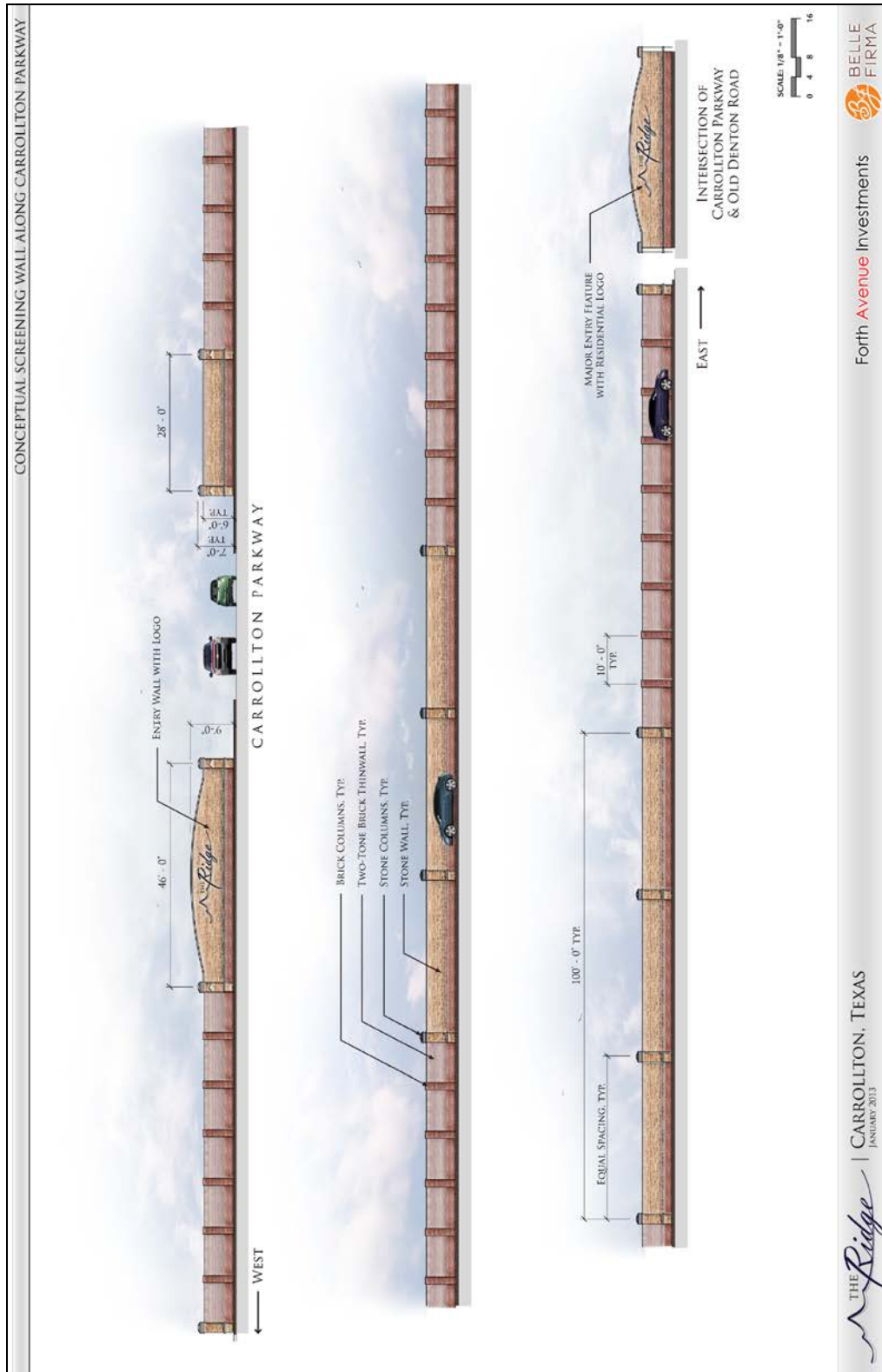
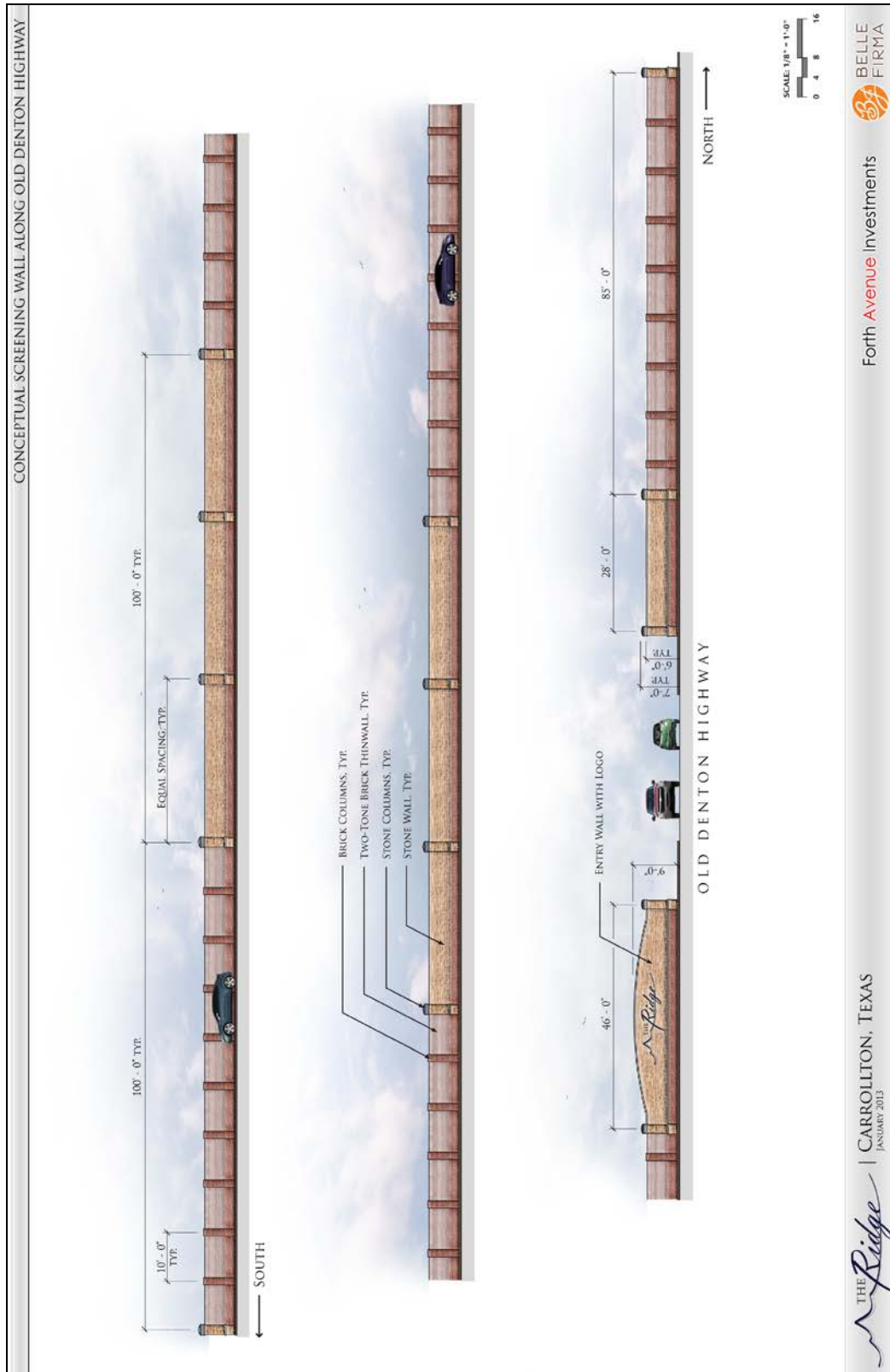


