CARROLLTON CITY COUNCIL & PLANNING & ZONING COMMISSION
JOINT WORKSESSION AND REGULAR MEETING

NOVEMBER 25, 2008

CITY HALL, 2ND FLOOR
1945 E. JACKSON ROAD
CARROLLTON, TEXAS

PRE-MEETING, WORKSESSION
& REGULAR MEETING – 5:45 P.M.

AGENDA

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

1. Dinner

2. Mayor and Council reports on meetings, gatherings, trips, contacts, and information sharing.

3. Receive supplemental staff information on meetings, gatherings, trips, contacts, reports and other information and responses to questions.

4. 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.
   • 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.

5. Council will reconvene in open session to consider action, if any, on matters discussed in the Executive Session.

* * * * WORKSESSION * * * *
COUNCIL BRIEFING ROOM

6. Discuss Appointments To Various Boards And Commissions.

7. Discuss Future Agenda Items.

INVOCATION

PLEDGE OF ALLEGIANCE
8. **Hearing of any citizen/visitor on items not listed on the regular meeting agenda.** 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 a maximum of 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.)

**BIDS AND PURCHASES**

*9. Consider Approval Of The **Purchase Of Three (3) Fire Vehicles For The Fire Department Through An Inter-Local Agreement With Houston Galveston Area Council** In An Amount Not To Exceed $1,388,761.00.

**CONTRACTS AND AGREEMENTS**

*10. Consider Authorizing the City Manager to Enter Into An Agreement With S&B Investment For a Land Swap To Acquire Property For The Reconstruction Of Whitlock Lane From IH-35E To Old Denton Road.

*11. Consider Authorizing The City Manager To Approve Amendment #1 With Dunkin Sims And Stoffels, Inc. In The Amount of $40,000.00 For A Revised Contract Amount Not To Exceed $169,190.00.

*12. Consider Authorizing The City Manager To Approve Change Order #2 With Republic ITS, Inc. To Install Video Equipment Switches, Cabinets, And Cabling For The Traffic Signal System Upgrade Project In The Amount Of $28,132.01 For A Revised Contract Amount Not To Exceed $819,222.01.

**ORDINANCES**

*13. Consider an **Ordinance Of The City Of Carrollton, Texas Amending Title IX, Health, Safety And Maintenance, Chapter 92 Nuisances Of The Carrollton City Code Of Ordinances To Provide For Regulation Of The Owners, Airport Manager, Fixed base Operators and Users Of Privately-Owned Public Access Airports To Promote And Protect Health, Safety And Welfare; Amending Chapter 92 Nuisances By Adding Section 92.71 Providing For Such Purposes; Amending Chapter 92 Nuisances By Adding Section 92.73; Providing For Management Requirements Including Owner Adopting Rules And Regulations, hiring An Accredited Airport Manager, Fixed Based Operator Guidelines And Insurance Requirements; Amending Chapter 92 Nuisances By Adding Section 92.74 Providing For General Provisions Including Fire Regulations Including Fire Regulations; Adopting FAA Regulations And Other Regulations That Apply To The Users Of The Airport; Amending Chapter 92 Nuisances By Adding Section 92.75 Providing For Resolution**
OF Conflict Of Rules; Amending Chapter 92 Nuisances By Adding Section 92.76 Providing Enforcement Including Violations, Declaration Of A Public Nuisance And Abatement Of A Nuisance; Providing For Penalty; Providing Savings, Severability, Repealing Clauses And Effective Date On And After Passage And Publication.


RESOLUTIONS

*15. Consider a Resolution Supporting A Comprehensive, Coordinated, Interagency Approach To Freeway Incident Management.

*16. Consider a Resolution Appointing Members To The Red Light Electronic Enforcement Committee.

CITY COUNCIL/PLANNING AND ZONING COMMISSION JOINT PUBLIC HEARING

17. Hold A Public Hearing And Consider An Ordinance Approving An Amendment To PD-169 (The Belt Line Road Corridor) To Revise Land Use And Development Regulations. The 43.35-Acre Tract Of Land Is Located Along Belt Line Road West Of Josey Lane, Including Portions Of Clint Street, Perry Road And Carroll Avenue. The Property Is Currently Zoned PD-169 For The (SF-10/18) Single-Family Residential, (MF-12) Multi-Family Residential, (O-2) Office And (LR-2) Local Retail Districts. Case No. 07-08Z1 PD-169 Belt Line Road Corridor/City Of Carrollton.

PUBLIC HEARINGS – INDIVIDUAL CONSIDERATION


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 21st day of November 2008 at 5:00 pm.

________________________________________
Ashley D. Mitchell, City Secretary

This building is wheelchair accessible. For accommodations or sign interpretive services, please contact City Secretary’s Office at least 72 hours in advance at 972-466-3021. Opportunities and services are offered by the City of Carrollton without regard to race, color, age, national origin, religion, sex or disability.
CC MEETING:  November 25, 2008  

DATE:  November 19, 2008  

TO:  Leonard Martin, City Manager  

FROM:  Ashley D. Mitchell, Administrative Services Manager  

SUBJECT:  Discuss **Appointments To Various Boards And Commissions**.  

BACKGROUND:  
Staff liaisons for the Historic Preservation Advisory Commission and the Neighborhood Advisory Commission have received resignation letters from members. Council will need to replace those members on each board to help ensure continuity of meetings.  

STAFF RECOMMENDATION/ACTION DESIRED:  
Staff wishes council to make recommendations for appointments to the Historic Preservation Advisory Commission and the Neighborhood Advisory Commission.
CC MEETING : November 25, 2008

DATE: November 19, 2008

TO: Mayor & Council

FROM: Ashley D. Mitchell, Administrative Services Manager

SUBJECT: Discuss Future Agenda Items.
DATE: November 4, 2008

TO: Leonard Martin, City Manager

FROM: Vince Priolo, Purchasing Manager Mark Randall, Fleet Services Manager

SUBJECT: Consider Approval Of The Purchase Of Three (3) Fire Vehicles For The Fire Department Through An Inter-Local Agreement With Houston Galveston Area Council In An Amount Not To Exceed $1,388,761.

BACKGROUND:
Fleet Services is requesting the replacement of 1 ladder truck, 1 pumper and 1 ambulance which are assigned to the Fire Department. The replacement vehicles are being retired per Fleet’s policy on age/mileage. The new vehicles will be purchased through HGAC.

The City executed an inter-local agreement with Houston Galveston Area Council (HGAC) and has been utilizing the services provided by HGAC regularly each year. Texas law authorizes the agreement process so that the City can save the time of developing specifications and avoid duplication of the competitive bidding process. These agreements meet all state of Texas competitive bidding requirements.

FINANCIAL IMPLICATIONS:
The vehicles will be purchased from budgeted funds for the cost center and amount as listed below.

<table>
<thead>
<tr>
<th>COST CENTERLINE</th>
<th>ITEM</th>
<th>BUDGET AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPLACEMENT 68500 – Mobile Equipment</td>
<td>$1,388,761</td>
<td></td>
</tr>
</tbody>
</table>

STAFF RECOMMENDATION/ACTION DESIRED:
Staff recommends approval to purchase the vehicles listed in the amount of $1,388,761 using our existing inter-local agreement with HGAC.
CC MEETING: November 25, 2008

DATE: November 14, 2008

TO: Leonard Martin, City Manager

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

SUBJECT: Consider Authorizing The City Manager To Enter Into An Agreement With S & B Investment For A Land Swap To Acquire Property For The Reconstruction Of Whitlock Lane From IH-35E To Old Denton Road.

BACKGROUND:
This project will widen Whitlock Lane from a four-lane undivided roadway to a four-lane divided arterial with a raised median wide enough for future expansion and a transition to the existing three-lane underpass at IH-35E. It has been previously approved by Council.

The parcel at 1305 Whitlock has been acquired; the single family residence will be demolished and the lot will be cleared. Only a portion of the lot is needed for the project. The size and location of the remainder renders it of minimal use to the City. However, if this residual parcel is used as an item of trade the City can acquire Parcels 3 and 5 with no transfer of cash. In addition the City will acquire a parcel of land that has been used as an alley by the Cottonwood Street neighborhood, but is owned by the adjacent property owner, thus allowing this acquisition to occur without the expense of condemnation or court proceedings.

FINANCIAL IMPLICATIONS:
No cash outlay is necessary and this trade will save money spent for acquisition of project right-of-way as well as acquire an alley for public use. Appraisals have been completed on the remainder property and the alley and required right-of-way. The City will be acquiring 19,291 square feet of land and trading 11,424 square feet. A trade without monetary outlay by either party meets the “fair market value” requirement of City Council Resolution 3077, dated April 17, 2007.

IMPACT ON COMMUNITY SUSTAINABILITY:
Merging a small piece of land that would be an ongoing City expense with a difficult-to-develop piece of land will create a developable lot to increase City revenue. Acquisition without condemnation will save time and money. Clearing title for City ownership of the neighborhood alley will protect citizen rights into the future. This project also will contribute to community sustainability by improving the quality of life through a better appearance of the neighborhood and the safety offered by the improved street and sidewalks.
STAFF RECOMMENDATION/ACTION DESIRED:
Staff recommends authorizing the City Manager or his designee to acquire via trade the right-of-way necessary for this project.

Attachments:
- Attachment A: Location Map
EXHIBIT A

From the City - 11,424 square feet

To the City - 542 square feet
18,749 square feet

Needed for street project

Acquired
CC MEETING: November 25, 2008

DATE: November 14, 2008

TO: Leonard Martin, City Manager

FROM: Cesar J. Molina, Jr., PE, Director of Engineering

SUBJECT: Consider Authorizing The City Manager To Approve Amendment #1 With Dunkin Sims And Stoffels, Inc. In The Amount Of $40,000.00 For A Revised Contract Amount Not To Exceed $169,190.00.

BACKGROUND:

The original McInnish Soccer Complex contractor, JC Commercial, provided an inferior product resulting in fields that were unsuitable for play. After exhausting all efforts to allow the contractor to rectify the poor quality, the matter was turned over the City Attorney’s office for resolution in mid-2006. Legal action was pursued and a settlement ultimately reached in July, 2007 with all relations with JC Commercial being terminated.

