

ORDINANCE 1026

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 WHICH IS PRESENTLY ZONED LOCAL RETAIL, APARTMENT AND RESIDENTIAL TO PLANNED DEVELOPMENT NO. 18, ALLOWING LOCAL RETAIL USES, ON 73.6 ACRES OF LAND LOCATED SOUTH OF BELT LINE ROAD, WEST OF MARSH LANE AND EAST OF MIDWAY ROAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the City of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the City of Addison, Texas, as required by State Statutes and the zoning ordinance of the City of Addison, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Addison, Texas does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the City of Addison, and helps promote the general welfare and safety of this community, now, therefore

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

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Addison, Texas, be, and the same is hereby amended by amending the zoning map of the City of Addison so as to give the hereinafter described property the following zoning district classification, to-wit: Planned Development District No. 18, allowing local retail uses as provided herein. Said property being in the City of Addison, Dallas County, Texas, and being described as follows:

TRACT I

Being a tract or parcel of land situated in the City of Addison, Dallas County, Texas; and being part of the Thomas L. Chenowith Survey, Abstract 273, and also being part of the tract of land conveyed to J. E. Bush by three deeds recorded in Volume 2591, Page 513; Volume 3406, Page 232; and Volume 934, Page 55, of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point at the intersection of the southerly line of Belt Line Road (100 foot right-of-way) with the southeasterly cut-off line between said southerly line of Belt Line Road and the easterly line of Marsh Lane (variable width);

THENCE South  $88^{\circ}53'15''$  East along said southerly line of Belt Line Road a distance of 508.54 feet to a point for corner;

THENCE South  $89^{\circ}00'26''$  East along said southerly line of Belt Line Road a distance of 740.00 feet to a point for corner;

THENCE South  $0^{\circ}59'34''$  West a distance of 150.00 feet to a point for corner;

THENCE South  $15^{\circ}59'34''$  West a distance of 190.00 feet to a point for corner;

THENCE South  $30^{\circ}59'34''$  West a distance of 410.00 feet to a point for corner;

THENCE South  $0^{\circ}59'34''$  West a distance of 570.00 feet to a point for corner;

THENCE South  $28^{\circ}56'52''$  East a distance of 440.43 feet to the beginning of a curve to the right;

THENCE in a southwesterly, westerly and northwesterly direction along said curve to the right having a radius of 800.00 feet, a central angle of  $48^{\circ}52'01''$  and an arc length of 682.31 feet to the end of said curve to the right;

THENCE North  $54^{\circ}04'38''$  West a distance of 290.76 feet to the beginning of a curve;

THENCE in a northwesterly direction along said curve to the left having a radius of 500.00 feet, a central angle of  $35^{\circ}00'00''$ , and an arc length of 305.43 feet to the end of said curve to the left;

THENCE North 89°04'38" West a distance of 56.89 feet to a point for corner in the proposed easterly right-of-way line of Marsh Lane (100 foot right-of-way);

THENCE North 0°56'06" East along said proposed easterly line of Marsh Lane a distance of 1244.38 feet to a point for corner in said southeasterly cut-off line between the southerly line of Belt Line Road and the easterly line of Marsh Lane (variable width);

THENCE North 46°08'26" East along said southeasterly cut-off line a distance of 28.18 feet to the POINT OF BEGINNING and containing 1,643,927 square feet, or 37.7394 acres of land, more or less.

## TRACT II

Being a tract or parcel of land situated in the City of Addison, Dallas County, Texas; and being part of the Thomas L. Chenowith Survey, Abstract 273, and also being part of the tract of land conveyed to J. E. Bush by three deeds recorded in Volume 2591, Page 513, Volume 3406, Page 232; and Volume 934, Page 55, of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

COMMENCING at a point at the intersection of the southerly line of Belt Line Road (100 foot right-of-way) with the southeasterly cut-off line between said southerly line of Belt Line Road and the easterly line of Marsh Lane (variable width);

THENCE South 88°53'15" East along said southerly line of Belt Line Road a distance of 508.54 feet to a point for corner;

THENCE South 89°00'26" East along said southerly line of Belt Line Road a distance of 740.00 feet to the POINT OF BEGINNING of the herein described tract;

THENCE South 89°00'26" East along said southerly line of Belt Line Road a distance of 359.16 feet to the beginning of a curve to the left;