EXHIBIT C CONCEPTUAL SCREENING WALL ELEVATION



CONCEPTUAL SCREENING WALL ELEVATION



CONCEPTUAL LANDSCAPE PLAN

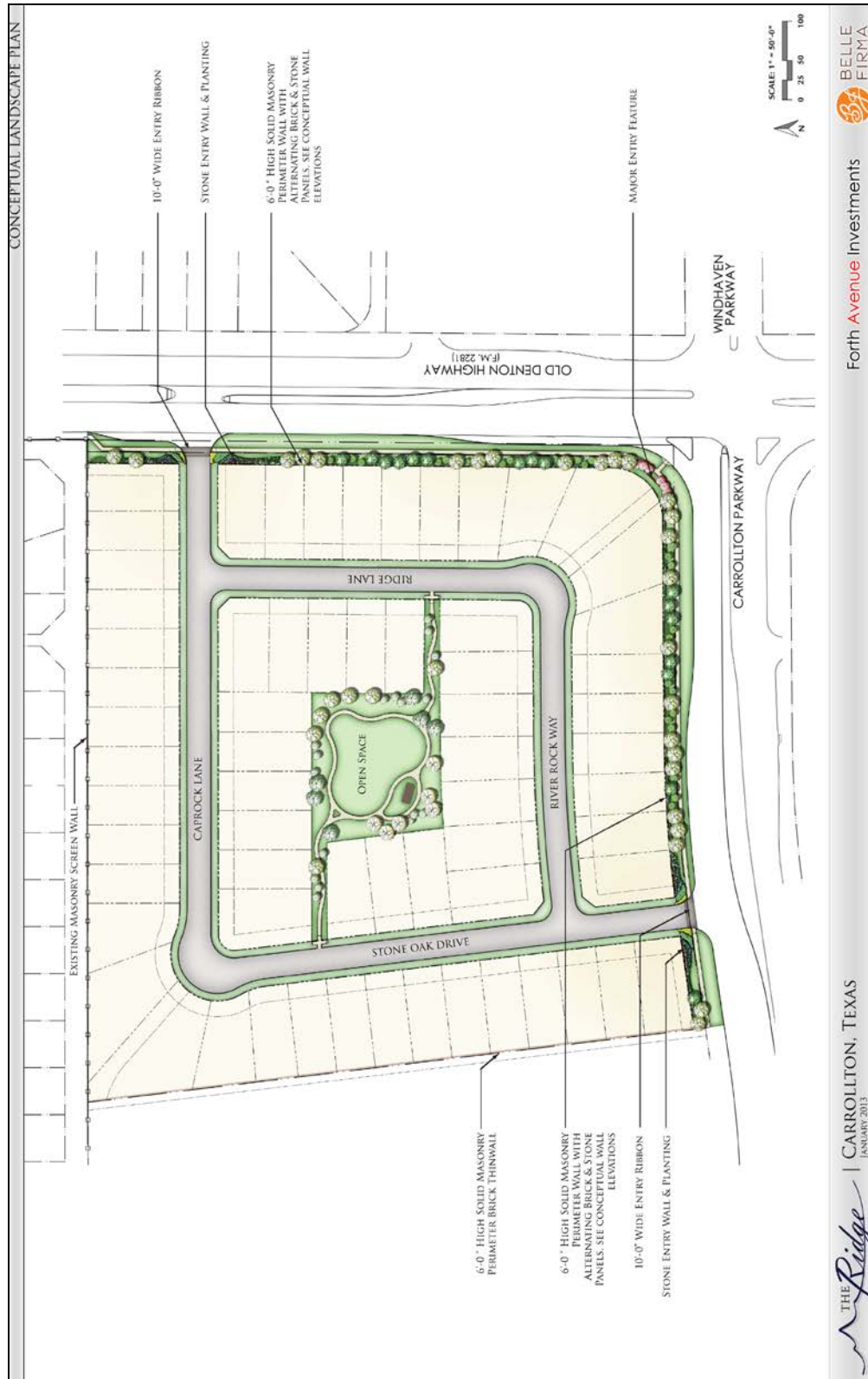


EXHIBIT E
CONCEPTUAL HOME ELEVATIONS











**PUBLIC COMMENTS
LETTER OF SUPPORT**

MEMO

DATE: February 7, 2013
TO: Planning and Zoning Commission – City of Carrollton, Texas
FROM: Ownership Leadership Committee – Windhaven West LLC Owners
SUBJECT: Zoning Case No. 12-12Z1 and Comp Plan Case No. 12-12MD1

On behalf of all 22 investor/owners of Windhaven West LLC, the owners of the adjacent 11.84 acres to the west of the Applicant's property, we support the rezoning and Comp Plan amendment.

We authorize our real estate Broker, Mr. Jim Riggert of Newmark Grubb Knight Frank to speak at the Public Hearing on our behalf. He is also authorized to answer any questions the Commission may have about the Owners' position of supporting the Comp Plan amendment and rezoning.

The proposed use and development of the adjacent property will bring the necessary water and sewer utilities to our property for future development.

Windhaven West LLC

By:

Mr. Jon Maakestad
Mr. Marty Udisches
Mr. Jerry Davis

**Excerpt from Draft Minutes
Planning & Zoning Commission
Meeting of April 4, 2013**

10. Hold a public hearing and consider approval of **Amendments to PD-123 for the (LR-2) Local Retail District**, changing the base zoning to the (SF-5/12) Single-Family Residential District with modified development standards. The approximately 13.507-acre site is located at the northwest corner of Old Denton Road and Carrollton Parkway and currently is zoned PD-123 for the (LR-2) Local Retail District. Case No. 12-12Z1 The Ridge (zoning)/Nathan D. Maier, Inc. Case Coordinator: Michael McCauley.

Pfeil stated the item is a continuation of a public hearing and provided a brief history noting that the Commission approved the Comprehensive Plan amendment at its February 7, 2013, meeting.

Shane Jordan, Fourth Ave Investments, 4951 Airport Parkway, Suite 800, Addison, noted that at the last meeting, the Commission requested the site plan be amended. While going through several iterations in an effort to slow the opportunity for cut-through traffic, they ended up with single loaded roads that were serpentine and the open space was fractured losing the sense of community. Using the original plan, they were able to bring edges of the park out to every street to make it a little more inviting when entering from the north. Although the open space still sits behind the lots, it is just a little less than an acre in size and would be a nice gathering place for the neighborhood. In an effort to stop cut-through traffic, they added a traffic diverter to keep people from going from Old Denton Road to Carrollton Parkway. The plan includes 64 lots that are 50'x120' and there are about 19 lots that are 118' deep. He noted that they are requesting that the front yard setback of the living space be reduced to 15'. He stated that in most cases, they have exceeded the City's standards noting the driveways would be completed with aggregate exposed concrete, and the garages would have wood custom hinges and brick ribbons.

Pfeil asked about the masonry requirement and McCauley responded that the requirement is 80%.

Sylo expressed his appreciation to Mr. Jordan for trying to address the concerns he had previously voiced. He felt that creating the windows to the open space will give people more reason to go to the open space. With regard to minimizing cut-through traffic, he felt the options took away from the open space and he felt the traffic diverter would be cumbersome to drivers.

Nesbit stated he understood that staff recommends denial and felt there is sufficient infill areas remaining for retail and further development, especially the site just to the west that

fronts SH 121. He expressed his appreciation for the work done by the applicant to make the plan desirable.

Pfeil opened the public hearing and invited speakers to come forward.

Jim Riggert, 2515 McKinney, Suite 1300, Dallas, representing the adjacent property owner to the west, Windhaven West LLC, read and distributed a memo from three members of the Leadership Committee in support of the zoning and comp plan amendment.

There being no other speakers, Pfeil opened the floor for comments or a motion.

- * Sylo moved to close the public hearing and approve Case No. 12-12Z1 The Ridge with the understanding that in the proposed ordinance language where there is reference to the exhibits B or D, that amended plans have been provided by the applicant at this meeting and those amended plans are the reference documents that are to be incorporated into the ordinance as exhibits; second by Nesbit and the vote was cast 7-1 in favor, McAninch opposed and Daniel-Nix absent.***

PLANNING
City of Carrollton
Date: 05/07/2013

PLANNED DEVELOPMENT NO. 123
DEVELOPMENT NAME: THE RIDGE

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY REPEALING PLANNED DEVELOPMENT NUMBER 123 AS ESTABLISHED BY ORDINANCE NO. 3479 ON MARCH 6, 2012 AND RE-ESTABLISHING PLANNED DEVELOPMENT NO. 123 WHICH PROVIDES FOR THE (SF-5/12, SF-6.5/12, SF-8.4/18 AND SF-10/18) SINGLE-FAMILY RESIDENTIAL DISTRICTS, THE (SF-TH) SINGLE-FAMILY TOWNHOUSE DISTRICT, THE (MF-18) MULTI-FAMILY DISTRICT, THE (LR-2) LOCAL RETAIL DISTRICT AND THE (FWY) FREEWAY DISTRICT UPON PROPERTY LOCATED ON THE NORTHWEST CORNER OF OLD DENTON ROAD AND CARROLLTON PARKWAY; AMENDING THE OFFICIAL ZONING MAP; AND PROVIDING FOR A PENALTY OF \$2,000 PER DAY, SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at its regular meeting held on the Fourth day of April, 2013, the Planning and Zoning Commission considered and made recommendations on a certain request to amend a Planned Development District (Case No. 12-12Z1);

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

That Ordinance Number 3479 as established on March 6, 2012, is hereby repealed in its entirety.

Section 2.

That Planned Development Number 123 is hereby re-established for an approximately 322-acre tract of land located north of Hebron Parkway between SH 121 and Old Denton Road, situated in Harrison Young Survey, Abstract No. 1448, the W.J. Jackson Survey, Abstract No. 671, the W.A. Ferris Survey, Abstract No. 437, the W.J. Bonner Survey, Abstract No. 123, the El Paso Irrigation Company Survey, Abstract No. 408 and the W.C. Cantwell Survey, Abstract No. 293, Denton County, Texas, and more specifically shown on the attached Exhibit A, providing for the following uses:

A.1 TRACTS A-1, A-2, A-3 AND A-6 (SITE A)

Permitted uses shall be all principal and accessory uses which are allowed by right in the (LR-2) Local Retail District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (LR-2) Local Retail District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (LR-2) Local Retail District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

1. Tracts A-1- thru A-3
 - a. A minimum thirty (30) foot landscape buffer shall be provided along State Highway 121. The buffer shall be landscaped in accordance with the Comprehensive Zoning Ordinance, which shall include a minimum three (3) foot high landscaped berm.
 - b. Parking areas shall not encroach into the said required landscape buffer.
 - c. All roof-mounted equipment shall be screened from the view of the adjacent Single-Family Districts.
 - d. A maximum of one (1) restaurant with drive-up, drive-thru or drive-in service shall be permitted per tract.
2. Tract A-3
 - a. If the park site is acquired, a vehicular access easement shall be provided at the time of platting to the park site through Tract A-3 from the proposed arterial street located on the north side of Tract A-3.
3. Tract A-6 Site A
 - a. A minimum fifteen (15) foot wide landscape buffer shall be provided along Old Denton Road. The buffer shall be landscaped in accordance with the Comprehensive Zoning Ordinance.

- b. The maximum building height shall be 34 feet as shown on the elevations attached hereto as Exhibit C.
- c. All roof-mounted equipment shall be screened from the view of adjacent Single-Family Districts.

A.2 TRACT A-5

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-5/12) Single Family Residential District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-5/12) Single Family Residential District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided in this ordinance.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-5/12) Single Family Residential District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

- 1. Lot layout shall be as shown on the Conceptual Lot Layout Plan attached as Exhibit J(a).
- 2. Home elevations shall be similar in composition and architectural character to the examples shown in Exhibit J(c).
- 3. Alleys shall not be required and front-entry garages shall be allowed.
- 4. Minimum front yard setback shall be 15 feet, provided however that any garage door shall be placed no less than five feet further from the property line than the front façade of the living area.
- 5. Minimum lot frontage shall be 50 feet.
- 6. Garage doors shall be clad in stained natural cedar or faux wood, as conceptually shown in Exhibit J(c).
- 7. Driveways shall be decorative pavers, exposed concrete aggregate, stained and

pattern-stamped, patterned, saw-cut or salt-finished concrete.

