

ORDINANCE NO. 517

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 66 OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED, SO AS TO CHANGE THE HEREINAFTER DESCRIBED PROPERTY LOCATED WEST OF DALLAS PARKWAY AND EAST OF INWOOD ROAD, AND CONTAINING 11.857 ACRES OF LAND PRESENTLY ZONED "I-1" INDUSTRIAL TO "PD" PLANNED DEVELOPMENT NO. 9 SHALL BE GRANTED WITH REFERENCE TO THE HEREIN DESCRIBED PROPERTY SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Zoning Commission of the City of Addison, Texas, and the City Council of the City of Addison, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning changes under the zoning ordinance and zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the area, the City of Addison, Texas, is of the opinion that said change of zoning on application of Vantage Properties, Inc. Case #456, should be granted and the Comprehensive Zoning Ordinance should be amended in the exercise of its legislative direction:

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

SECTION 1. That the Comprehensive Zoning Ordinance No. 66 of the City of Addison, Texas, be, and the same is hereby amended so as to give the hereinafter described property the following zoning district classification, to-wit: Planned Development District No. 9. Said property being in the City of Addison, Dallas County, Texas, and being described as follows:

Being a tract of land out of the Josiah Pancoast Survey, Abstract No. 1146 of Dallas County, Texas, also being out of the Anderson and White Addition to the City of Farmers Branch, Texas, recorded in Volume 953, page 895, Deed Records, Dallas County, Texas, and being part of that certain tract heretofore conveyed to The Stewart Company by Penteco, Inc. by Deed dated May 1, 1976, recorded in Volume 76124, page 2181, Deed Records of Dallas, County, Texas, said tract being more particularly described as follows:

BEGINNING at a point in the West R.O.W. line of Dallas Parkway, 120 feet wide street, in the Northeast corner of Tract 1 of the S. Finley Ewing, Jr. Addition, an addition to the City of Farmers Branch, Texas, recorded in Volume 73093, page 1346, Map Records, Dallas County, Texas;

THENCE, S 88° 41' 19" W along the North line of said Tract 1 passing through the Northwest corner of same at a distance of 975.34 feet and continuing along this line for a total distance of 1098.57 feet to an iron rod found for a corner; said corner being in the East R.O.W. line of a 100 foot Dallas Power & Light Company R.O.W. recorded in Volume 4617, page 375 of the Deed Records of Dallas County, Texas;

THENCE, N 17° 01' W with said East line of Dallas Power & Light Company R.O.W. for a distance of 490.33 feet to an iron rod set for a corner;

THENCE, N 88° 41' 19" E for a distance of 1089.01 feet to an iron rod set for a corner; said corner being in the West R.O.W. line of said Dallas Parkway;

THENCE, S 18° 05' 08" E, with said West R.O.W. line for a distance of 493.20 feet to the POINT OF BEGINNING AND CONTAINING 516,491 sq. ft. or 11.857 acres of land, more or less.

SECTION 2. In the herein above described land or building, no land shall be used, erected or converted to any use other than:

1. Office
2. Hotel (including related restaurants, alcoholic beverage sales, and retail sales facilities)
3. Retail
4. Restaurant
5. Surface parking to meet off street parking requirements
6. Parking structure to meet off street parking requirements
7. Access, utility, and drainage easements
8. Accessory buildings, equipment, and uses customarily incident to the above uses

SECTION 3. The following special conditions are placed upon the above described property:

1. No structure of any kind, and no part thereof shall be placed within the following set back lines:
 - a. 125 feet from the center line of Dallas Parkway (a 120 foot right-of-way)
 - b. 25 feet from major access drive
 - c. No side yard set back
 - d. No rear yard set back
2. The following improvements are expressly excluded from the set back restrictions:
 - a. Structures below and covered by ground
 - b. Steps, walks, driveways, parking areas, and curbing
 - c. Planters, walls, fences, or hedges not to exceed 4 feet in height
 - d. Landscaping and landscape features
 - e. Guardhouses
 - f. Project signs, temporary or permanent
 - g. Exterior lighting sources
3. No structure shall exceed 117 feet in total height (or as approved by FAA) including mechanical penthouses, antennas, etc.

4. Maximum land coverage for any use shall be 50% (first floor of building)
5. All office facilities shall provide off-street parking at a ratio of one (1) space for each 300 square feet of net floor area. The net floor area shall be defined as the gross floor area less vertical air shafts, elevator shafts, stairwells, mechanical rooms, electrical and telephone rooms, and storage rooms.
6. All hotel or motel facilities shall provide off-street parking at the following ratios:
 - a. One space per each guest room
 - b. One space per each 100 square feet of net floor area in meeting areas
 - c. One space per each 100 square feet of net floor area in dining rooms and cocktail lounges.
 - d. No spaces required for complimentary breakfast and cocktail areas
 - e. No spaces required for sundries shop
 - f. One space per each employee for the first 20%
 - g. No spaces required for malls, atriums, patios, lobbies, or circulation areas
7. All general retail facilities (exclusive of facilities within a hotel or motel) shall provide off-street parking at a ratio of one space per each 200 square feet of floor area.
8. All restaurants shall provide off-street parking at a ratio of one space per each 100 square feet of floor area (exclusive of facilities within a hotel or motel).
9. All paved areas, permanent drives, streets, and drainage structures shall be constructed in accordance with standard City of Addison specifications adopted for such purposes, and the same shall be done to the satisfaction of the Director of Public Works.
10. All driveways, parking areas, access easements, and walkways shall be illuminated.
11. All exterior lighting sources shall be placed and reflected in such a manner so as not to create annoyances, nuisances, or hazards.
12. All building sides must be faced with face brick, stone, concrete, aluminum, glass, stucco, or with similar quality face materials. Wood veneer over approved structural frame shall be allowed when such construction is allowed by the

City of Addison Building Code.

13. Wood frame construction of exterior walls shall be prohibited.
14. All utilities (public and private) shall be underground.
15. Mechanical equipment shall be constructed, located, and screened so as not to interfere with the peace, comfort, and response of the occupants of any adjoining building.
16. All refuse and refuse containers shall be screened from the view of all public streets adjacent to the property by a solid fence or wall of at least six (6) feet in height.
17. Landscaping shall be required on all sites contemporaneously with completion of other improvements, but in no extent later than 180 days after first occupancy or completion of buildings, which ever shall first occur.
18. Provide automatic underground sprinkling systems for all landscaped areas.
19. Shall not obstruct sight lines at street or driveway intersections.
20. Owners and occupants (including lessees) of any part of The Properties shall jointly and severally have the duty and responsibility, at their sole cost and expense, to keep that part of The Properties so owned or occupied, including buildings, improvements and grounds in connection therewith, in a well-maintained, safe, clean and attractive condition at all times. Such maintenance includes, but is not limited to, the following:
 - a. Prompt removal of all litter, trash, refuse, and wastes
 - b. Lawn mowing
 - c. Tree and shrub pruning
 - d. Watering
 - e. Keeping exterior lighting and mechanical facilities in working order
 - f. Keeping lawn and garden areas alive, free of weeds, and attractive
 - g. Keeping parking areas, driveways, and roads in good repair
 - h. Complying with all government health and police requirements
 - i. Striping of parking areas and repainting of improvements

- j. Repair of exterior damages to improvements
 - k. Provide and maintain driveway marking and striping as required for fire lanes as required by the Addison Fire Marshal.
21. All signage shall conform to the standards established by the City of Addison Sign Ordinance.

SECTION 4. All paved areas, permanent drives, streets and drainage structure shall be constructed in accordance with standard City of Addison specifications adopted for such purpose, and the same shall be done to the satisfaction of the Director of Public Works.

SECTION 5. This Planned Development District is established pursuant to the Comprehensive Zoning Ordinance of the City of Addison as amended, and the provisions thereof unless directly conflict herewith, shall be applicable to the Planned Development District No. 9.

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

SECTION 7. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 8. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject

to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 9. Whereas, the above described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City and creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, this the 24th day of July, 1979.

MAYOR



ATTEST:

Jacque Sharp
CITY SECRETARY