At the time of the settlement, Dunkin Sims and Stoffels, Inc. (DSS) was providing design services for four new youth baseball fields and one adult baseball field in another area of the McInnish Athletic Complex (by Council approval on April 18, 2006 and executed May 3, 2006). Being satisfied with the quality of design provided on the baseball fields, DSS was determined to be the most qualified design professionals, and solicited to offer consultation on the soccer fields. Since the exact causes of the poor soccer field conditions were unknown, a specific re-design scope was not possible. The primary scope was analysis of the field drainage within the complex. This had a ripple effect which required analysis of established turf, topsoil, irrigation and drainage. It was ultimately determined that it was not possible to correct the fields as constructed, and a full removal of the existing turf was required. DSS proceeded with re-design and development of construction documents which included removal of existing turf and re-grading all five fields along with related revisions to the irrigation and drainage systems. The soccer design and bid documents anticipated probable replacement of topsoil and repair of irrigation systems, and included such as alternate bid items. However, full condition and quality of existing soccer fields were unknown until demolition. The new soccer field plans were combined and bid with the baseball field plans.

Upon initiation of construction, the existing turf was eventually cut and removed. However, it was discovered that the field subgrade also contained unsuitable material that also needed replacement. During the course of construction, all topsoil was replaced and new solid sod was laid on the field playing surface and the commons areas were hydro mulched. The irrigation system was replaced on three fields due the required earth work. The existing storm sewer or field drains were also evaluated and addition drains were added to accommodate the new grades. As this was a renovation project, DSS was required to constantly modify their scope of work in order to adapt to actual field conditions discovered during construction. They were also...
required to work around the existing shade structures and other permanent structures within the boundaries of the complex.

All soccer fields were eventually reconstructed to a level suitable for professional and league play as originally intended.

DESCRIPTION OF CHANGE:
This contract amendment provides for all plans, specifications, construction documents and construction administration necessary for re-design to remediate inferior field conditions of the McInnish Soccer Complex. Additional services are more specifically described as follows:

- Analyze original plans and evaluate existing as-built field conditions with respect to drainage, irrigation, surface texture and overall soccer play quality.
- Based on conclusions of initial analysis, develop remediation recommendations.
- Provide necessary design and development of construction documents to rectify all inferior conditions. New soccer reconstruction plans would be combined with the baseball field plans and issued as a single construction contract.
- Provide regular construction inspections in association with City staff to continually re-evaluate actual conditions, revise remediation actions and ensure quality control during construction.
- Modify subgrade material, irrigation and drainage design and specifications as conditions were discovered during construction.
- Inspect project prior to acceptance to ensure all fields were re-constructed to an acceptable quality for play.
- Provide all other design services on the soccer fields as provided in the original contract related to the baseball fields.

FINANCIAL IMPLICATIONS:
Over the course of the re-design and reconstruction, DSS expended approximately 465 hours of additional professional consultation in the evaluation, design and construction administration of the soccer fields. The requested additional fees represent approximately 5% of the total reconstruction cost. This represents a substantial design savings compared to the typical 10-12% of construction costs typically observed in similar re-design projects.

This change order will have the following effect on the cost of this project:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Contract Amount</td>
<td>$129,190.00</td>
</tr>
<tr>
<td>Amount of Contract Amendment #1</td>
<td>$ 40,000.00</td>
</tr>
<tr>
<td>Total Amount of all Contract Amendments</td>
<td>$ 40,000.00</td>
</tr>
<tr>
<td>Revised Contract Amount</td>
<td>$169,190.00</td>
</tr>
</tbody>
</table>

IMPACT ON COMMUNITY SUSTAINABILITY:
This project will contribute to community sustainability by ensuring a quality sports facility
providing recreational amenities which promote team sports and physical fitness.

**STAFF RECOMMENDATION/ACTION DESIRED:**
Staff recommends authorizing the City Manager to execute a revised contract in an amount of $169,190.00 with Dunkin Sims and Stoffels, Inc.

**Attachments:**

- [Attachment A: Location Map](#)
DATE: November 19, 2008

TO: Leonard A. Martin, City Manager

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

SUBJECT: Considering Authorizing The City Manager To Approve Change Order #2 With Republic ITS, Inc. To Install Video Equipment Switches, Cabinets, And Cabling For The Traffic Signal System Upgrade Project In The Amount Of $28,132.01 For A Revised Contract Amount Not To Exceed $819,222.01.

BACKGROUND:
Traffic signals in Carrollton are centrally monitored and coordinated through an Advanced Traffic Management System (ATMS). The current system was completed in 1996 and was originally built for 85 signals, but has grown to the 104 signals presently in operation. Through the years the equipment has become outdated and communications between signals and the service center have been lost at numerous locations and become intermittent at others. The City Council awarded a contract on December 4, 2007 to Republic ITS, Inc. in the amount of $738,225.00 for the reconstruction of the ATMS system. A change order was approved on March 4, 2008 to Republic ITS, Inc. in the amount of $52,865.00 to obtain Ethernet compatible spread spectrum communication radios. During the construction of the traffic management system, several pieces of equipment have been identified which will be required in order to complete the video traffic monitoring and control center. This equipment includes video decoders, video splitters and switches, cabinets, cable and conduit. Through coordination with our traffic control software provider, and video equipment manufacturer, this equipment was identified as necessary in order for video to be available over the citywide network for use at city hall and can be made available for use by other departments.

FINANCIAL IMPLICATIONS:
The installation of video equipment switches, cabinets, and cabling will result in additional cost to the project of $28,132.01. The funds for the change order are available from Transportation General Obligation Bond Funds.

IMPACT ON COMMUNITY SUSTAINABILITY:
Improvements to the Automated Traffic Management System are necessary to monitor traffic flow and maintain traffic signal operations. The system allows traffic signals to be coordinated throughout the city. These improvements result in increased mobility and reduced fuel usage, emissions and delay, critical components to the economic vitality of the community.
STAFF RECOMMENDATION/ACTION DESIRED:
Staff recommends authorization be granted to enter into Change Order No. 2 with Republic ITS, Inc. to install video equipment switches, cabinets and cabling for the Traffic Signal System Upgrade project in the amount of $28,132.01. This will revise the total contract amount to $819,222.01.

Attachments:

- [Attachment A: Location Map](#)
CC MEETING : November 25, 2008

DATE: November 18, 2008

TO: Leonard Martin, City Manager

FROM: Scott Hudson, Environmental Services Director

SUBJECT: Consider an Ordinance Of The City Of Carrollton, Texas Amending Title IX, Health, Safety And Maintenance, Chapter 92 Nuisances Of The Carrollton City Code Of Ordinances To Provide For Regulation Of The Owners, Airport Manager, Fixed base Operators and Users Of Privately-Owned Public Access Airports To Promote And Protect Health, Safety And Welfare; Amending Chapter 92 Nuisances By Adding Section 92.71 Providing For Such Purposes; Amending Chapter 92 Nuisances By Adding Section 92.73; Providing For Management Requirements Including Owner Adopting Rules And Regulations, hiring An Accredited Airport Manager, Fixed Based Operator Guidelines And Insurance Requirements; Amending Chapter 92 Nuisances By Adding Section 92.74 Providing For General Provisions Including Fire Regulations Including Fire Regulations; Adopting FAA Regulations And Other Regulations That Apply To The Users Of The Airport; Amending Chapter 92 Nuisances By Adding Section 92.75 Providing For Resolution Of Conflict Of Rules; Amending Chapter 92 Nuisances By Adding Section 92.76 Providing Enforcement Including Violations, Declaration Of A Public Nuisance And Abatement Of A Nuisance; Providing For Penalty; Providing Savings, Severability, Repealing Clauses And Effective Date On And After Passage And Publication.

BACKGROUND:

As a result of recently annexing part of an airport, Carrollton needs to ensure that public health, safety and welfare are appropriately protected in relation to airport operations. This proposed ordinance provides for safe management standards, insurance, fire prevention, fueling procedures, securing aircraft against inclement weather, and reporting.

Key provisions of this code include:

- Requirement that an airport owner establish operating rules consistent with Texas Department of Transportation guidance including employment of an airport manager;
- Minimum standards for airport insurance including general aviation liability and environmental pollution;
- Fire safety requirements relating to smoking, chemical use, fueling controls and grounding, extinguishers and property maintenance;
• Aircraft to be either hangared or otherwise secured at night and in inclement weather;
• Accidents, injuries and damages to be reported to the airport manager.

Also attached are five aerial images depicting some Air Park accident locations and locations of nearby schools.

**FINANCIAL IMPLICATIONS:**
None.

**IMPACT ON COMMUNITY SUSTAINABILITY:**
The proposed ordinance contributes to a sustainable community by ensuring protection of public health and safety.

**STAFF RECOMMENDATION/ACTION DESIRED:**
Staff recommends adoption of the proposed ordinance.

**Attachments:**
- [Proposed airport ordinance](#)
- [Maps of older accidents](#)
- [Maps of recent accidents](#)
- [Map locating area schools](#)
ORDINANCE NO. ________________

AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS AMENDING TITLE IX, HEALTH, SAFETY AND PROPERTY MAINTENANCE, CHAPTER 92 NUISANCES OF THE CARROLLTON CITY CODE OF ORDINANCES TO PROVIDE FOR REGULATION OF THE OWNERS, AIRPORT MANAGER, FIXED BASED OPERATORS AND USERS OF PRIVATELY-OWNED PUBLIC ACCESS AIRPORTS TO PROMOTE AND PROTECT HEALTH, SAFETY AND WELFARE; AMENDING CHAPTER 92 NUISANCES BY ADDING SECTION 92.71 PROVIDING FOR SUCH PURPOSES; AMENDING CHAPTER 92 NUISANCES BY ADDING SECTION 92.72 PROVIDING FOR DEFINITIONS; AMENDING CHAPTER 92 NUISANCES BY ADDING SECTION 92.73 PROVIDING FOR MANAGEMENT REQUIREMENTS INCLUDING OWNER ADOPTING RULES AND REGULATIONS, HIRING AN ACCREDITED AIRPORT MANAGER, FIXED BASED OPERATOR GUIDELINES AND INSURANCE REQUIREMENTS; AMENDING CHAPTER 92 NUISANCES BY ADDING SECTION 92.74 PROVIDING FOR GENERAL PROVISIONS INCLUDING FIRE REGULATIONS, ADOPTING FAA REGULATIONS AND OTHER REGULATIONS THAT APPLY TO THE USERS OF THE AIRPORT; AMENDING CHAPTER 92 NUISANCES BY ADDING SECTION 92.75 PROVIDING FOR RESOLUTION OF CONFLICT OF RULES; AMENDING CHAPTER 92 NUISANCES BY ADDING SECTION 92.76 PROVIDING ENFORCEMENT INCLUDING VIOLATIONS, DECLARATION OF A PUBLIC NUISANCE AND ABATEMENT OF A NUISANCE; PROVIDING FOR PENALTY; PROVIDING SAVINGS, SEVERABILITY, REPEALING CLAUSES AND AN EFFECTIVE DATE ON AND AFTER PASSAGE AND PUBLICATION.