8. Driveways shall be placed to allow adequate on-street parking (e.g. "paired").
9. Carports shall be prohibited.
10. A homeowner's association shall be established in accordance with the Comprehensive Subdivision Ordinance prior to platting the tract. The property owner's association will be responsible for the improvement and maintenance of all common areas and/or common facilities shown on the Conceptual Site Plan.
11. An "entry ribbon" consisting of decorative pavers or stained and pattern-stamped concrete shall be placed in each street intersecting with Old Denton Road and Carrollton Parkway. Said entry ribbon shall be no less than ten feet (10') in depth, shall extend across the width of the street and shall generally align with the abutting sidewalk.
12. Landscaping shall be consistent with the Conceptual Landscape Plan as shown on Exhibit J(b).
13. Along Old Denton Road & Carrollton Parkway, a landscape buffer a minimum of fifteen feet (15') in width shall be placed adjacent to the right-of-way. Said buffer shall be established as a common area lot or lots, and shall be maintained by the homeowners association.

Said buffer shall contain, at a minimum, the following:

- a. Three (3) three-inch (3") caliper shade trees, ten-to-twelve feet (10-12') in height at the time of planting, for each one hundred linear feet (100') of street frontage or fraction thereof, and;
- b. Three (3) ornamental trees, six-to-eight feet (6-8') in height with a minimum of three caliper inches (3") in size at the time of planting, for each one hundred linear feet (100') of street frontage or fraction thereof. Three (3) ornamental trees may be substituted for each required shade tree if planted directly underneath overhead utility lines.
- c. Such trees are encouraged to be placed in "natural groupings" where possible. However, if they are placed in a linear layout, the shade trees shall have a maximum spacing of forty feet (40'), while the ornamental trees shall have a maximum spacing of fifteen feet (15'), and either;

- d. Thirty-four (34) five (5) gallon shrubs, twenty-four inches (24") in height at the time of planting, for each one hundred linear feet (100') of street frontage or fraction thereof, planted in groupings. A minimum three foot (3') wide planting bed shall be provided for the planting of such shrubs, or;
 - e. A combination of a discontinuous landscaped earthen mound constructed to a minimum height of three feet (3'), and evergreen shrubs.
 - f. A maximum seventy percent (70%) of the buffer area may be landscaped with turf grass.
 - g. Such trees shall be planted in "natural groupings" where possible.
 - h. A public sidewalk may encroach into or be incorporated into the landscape buffer, provided that a public access easement is provided for it at the time of development.
14. A Major Entry Feature (see Exhibit J(a)) shall be located at the corner of Old Denton Road and Carrollton Parkway. Said Major Entry Feature shall be maintained by the homeowners association.
15. A solid masonry perimeter screening wall, not less than six feet (6') in height as measured at the highest finished grade shall be installed along Old Denton Road, Carrollton Parkway and along the west property line abutting the retail tract to the west.

Said screening walls shall match in color and design the existing screening walls constructed with the development of other portions of the Estates of Indian Creek (including Coyote Ridge Elementary School). The design of said walls shall be approved by the City Manager or designee, and constructed prior to the issuance of a letter of acceptance by the Engineering Department for the construction of any public improvements.

Said screening walls shall be maintained by the homeowner's association.

A.3 TRACT A-6 (SITE B)

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-5/12) Single Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-5/12) Single Family District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-5/12) Single Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

1. Minimum setback to a main structure along Old Denton Road shall be 25 feet.
2. A minor entry feature (Exhibit I) shall be required at the intersection of the proposed residential streets and Old Denton Road and Maumee Drive.
3. The screening walls along Old Denton Road and Maumee shall match in color and design to the existing screening walls currently constructed with the development of the Estates of Indian Creek.
4. A minimum 10-foot wide landscape buffer shall be required along Maumee Drive. The landscape buffer shall have a combination of a discontinuous earthen berm and five (5) gallon evergreen shrubs constructed to a minimum height of 24 inches, 1 shade tree for each 40 linear feet, and 3 ornamental trees for each 75 linear feet. All plant material shall be from the approved plant list and maintained in accordance with the Landscape Ordinance. Such trees shall be planted in “natural groupings” where possible.
5. An HOA shall be required to maintain all detention, screening walls, and all common areas.
6. A license agreement shall be required for all landscaping, irrigation, signage, and parking located within the city ROW.
7. The remaining right-of-way dedication for the deceleration lane along Old Denton Road to the north, must be completed by a separate instrument.
8. A berm shall be required along Old Denton Road. Any berm in the landscape buffer along Old Denton Road shall meet the city’s slope requirements for such berms, provided however that the height may be reduced so as to fit in a 15-foot landscape buffer.
9. The site shall be developed in conformance with the conceptual site plan (Exhibit E).
10. A minimum 10-foot wide brick ribbon or a minimum 10-foot wide strip of stained and stamped concrete shall be required on all front entry driveways.

11. Minimum façade content facing any street shall be 85 percent brick or stone.
12. Front-loaded garages shall be permissible along the residential street, and prohibited on Old Denton Road and Maumee Road.
 - a. The front entry garages shall be minimum 8-feet in width, with stained, cedar-clad steel doors.
 - b. Front-entry driveways shall be paired to allow for on-street parking.
 - c. Front-entry garages shall be no less than 20 feet from the front property line.
 - d. Carports are prohibited for front-entry single family homes.
13. The minimum house size shall be 1,600 square feet of air-conditioned space.

A.4 TRACT A-6 (SITE C)

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-TH) Townhouse District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-TH) Townhouse District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-TH) Townhouse District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

1. Minimum lot frontage shall be 26 feet.
2. Minimum lot depth shall be 78 feet.
3. Minimum lot area shall be 2,100 square feet.
4. Minimum front yard setback for front-entry lots shall be 20 feet.
5. Minimum rear yard setback for front-entry lots shall be 10 feet.
6. Minimum front yard setback for rear-entry lots shall be 10 feet.
7. Minimum rear yard setback for rear-entry lots shall be 20 feet.
8. Maximum lot coverage shall be 65%.
9. Minimum setback to a main structure along Old Denton Road shall be 25 feet.

10. A minor entry feature (Exhibit I) shall be required at the intersection of the proposed residential streets and Old Denton Road and Maumee Drive.
11. The screening walls along Old Denton Road and Maumee shall match in color and design to the existing screening walls currently constructed with the development of the Estates of Indian Creek and the LISD elementary school.
12. A minimum 10-foot wide landscape buffer shall be required along Maumee Drive. The landscape buffer shall have a combination of a discontinuous earthen berm and five (5) gallon evergreen shrubs constructed to a minimum height of 24 inches, 1 shade tree for each 40 linear feet, and 3 ornamental trees for each 75 linear feet. All plant material shall be from the approved plant list and maintained in accordance with the Landscape Ordinance. Such trees shall be planted in “natural groupings” where possible.
13. An HOA shall be required to maintain all detention, screening walls, and all common areas.
14. A license agreement shall be required for all landscaping, irrigation, signage, and parking located within the city ROW.
15. Lot to lot drainage will not be permitted.
16. The remaining right-of-way dedication for the deceleration lane along Old Denton Road to the north, must be completed by a separate instrument.
17. A minimum fifteen (15) foot wide landscape buffer shall be provided along Old Denton Road. The buffer shall be landscaped in accordance with the Comprehensive Zoning Ordinance, which shall include a minimum three (3) foot high landscaped berm.
18. The site shall be developed in conformance with the conceptual site plan and elevations (Exhibit E, F & G).
19. The minimum brick or stone content of the façade that face Maumee Drive shall be 85%.
20. The front entry garages shall be 8-foot in width, stained, wooden doors.
21. A minimum 10-foot wide brick ribbon or a minimum 10-foot wide strip of stained and stamped concrete shall be required on all front entry driveways.

B. TRACT B-1

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-TH) Townhouse District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable

regulations of the (SF-TH) Townhouse District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-TH) Townhouse District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

1. The maximum number of dwellings shall be 207.
2. The minimum front yard setback shall be 7 feet.
3. The minimum rear yard setback shall be 18 feet.
4. The minimum side yard setback not used for a common wall shall be 5 feet.
5. The minimum distance between buildings shall be 10 feet.
6. The minimum side yard setback to a public street shall be 10 feet.
7. The minimum lot area shall be 2000 square feet.
8. The minimum lot width shall be 22 feet.
9. The minimum lot depth shall be 91 feet.
10. The maximum lot coverage shall be 73%.
11. Show a minimum 30-foot landscape buffer along SH 121. The landscape buffer shall be planted and maintained in accordance with the Landscape Ordinance.
12. The building setback from the residential development to the east shall be 75 feet.
13. The minimum setback along Creek Valley Boulevard to any main structure shall be 25 feet.
14. A designated “minor” entry feature shall be required at the intersection of Indian Run Drive and Creek Valley Boulevard (Exhibit I).
15. Driveway awnings or carports shall be prohibited.
16. A minimum 6-foot tall masonry screening wall, in conformance to the General Design Standards, shall be required along the alley parallel to SH 121.
17. Driveway access to SH 121 shall be for emergency access only.
18. Rooftop mechanical equipment shall be prohibited.
19. The west side of the drainage channel located adjacent to the residential development shall be planted with 35, three (3) inch caliper shade trees, 10-12

feet in height at the time of planting, planted 40 feet on center and fifty (50), ornamental trees, 6-8 feet in height at the time of planting, planted 35 feet on center. All required trees shall be installed and maintained in accordance with the Landscape Ordinance.

20. An HOA will be required to maintain all open space and common areas.
21. Technical Site Plan approval, in conformance with attached Exhibit D, shall be required prior to the issuance of a building permit.
22. Masonite and wood siding shall be prohibited on Lots 1 – 21, Block H; and Lot 22, Block C.

