

ORDINANCE NO. 085-093

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM COMMERCIAL AND PLANNED DEVELOPMENT TO PLANNED DEVELOPMENT; LOCATED AT THE NORTH AND SOUTH SIDES OF BENT TREE PLAZA PARKWAY BETWEEN ADDISON ROAD AND WESTGROVE ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; ON APPLICATION FROM BENT TREE CENTER; 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: Planned Development Zoning. Said property being in the Town of Addison, Texas, and being described as follows:

TRACT 1
BLOCK A

BEGINNING at an iron rod at the intersection of the north right-of-way line of Bent Tree Plaza (an 80-foot right-of-way) with the east right-of-way line of Westgrove Road (a 60-foot right-of-way);

THENCE N 00 degrees 02' 28" W, along the east right-of-way line of Westgrove Road a distance of 467.54 feet to an iron rod for corner, said corner also being the southwest corner of Carroll Estates Addition, an addition the town of Addison, Dallas County, Texas, as recorded in Volume 10, Page 473, of Deed Records, Dallas County, Texas;

THENCE S 89 degrees 57' 40" E, along the south property line of said Carroll Estates Addition, a distance of 1289.79 feet to an iron rod as an angle point; said point being the southeast corner of said Carroll Estates Addition, and also being the southwest corner of Bent Tree Gardens, Phase II, an addition to the City of Addison, Dallas County, Texas recorded in Volume 79193, Page 2282, Deed Records, Dallas County, Texas;

THENCE N 89 degrees 54' 14" E, along the south property line of said Bent Tree Gardens, Phase II Addition, a distance of 556.34 feet to an iron rod for corner on said property line;

THENCE S 00 degrees 01' 46" E, leaving the said south property line of Bent Tree Gardens, Phase II Addition, a distance of 307.75 feet to an iron rod for corner; said corner being on the north right-of-way line of Bent Tree Plaza Parkway (an 80-foot right-of-way);

THENCE N 89 degrees 46' 45" W, along said right-of-way line of Bent Tree Plaza Parkway, a distance of 9.72 feet to an iron rod; said point being the beginning of a curve to the left having a central angle of 33 degrees 06' 33", a radius of 540.00 feet, and a tangent length of 160.51 feet;

THENCE in a southwesterly direction along said curve to the left, an arc distance of 312.05 feet to an iron rod; said point being the beginning of a reverse curve to the right having a central angle of 32 degrees 54' 17", a radius of 460.00 feet, and a tangent length of 135.84 feet;

THENCE in a northwesterly direction along said curve to the right an an arc distance of 264.18 feet to an iron rod and the end of said curve;

THENCE N 89 degrees 59' 00" W, a distance of 1291.82 feet to the POINT OF BEGINNING and CONTAINING 18.7415 acres of land.

TRACT 1
BLOCK B

BEGINNING at an iron rod at the intersection of the south right-of-way line of Bent Tree Plaza Parkway (an 80-foot right-of-way) with the east right-of-way line of Westgrove Road (a 60-foot right-of-way);

THENCE S 89 degrees 59' 00" E, along said right-of-way line of Bent Tree Plaza Parkway, a distance of 1291.74 feet to an iron rod; said point being at the beginning of a curve to the left, having a central angle of 32 degrees 54' 17", a radius of 540.00 feet, and a tangent length of 159.47 feet;

THENCE in a northeasterly direction along said curve to the left of said right-of-way line of Bent Tree Plaza Parkway, an arc length of 310.12 feet to an iron rod, said point being the beginning of a reverse curve to the right, having a central angle of 33 degrees 06' 33", a radius of 460.00 feet, and a tangent length of 136.73 feet;

THENCE in a southeasterly direction along said curve to the right of said right-of-way line of Bent Tree Plaza Parkway, and arc length of 265.82 feet to an iron rod at the end of said curve;

THENCE S 89 degrees 46' 45" W, along said right-of-way line of Bent Tree Plaza Parkway, a distance of 740.48 feet to an iron rod for corner; said point being the intersection of said right-of-way line of Bent Tree Plaza Parkway with the west right-of-way line of Addison Road (a 60-foot right-of-way);

THENCE S 00 degrees 15' 15" E, along said right-of-way line of Addison Road, a distance of 625.34 feet to an iron rod for corner and being the southwest corner of this tract and the northeast corner of Sunbelt Business Park, an addition to the town of Addison as recorded in Volume 77215, Page 2834 of the Deeds Records of Dallas County, Texas;

THENCE N 89 degrees 59' 00" W, along the north property line of said tract of said Sunbelt Business Par, 2579.60 feet to an iron rod for corner; said point being on the east right-of-way line of aforementioned Westgrove Road;

THENCE N 00 degrees 02' 26" W, along said right-of-way line of Westgrove Road, a distance of 467.55 feet to the POINT of BEGINNING and CONTAINING 31.3625 acres of land.

SECTION 2. As provided in the Planned Development District 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. In the hereinabove described land or building no land shall be used, erected or converted to any use other than:

1. All Uses Allowed in Commercial Zoning.

SECTION 4. The following special conditions are placed on the above described property:

1. The Applicant submit a detailed, complete landscape plan to the City, and it be approved by the Landscape Department prior to the issuance of the first building permit in the development.
2. The Applicant choose an alternative to the brick pavers presented in this application, and any alternative must receive written approval from Robin Jones.
3. The Applicant escrow money to cover the cost of upgrading the utilities for this development, plus any other upgrading that must be done in this area, due to the load that this development will put on lines in the area.
4. Each development which comes in for final site plan approval present a traffic study which will evaluate the impact of the project on the circulation system, as it exists at the time the project is proposed.
5. Each individual piece of property be platted in accordance with the subdivision regulations at the time it is developed.
6. Projected F.A.R. is set at 1.5 to 1 average, subject to review on an individual basis. Note: The traffic study is based on F.A.R. of about 2 to 1.

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 One Thousand Dollars (\$1,000.00) and not less than Five Hundred Dollars (\$500.00) 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 provision 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, this the 10th day of December, 1985.



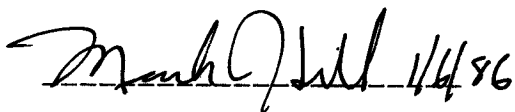
MAYOR

ATTEST:



CITY SECRETARY

APPROVED AS TO FORM:



1/4/86

Pub
12/11/85