WHEREAS, since Air Park-Dallas Airport’s construction a large amount of development has occurred in the vicinity of this airport, including public and private schools, retail, including a mall and several shopping centers, office developments and housing developments;

WHEREAS, since 1969 at least four crashes and nine minor incidents have occurred at this airport according to the National Transportation Safety Board;

WHEREAS, on February 5, 2008, the City of Carrollton adopted Ordinance Number 3203 which annexed a portion of Air Park-Dallas Airport (FAA identifier F69), which is a privately-owned public access airport;

WHEREAS, on February 9, 2008, a crash occurred at Air Park-Dallas Airport which resulted in an airplane coming to rest on International Parkway, which is a four lane divided arterial road on the City of Carrollton’s Thoroughfare Plan that serves Carrollton and the surrounding communities with a traffic count of approximately 9,000 cars per day;
WHEREAS, in accordance with the Texas Constitution, Chapter 341 including Section 341.081, Health and Safety Code, V.T.C.A., Section 51.072, Local Government Code, V.T.C.A., and other state laws, home-rule municipalities such as the City of Carrollton are given the authority to enact more stringent ordinances than state laws in matters such as sanitation and health protection;

WHEREAS, after determining all legal requirements of notice and hearing have been met, the City Council finds that in order to provide for the safe and efficient operation of a privately-owned public access airport, to provide the greatest service to the citizens of Carrollton and the aviation public and to protect both aeronautical activities and public safety, the following amendments to the Code of Ordinances would be in the best interest of health, safety and general welfare:

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

Section 1.

That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2.

That the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a section, to be numbered Section 92.71, which said section reads as follows:

Section 92.71 PRIVATELY-OWNED PUBLIC ACCESS AIRPORTS.

In the interest of the public health, safety and general welfare of the City of Carrollton and in order to provide for the safe operation of a general aviation airport, regulate the use and storage of hazardous substances and avoid the creation of a public nuisance, a privately-owned public access airport shall only be operated in conformity with this chapter.

Section 3.

That the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a section, to be numbered Section 92.72, which said section reads as follows:

Section 92.72 DEFINITIONS.

For the purposes of this chapter, the following terms, words, and the derivations thereof shall have the meaning given herein, unless the context clearly indicates or requires a different meaning:

Aircraft. The terms shall mean any and all contrivances now or hereafter used for the navigation of or flight in air or space, including but not limited to airplanes, light sport
aircraft, lighter-than-air aircraft, helicopters, gyroplanes, gliders, amphibian aircraft, and ultralight vehicles.

Federal Aviation Administration ("FAA"). The term shall include the Federal Aviation Administration or its successor entity.

Fixed-base Operator ("FBO"). An entity which maintains facilities at the Airport for the purpose of engaging in the commercial aeronautical activity that provides retail services and products to the general public, such as retail sales of aviation fuels, oils and associated line service, aircraft, airframe and engine repair, flight instruction, aircraft rental, aircraft sales, air taxi, aircraft charter operation, avionics, instrument or propeller repair or aircraft storage.

Person. Any individual, firm, partnership, association, corporation or entity, incorporated or otherwise, and the agents, servants and employees thereof.

Privately-owned Public Access Airport ("Airport"). The term shall mean a facility for the landing and taking off of aircraft that is privately owned and open to the public without prior arrangement for general aviation purposes. This shall include all the land, improvements and facilities owned, leased or otherwise under the control of the airport and used in the landing, taking off, taxiing, or loading or unloading of aircraft and all areas associated therewith, within the boundaries of the airport within the city limits of the City of Carrollton.

TxDOT Aviation or State. The term shall include the State of Texas, Department of Transportation, Division of Aviation or its successor entity.

Section 4.

That the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a section, to be numbered Section 92.73, which said section reads as follows:

Section 92.73. MANAGEMENT REQUIREMENTS.

(A) Rules and Regulations. It shall be the responsibility of the owner of the Airport to prescribe rules and regulations for the use, operation and conduct of the Airport. Such rules and regulations shall be consistent with the “MODEL AIRPORT RULES AND REGULATIONS” (revised as of June 11, 2008) published by TxDOT Aviation for the appropriate size and type of Airport. Upon request, the owner of the Airport shall furnish the City Manager or his designee with copies of all such Airport rules and regulations.

(B) Airport Manager.

(1) The owner of the Airport shall employ an experienced Airport Manager, accredited by the American Association of Airport Executives, on terms consistent with the “MODEL AIRPORT MANAGER’S CONTRACT AGREEMENT” published by the Aviation Division of the Texas Department of Transportation for the appropriate size and type of Airport.

(2) The Airport Manager is directed to maintain in his office a copy of this chapter, the owner’s prescribed rules and regulations adopted in accordance with Section 92.73(A) and all TxDOT publications
that are referenced in this chapter. These materials shall be reviewable upon reasonable request.

(C) Fixed Base Operators. Any Fixed Base Operator at the Airport shall meet and abide by terms consistent with the current “MODEL MINIMUM STANDARDS FOR FIXED BASE OPERATORS (FBO)” published by TxDOT Aviation for the appropriate size and type of Airport and type of services provided.

(D) INSURANCE.

(1) The owner of the Airport shall furnish the City Manager or his designee with certificates of insurance providing the coverage and in the amounts specified in this schedule of minimum insurance requirements:

<table>
<thead>
<tr>
<th>Type of Operation</th>
<th>Type of Policy</th>
<th>Amount of Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Base Operator:</td>
<td>Commercial general aviation liability policy including, but not limited to, premises liability, products and completed operations liability, personal liability, hangar keeper’s liability, on airport auto liability, contractor’s liability, and contractual liability (but in respect of products and completed operations and personal injury liability, this limit may be in the aggregate limit for any and all losses occurring during the currency of the policy). Coverage is to be maintained from leading commercial insurance markets that is of the type and covering the same risks as usually carried by similarly situated operators</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>Hangar Keeper’s Liability</td>
<td></td>
<td>$200,000.00</td>
</tr>
<tr>
<td>Workers’ Compensation</td>
<td>Statutory as required by the State of Texas</td>
<td></td>
</tr>
<tr>
<td>Environmental Impairment/Pollution Insurance</td>
<td>to include coverage for the handling, receiving, dispensing, removal, storage, testing, transportation and disposal of aviation fuels or any other pollutants, as well as any other operations involving pollutants</td>
<td>$200,000 per occurrence min. combined bodily injury (including death) and property damage</td>
</tr>
</tbody>
</table>
(2) Submittal of insurance certificates shall be reviewed and approved by the City Manager or his designee.

(3) In the event of any material change, restriction or reduction in coverage or in the event of the cancellation of the insurance, written notice of such change, restriction or reduction in coverage or cancellation of said insurance shall be mailed to the City Manager, City of Carrollton, 1945 E. Jackson Road, Carrollton, Texas 75006. Such notice shall state when, not less than 30 days (seven days or such notice is available in respect to war clauses) after receipt of said written notice; such change, restriction, reduction in coverage or cancellation shall be effective.

Section 5.

That the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a section, to be numbered Section 92.74, which said section reads as follows:

Section 92.74. GENERAL PROVISIONS.

(A) No person in or upon the Airport shall do or omit to do any act that endangers or is likely to endanger any person or property.

(B) No aircraft shall be operated on any surface of the Airport in a careless or negligent manner which endangers person or property, in disregard of the rights and safety of others, or at a speed or in a manner which endangers person or property.

(C) Fire Regulations.

(1) Every person going upon or using the Airport or its facilities in any manner, shall exercise the greatest care and caution to avoid and prevent fire.

(2) Smoking or open flame within fifty (50) feet of any aircraft or fuel truck is prohibited.

(3) Compressed flammable gas shall not be kept or stored upon the Airport, except at such place as may be designated by the Airport Manager.

(4) No flammable substance shall be used in cleaning motors or other parts of an aircraft inside a hangar or other building.

(5) No one shall smoke, ignite a match or lighter in any building, except in offices, waiting rooms or buildings where specifically permitted by the Airport Manager.

(6) Hangar entrances shall be kept clear at all times.

(7) The floors in all buildings shall be kept clean and free from oil.

(8) No boxes, crates, cans, bottles, paper, tall grass/weeds or other litter shall be permitted to accumulate in or about the hangar.

(9) Prior to being fueled, all aircraft will be positively grounded by a grounding cable which is connected to a copper, copper-clad, galvanized or other approved ground rod five-eighths (5/8) inch or
greater in diameter buried to a sufficient depth to reach permanent subsoil moisture. The resistance of the ground rod should not exceed ten thousand (10,000) ohms. The bonding/ground cable shall be of flexible, durable material. The grounding clip on the end on the grounding cable should be connected to bare, unpainted metal on the aircraft, however, the grounding clip should not be attached to the aircraft's propeller, landing gear or radio antennas.

(10) Where aircraft fueling is performed by a truck, an adequate number of suitable grounding connections shall be provided on the aircraft apron or servicing ramp.

(11) At least two 20B portable fire extinguishers will be available within fifty (50) feet of the fuel pumps where the open hose discharge capacity of the fuel pump is not more than two hundred (200) gallons per minute; at least one wheeled 30B fire extinguisher where the open hose discharge capacity is more than two hundred (200) gallons per minute, but not more than three hundred fifty (350) gallons per minute; at least two wheeled 80B fire extinguishers where the open hose discharge capacity is greater than three hundred fifty (350) gallons per minute.

(12) All aviation fuel nozzles will have "dead man" controls which will shut off the fuel flow when the nozzle hand control is released. Automatic fuel cut-off nozzles will not be permitted for fueling aircraft.

(13) The pilot and passengers will exit the aircraft and aircraft will be unoccupied during fueling operations.

(D) Aviation Facilities. All principal nonflight operational hazards associated with aviation involving fuel, facilities and operations shall be in accordance with the 2006 edition of the International Fire Code, as amended, and all applicable National Fire Protection Association standards.

(E) Tiedown of Aircraft.

(1) All aircraft not hangared shall be tied down or secured at night and during inclement weather.

(2) All aircraft owners or his agents are responsible for the tiedown or security of his aircraft at all times and particularly during inclement weather.

(F) Injury and Damage Reports.

(1) The operator of any aircraft or vehicle involved in any accident causing personal injury or property damage to Airport property, or to property of others regardless of the amount of damages, shall make a prompt report of the accident to the Airport Manager.

(2) Any person damaging any field light or fixture by operation of an aircraft or other manner shall immediately report such damage to the Airport Manager.