C. TRACT B-2

Permitted uses shall be all principal and accessory uses which are allowed by right in the (MF-18) Multi-Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (MF-18) Multi-Family District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (MF-18) Multi-Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

1. Site B: Tract B-2:
 - a. A minimum setback of eighty (80) feet for dwelling units and fifty (50) foot setback for all other accessory structures shall be required along SH 121.
 - b. Any building in excess of two (2) stories, either in whole or in part, but limited to a maximum of three (3) stories shall be considered a three (3) story building and shall be limited to a maximum of twenty-four (24) units.
 - c. The maximum height for a three-story building shall be limited to thirty-nine (39) feet; and direct, access enclosed garages shall be provided for a minimum of 50% of the number of residential units on the first floor of the building.

- d. The maximum height for a two-story building shall be twenty-eight (28) feet and shall be limited to a maximum of sixteen (16) units.
- e. A minimum twenty-five (25) foot wide landscape buffer shall be required along all street frontages.
- f. A minimum thirty (30) foot wide landscape buffer, landscaped in accordance with the requirements of the Comprehensive Zoning Ordinance shall be required along SH 121. The buffer shall include one (1) shade tree for every forty (40) linear feet of landscape buffer and a minimum three (3) foot high landscaped berm.
- g. Parking shall be prohibited within the first thirty (30) feet of SH 121 right-of-way.
- h. Rooftop mechanical equipment on any building shall be prohibited.
- i. The use of railroad ties for retaining walls shall be prohibited. Retaining walls shall have brick or stone facades.
- j. Detached garages and covered carports shall be architecturally compatible with the multi-family buildings, including but not limited to pitch roofs and roofing materials.
- k. A swimming pool and clubhouse shall be provided for each individual apartment complex.
- l. Efficiency units shall be prohibited.
- m. All resident boat or recreational vehicle storage shall be placed at the rear or center of the site and shall not be located adjacent to or within view of any public street frontage.
- n. A building/unit identification directory shall be provided at each apartment complex.
- o. Colored concrete brick ribbons, not less than ten (10) feet in width shall be provided on driveways accessing public streets.
- p. The maximum number of units shall be 512.
- q. A minimum seventy-five (75) foot building setback for dwelling units and a fifty (50) foot setback for all other accessory structures shall be required along Indian Run Drive, and only two-story buildings shall be allowed along Maumee Drive with a minimum setback of twenty-five (25) feet.
- r. Three/two-story buildings shall be allowed along the northern portion of the tract, subject to the two-story portion of the building being located adjacent to the street right-way and the three-story element of the building

being located a minimum of seventy-five (75) feet from the street right-of-way.

2. Site A: Tract B-2

- a. The exterior façade of all dwelling unit buildings as shown on the attached Exhibit B, shall consists of a minimum of 25% brick or stone, a maximum of 50% stucco and a maximum of 25% cementitious fiber board lapsiding.
- b. Cementitious fiber board lapsiding shall be prohibited on detached garages.
- c. If the park site is acquired, a pedestrian access easement shall be provided at the time of platting and shown on the technical site plan from Indian Run Drive to the proposed park site. The trail or walk shall consist of an all-weather surface.

D. TRACT E

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-10/18) Single-Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-10/18) Single-Family District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-10/18) Single-Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

1. Minimum living area: 2,100 square feet
2. Minimum front yard setback: 25 feet
3. Minimum rear yard setback: 10 feet for a one-story home with a minimum of 3,300 square feet of living area
4. Garages: If an alley waiver is granted at the time of platting, a garage door opening shall be allowed to face a public street if an additional twenty-five (25) feet of setback is provided beyond the front building line.

5. A minimum fifteen (15) foot landscape buffer shall be provided along Old Denton Road. The buffer shall include one (1) shade tree, minimum 3" caliper at the time of planting, for every 50 linear feet of landscape buffer.
6. A minimum twenty-five (25) foot landscape buffer shall be provided along Indian Run Drive.

E. TRACT G

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-6.5/12) Single-Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-6.5/12) Single-Family District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-6.5/12) Single-Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

1. Minimum living area: 1,600 sq. ft.
2. A minimum fifteen (15) foot landscape buffer shall be provided along Old Denton Road. The buffer shall include one (1) shade tree, minimum 3" caliper at the time of planting, for every 50 linear feet of landscape buffer.

F. TRACT H-1

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-5/12), (SF-6.5/12), (SF-8.4/18) Single Family Districts, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the chosen zoning district (either (SF-5/12), (SF-6.5/12), (SF-8.4/18) Single Family Districts) and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-5/12), (SF-6.5/12), (SF-8.4/18) Single Family Districts, as appropriate for the chosen district, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as

amended, and shall be developed in accordance with all applicable regulations.

1. The site shall be developed in conformance with the conceptual site plan (Exhibit H (a.)) and consistent with the Comprehensive Subdivision Ordinance.
2. The development shall contain a mix of residential zoning types mixed throughout the subdivision. The following percentages shall govern the proportion of each lot type within the development.

	SF 5/12	SF 6.5/12	SF 8.4/18
% of total lots	60% maximum	remainder	10% minimum

3. The following amendments are made to the Single Family District Guidelines:

	SF 5/12	SF 6.5/12	SF 8.4/18
Min lot area (s.f.)	5,300	6,500	7,350
Standard lot area (s.f.)*	5,980	7,130	8,050
Min. floor area (s.f.)	1,950	2,200	2,400
Min. lot width (ft.)	52	62	70
Min. lot depth (ft.)	105	105	105
Standard lot depth (ft.)*	115	115	115
Min front setback (ft.)	20	20	20
Min side setback (ft.)**	6	6	9
Min rear setback (ft.)	20	20	20

*Standard lot depth to be 115' except at areas where 10' ROW dedication required for right turn lanes into community falls along the rear of a lot.

** Minimum side yard setbacks shall be 15 feet for lots adjacent to landscape buffers along certain perimeter streets (See regulation number 4 below).

4. The minimum side yard setback for any main structure on a lot, measured from the landscape buffer along S.H. 121, Carrollton Parkway, Maumee Drive, and Chickasaw Drive shall be 15 feet.
5. The plat shall provide which lots will develop to the (SF-5/12), (SF-6.5/12), and/or (SF-8.4/18) Single Family Districts standards, as regulated by the planned development.
6. Single Family Lot Characteristics –
 - a. All homes shall include projections, recesses, articulation, as well as variation of materials, colors, roof lines and window design that front, side, and back to all

streets (or landscape buffers that are adjacent to lots along streets) as conceptually shown in Exhibit H(b.).

- b. All exterior walls of homes, including any chimneys, shall be 100 percent brick or stone content facing S.H. 121 (Sam Rayburn Tollway), Maumee Drive, Carrollton Parkway, and Chickasaw Drive.
 - c. Exterior building façades fronting a residential street, including side streets shall contain a minimum 85 percent brick or stone.
 - d. Garages facing the street shall be a minimum four (4') feet behind the front façade of the building or front porch/courtyard.
 - e. In addition to porches on single family homes, court yards may encroach a maximum five (5') feet into the required front yard setback.
 - f. All driveways on single family lots shall be enhanced between the sidewalk and garage and contain the following:
 - i. Stained concrete; or
 - ii. Stained stamped concrete; or
 - iii. A brick border on the parameter and across the driveway; or
 - iv. Combination of the three options above.
 - g. Front loaded garages shall be allowed with the following requirements:
 - i. The front garages shall be a minimum 8-feet in width, with:
 - 1.) Stained natural cedar-clad steel doors; or
 - 2.) Faux wood; or
 - 3.) Simulated wood-finished metal carriage doors.
 - ii. Driveways accessing streets shall be sufficiently separated to allow adequate on-street parking; and
 - iii. Car ports are prohibited.
7. Development Amenities –
- a. Common areas and open space. An open space area shall be provided within the single family development.
 - i. Minimum 20-feet wide;
 - ii. Contain 4-inch caliper canopy trees every 30 feet along streets; and
 - iii. Provide at least one street bench, near the sidewalk.
8. Screening –
- a. Monument entry features shall be provided as shown on Exhibit I (Illustrative Plan), except:

- i. A pair of minor monument entry features shall be provided at the intersection of proposed residential streets at Carrollton Parkway and Maumee Drive.
 - b. Screening walls shall match in color and design to existing walls currently constructed within the development of the Estates of Indian Creek. Walls shall be constructed along Carrollton Parkway, Chickasaw Drive and Maumee Drive in a 15-foot landscape buffer.
 - c. An 8-foot high sound barrier wall shall be constructed in the 15-foot landscape buffer along S.H. 121 matching existing walls in Estates of Indian Creek.
 - d. Perimeter 15-foot Landscape Buffer –
 - i. All landscape buffers shall locate along the street frontages of S.H. 121 (Sam Rayburn Tollway), Carrollton Parkway, Chickasaw Drive, and Maumee Drive.
 - ii. The landscape buffer shall have the following:
 - 1.) 1 shade tree planted for each 30 linear feet.
 - 2.) No ornamental trees are required, except around monument entry features.
 - 3.) A berm shall be required along S.H. 121 (Sam Rayburn Tollway), Carrollton Parkway, Maumee Drive, and Chickasaw Drive. Any berm in the landscape buffer along the streets shall meet the city's slope requirements for such berms, provided however that the height may be reduced so as to fit in a 15-foot landscape buffer.
 - iii. Other Screening Requirements:
 - 1.) One shade tree and one ornamental tree shall be provided in the front yard of each single family lot.
 - 2.) A continuous board on board cedar or redwood fence with capping on top, shall be provided with masonry columns at the terminus of the fencing and at shared lot lines where lots side internal residential streets. Materials, design, and color shall be uniform throughout the subdivision for lots siding to streets.
 - 3.) An HOA shall be required to maintain all detention, screening walls, and common areas.
9. Right-of-way Improvements:
- a. Chickasaw shall be dedicated up to the centerline of the street. Specifically:
 - i. Dedicate 16-feet of right-of-way along the south property line from Maumee Drive westward to the western edge of the Wind Dance Addition (Apartments).
 - ii. Dedicate 30-feet of right-of-way east of the right-of-way of S.H. 121, to the

western edge of the Wind Dance Addition.