THENCE in a southeasterly, easterly and northeasterly direction along said curve to the left having a radius of 1960.00 feet, a central angle of 5°23'00", and an arc length of 184.14 feet to the end of said curve to the left;

THENCE South 4°23'26" East a distance of 144.08 feet to the beginning of a curve to the left;

THENCE in a southeasterly direction along said curve to the left having a radius of 1000.00 feet, a central angle of 34°08'34", and an arc length of 595.91 feet to the end of said curve to the left;

THENCE South 38°32'01" East a distance of 99.65 feet to the beginning of a curve to the right;

THENCE in a southwesterly direction along said curve to the right having a radius of 400.00 feet, a central angle of 35°19'30" and an arc length of 246.62 feet to the end of said curve to the right;

THENCE South 30°55'55" West a distance of 398.27 feet to the beginning of a curve to the right;

THENCE in a southwesterly direction along said curve to the right having a radius of 800.00 feet, a central angle of  $46^{\circ}07'26''$  and arc length of 644.01 feet to the end of said curve to the right;

THENCE North  $28^{\circ}56'52''$  West a distance of 440.43 feet to a point for corner;

THENCE North  $0^{\circ}59'34''$  East a distance of 570.00 feet to a point for corner;

THENCE North  $30^{\circ}59'34''$  East a distance of 410.00 feet to a point for corner;

THENCE North  $15^{\circ}59'34''$  East a distance of 190.00 feet to a point for corner;

THENCE North  $0^{\circ}59'34''$  East a distance of 150.00 feet to the POINT OF BEGINNING and containing 1,164,985 square feet, or 26.7444 acres, more or less.

### TRACT III

Being a tract or parcel of land situated in the City of Addison, Dallas County, Texas; and being part of the Thomas L. Chenowith Survey, Abstract 273, and also being part of the tract of land conveyed to J. E. Bush by three deeds recorded in Volume 2591, Page 513; Volume 3406, Page 232; and Volume 934, Page 55, of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

COMMENCING at a point at the intersection of the southerly line of Belt Line Road (100 foot right-of-way) with the southeasterly cut-off line between said southerly line of Belt Line Road and the easterly line of Marsh Lane (variable width);

THENCE South  $88^{\circ}53'15''$  East along said southerly line of Belt Line Road a distance of 508.54 feet to a point for corner;

THENCE South  $89^{\circ}00'26''$  East along said southerly line of Belt Line Road a distance of 1099.16 feet to the beginning of a curve to the left;

THENCE in a southeasterly, easterly and northeasterly direction along said southerly line of Belt Line Road and along said curve to the left having a radius of 1960.00 feet, a central angle of  $5^{\circ}23'00''$ , and an arc length of 184.14 feet to the POINT OF BEGINNING of the herein described tract of land, said point also being the beginning of a curve to the left;

THENCE in a northeasterly direction along said southerly line of Belt Line Road and along said curve to the left having a radius of 1960.00 feet, a central angle of  $13^{\circ}57'54''$ , and an arc length of 477.68 feet to the end of said curve to the left;

THENCE South  $25^{\circ}08'43''$  East a distance of 229.48 feet to a point for corner

THENCE South 0°55'55" West a distance of 622.14 feet to a point for corner;

THENCE North 89°04'05" West a distance of 99.06 feet to the beginning of a curve to the left;

THENCE in a northwesterly, westerly and southwesterly direction along said curve to the left having a radius of 400.00 feet, a central angle of 24°40'30", and an arc length of 172.26 feet to the end of said curve to the left;

THENCE North 38°32'01" West a distance of 99.65 feet to the beginning of a curve to the right;

THENCE in a northwesterly direction along said curve to the right having a radius of 1000.00 feet, a central angle of 34°08'34", and an arc length of 595.91 feet to the end of said curve to the right;

THENCE North 4°23'26" West a distance of 144.08 feet to the POINT OF BEGINNING and containing 371,191 square feet, or 8.5214 acres, more or less.

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

Antique Shop  
Aquarium  
Art Gallery  
Bakery, retail sales only  
Bank, office, wholesale sales office or sample room  
Barber and beauty shop  
Bird and pet shops, retail  
Book or stationery store

Camera shop  
Candy shop  
Caterer and wedding service  
Cleaning, dyeing and laundry pick-up station for receiving and delivery of articles to be cleaned, dyed and laundered, but no actual work to be done on premises.  
Cleaning and pressing shops having an area of not more than 6000 square feet  
Curtain cleaning shop having an area of not more than 6000 square feet  
Department store, novelty or variety shop, retail sales only  
Drug store, retail sales only  
Electrical goods, retail sales only  
Film developing and printing  
Florist-retail sales only  
Furniture store retail only  
Frozen food lockers, retail  
Grocery store, retail sales only  
Hardware, sporting goods, toys, paints, wall paper, clothing retail sales only  
Household and office furniture, furnishings and appliances, retail  
Job printing  
Jewelry, optical goods, photographic supplies, retail sales only in the home, where custom laundering and finishing may be done. The shop shall not exceed 6000 square feet in area and no pick-up and deliver shall be operated.  
Letter and mimeograph shop  
Library, rental  
Meat market, retail sales only  
Movie picture theatre

Office building  
Parking lot without public garage or automobile facilities for the parking of passenger cars and trucks of less than one (1) ton capacity only  
Photographers or artists studio  
Professional offices for architect, attorney, engineer, real estate and medical professionals  
Piano and musical instruments, retail sales only  
Retail store or shop for custom work or the making of articles to be sold for retail on the premises  
Seamstress, dress or tailor  
Shoe repair shop, retail sales only  
Studios, dance, music, drama, health, massage and reducing  
Studio for the display and sale of glass, china, art objects, cloth and draperies.  
Taxi stand  
Washateria, equipped with automatic washing machines of the type customarily found in a home and where the customers may personally supervise the washing and handling of his laundry  
Wearing apparel including clothing, shoes, hats, millinery and accessories  
Accessory buildings and uses customarily incident to the above uses  
Hotel/Motel

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

- 1) As provided in Planned Development Article of the Comprehensive Zoning Ordinance, said property shall be improved in accordance with the development plans which will be presented at a later date.
- 2) No building within 100 feet of a residential lot.
- 3) No building on Tract I shall exceed the maximum height permitted by the Federal Aviation Administration; No building on Tract II shall exceed 12 stories; No building on Tract III shall exceed 2 1/2 stories.
- 4) Area regulations and parking regulations unless contrary to specific provisions herein, shall be governed by those regulations set forth in the Local Retail District Classification of the Comprehensive Zoning Ordinance of the City of Addison.
- 5) All refuse and refuse containers shall be screened from public or private view adjacent to the property by a solid fence or wall of at least eight (8) feet in height.
- 6) All yard, set back parking, service and recreational areas shall be landscaped and maintained in a neat and orderly manner.
- 7) A minimum of 10% of each site plan will be landscaped green areas with at least 1/2 of the landscaping internal to the lot.
- 8) There shall be berms and/or planting adjacent to areas prescribed for single-family residences.
- 9) No mechanical equipment shall be constructed to permit the keeping of articles, goods, or materials in the open or exposed to public view.
- 10) Prior to the issuance of building permits, the installation of street paving, sanitary sewer, and storm sewer conforming to the requirements therefore of the City of Addison for property being 40.0 acres zoned through Ordinance No. 623 must be under contract for construction before any building permits will be issued on the land hereinabove described.
- 11) Prior to the issuance of building permits the Council must approve a set of restrictions similar to those for Quorum South which are attached as guidelines for the hereinabove described land. (Guidelines on file in City Secretary's Office.)
- 12) Prior to the issuance of building permits on the hereinabove described land all lakes, jogging tracks and major landscape areas must be completed on the 40 acres zoned through Ordinance No. 623 on the 83.7 acres zoned through Ordinance No. 622, and the 41.5 acres zoned through Ordinance No. 624.

- 13) Prior to the issuance of building permits on the herein-above described land the City Council must have on file a dedication of the projection of Proton Road and Beltway Drive. The dedication of the 4.6 acre park as outlined in Planned Development Ordinance No. 623.

SECTION 4. All paved areas, permanent drives, streets and drainage structures 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, unless otherwise approved by the City Council.

SECTION 5. 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 6. 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 of 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 7. 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 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 (\$200.00) Dollars for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 8. The fact that the present ordinances and regulations of the city are inadequate to properly safeguard the health,



safety, morals, peace and general welfare of the inhabitants of the city creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, as provided by law, and it is accordingly so ordained,

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS  
on this the 14 day of October, 1980.

MAYOR



ATTEST:

Jacque Sharp  
CITY SECRETARY