(G) Compliance with Federal Aviation Regulations. No person shall fail to comply with the federal aviation regulations promulgated by the FAA for
observance by aircraft operated anywhere in the United States, and presently or hereafter effective, are hereby referred to, adopted and made a part hereof as though fully set forth and incorporated herein.

Section 6.

That the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a section, to be numbered Section 92.75, which said section reads as follows:

Section 92.75. CONFLICT IN RULES. If and where there is conflict with these local provisions and the TxDOT rules and regulations, FAA published policy and/or federal aviation regulations, the latter shall prevail.

Section 7.

That the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a section, to be numbered Section 92.76, which said section reads as follows:

Section 92.76. VIOLATION AND NUISANCE

(A) In order to promote and provide for the general welfare, safety, peace and good order in air travel and transportation and the use of the Airport, it shall be unlawful for any person to violate any provision found in Sections 92.73, 92.74 or 92.75.

(B) It shall be unlawful for any person to establish or, where already established, to operate an Airport which is dangerous or injurious to persons or property in the vicinity, or which occasions annoyance to the public or the inhabitants of the neighborhood, and the same is hereby declared to be a nuisance. Operation of an Airport in violation of any provision in this chapter constitutes, and is hereby declared to be, a nuisance.

(C) Abatement of Nuisances. The nuisances declared and defined in this Chapter shall be suppressed, vacated, abated or enjoined as hereinafter provided, or by any method or proceeding authorized by law to suppress, vacate, abate or enjoin such nuisances. Such nuisances shall be so suppressed, vacated, abated or enjoined as a means to reasonably provide for the following: the protection of the public health, safety and general welfare of the people of the City; the prevention of annoyance, inconvenience and obstructions to the safe and comfortable use and enjoyment of property of the City and the people thereof; and the protection of the lives, safety, health and property of users of privately owned airports and the occupants of lands in the vicinity thereof. The enumeration of those nuisances declared and defined in this Chapter is not exclusive and shall not limit or restrict the power and duty of the City to suppress, vacate, abate or enjoin any other nuisances at common law or under statute in connection with the use, navigation, operation or maintenance of aircraft or facilities therefore. The remedy of suppressing,
vacating, abating or enjoining any nuisance herein declared and defined shall be cumulative of any other remedy, penalty, proceeding or relief, civil or criminal, legal or equitable, and shall not be a bar to recovering or obtaining any other relief, penalty, damages or remedy for or in connection with any such nuisance as may otherwise be provided by law or the provisions of this Chapter.

(D) Notice to Abate Nuisances. Whenever it is brought to the attention of the City Manager or his designee that any act, thing or omission, or use of property, declared and defined in this Chapter to constitute a nuisance is, or has been, committed, and the same is in truth and fact contrary to the provisions of this Chapter, either the City Manager or his designee shall in writing notify the owner or offending party thereof and order such nuisance to be discontinued and abated, such notice and order to be given either personally to the owner or offending party in writing, by mailing or delivering the same by registered mail to the offending party, or anyone authorized to act for the offending party, or by publishing such notice and order in one issue of a newspaper of general circulation published in the City. Within five days from the giving of any such notice or order, the party or parties affected thereby may apply in writing to the Property Standards Board for a hearing upon the propriety and reasonableness of such notice or order. Such notice or order and the determination therein that such nuisance was in truth and fact committed shall be final and conclusive in the absence of such application for a hearing thereon. The determination of the Property Standards Board upon the propriety and reasonableness of any such notice or order, either sustaining or modifying the same, after opportunity to be heard has been given as aforesaid, shall be final and conclusive.

(E) The Property Standards Board may, upon failure or refusal to comply, within 30 days, with any notice or order to discontinue and abate any nuisance declared and defined in this Chapter, may cause any land, building, structure, or activity to be vacated, demolished, discontinued, modified and abated, as the facts may warrant, and assess the cost thereof against the owner or offending party thereof and make the same a lien against such property and also a personal charge against the owner or offending party. The Property Standards Board shall, through its designee, give notice of such proposed charge and assessment and, upon the date set in the notice, the owner or offending party shall have an opportunity for a full and fair hearing. The determination, after an opportunity to be heard, of the reasonableness of such proposed charge and assessment shall be final and conclusive and not subject to review unless appealed from to any court of competent jurisdiction within 20 days from the final determination and assessment thereof. The Property Standards Board shall by order levy said assessment and charge and payment thereof shall be enforced by suit or by sale of the property assessed in the same manner as may be provided by law for the sale of property for ad valorem city taxes. No assessment shall be made until notice of the assessment and hearing
thereon has been given by inserting the same in some newspaper of general circulation published in the City for at least three times, the first publication to be made at least ten days before the date of the hearing.

Section 8. Penalty

That any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 92.99 of the Carrollton City Code.

Section 9. Savings

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any other ordinances or statutes which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 10. Severability

It is hereby declared to be the intention of the City Council that in accordance with Section 10.07 of the Carrollton City Code, the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 11. 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 12. Effective Date

This ordinance shall be in full force and effect from and after its passage and publication.

PASSED AND APPROVED on the _____ day of ________________, 2008.

CITY OF CARROLLTON
By: ________________________  
Ronald F. Branson, Mayor

ATTEST:

______________________________  
Ashley Mitchell, City Secretary

APPROVED AS TO FORM AND LEGALITY:  APPROVED AS TO CONTENT

______________________________  ___________________________ 
R. Clayton Hutchins  Scott Hudson
City Attorney  Director, Environmental Services
May 31st, 1974 – Beechcraft C35, off airport landing, location not specified, NTSB file FTW74FPA25
On airport accidents / incidents:
- August 4th, 1977 – Sidewinder, stall / spin on airport, NTSB FTW77FPA24
- July 8th, 1977 – Piper PA 22, struck fence on airport, landing, NTSB FTW77FPA18
Approximate location, off airport landing, Beechcraft C 35, July 15th 1995, NTSB file FTW95FA300
Approximate final location, PA 28 Piper landing incident, Feb 9th, 2008, NTSB file DFW08CA067; overrun runway
DATE: November 4, 2008

TO: Leonard Martin, City Manager

FROM: Bob Scott, Assistant City Manager/CFO

SUBJECT: Consider An ordinance amending the operating and capital budget for the City of Carrollton, Texas for the fiscal year October 1, 2008 through September 30, 2009, for the purpose of fire equipment replacement.

BACKGROUND:
The City Council approved the Operating and Capital Budget for Fiscal Year 2009 on September 16, 2008. The Fiscal Year 2008 Budget included $525,000 for the replacement of a fire engine. Due to delay in completion of the bid for this unit, the order could not be placed in Fiscal Year 2008 as planned.

The bid is now complete. A portion of the purchase can be covered by existing Fiscal Year 2009 Budget. However, $430,361 of the funds originally budgeted in Fiscal Year 2008 need to be moved to the Fiscal Year 2009 Budget. This requires a formal amendment to the budget.

FINANCIAL IMPLICATIONS:
The budget amendment only moves budgeted funds between fiscal years. Attached is a fund summary for the General Fleet Replacement Fund showing the actual Fiscal Year 2008 results and the requested amended budget figures for Fiscal Year 2009.

STAFF RECOMMENDATION/ACTION DESIRED:
Staff desires the City Council to pass the attached ordinance authorizing an amendment to the Fiscal Year 2009 Operating and Capital Budget to increase the Fleet Replacement Fund budget by $430,361 to fund the purchase of the Fire Engine that was originally planned and budgeted in Fiscal Year 2008. Council approval for the purchase of the engine is presented in a separate agenda item.

Attachments:
- Ordinance
- Fund Summary
## CITY OF CARROLLTON
### GENERAL FLEET REPLACEMENT FUND

<table>
<thead>
<tr>
<th></th>
<th>BUDGET 2007-08</th>
<th>ESTIMATE 2007-08</th>
<th>ACTUAL 2007-08</th>
<th>BUDGET 2008-09</th>
<th>AMENDED BUDGET 2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Beginning Funds</strong></td>
<td>$1,796,637</td>
<td>$1,894,287</td>
<td>$1,894,287</td>
<td>$1,040,044</td>
<td>$1,975,199</td>
</tr>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fleet replacement allocation</td>
<td>1,770,101</td>
<td>1,767,185</td>
<td>1,786,127</td>
<td>2,167,126</td>
<td>2,167,126</td>
</tr>
<tr>
<td>Auction proceeds</td>
<td>121,690</td>
<td>120,000</td>
<td>510,932</td>
<td>105,000</td>
<td>105,000</td>
</tr>
<tr>
<td>Investment and Miscellaneous Income</td>
<td>75,000</td>
<td>75,000</td>
<td>87,790</td>
<td>25,000</td>
<td>25,000</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>$1,966,791</td>
<td>$1,962,185</td>
<td>$2,384,849</td>
<td>$2,297,126</td>
<td>$2,297,126</td>
</tr>
<tr>
<td><strong>Transfers In</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>328,475</td>
<td>328,475</td>
</tr>
<tr>
<td><strong>Total Revenues and Transfers In</strong></td>
<td>$1,966,791</td>
<td>$1,962,185</td>
<td>$2,384,849</td>
<td>$2,625,601</td>
<td>$2,625,601</td>
</tr>
<tr>
<td><strong>Total Funds Available</strong></td>
<td>$3,763,428</td>
<td>$3,856,472</td>
<td>$4,279,136</td>
<td>$3,665,645</td>
<td>$4,600,800</td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allocations</td>
<td>202,291</td>
<td>202,291</td>
<td>202,291</td>
<td>205,075</td>
<td>205,075</td>
</tr>
<tr>
<td>Capital outlay</td>
<td>2,759,965</td>
<td>2,614,137</td>
<td>2,101,646</td>
<td>2,757,654</td>
<td>3,188,015</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>$2,962,256</td>
<td>$2,816,428</td>
<td>$2,303,937</td>
<td>$2,962,729</td>
<td>$3,393,090</td>
</tr>
<tr>
<td><strong>Excess (Deficiency) of Revenues &amp; Transfers In Over Expenditures and Transfers Out</strong></td>
<td>(995,465)</td>
<td>(854,243)</td>
<td>80,912</td>
<td>(337,128)</td>
<td>(767,489)</td>
</tr>
<tr>
<td><strong>Ending Funds</strong></td>
<td>$801,172</td>
<td>$1,040,044</td>
<td>$1,975,199</td>
<td>$702,916</td>
<td>$1,207,710</td>
</tr>
</tbody>
</table>
ORDINANCE NO. ___

AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF CARROLLTON, TEXAS FOR THE FISCAL YEAR OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009, FOR THE PURPOSE OF FIRE EQUIPMENT REPLACEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council passed and approved Ordinance No. 3256 dated September 16, 2008, adopting and approving an operating and capital budget for the City of Carrollton, Texas, and authorizing appropriations for the Fiscal Year October 1, 2008 through September 30, 2009, and providing an effective date;

WHEREAS, a grave public necessity exists and such expenditures to meet unusual and unforeseen conditions, could not, by reasonable diligent thought and attention, have been included in the original budget; now, therefore,

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

SECTION 1

The City Council hereby adopts and approves an amendment to the Operating and Capital Budget for the City of Carrollton, Texas for the Fiscal Year beginning October 1, 2008 through September 30, 2009, increasing the Fleet Replacement Fund budgeted expenditures by $430,361 to provide for the replacement of an existing Fire Engine.