- iii. The street extension of Chickasaw Drive will not be required to S.H. 121, except up to the most westerly street entry into the single family subdivision on Tract H-1.

- b. 24-foot wide pavement shall be constructed for eastbound Carrollton Parkway between S.H. 121 to Maumee Drive, with the development of the Tract H-1.

G. TRACT H-2

Permitted uses shall be all principal and accessory uses which are allowed by right in the (FWY) Freeway District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (FWY) Freeway District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (FWY) Freeway District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

1. A minimum thirty (30) foot landscape buffer shall be provided along SH 121. The buffer shall be landscaped in accordance with the Comprehensive Zoning Ordinance, and shall include a minimum three (3) foot high landscaped berm.

Section 3.

That development shall be in conformance with Conceptual Plan, attached hereto as Exhibit A.

Section 4.

That development shall be in accordance with the following special conditions, restrictions, and regulations:

1. Mini-storage warehouses shall not be permitted in PD-123.
2. This development is intended to be a true “master planned development” with a unique name and marketing theme. In conjunction with the submittal of the first plat for any tract or parcel within the (PD) District, an illustrative plan was submitted for the entire (PD) area (Exhibit I), which addressed the following:

- a. Distinctive name which unifies the total property by a creating a “sense of place”.
- b. Hierarchy of entryway treatments/features at primary and secondary commercial entryways, residential entryways and neighborhood entryways. Sizes, heights, letter types and sizes, and materials shall be shown along with associated landscaping (Exhibit I).
- c. Concept landscape guidelines for all perimeter landscape buffers along SH 121 and Old Denton Road, along with medians and parkways of interior designated thoroughfares shall be included.
- d. Appropriate organizational documents, such as Homeowners Association (HOA), Property Owner Association (POA), or Public Improvement District (PID) which define responsibility and funding mechanisms for construction, operation, and maintenance of common areas and entryways.

Section 5.

That the Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 6.
Penalty Clause

That any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 7.
Severability Clause

That the provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 8.
Savings Clause

That Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 9.

That this ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the 7th day of May, 2013.

CITY OF CARROLLTON

By: _____
Matthew Marchant, Mayor

ATTEST:

Ashley D. Mitchell
City Secretary

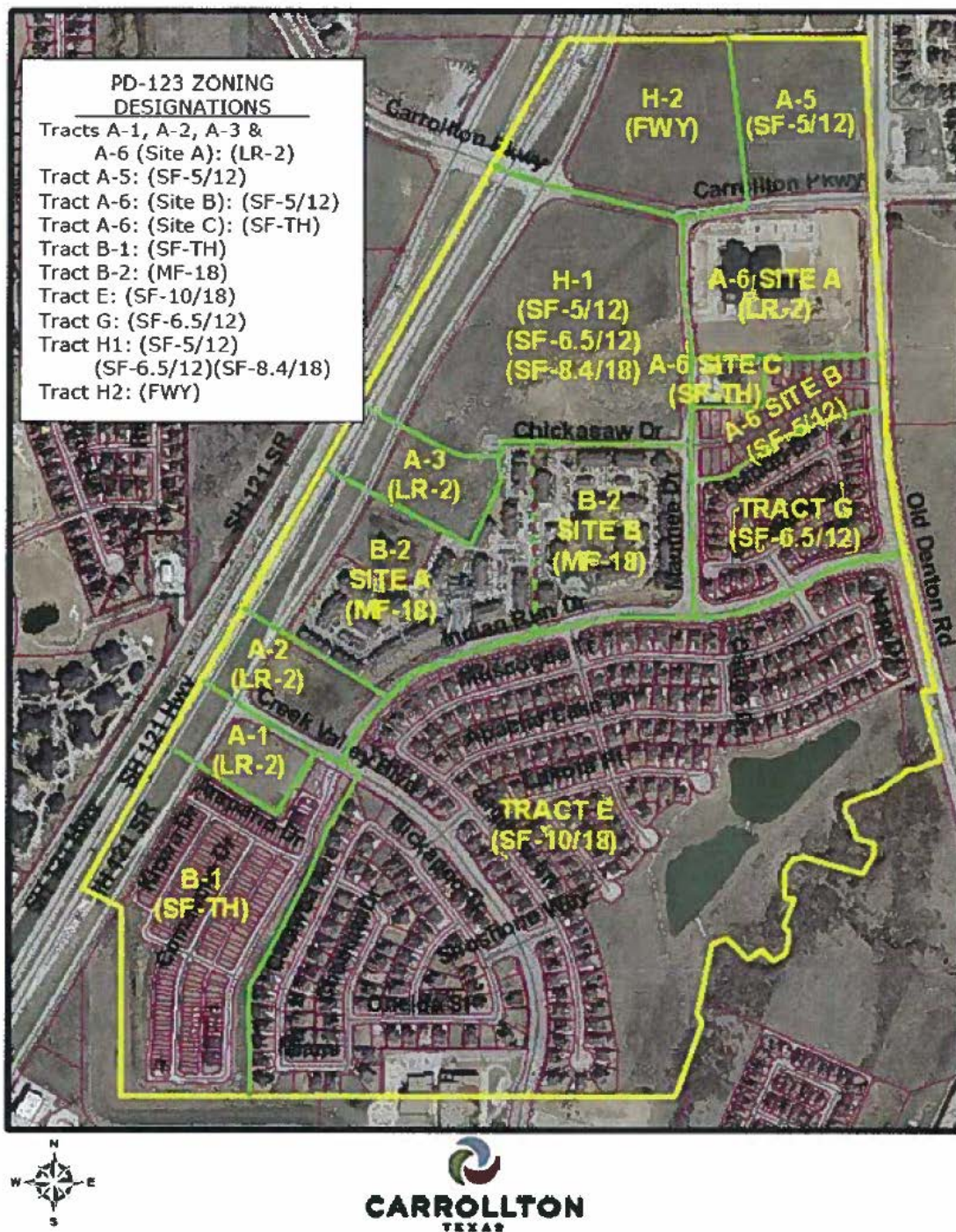
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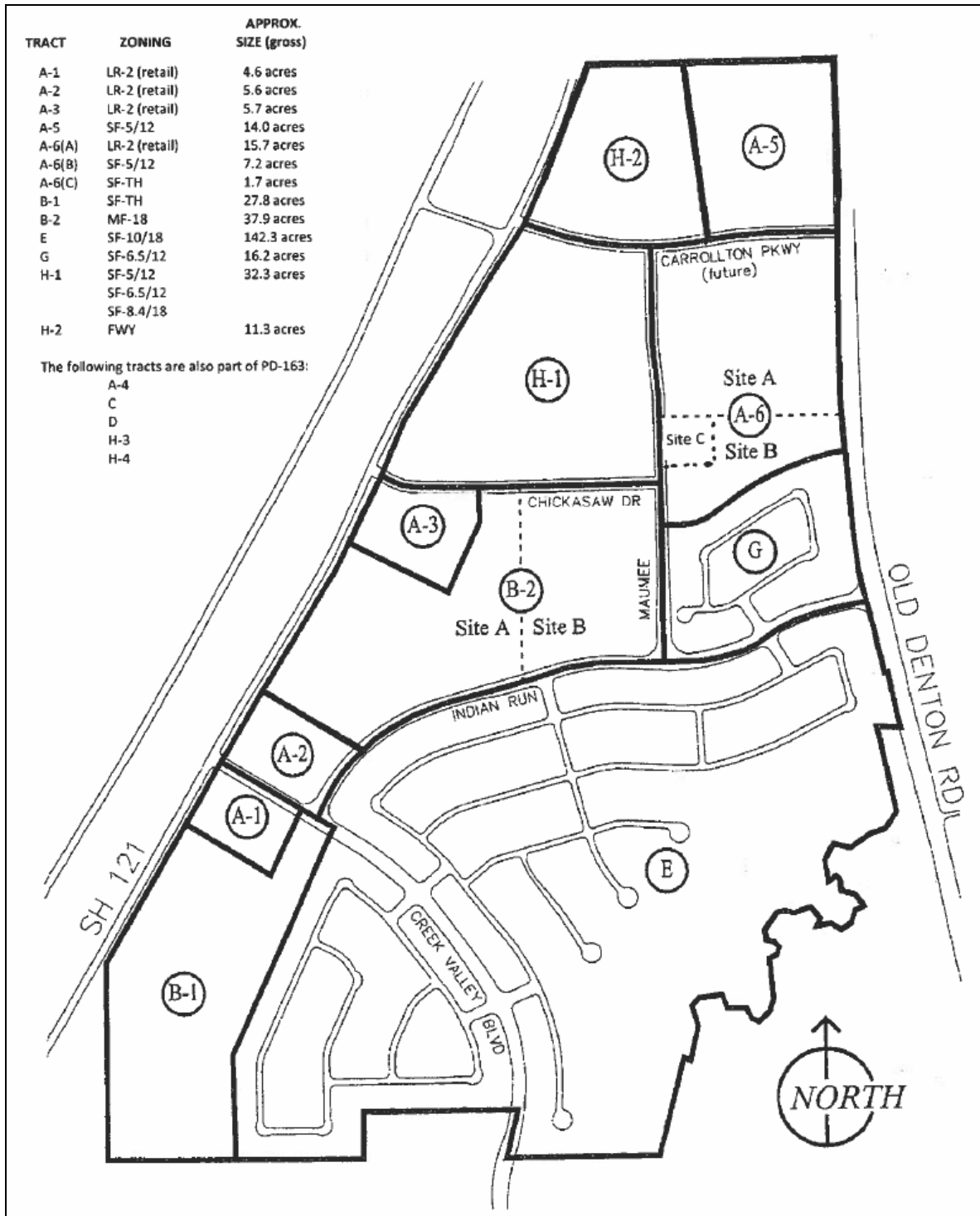
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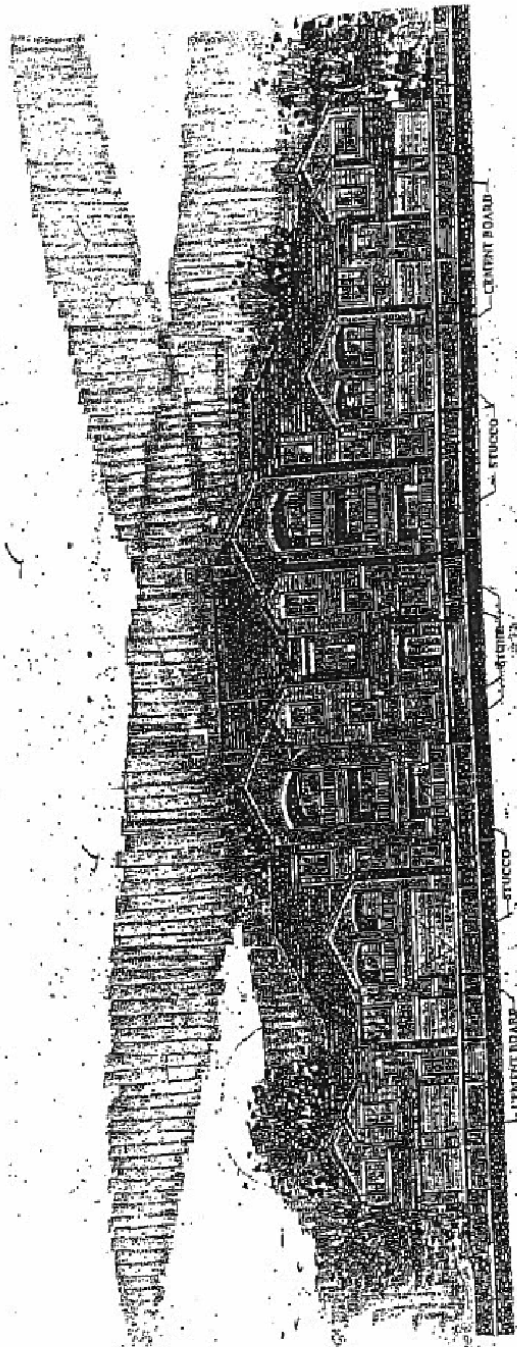
Regina A. Edwards
First Assistant City Attorney

