

ORDINANCE NO. 084-093

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM "R-1" RESIDENTIAL TO "PD" PLANNED DEVELOPMENT, LOCATED AT THE SOUTHEAST CORNER OF CELESTIAL ROAD AND MONTFORT ROAD; AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; ON APPLICATION FROM JHY CORPORATION; 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 Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas, as required by State Statutes and the zoning ordinance of the Town 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 Town 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 Town of Addison, Texas, and helps promote the general welfare and safety of this community, now, therefore,

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

SECTION 1. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, be, and the same is hereby amended by amending the zoning map of the Town of Addison, Texas, so as to give the hereinafter described property the zoning district classification, to-wit: "PD" Planned Development Ordinance. Said property being in the Town of Addison, Texas, and being described as follows:

BEING a tract of land in the Allen Bledsoe Survey, Abstract No. 157 and the Thomas Garvin Survey, Abstract No. 524, Dallas County, Texas, and also being part of the Town of Addison, Dallas County, Texas, and being more particularly described as follows:

COMMENCING North 73°49'34" East, along said centerline, a distance of 378.47 feet to a set ½ inch diameter iron rod, the POINT OF BEGINNING;

THENCE North 73°49'34" East, continuing along said centerline a distance of 75.54 feet to a found ½ inch diameter iron rod for a corner;

THENCE South 72°27'17" East, continuing along said centerline, a distance of 404.83 feet to a found ½ inch diameter iron rod for a corner;

THENCE South 17°25'33" West, departing said centerline a distance of 19.96 feet to a found ¾ inch diameter iron rod for a corner, said corner lying on the south right-of-way line of Celestial Road (40 foot right-of-way);

THENCE South 17°25'33" West, along the common line with a 2.2 acre tract of land conveyed to William C. Cook, Jr., by deed recorded in Volume 76098, Page 1932, of the Deed Records of Dallas County, Texas, a distance of 124.86 feet to a found ¾ inch diameter iron rod for a corner;

THENCE South 46°43'39" West, continuing along said common line a distance of 99.73 feet to a found ¾ inch diameter iron rod for a corner;

THENCE South 11°10'46" East, continuing along said common line, a distance of 99.38 feet to a found 1½ inch diameter iron rod for a corner;

THENCE South 59°46'07" West, along the common line with a 4.7729 acre tract of land conveyed to 14400 Montfort Limited by Deed recorded in Volume 831384, Page 2501, of the Deed Records of Dallas County, Texas, a distance of 40.81 feet to a found ½ inch diameter iron rod for a corner;

THENCE South 64°49'02" West along the corporation line between the Town of Addison and the City of Dallas, a distance of 421.94 feet to a found ½ inch diameter iron rod for a corner;

THENCE North 31°40'00" West, along said right-of-way line, a distance of 208.65 feet to a set ½ inch diameter iron rod for a corner;

THENCE North 58°20'00" East, along the common line with a 2.501 acre tract of land conveyed to Walden Preparatory School by deed recorded in Volume 72054, Page 0954 of the Deed Records of Dallas County, Texas, a distance of 297.80 feet to a set ½ inch diameter iron rod for a corner;

THENCE North 16°10'03" West, continuing along said common line a distance of 287.84 feet to a set ½ inch diameter iron rod, the POINT BEGINNING AND CONTAINING 198,534 square feet or 4.5577 acres of land, 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:

1. Office and retail support uses.
2. As provided in Planned Development District Article of the Comprehensive Zoning Ordinance, said property shall be improved in accordance with the development plans which are attached hereto and made a part hereof for all purposes.

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

- a. Land Area - Gross land area of this PD shall be 240,760 square feet.
- b. Floor Area - The maximum floor area for all buildings

shall not exceed 230,000 square feet exclusive of parking.

c. Setbacks - The setback from the existing east right-of-way line of Montfort Drive shall be a minimum of 40 feet. The side yard setback shall be a minimum of 20 feet. The setback from the 105 foot area (which is measured from the existing north property line of this site) shall be a minimum of 30 feet.

d. Height - The maximum height shall be as follows:

Zone A - 3 stories (42 feet)  
Zone B - 2 stories (29 feet)

as shown on the attached Plan. The height of Zone A shall be measured from the present elevation of the existing property line along Montfort Drive. The height of Zone B shall be measured from the present elevation of the centerline of the existing Celestial Road.

SECTION 4. Buffer Zone - The Developer will provide for public purposes and landscaping the area within the Buffer Zone as shown on the Plan attached hereto. The public use shall be limited to the surface and air rights only. The Developer maintains the right to use, at no cost, the subsurface area under the public area. Should the Developer alter the public area for the purpose of subsurface construction or repairs of any subsurface facilities, the Developer shall return the same to the condition it was in immediately prior to such alteration.

SECTION 5. All paved areas, permanent drives, streets and drainage structure shall be constructed in accordance with standard Town of Addison specifications adopted for such purpose.

SECTION 6. 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 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 provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

SECTION 8. 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 BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS, on this the 27<sup>th</sup> day of November, 1984.

*John Redding*  
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MAYOR

ATTEST:

*Jacquel Kruse*  
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CITY SECRETARY

CASE # 872-Z

TAX #

APPROVED AS TO FORM:

*Mark Gill* 1-8-85  
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Published  
1/17/85