SECTION 2

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

PASSED AND APPROVED THIS 11th DAY OF NOVEMBER, 2008.

City of Carrollton, Texas

By: _________________________
Ronald F. Branson, Mayor

ATTEST:

___________________________
Ashley Mitchell, City Secretary

APPROVED AS TO FORM:  APPROVED AS TO CONTENT:

___________________________  _____________________________
Clayton Hutchins, City Attorney  Bob Scott, Assistant City Manager
DATE: November 20, 2008

TO: Leonard Martin, City Manager

FROM: Ashley D. Mitchell, Administrative Services Manager

SUBJECT: Consider A Resolution Supporting A Comprehensive, Coordinated, Interagency Approach To Freeway Incident Management.

BACKGROUND:
Mayor Branson received request to pass the resolution supporting the Regional Transportation Council's effort.

STAFF RECOMMENDATION/ACTION DESIRED:
Pass the attached resolution.

Attachments:
- Resolution
RESOLUTION No. ________________

WHEREAS, the North Central Texas Council of Governments (NCTCOG) has been designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments and has been and continues to be the regional forum for cooperative decisions on transportation; and,

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) assigns the MPO the responsibility for carrying out the metropolitan planning process, in cooperation with the State and public agencies; and,

WHEREAS, regionwide, commuters have experienced a 35 percent increase in travel time due to congestion, resulting in acceptable levels of vehicle emissions and $4.2 billion in lost productivity due to traffic congestion annually; and,

WHEREAS, reducing traffic congestion and its related impacts on air quality, energy, safety, and the quality of life are primary goals of Mobility 2030: The Metropolitan Transportation Plan for the Dallas Fort Worth Area; and,

WHEREAS, congestion mitigation is an integral element of The Metropolitan Transportation Plan, with a total program cost of approximately $3.1 billion, and congestion mitigation strategies are intended to decrease congestion in the Dallas-Fort Worth Metropolitan Area; and,

WHEREAS, multi-agency coordination and the implementation of “best practices” Freeway Incident Management techniques reduce congestion on affected roadways and improve the safety of incident responders.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1: The Regional Transportation Council (RTC) supports the quick detection and clearance of traffic incidents using state-of-the-art traffic surveillance, traveler notification, and crash investigation equipment.

Section 2: The RTC encourages all personnel involved in freeway incident management be trained in NCTCOG training classes, opportunities, and exercises that promote the objectives within this resolution—a common, comprehensive approach that maintains the safety of incident responders and travelers, while minimizing clearance time.
Section 3: The RTC supports an enhanced geographic information systems (GIS) based incident location system that will aid incident reporters and responders in the timely detection and verification of incidents.

Section 4: The RTC supports a uniform policy whereby law enforcement agency personnel may remove personal property from a roadway or right-of-way, without the consent of the owner or carrier of the property, if the agency determines that the property blocks the roadway or endangers public safety.

Section 5: The RTC encourages local governments to adopt a towing ordinance that mandates the arrival of appropriate equipment within a specified time limit and instructs staff to inventory towing ordinance policies impacting freeway and toll road facilities.

Section 6: The RTC supports consistent, coordinated operational strategies for all major freeway and toll road projects that include quick incident clearance practices, and that these strategies be consistently adopted prior to major freeway and toll road improvements expenditures in order to ensure that the expected mobility benefits are realized.

Section 7: The RTC may consider compliance with this resolution when considering future Regional Transportation Council funding actions.

Section 8: This resolution shall be transmitted to the Texas Transportation Commission Texas Department of Transportation Dallas and Fort Worth Districts, the North Texas Tollway Authority, Dallas/Ft. Worth International Airport, counties within the Metropolitan Planning Organization planning boundary, and cities having freeways and toll roads within their jurisdiction.

Section 9: This resolution shall be in effect immediately upon its adoption.

PASSED AND APPROVED November 25, 2008.

City of Carrollton

ATTEST: Ronald F. Branson, Mayor

Ashley Mitchell, City Secretary
CC MEETING : November 25, 2008

DATE: November 19, 2008

TO: Leonard Martin, City Manager

FROM: Ashley D. Mitchell, Administrative Services Manager

SUBJECT: Consider A Resolution Appointing Members To The Red Light Electronic Enforcement Committee.

BACKGROUND:
To comply with the new state law, City Council must individually appoint members to the Red Light Electronic Enforcement (RLEE) Advisory Committee. Due to reappointments and new appointments on the Traffic Advisory Committee, staff suggests that the members listed below are selected to serve on the Red Light Electronic Enforcement (RLEE) Advisory Committee. The following names are suggested for your consideration:

Margot Diamond
Cathy Henesey
David Hobbs
Garry Kraus
Arlene Sterling

STAFF RECOMMENDATION/ACTION DESIRED:
Staff requests approval of the attached resolution.

Attachments:

☐ Resolution
RESOLUTION NO. __________

A RESOLUTION OF THE CITY OF CARROLLTON, TEXAS, APPOINTING MEMBERS TO SERVE ON THE RED LIGHT ELECTRONIC ENFORCEMENT (RLEE) ADVISORY COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1

That the following are appointed to serve on the Red Light Electronic Enforcement (RLEE) Advisory Committee at the pleasure of the City Council for the term specified or from the date qualified to serve until their successors are appointed and qualified to serve.

Margot Diamond         October 31, 2010
Cathy Henesey   October 31, 2010
David Hobbs               October 31, 2010
Garry Kraus    October 31, 2010
Arlene Sterling   October 31, 2010

SECTION 2

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

PASSED AND APPROVED this 25th day of November, 2008.

CITY OF CARROLLTON, TEXAS

____________________________________
Ronald F. Branson, Mayor

ATTEST:  
Approved as to form:

______________________________  ______________________________
Ashley D. Mitchell, City Secretary      R. Clayton Hutchins, City Attorney
_HOLD A PUBLIC HEARING AND CONSIDER AN ORDINANCE APPROVING AN AMENDMENT TO PD-169 (THE BELT LINE ROAD CORRIDOR) TO REVISE LAND USE AND DEVELOPMENT REGULATIONS.

BACKGROUND:
This is a City-initiated request to amend land use and development regulations for PD-169 (the Belt Line Road Corridor). The proposed zoning will establish a slightly revised Planned Development District consisting of limited retail, office and low-density residential uses for specific tracts within the area to encourage appropriate and consistent redevelopment. Special development standards will be established to protect adjacent residential neighborhoods through site plan review.

The existing PD-169 planned development district was enacted by Ordinance No. 2843 on July 15, 2003 as the implementation of the PD-36 (Belt Line Road Corridor) Study component of the Carrollton Renaissance Initiative Plan (adopted by Resolution No. 2580).

On September 16, 2008, a presentation on this case was made to City Council.

FINANCIAL IMPLICATIONS:
There are no financial implications on current operating budgets regarding this request.

IMPACT ON COMMUNITY SUSTAINABILITY:
Ongoing redevelopment of the Belt Line Road Corridor is expected to have a positive impact over time on the visual character of the Corridor, which serves as an important entryway into the city and the Downtown Carrollton Station TOD area.
STAFF RECOMMENDATION/ACTION DESIRED:
Staff recommends APPROVAL of the proposed ordinance. The attached ordinance reflects previous direction from City Council.

Attachments:
- Result Sheet
- Technical Comments
- Aerial Locator Map
- Proposed Ordinance
RESULT SHEET

Date: 11/05/08
Case No./Name: 07-08Z1 PD-169

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends APPROVAL of the proposed ordinance as submitted.

B. P&Z RECOMMENDATION from P&Z/CC Joint Public Hearing meeting: 11/25/08
Result: /Vote:

C. CC PUBLIC HEARING and ORDINANCE ACTION from P&Z/CC Joint Public Hearing meeting: 11/25/08
Result: /Vote:
ZONING

**Case Number/Name:** 07-08Z1 PD-169

**Case Coordinator:** Christopher Barton

---

**GENERAL PROJECT INFORMATION**

**SITE ZONING:** PD-169 for the (SF-10/18) Single-Family Residential, (MF-12) Multi-Family Residential, (O-2) Office and (LR-2) Local Retail Districts

**SURROUNDING ZONING**

<table>
<thead>
<tr>
<th>NORTH</th>
<th>(SF-10/18) and (SF-7/14) Single-Family Residential Districts and (TC) Transit Center District (Urban Center Subdistrict); Carrollton Heights Historic Overlay District, and; SUP’s 102 (for a day care center) and 344 (for a private, fine arts school)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTH</td>
<td>(SF-8.4/16), (SF-10/18) and (SF-12/20) Single-Family Residential Districts</td>
</tr>
<tr>
<td>EAST</td>
<td>(LR-2) Local Retail District (across Josey Lane)</td>
</tr>
<tr>
<td>WEST</td>
<td>(TC) Transit Center District (Urban Center Subdistrict)</td>
</tr>
</tbody>
</table>

**SURROUNDING LAND USES**

- Retail uses, single-family homes, a church parking lot, a private fine arts school, a public school and vacant properties
- Single-Family homes
- Retail (across Josey Lane)
- Retail and a church parking lot

**REQUEST:** Amend PD-169 to revise the land use and development standard regulations.

**PROPOSED USE:** Single-Family homes, limited retail and professional office

**ACRES/LOTS:** Approximately 43.35 acres/101 Lots and parcels

**LOCATION:** Belt Line Road, between Josey Lane and Myers Road, including portions of Clint Street, Perry Road and Carroll Avenue
HISTORY:
PD-36 was originally established in 1974 and amended in 1990. The (SF-10/18) Single-Family District was originally established as “Residential” in the mid 1950’s.

PD-36 was originally established in 1974 and amended in 1990.

PD-169 was established in 2003 as the implementation of the PD-36 (Belt Line Road Corridor) Study component of the Carrollton Renaissance Initiative Plan (adopted by Resolution No. 2580).