Michael McCauley
Senior Planner

EXHIBIT A







TYPICAL BUILDING ELEVATION
MATERIALS CONTAINED IN THIS ELEVATION ARE APPROXIMATE
MATERIALS BEING USED BY THE CITY OF ALBUQUERQUE, N.M.

EXHIBIT B

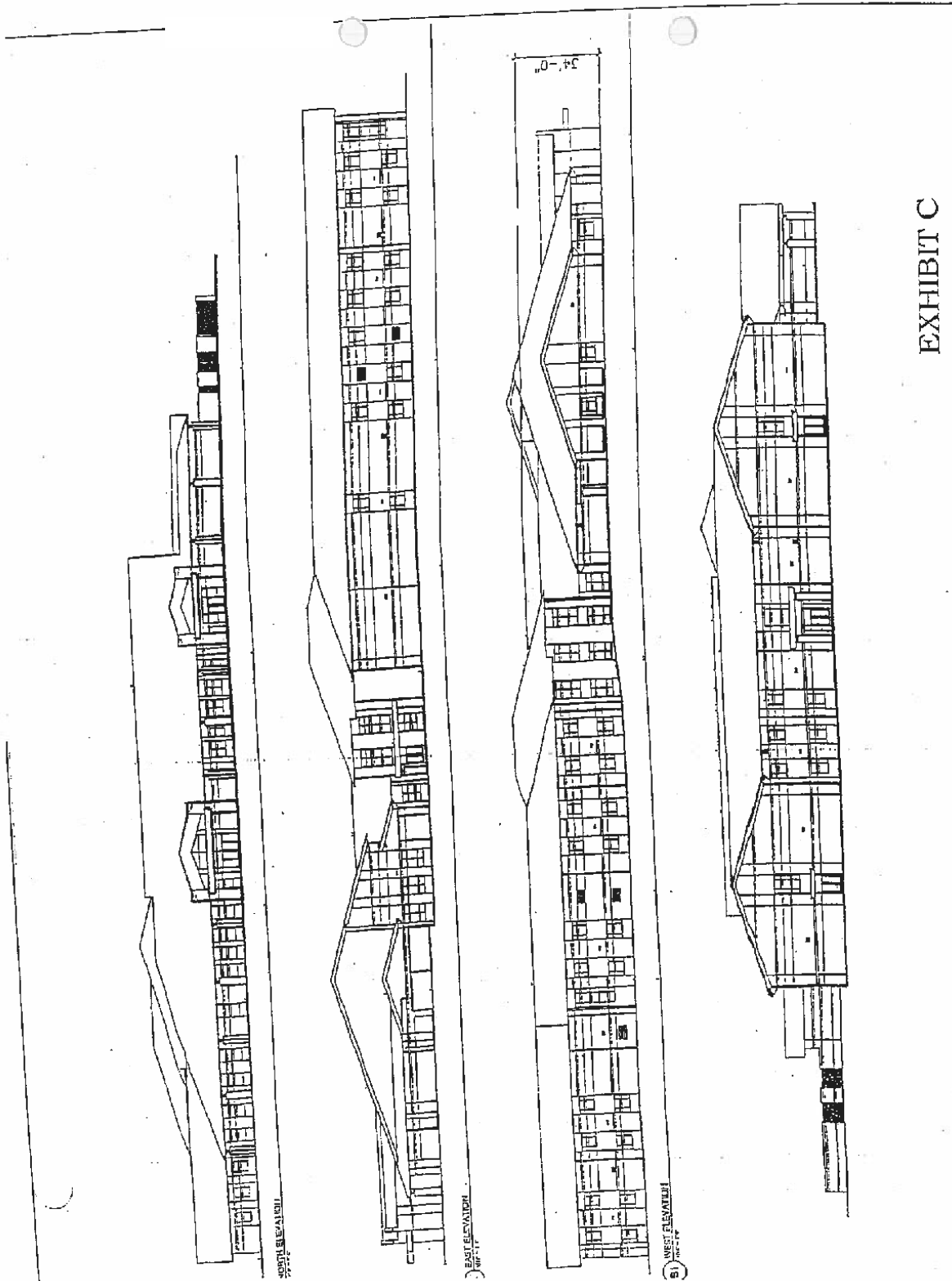
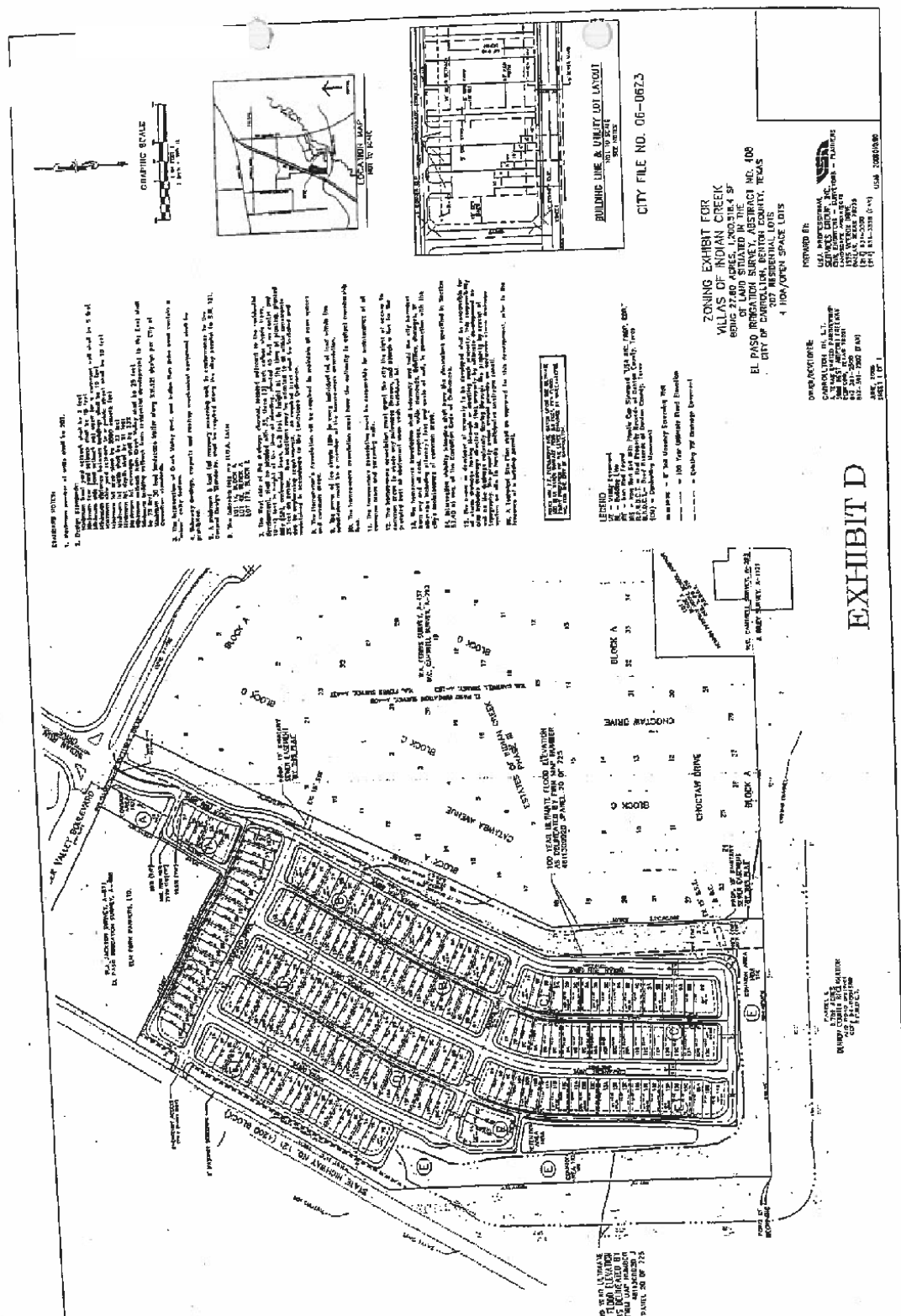
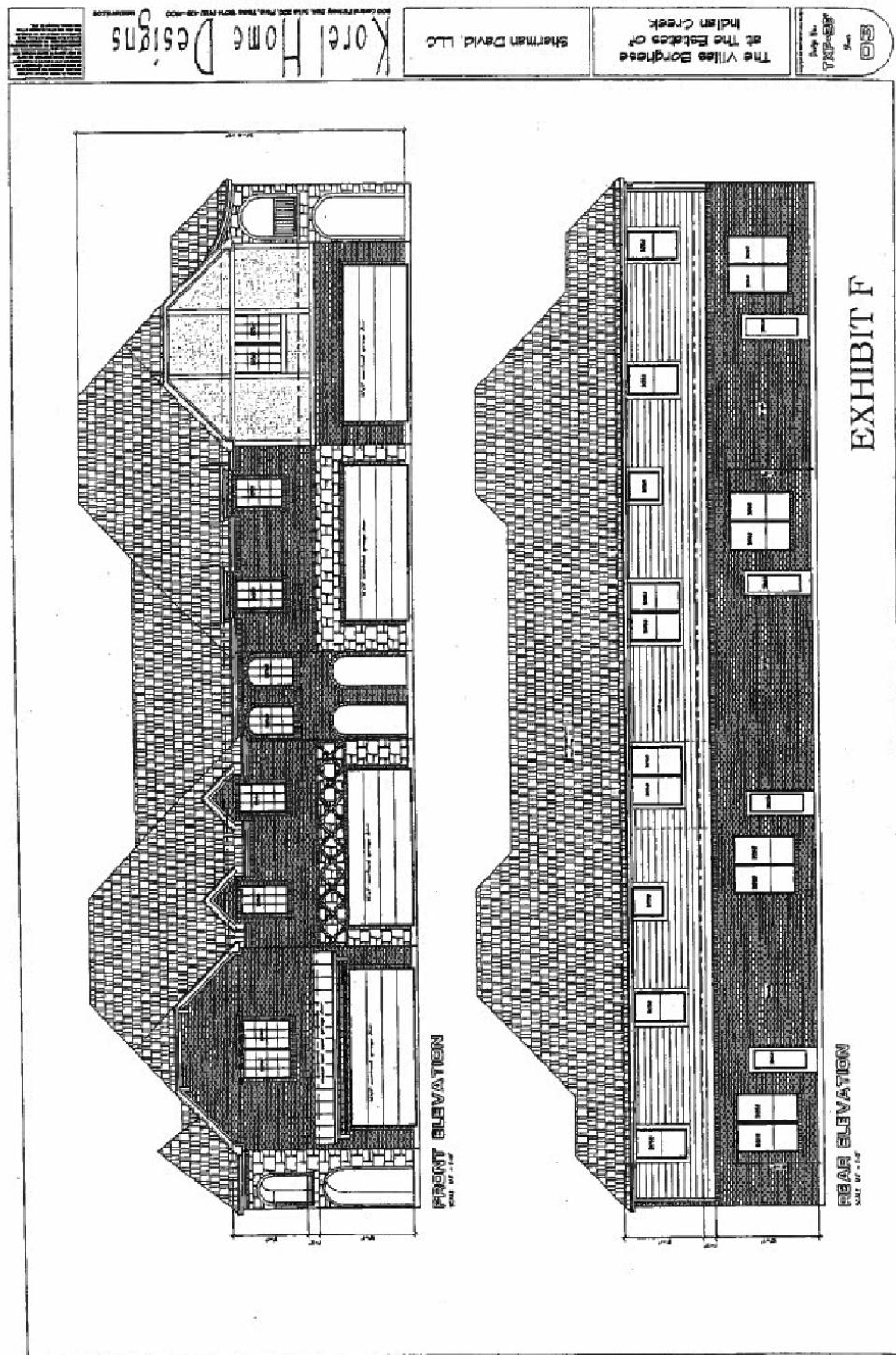


EXHIBIT C





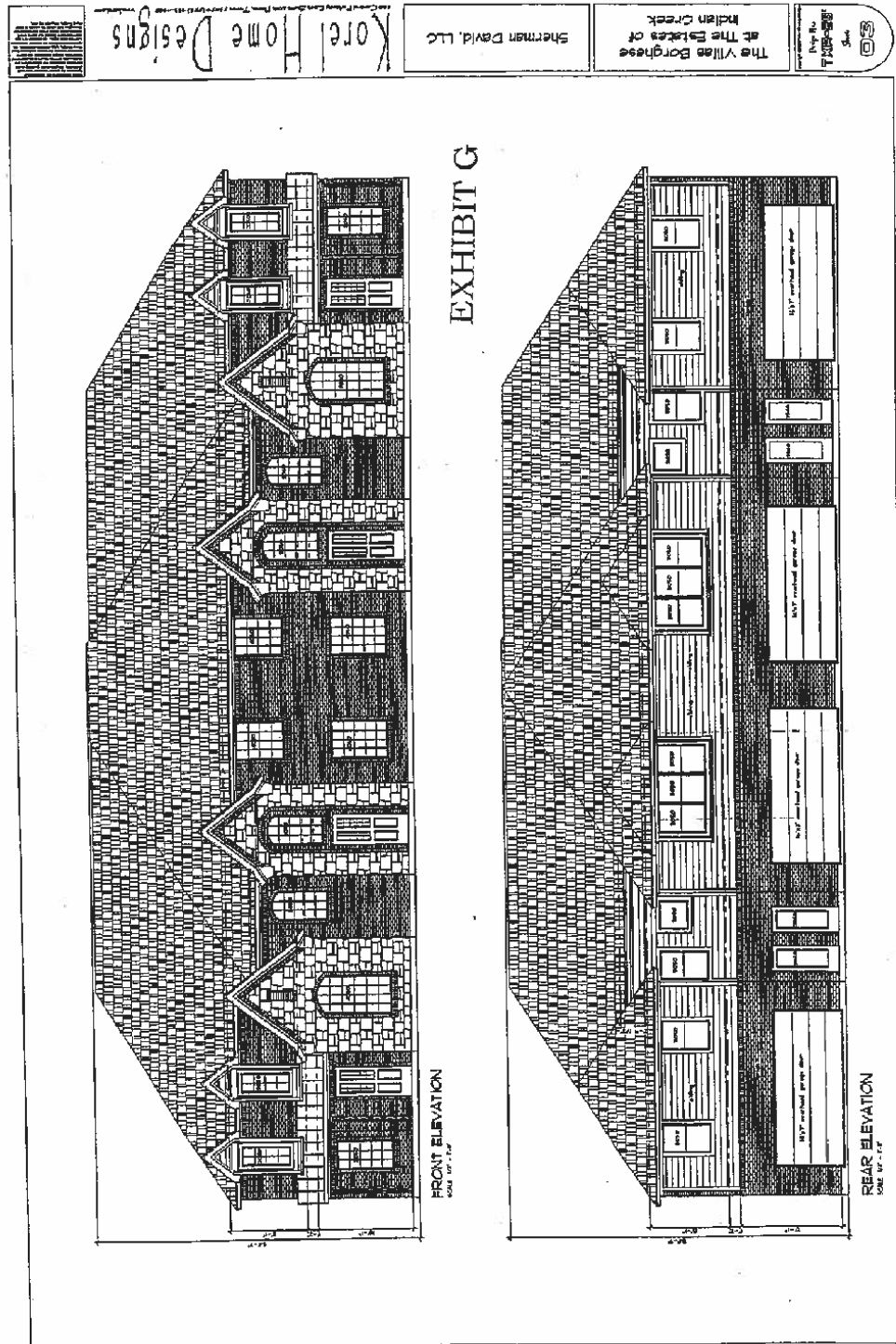


EXHIBIT H(a.)
Tract H-1



EXHIBIT H(b.)
Conceptual Single Family Home Elevations
Tract H-1



EXHIBIT H(b.)
Conceptual Single Family Home Elevations
Tract H-1



EXHIBIT H(b.)
Conceptual Single Family Home Elevations
Tract H-1



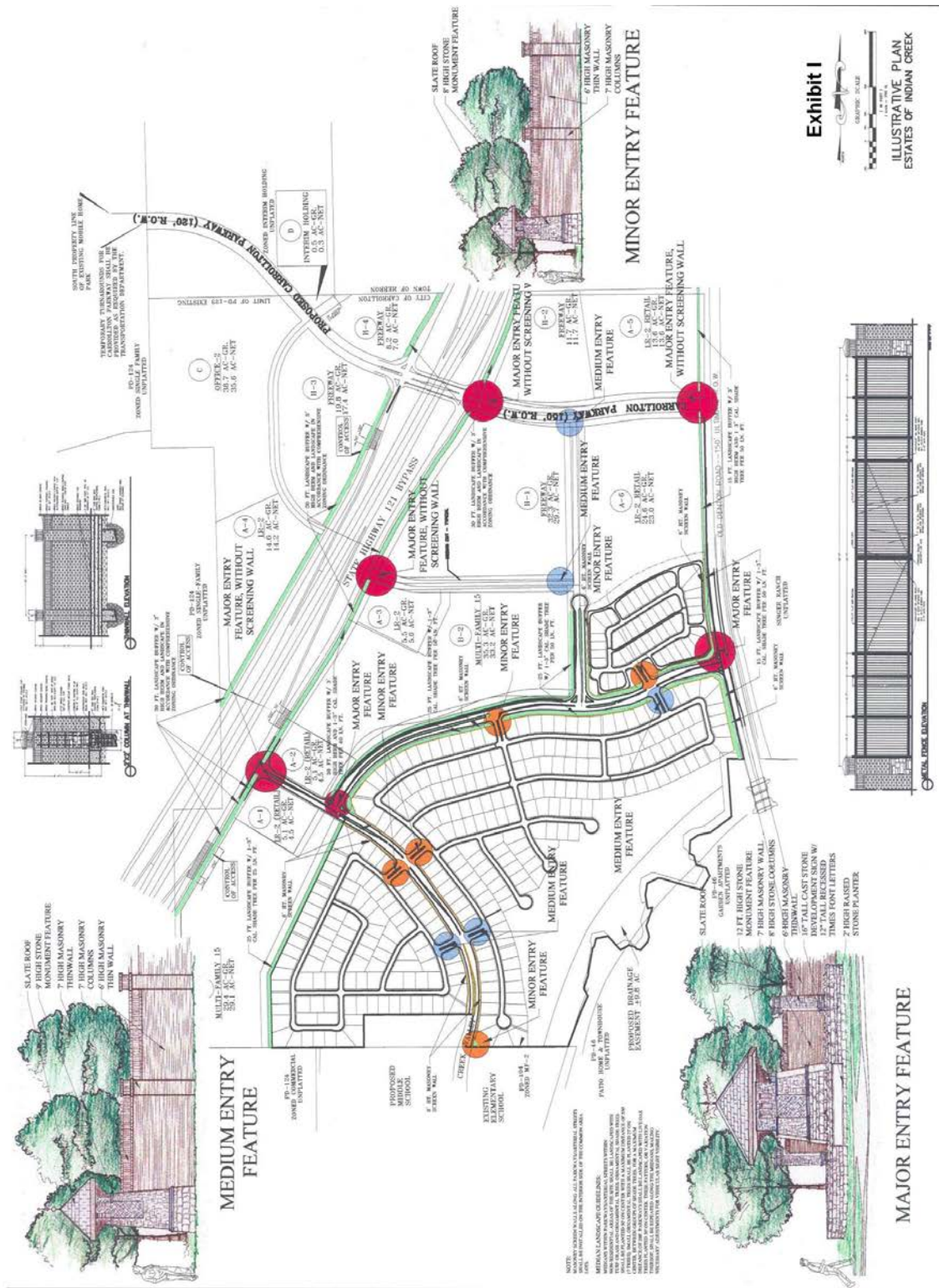


EXHIBIT J(b)
Conceptual Landscape Plan
Tract A-5

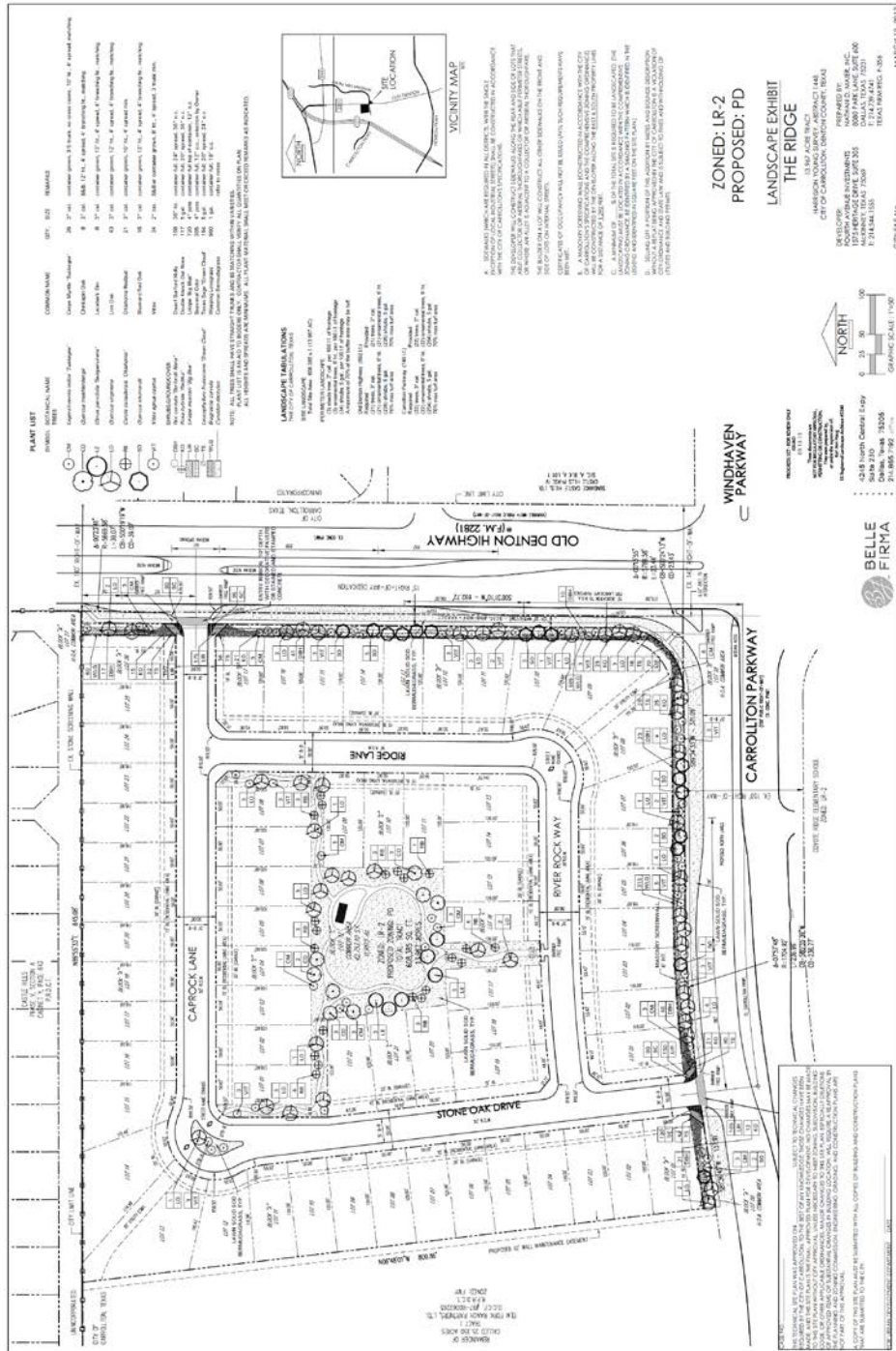






EXHIBIT J(c)
Conceptual Single-Family Home Elevations
Tract A-5



EXHIBIT J(c)
Conceptual Single-Family Home Elevations
Tract A-5



EXHIBIT J(c)
Conceptual Single-Family Home Elevations
Tract A-5



EXHIBIT J(c)
Conceptual Single-Family Home Elevations
Tract A-5





City of Carrollton

1945 E. Jackson Rd.
Carrollton, Tx. 75006

Agenda Memo

File Number: 0818

Agenda Date: 5/7/2013

Version: 1

Status: Other Business

In Control: City Council

File Type: Bid/Purchases

Agenda Number: 26.

CC MEETING: May 7, 2013

DATE: April 17, 2013

TO: Leonard Martin, City Manager

FROM: Christopher Barton, Chief Planner

Consider A **Letter Requesting A Waiver To The "One-Year Rule" For Reapplication of a Zoning Change Request Regarding Case No. 05-12Z1 MacArthur Drive at Trinity Mills Road.**

BACKGROUND:

On April 2, 2013 the City Council denied two requests regarding an approximately 6.83-acre site located on the northwest corner of the intersection of MacArthur Drive and Trinity Mills Road (President George Bush Turnpike). The requests were to amend the City's Land Use Plan to change the site's use from high-intensity commercial to multi-family residential, and to change the zoning from the (LI) Light Industrial District to a planned development district based on the (TC) Transit Center District, Urban General Sub-District, with modified development standards.

According to the City's Zoning Ordinance, all denials by City Council of zoning change requests are made with prejudice against filing another zoning change application on the same property within twelve months of the denial, except: (a) at the request of the City Council; or (b) upon written request by the applicant the City Council may waive the twelve (12) month waiting period and permit a new application to be filed. Such request for waiver may be set for a public hearing if required by a majority vote of the City Council.