COMPREHENSIVE PLAN: Mixed-Use Urban/Mixed-Use

THOROUGHFARE PLAN:
Belt Line Road and Josey Lane are both designated as (A6D) Six-Lane Divided Arterials. Myers Street is designated as a (C4T) Four-Lane Undivided Collector, TOD Area. Larner Street and Perry Street are both designated as (C2U) Two-Lane Undivided Collectors. All other streets are local streets.

OWNER: Multiple ownership

REPRESENTED BY: City of Carrollton

STAFF ANALYSIS

BACKGROUND
In 1974, the City recognized that the existing single-family homes fronting Belt Line Road between IH-35E and Perry Road would not ultimately be the optimum land use. Accordingly, a program to provide for its orderly redevelopment was initiated. The result was the adoption of Planned Development District 36 (PD-36) on approximately 60 acres.

In 1990, PD-36 was amended with significant changes.

In 2002, the City adopted the Carrollton Renaissance Initiative, which included a component analyzing and making recommendations for the area along Belt Line Road between IH-35E and Josey Lane.
In 2003, the City replaced PD-36 with PD-169, incorporating many of the recommendations of the *PD-36 (Belt Line Road Corridor) Study*.

By 2008, little new development/redevelopment had occurred in the area, and what had developed in the District, fell short of expectations. As a result, City Council directed staff to begin an analysis of possible changes to PD-169. In June, 2008, staff began that analysis. In August, 2008, staff made a presentation to the Redevelopment Subcommittee of the City Council. In September, 2008, staff made a presentation to the full City Council.

On November 10, 2008, staff held an “open house” to present information on the proposed changes to PD-169 to the public, including property owners within the district.

**Concepts & Goals**

- Improve the overall appearance of this important main corridor. This is a “gateway” into downtown Carrollton and the transit-oriented development expected in the future.

- West of Larner Street is already mainly commercial in overall character. Zoning and future development should reflect that.

- East of Larner Street remains residential in overall character. Zoning and future development should respect and maintain that.

- City participation: Belt Line Road reconstruction, participation in a unified landscaping plan for the district, infrastructure improvement as needed. Investigate possibility of creating “partnering” programs to improve the visual quality of the corridor through landscaping, building and sign appearance.

- Make development review and approval for new development in the district quicker and easier for property owners. Currently, all development has to be approved by the Planning & Zoning Commission with a “Technical Site Plan” case. Allowing staff-level review and approval for developments meeting the design and appearance requirements of the district is appropriate.

**Summary of Changes to PD-169**

**Area 1** (homes with Carroll Avenue addresses)

Leave in PD-169, but change from office and multi-family zoning to single-family zoning.
Area 2 (properties fronting Belt Line Road, between Myers Street & Larner Street)

Leave in PD-169, but remove multi-family zoning (apartments). Existing apartment complexes would be “grandfathered.” Office and retail zoning will remain. Allow single-family uses to be in the same building as office or retail uses.

Establish consistent sign controls for new signs.

Place parking for new development behind buildings. Allow alley access for new development. Encourage shared driveways to reduce the number of driveway openings on Belt Line Road.

Area 3 (property at the southwest corner of Clint Street & Walnut Street)

Leave in PD-169, but change from office zoning to single-family zoning. Allow private, fine arts school with a Special Use Permit (already in existence).

Area 4 (properties fronting Belt Line Road, between Larner Street & Josey Lane)

Leave in PD-169, but remove multi-family zoning (apartments). Existing apartments would be “grandfathered.” Office zoning will remain. Allow single-family uses to be in the same building as office uses.

Establish consistent sign controls for new signs.

Establish architectural requirements for new development or conversions (must look like a single-family home).

Place parking for new development behind buildings. Allow alley access for new development/conversion to office. Encourage shared driveways to reduce the number of driveway openings on Belt Line Road.

Area 5 (homes / vacant parcels at the northwest corner of Belt Line Road & Perry Street)

Remove from PD-169, place in (SF-10/18) Single-Family District.

STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends APPROVAL of the proposed ordinance as submitted.
Above: New medians in Belt Line Road help to enhance the community character.

Left: Examples of appropriate signage for a city gateway.

Above: Mature landscaping creates neighborhood identity.
ORDINANCE NO. ________  PAGE 1
ZONING Case No. 07-08Z1

URBAN DEVELOPMENT
City of Carrollton
Date: 11/25/08

ORDINANCE NUMBER ________

ORDINANCE NO. ________ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY REPEALING ORDINANCE 2843; RE-ESTABLISHING PD-169: REMOVING TRACTS OF LAND LOCATED AT THE NORTHWEST CORNER OF BELT LINE ROAD AND PERRY ROAD FROM FORMER PLANNED DEVELOPMENT DISTRICT NUMBER 169 AND ZONING THE SAME (SF-10/18) SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR THE (SF-8.4/16) SINGLE FAMILY RESIDENTIAL DISTRICT, THE (SF-10/18) SINGLE FAMILY RESIDENTIAL DISTRICT, THE (O-2) OFFICE DISTRICT AND THE (LR-2) LOCAL RETAIL DISTRICT WITH LIMITED USES AND MODIFIED DEVELOPMENT STANDARDS UPON PROPERTIES LOCATED IN PD-169 WHICH IS ADJACENT TO BELT LINE ROAD BETWEEN JOSEY LANE AND MYERS STREET AND INCLUDING CERTAIN PROPERTIES FRONTING CARROLL AVENUE AND CLINT STREET; REQUIRING A DEVELOPMENT PLAN IN PD-169; AMENDING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF $2,000 PER DAY; SAVINGS, REPEALING, SEVERABILITY CLAUSES AND AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a meeting held jointly on the 25th day of November, 2008, the Planning and Zoning Commission considered and made recommendations on a certain request for a Planned Development District (Case No. 07-08Z1);

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 No. 2843 (which established Planned Development Number 169 on July 15, 2003) is hereby revoked in its entirety.
Section 2.

That a tract of land approximately 1.722 acres in size and located at the northwest corner of Belt Line Road and Perry Road, depicted as Area 5 on the attached Exhibit A, which was previously located in PD-169, is hereby rezoned to the (SF-10/18) Single-Family Residential District.

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 Residential District and the Comprehensive Zoning Ordinance, as amended.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-10/18) Single Family Residential 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.

Section 3.

That Planned Development Number 169 is hereby re-established for a tract of land approximately 41.63 acres in size and generally located along Belt Line Road between Josey Lane and Myers Street, and including properties fronting a portion of Carroll Avenue and Clint Street, more specifically described on the attached Exhibit A as Areas 1, 2, 3 and 4, providing for the following:

A. LAND USE AND DEVELOPMENT STANDARDS

1. AREA 1

   Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-8.4/16) 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-8.4/16) Single Family Residential District and the Comprehensive Zoning Ordinance, as amended.

   A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-8.4/16) Single Family Residential 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.
2. **AREA 2: ZONING**

Unless otherwise noted below, permitted uses shall be all principal and accessory uses which are allowed by right in the (LR-2) Local Retail District and 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.

Unless otherwise noted 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.

**Area 2: Additional Permitted Uses**

Any Single-Family Residential use, either alone or in combination with another use allowed in the (LR-2) Local Retail District, provided that the residential use has an enclosed entrance on the ground floor of the building, as determined by the City Manager or designee.

**Area 2: Additional Prohibited Uses**

*Other Activities Related to Credit Intermediation* (Industry 522390 as defined by the North American Industry Classification System [NAICS], 2007 revision).

*Tattoo Parlor* (Industry 812199 as defined by the North American Industry Classification System [NAICS], 2007 revision).

Any use with drive-up, drive-through or drive-in service.

**Area 2: Special Development Standards**

The front and side façade of any building shall be no less than 10 feet and no more than 20 feet from the property line abutting a public street or alley. Building facades facing an internal property line abutting another lot shall meet the building setback as defined by the adopted Building Code of the City of Carrollton. “Key lot” provisions do not apply.

No parking shall be placed between the building and any public street. Access to off-street parking shall be permitted from public alleys. Parking lots containing fifteen (15) or more parking spaces shall not be required to provide landscape islands and shall be in accordance with an approved development plan and Article XXV Landscape and Buffering.
Any change of use which generates additional traffic shall provide for the necessary and proportionate improvements to the portion of the public alley abutting the use. This may be accomplished by improving the alley itself or paying a fee in lieu of said construction as determined by the City Manager or designee.

Where a combination of residential and non-residential uses is proposed, the higher of the two individual parking requirements for each use, as calculated in accordance with Article XXIV *Off-Street Parking and Loading Regulations* of the Comprehensive Zoning Ordinance, shall be the only parking required.

Screening of parking lots or non-residential uses shall be with a decorative fence, masonry wall, landscaping, or a combination thereof, and shall be in accordance with an approved development plan.

A minimum ten-foot-wide landscape buffer shall be provided adjacent to all public streets. Said landscape buffer shall contain landscaping approved as part of the development plan and in accordance with Article XXV Landscape and Buffering.

**Area 2: Signs**

Signs shall be regulated by Section 151.94 *Special Districts*, Chapter 151 *Sign Regulations*, Article XV *Land Usage* of the Carrollton Code of Ordinances or as otherwise limited by a Special Use Permit.

**Area 2: Driveways**

Driveways providing access to public streets are encouraged to be established or re-located at the time of construction or conversion of use so as to allow for sharing between parcels, either at the time of construction or in the future and shall be shown on the development plan.

**Area 3: ZONING**

Unless otherwise noted below, permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-7/14) Single-Family Residential District and the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-7/14) Single Family Residential District and the Comprehensive Zoning Ordinance, as amended.

Unless otherwise noted below, a Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-7/14) Single-Family Residential 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.

**Area 3: Additional Permitted Uses**

Fine Art School (Industry 611610 as defined by the North American Industry Classification System [NAICS], 2007 revision) upon approval of a Special Use Permit.

**Area 3: Additional Prohibited Uses**

No additional prohibited uses.

**Area 3: Special Development Standards**

Development shall maintain the general appearance of a single-family residence.

No parking shall be located between a building setback line and a public street.

**Signs**

Signs shall be regulated by Section 151.94 *Special Districts*, Chapter 151 *Sign Regulations*, Article XV *Land Usage* of the Carrollton Code of Ordinances or as otherwise limited by a Special Use Permit.

4. **Area 4: Zoning**

Unless otherwise noted below, permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-12/20) Single-Family Residential District and the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-12/20) Single-Family Residential District and the Comprehensive Zoning Ordinance, as amended.

Unless otherwise noted below, a Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-10/20) Single-Family Residential 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.
Area 4: Additional Permitted Uses

Any professional office use, either alone or in combination with another use allowed in the (SF-12/20) Single-Family Residential District, provided that the residential use has an enclosed entrance on the ground floor of the building as determined by the City Manager or designee.

Area 4: Additional Prohibited Uses

No additional prohibited uses.

Area 4: Special Development Standards

Development shall maintain the general appearance of a single-family residence.

No parking shall be located between a building setback line and a public street.

Maximum Building Height = one-story up to twenty (20) feet.

The front setback shall be twenty (20) feet. All other setbacks shall be in accordance with the applicable regulations of the (SF-12/20) Single-Family Residential District.

No parking shall be placed between the building and any public street. Access to off-street parking shall be permitted from public alleys. Required parking on a separate lot or tract may be allowed upon development plan approval. Parking lots containing fifteen (15) or more parking spaces shall not be required to provide landscape islands and shall be landscaped in accordance with an approved development plan and Article XXV Landscape and Buffering.

Any change of use which generates additional traffic shall provide for the necessary and proportionate improvements to the portion of the public alley abutting the use. This may be accomplished by improving the alley itself, or paying a fee in lieu of said construction, as determined by the City Manager or designee.

Where a combination of residential and non-residential uses is proposed, the higher of the two individual parking requirements for each use, as calculated in accordance with Article XXIV Off-Street Parking and Loading Regulations of the Comprehensive Zoning Ordinance, shall be the only parking required.

Screening of parking lots or non-residential uses shall be with a decorative fence, masonry wall, landscaping, or a combination thereof, and shall be in accordance with an approved development plan.
A minimum ten-foot-wide landscape buffer shall be provided adjacent to all public streets. Said landscape buffer shall contain landscaping approved as part of the development plan and in accordance with Article XXV Landscape and Buffering.

Area 4: Signs

Signs shall be regulated by Section 151.94 Special Districts, Chapter 151 Sign Regulations, Article XV Land Use of the Carrollton Code of Ordinances or as otherwise limited by a Special Use Permit.

Area 4: Driveways

Driveways providing access to public streets are encouraged to be established or re-located at the time of construction or conversion of use so as to allow for sharing between parcels, either at the time of construction or in the future and shall be shown on the development plan.

B. DEVELOPMENT PLAN APPROVAL FOR ALL TRACTS

Prior to the issuance of a permit for any of the following, a development plan shall be submitted and must be approved by the City Manager or designee to certify that it meets the purpose, intent and standards contained in this ordinance and all other ordinances that are not otherwise in conflict:

a. New construction or remodeling of a structure;
b. Expansion of an existing structure;
c. Change of use from residential to non-residential as allowed by this ordinance;
d. Change of use from non-residential to residential as allowed by this ordinance;
e. Any change or addition of use which requires additional off-street parking; or
f. Any change or addition of use which is expected to generate additional traffic.

The Development Plan must include the following minimum information:

a. Site Plan;
b. Building elevations and/or photos;
c. Building function/proposed use;
d. Parking; and
e. Landscape Plan

All minimum City requirements for Landscaping and Buffering, Off-Street Parking and Loading, Signs and all other applicable ordinances, and as amended, shall be met, except where specifically provided herein.
Appeals

Denial of a Development Plan by the City Manager or designee may be appealed to the Planning and Zoning Commission if the appeal is filed with the Urban Development Department within ten (10) days of the denial. Denial of a Development Plan by the Planning & Zoning Commission may be appealed to the City Council if the appeal is filed with the Urban Development Department within ten (10) days of the action of the Planning & Zoning Commission.

Section 4.

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

Section 5.
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 6.
Severability Clause

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

Section 7.
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 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, except as amended by this ordinance.
Section 9.

That this ordinance shall become and be effective from and after January 6, 2009, which shall be after its adoption and publication.

PASSED AND APPROVED this the 25th day of November, 2008.

CITY OF CARROLLTON

By: Ronald F. Branson, Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM: APPROVED AS TO CONTENT:

Regina A. Edwards Christopher Barton, AICP
Assistant City Attorney Chief Planner
Exhibit A
PD-169, showing Areas

Areas

Exhibit A
PD-169, showing Areas
CC MEETING : November 25, 2008  
DATE: November 17, 2008  
TO: Leonard Martin, City Manager  
FROM: Lori Levy, Planning and Development Manager LL  

BACKGROUND:  
This is a request for an amendment to PD-170 to add additional uses to the mixed-use development on a 4.86-acre tract of land located on the east side of Dozier Road, south of Parker Road (FM 544). The Council approved PD-170 to allow mixed-uses on October 14, 2008.

FINANCIAL IMPLICATIONS:  
There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:  
Staff recommends APPROVAL of the ordinance as submitted.

Attachments:
- [ ] Result Sheet
- [ ] Technical Comments
- [ ] Aerial Locator Map
- [ ] Proposed Ordinance
RESULT SHEET

Date: 11/12/08
Case No./Name: 10-08Z2 Dozier Place

A. STAFF STIPULATIONS AND RECOMMENDATIONS

1. PD-170 shall be amended for the O-4 (Office) District with the following additional uses:

   Studio Loft Apartments shall be allowed above the first floor.
   Art Studio shall be allowed above the first floor.

   The following uses shall be allowed on the first floor:
   
   Warehousing and Storage uses (2430) and Other Warehousing and Storage Uses, NEC (2434)
   Art studio and Gallery
   Martial Arts School
   Contract Construction Service (no outside on-premise storage of equipment or material)
   Limousine Service
   Courier and Messenger Service
   Facility Support Services
   Services to Buildings and Dwellings
   Office/Showroom
   Linen and Uniform Supply
   Locksmith
   Quick Print Service
   Electronic and Precision Equipment Repair and Maintenance
   Personal and Household Goods and Repair
   Watch, Clock and Jewelry Repair Service

2. The following uses shall be prohibited:

   a. Rail Transportation Distribution System
   b. Railroad Distribution System
   c. Bus Charter Service Without On-Premises Parking or Storage of Buses
   d. Bus Parking or Storage (Accessory to an Institutional Use)
   e. Private Parking Lot (for overflow or non-required parking as a principal use or located on a separate lot from the main use)
f. Communications Tower (Excluding antennas or support structures for amateur radio communications)
g. Telephone (Telecommunications) Distributing System
h. Electricity Power Distribution System
i. Natural Gas Distribution System
j. Water Supply and Irrigation System
k. Water or Sewerage Pipeline Distribution System
l. Water Storage
m. Petroleum Pipeline Distribution System
n. Snow Cone Stand in a Portable Building
o. Bus Timed Transfer Center
p. Private Parking Lot (For overflow or non-required parking as a principal use or located on a separate lot from the main use and located greater than 300 feet from the main use)
q. Telephone (Telecommunications) Exchange Station or Relay Tower
r. Other Telephone Communication, NEC
s. Electricity Regulating Substation-Electric Bulk Power Transmission and Control
t. Natural Gas Pressure Control Station
u. Other Electric or Natural Gas Utilities, NEC
v. Other Water Utilities, NEC
w. Pipeline Control Stations, NEC
x. Cemetery
y. Day Labor Employment Placement Agency
z. General Rental Centers
aa. Check Cashing Centers

3. The site shall be developed in accordance with the attached site plans and exterior elevations as shown on Exhibits B and C.

4. Enhanced paving will be provided to define significant vehicular drive intersections as shown on the site plan.

5. Screening walls between uses shall not be required.

6. A screening wall shall not be required along Dozier Road.

7. A clock tower may be provided as indicated on the concept plan.

8. Carports shall be prohibited.

9. Office and warehouse hours of operation shall be from 7:00 a.m. to 10:00 p.m. Monday through Saturday.
10. Outdoor storage shall be prohibited.

11. Any rooftop mechanical equipment shall meet screening requirements and shall be screened from view by a continuous roofline.

12. Wall and building signs shall be as shown on the Exterior Elevations exhibit.

13. No wall or building signs shall be allowed on the rear or south elevation of buildings 1 through 4.

14. No signage shall be allowed on canopies or awnings except numerical lettering no larger than four (4) inches in height.

15. Landscaping for the site to be reviewed and approved by the City Arborist.

16. Water meters should be separated for residential and commercial uses.

17. Buildings shall have a minimum of 50% brick or stone. A mix of other materials, such as stainless steel, smooth and corrugated metal panels, aluminum store front systems and metal canopies may be used to create a modern, industrialized product.

18. Detention for the site shall be required.

19. Remove proposed uses from the site plan.

B. **P&Z RECOMMENDATION** from P&Z/CC Joint Public Hearing: 11/25/08
   Result: /Vote:

C. **CC PUBLIC HEARING and ORDINANCE ACTION** from P&Z/CC Joint Public Hearing: 11/25/08
   Result: /Vote:
ZONING

Case Coordinator: Lori Levy

GENERAL PROJECT INFORMATION

SITE ZONING: PD-170 for the (O-4) Office District for mixed-uses with modified development standards

SURROUNDING ZONING

| NORTH  | South坪 PD-179 for the (O-2) Office District with modified development standards | Vacant Land |
| SOUTH  | Town of Hebron                                                      | Commercial Office |
| EAST   | City of Plano                                                  | Residential |
| WEST   | Town of Hebron                                                    | Mini-warehouse |

REQUEST: Approval of an amendment to PD-170 for the (O-4) Office District with modified development standards to allow additional mixed-uses

PROPOSED USE: Office, Commercial, Warehouse and Residential

ACRES/LOTS: 4.8636 acres/1 lot

LOCATION: East side of Dozier Road, south of Parker Road (FM 544)

HISTORY: PD-170 with SUP-316 was established in 2004 for the Dozier-Culpepper Road RV and Landscape business and to allow the cabinet assembly and related uses with a temporary SUP. The property was annexed into the City in 2002. PD-170 was amended for mixed-uses and approved by the City Council on October 14, 2008.

COMPREHENSIVE PLAN: Mixed-uses

THOROUGHFARE PLAN: Parker Road (FM 544) is designated as an (A6D) six-lane, divided arterial thoroughfare. Dozier Road is a state highway and is not designated on the Thoroughfare Plan.
CASE NO. 10-08Z2 DOZIER PLACE

OWNER: Tom Burnett

REPRESENTED BY: Carl Schwab/Realty America Group

STAFF ANALYSIS

REQUEST/BACKGROUND

- The site was originally disannexed by the Town of Hebron and annexed into the City of Carrollton in 1999 to prevent a proposed concrete batch plant from being developed on the site.

- At the time of annexation, the site was zoned (CC) Corporate Commercial District in accordance with the Comprehensive Plan.

- In 2001, annexation proceedings commenced again, in response to a legal challenge, and the property was officially annexed into Carrollton on February 12, 2002.

- On July 6, 2004, Council approved PD-170 with SUP-316 on this property to allow additional uses that are not allowed within the C-C (Corporate Commercial) District on a temporary basis not to exceed five (5) years. Those uses are heavy commercial uses, including assembly of cabinets (enclosed only), storage of construction and contractor’s equipment (enclosed and unenclosed), storage of landscape material, plants, trees and equipment (enclosed and unenclosed), storage of RV’s, fence companies and related storage (enclosed and unenclosed), as well as office uses related to the above uses (enclosed).

- A single-family dwelling was also allowed on this property and is currently located on this site.

- On October 14, 2008, the City Council approved an amendment to PD-170 to allow a mixed-use development that allows office, and limited commercial or warehouse uses on the ground floor and residential loft apartments on the second floor.

- The proposal would allow a tenant the option of leasing a live-work unit in which the business operated on the first floor and the living space was located above on the second floor.

- At the October 14, 2008 Council meeting, the applicant discussed bringing an amendment to the next meeting proposing some additional commercial uses to provide flexibility for leasing ground floor space in this type of unique, mixed-use product.
Those additional uses include, art studio and gallery, office showroom, linen and uniform supply, quick print service, electronic and precision equipment repair and maintenance, personal and household goods and repair, locksmith, watch, clock and jewelry repair, martial arts school, limousine service, courier and messenger service, facility support services, services to buildings and dwellings, and contract construction service.

**Elements to Consider**

- The additional uses will provide more flexibility for live-work opportunities, while providing personal services to the residents.

_LAND USE COMPATIBILITY:_

**Immediately North:** The proposed mixed-use, live-work product will be compatible with the proposed medical office and limited retail uses that have been recently approved immediately to the north. The owner of the property to the north is also the applicant who is pursuing ownership of this property.

**Immediately South, East and West:** The proposed use will also be compatible with the existing adjacent properties that are developed with office and outdoor uses.

**North and South:** The proposed use will be compatible with the mixed-use Mustang Park development to the south on Plano Parkway, and Austin Waters to the north across Parker Road, as well as the new hospital and acute care facility on the north side of Parker Road (FM 544).

_SITE ELEMENTS:_

- **Pavement treatments:** To increase the visual aesthetics entering the site, brick pavers or stained and patterned concrete shall be installed in the driveway at the entrances into the site, as shown on the site plan.

_BUILDING DESIGN:_

- **Elevations:** As shown, the buildings are proposed to have a minimum of 50% brick or stone, with a mix of other materials, such as stainless steel, smooth and corrugated metal panels, aluminum store front systems and metal canopies to create a modern, industrialized product.
CONCLUSION

There are very few undeveloped tracts available within the City of Carrollton in which to create mixed-use, urban developments, such as this request. This development has the potential to provide a unique, live-work concept that will serve our community both now and in the future.
Left: Southwest corner looking northeast.

Right: Looking east from Dozier Road.

Left: Northwest corner of property looking southeast.
ORDINANCE NO. ___________ OF THE CITY OF CARROLLTON
AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY
AMENDING ORDINANCE NUMBER 3261; RE-ESTABLISHING PLANNED
DEVELOPMENT NUMBER 170, PROVIDING FOR THE (O-4) OFFICE
DISTRICT WITH MODIFIED DEVELOPMENT STANDARDS, UPON
PROPERTY LOCATED ON THE EAST SIDE OF DOZIER ROAD, SOUTH OF
PARKER (FM 544) 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 hearing held jointly on the 25th day of November, 2008, the Planning and
Zoning Commission considered and made recommendations on a certain request for a Planned
Development District (Case No.10-08Z2);

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 3261 as established on October 14, 2008 is hereby repealed in its
entirety, except as specifically provided in this ordinance.

Section 2.

That Planned Development Number 170 is re-established for a certain 4.8636-acre tract of land
located on the east side of Dozier Road, south of Parker Road (FM 544), situated in the Samuel
H. Brown Survey, Abstract No. 111, Denton County, Texas, and more specifically described 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 (O-4) Office District, in accordance with Article XII of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (O-4) Office District and the Comprehensive Zoning Ordinance, as amended, except as otherwise listed below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (O-4) Office District, in accordance with Article XII of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XII and XXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

The following uses shall be prohibited:

1. Rail Transportation Distribution System
2. Railroad Distribution System
3. Bus Charter Service Without On-Premises Parking or Storage of Buses
4. Bus Parking or Storage (Accessory to an Institutional Use)
5. Private Parking Lot (for overflow or non-required parking as a principal use or located on a separate lot from the main use)
6. Communications Tower (Excluding antennas or support structures for amateur radio communications)
7. Telephone (Telecommunications) Distributing System
8. Electricity Power Distribution System
9. Natural Gas Distribution System
10. Water Supply and Irrigation System
11. Water or Sewerage Pipeline Distribution System
12. Water Storage
13. Petroleum Pipeline Distribution System
14. Snow Cone Stand in a Portable Building
15. Bus Timed Transfer Center
16. Private Parking Lot (For overflow or non-required parking as a principal use or located on a separate lot from the main use and located greater than 300 feet from the main use)
17. Telephone (Telecommunications) Exchange Station or Relay Tower
18. Other Telephone Communication, NEC
19. Electricity Regulating Substation-Electric Bulk Power Transmission and Control
20. Natural Gas Pressure Control Station
21. Other Electric or Natural Gas Utilities, NEC
22. Other Water Utilities, NEC
23. Pipeline Control Stations, NEC
24. Cemetery
25. Day Labor Employment Placement Agency
26. General Rental Centers
27. Check Cashing Centers

The following additional uses shall be allowed on the First Floor:

1. Warehousing and Storage (2430) and other Warehousing and Storage Uses NEC (2334)
2. Art Studio and Gallery
3. Martial Arts School
4. Contract Construction Service (no outside on-premise storage of equipment or material)
5. Limousine Service
6. Courier and Messenger Service
7. Facility Support Services
8. Services to Buildings and Dwellings
9. Office/Showroom
10. Linen and Uniform Supply
11. Locksmith
12. Quick Print Service
13. Electronic and Precision Equipment Repair and Maintenance
14. Personal and Household Goods and Repair
15. Watch, Clock and Jewelry Repair Service

The following additional uses shall be allowed on the Second Floor:

1. Studio Loft Apartments
2. Art Studio and Gallery

Section 3.

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

1. The site shall be developed in accordance with the attached site plans and exterior elevations as shown on Exhibits B and C.
2. Enhanced paving will be provided to define significant vehicular drive intersections as shown on the site plan.

3. Screening walls between uses shall not be required.

4. A screening wall shall not be required along Dozier Road.

5. A clock tower may be provided as indicated on the concept plan.

6. Carports shall be prohibited.

7. Hours of operation shall be from 8:00 a.m. to 10:00 p.m. on Saturday and 7:00 a.m. to 10:00 p.m. Monday through Friday.

8. Outdoor storage shall be prohibited.

9. Any rooftop mechanical equipment shall meet screening requirements and shall be screened from view by a continuous roofline.

10. Wall and building signs shall be as shown on the Exterior Elevations exhibit.

11. No wall or building signs shall be allowed on the rear or south elevation of buildings 1 through 4.

12. No signage shall be allowed on canopies or awnings except numerical lettering no larger than four (4) inches in height.

13. Landscaping for the site to be reviewed and approved by the City Arborist.

14. Water meters should be separated for residential and commercial uses.

15. Buildings shall have a minimum of 50% brick or stone. A mix of other materials, such as stainless steel, smooth and corrugated metal panels, aluminum store front systems and metal canopies may be used to create a modern, industrialized product.

16. Detention for the site shall be required.

17. Remove proposed uses listed on the site plan.
Section 4.

Provisions in Ordinance No. 2907 and Ordinance No. 2908 shall remain in effect only to the extent necessary to allow the special use permit in Ordinance No. 2908 to remain in effect as specified therein until July 6, 2009. All uses permitted by the special use permit in Ordinance No. 2908 shall cease and be removed from the property on or before July 6, 2009.

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.

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 9.

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. That Ordinance No. 2325, as amended, shall remain in full force and effect, save and except as amended by this ordinance.
Section 10.

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

PASSED AND APPROVED this the 25th day of November, 2008

CITY OF CARROLLTON

By: ______________________________

Ronald F. Branson, Mayor

ATTEST:

_______________________________
Ashley D. Mitchell
City Secretary

APPROVED AS TO FORM: ____________________________________________

Regina A. Edwards
1st Assistant City Attorney

APPROVED AS TO CONTENT: __________________________________________

Lori Levy, AICP
Planning and Development Manager
PROPERTY DESCRIPTION

BEING a tract of land situated in the Samuel H. Brown Survey Abstract No. 111 Denton County, Texas, and being a part of a certain 45.0 acre tract of land conveyed by J. H. Morgan to F. O. Lord December 20, 1916 by deed recorded in Volume 150 Page 131 Deed Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a ½ inch rod found in Culpepper Road at the southeast corner of said 45.0 acre tract on the westerly line of a Burlington Northern Railroad 100 foot wide Right of Way;

THENCE South 89 degrees 46 minutes West, along Culpepper Road and with the called south line of said Brown Survey, a distance of 457.92 feet (458.00 feet per deed) to a ½ iron rod found in the easterly line of Dozier Road (State Highway Farm to Market Road No. 544) (80 foot wide);

THENCE Northwesterly along Dozier Road and with a curve to the left having a central angle of 10 degrees 28 minutes 04 seconds, a radius of 600.0 feet, and a long chord which bears North 24 degrees 50 minutes 02 seconds West. 109.47 feet, an arc length of 109.62 feet (116.6 feet per deed) to a ½ inch iron rod found at the end of said curve, from which a wooden right of way marker bears North 66 degrees 33 minutes 50 seconds West 0.96 feet;

THENCE North 30 degrees 04 minutes West, continuing along Dozier Road, a distance of 305.06 feet (299.9 feet per deed) to a ½ inch iron rod found in gravel driveway;

THENCE North 89 degrees 46 minutes East, passing at a distance of 710.46 feet a 5/8 inch iron rod found and continuing in all a distance of 711.83 feet to a ½ inch iron rod found in the westerly line of said railroad;

THEN Southerly along said Railroad and with a curve to the right, having a central angle of 02 degrees 53 minutes 11 seconds, a radius of 7.316 00 feet and a long chord which bears South 08 degrees 35 minutes 52 seconds West. 368.53 feet, an arc length of 368.57 feet to the PLACE OF BEGINNING and containing 4.8636 acres of land more or less.

Job 13573-5903