There is no similar one-year prejudice regarding amendments to the Land Use Plan.

The applicant of Case No. 05-12Z1, Larry Moser, has submitted a written request asking the City Council to waive the twelve-month waiting period and allow him to modify his proposal and re-apply in the near future.

The City Council's action is only to consider allowing the applicant to file another zoning change application on the subject property. It is not an action of further consideration regarding

the merits of the original case or of any new application. Note also that approving this waiver will not require submittal of a new zoning change application, it simply offers the option of allowing submittal in less than a year.

STAFF RECOMMENDATION/ACTION DESIRED:

This item has been placed on the Consent Agenda to allow the City Council to consider Mr. Moser's request to waive the twelve month waiting period to file another zoning change application on his property.

MOSER REALTY

4427 Glenwick Lane Dallas, Texas 75205

214.912.7709

lgmoser47@gmail.com

PLANNING

April 8, 2013

APR 10 2013

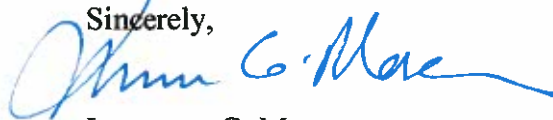
Mr. Christopher Barton
Chief Planner
City of Carrollton, Texas
1945 E. Jackson Road
PO Box 110535
Carrollton, Texas 75011-0535

CITY OF CARROLLTON

To the Honorable Mayor of Carrollton and Councilmembers;

I, as managing partner of the applicant, MacArthur/SH 190 Joint Venture, thank you for your service to our community and, as discussed at the April 2 Council meeting, formally request a waiver of the one-year period found in Article 31, Section C, Item 8 of the Carrollton Comprehensive Zoning Ordinance. This will allow me to submit a new application (with the additional drawings and materials showing full compliance with the requested zoning as recommended by City Plan and Staff.) to rezone the property you previously considered on April 2, 2013 (City Case Nos. 05-12Z1 and 05-12MD2).

Sincerely,



Lawrence G. Moser

Over 100 years in Dallas

RESULT SHEET

Date: 05/08/13

Case No./Name: Mac Arthur at Trinity Mills Waiver Letter

A. CC DECISION from CC meeting: 05/07/13
Result: /Vote: