

ORDINANCE NO. 087-070

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, BY REZONING A 12.586 ACRE TRACT LOCATED NORTH OF BELT LINE ROAD AND EAST OF MIDWAY ROAD FROM INDUSTRIAL AND PLANNED DEVELOPMENT TO PLANNED DEVELOPMENT FOR RESTAURANT USES AND APPROVAL OF A SITE DEVELOPMENT PLAN, ON APPLICATION WITH CAMDEN FINANCIAL; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A REPEAL CLAUSE; AND PROVIDING FOR NO SEVERABILITY CLAUSE.

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

Published 12/17/87



public at large, the citizens of the Town of Addison, 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 Addison Zoning Ordinance is amended by changing the zoning of the property described in Exhibit "A" attached hereto (the "Property") from Industrial and Planned Development to Planned Development for Restaurant Uses.

SECTION 2. That the following use regulations and development standards shall apply to this planned development district:

1. SITE PLAN: Utilization and development of the Property must comply with the site plan attached hereto as Exhibit "B" and made a part of of this ordinance. Development of the Property is limited to eleven (11) restaurant structures. A restaurant with or without the sale of alcoholic beverages for on-premises consumption only use and a restaurant with or without a drive-through use are permitted uses on the Property.
2. ADDITIONAL PERMITS: A Special Use Permit must be approved by the City Council prior to the issuance of a building permit for each of the restaurant structures shown on the site plan.
3. LANDSCAPE PLAN: Landscaping of the Property must comply with the landscape plan attached hereto as Exhibit "C" and made a part of this ordinance. All common area screening and landscaping as shown on Exhibit "C" must be installed in conformance with the approved landscape plan as shown on Exhibit "C" prior to the issuance of a permanent certificate of occupancy for any use on

the Property. Landscaping plans for each of the restaurants must be approved with each Special Use Permit. Said "site" landscaping and screening must be installed prior to the issuance of a permanent certificate of occupancy for the use. A temporary certificate of occupancy may be issued until that time. All landscaping must be maintained in a healthy, growing condition at all times.

4. DEED RESTRICTIONS: The deed restriction instrument affecting the Property, a copy of which is attached hereto as Exhibit "D", which is voluntarily being imposed on the Property, must be filed in the Dallas County Deed Records prior to the issuance of the first building permit on the Property.
5. FLOOR AREA: The square footage calculation for the structures as shown on the site plan are approximations only. The total floor area which shall be permitted for restaurant uses on the Property is 42,700 square feet, a maximum 19,700 square feet of which may be utilized for restaurants with drive-through uses. No more than four (4) Special Use Permits for a structure with drive-through uses will be granted unless one (1) of the following conditions occurs:
  - (i) Construction of Arapaho Road or another public road on the northern boundary of the Property is completed adjacent to the Property; or
  - (ii) Construction of a driveway in a manner acceptable to the Town of Addison allowing access to and from the Beltway Drive/Belt Line Road intersection to the Property is completed; or
  - (iii) A traffic impact analysis, coordinated with and subject to reasonable final approval by the Town's traffic consultant, establishes that the additional traffic generated by each additional restaurant will not exceed the acceptable standards for traffic capacity at the primary entrance to the Property.
7. OFF-STREET PARKING: As shown on the site plan, 495 parking spaces shall be required for the first 34,700 occupied square feet of development on the Property. For each restaurant use permitted which will result in occupied floor area on the Property in excess of 34,700 square feet, said off-street parking shall be provided as required by the Addison Zoning Code, up to a maximum of 610 parking spaces.

8. PLATTING: The Property shall be platted in accordance with the standards of the subdivision ordinance prior to the issuance of a building permit on the Property. Major infrastructure improvements on the Property must be completed prior to the issuance of the first certificate of occupancy on the Property.
9. ESCROW: The installation cost of a traffic light as determined by the City Engineer at the intersection of Belt Line Road and the primary entrance shall be escrowed with the Town, in a manner acceptable to the City Attorney, prior to issuance of a building permit on the Property.
10. MEDIAN RENOVATION: Prior to the issuance of a certificate of occupancy on the Property, the current 70 foot left-hand turn lane on Belt Line Road into the Property as shown on the attached site plan must be lengthened to 165 feet, including the relocation or equivalent substitution of the irrigation and landscaping presently in said median to the median at the intersection of Beltway Drive and Belt Line Road.
11. BUILDING STANDARDS: Each restaurant operator shall install a separate grease interceptor and shall be prohibited from installing a garbage grinder.
12. AVIGATION EASEMENTS: An avigation easement shall be executed on the Property and filed in the Dallas County Deed Records prior to the issuance of a Special Use Permit on the Property.
13. ARAPAHO ROAD: A street deed dedicating the required right-of-way for Arapaho Road shall be filed in the Dallas County Deed Records.
14. GENERAL REQUIREMENTS: Development of the Property must comply with the requirements of all ordinances, rules and regulations of the Town of Addison.

SECTION 3. 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 Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) 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 4. 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 5. It is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 27th day of October, 1987.

  
MAYOR

ATTEST:

  
CITY SECRETARY

CASE NO. 1004-Z

APPROVED AS TO FORM:

  
C. TURNER 1-13-88

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 087-070

FIELD NOTES

Being a 12.586 acre tract of land situated in the Edward Cook Survey, Abstract No. 326 and the E. Fike Survey, Abstract No. 478, Dallas County, Texas, and being those certain tracts of land as described in deed to Camden Financial Corporation as recorded in Volume 86170, Page 2523, and Volume 84189, Page 1651, Deed Records, Dallas County, Texas, said 12.586 acre tract being particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod, found, in the northerly right-of-way line of Beltline Road, a 100 foot wide public right-of-way, and the southeasterly corner of a tract of land as shown to Rodeway Inn according to the plat as recorded in Volume 81052, Page 775, said County Records;

THENCE, North 00 degrees 08 minutes 59 seconds East, 734.18 feet to a 5/8 inch iron rod with cap stamped "Carter & Burgess", found, at the northeasterly corner of said Rodeway Inn tract, same being in the southerly right-of-way line of the St. Louis and Southwestern Railroad;

THENCE, North 86 degrees 20 minutes 00 seconds East, 520.14 feet along said southerly right-of-way line to a 1/2 inch iron rod, found;

THENCE, North 80 degrees 53 minutes 00 seconds East, 184.70 feet along said southerly right-of-way line to a 5/8 inch iron rod with cap stamped "Carter & Burgess", found, same being the northwesterly corner of a tract of land as described in deed to the City of Dallas as recorded on August 8, 1958, said County Records;

THENCE, South 00 degrees 43 minutes 00 seconds West, 838.24 feet to a 1/2 inch iron rod, found, the southwesterly corner of said City of Dallas tract, same being in the aforementioned northerly right-of-way line of Beltline Road;

THENCE, North 89 degrees 40 minutes 00 seconds West, 144.90 feet along said northerly right-of-way line to a 1/2 inch iron rod, found, same being the beginning of a curve concave to the northeast, whose radius is 2814.79 feet, and whose longchord bears North 87 degree 02 minutes 45 seconds West, 257.42 feet;

THENCE, along said curve and said northerly right-of-way line in a northwesterly direction, through a central angle of 05 degrees 14 minutes 30 seconds, an arc length of 257.51 feet to a 1/2 inch iron rod, found;

THENCE, North 84 degrees 37 minutes 38 seconds West, 292.18 feet along said northerly right-of-way line to the POINT OF BEGINNING and containing 12.586 acres of land, more or less.

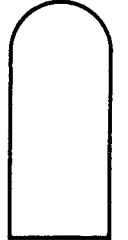
EXHIBIT A

087-070

FILE COPY

2

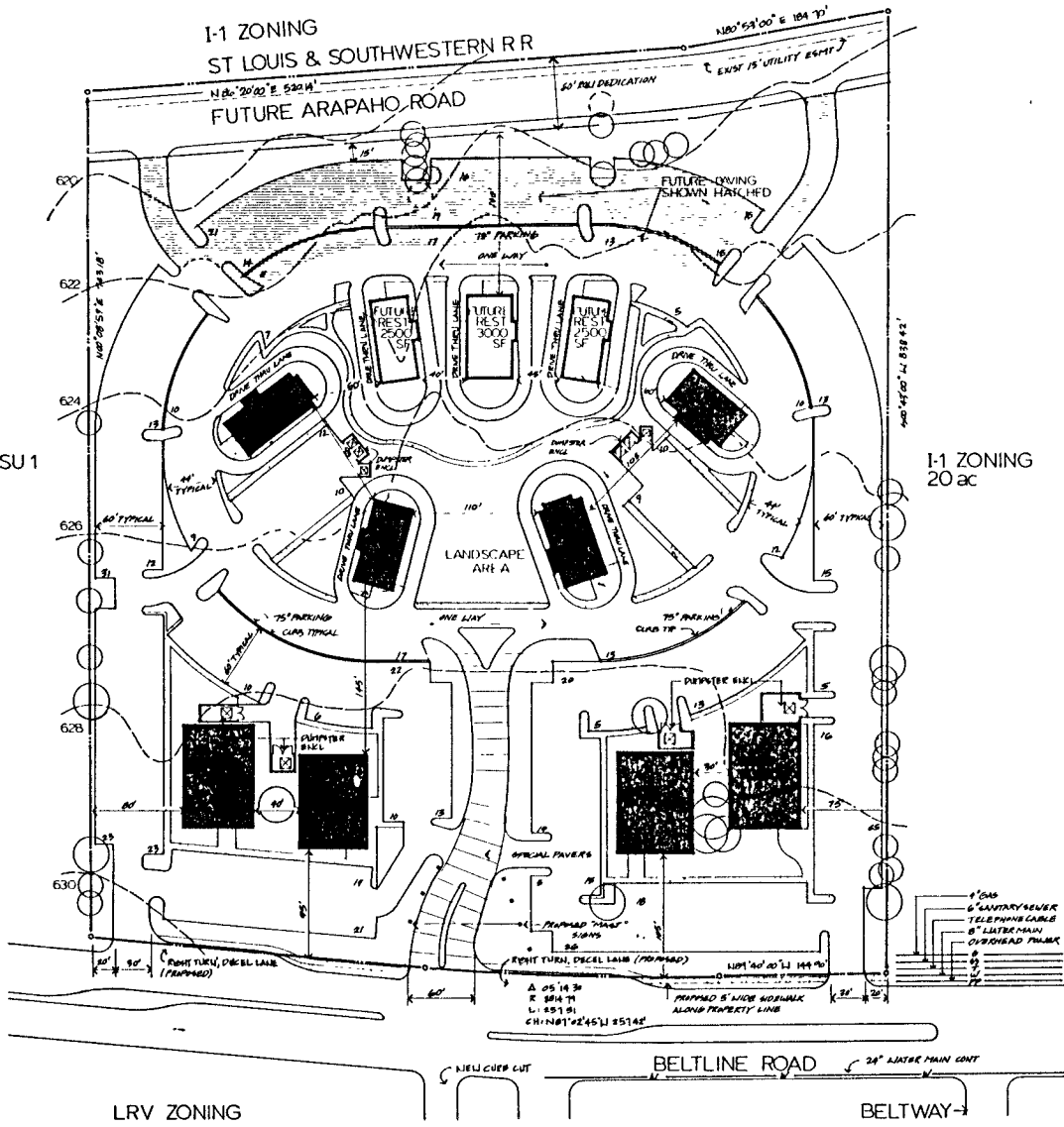
300 LTV Center  
2001 Ross Avenue / LB 132  
Dallas, Texas 75201  
214.979.0028



Revisions: 7, 27, 57  
Date: 6.16.87  
Drawn by: JCR  
Checked by: JCR  
Project No: 065772  
Sheet No:

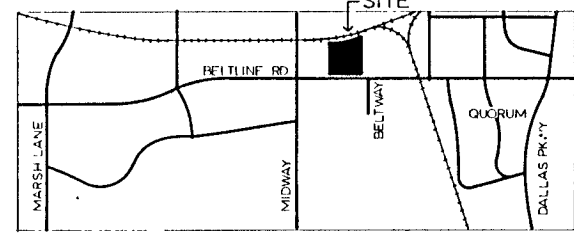
PD11-549 SU 1  
4.7 ac

087-070



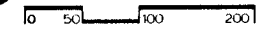
- TREES TO BE REMOVED
- 12" CAL & UNDER
- 12" to 24" CAL
- 24" to 30" CAL
- 30" CAL & OVER

TREE LEGEND



VICINITY MAP

▲ SITE PLAN



ADDISON RESTAURANT PARK  
CAMDEN FINANCIAL CORP. (OWNER)

PROJECT DATA

LAND AREA: 12.586 ac  
BUILDING AREA: 42,700 SF FUTURE, 34,700 SF FIRST PHASE  
PARKING REQUIRED: 610 at 11/70 FUTURE, 495 FIRST PHASE  
PARKING PROVIDED: 698 FUTURE, 557 FIRST PHASE

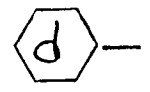
NOTE: THIS SITE PLAN IS BASED ON A SURVEY BY CARTER AND BURGESS INC (ROBERT L. RAYMOND SURVEYOR) DATED NOVEMBER 25, 1986

LRV ZONING

BELTWAY

EXHIBIT B

FILE COPY 1004-2







DECLARATION OF DEED RESTRICTIONS

THE STATE OF TEXAS            §  
  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF DALLAS            §

That the undersigned, CAMDEN FINANCIAL CORPORATION, A New Mexico Corporation, is the owner of land situated in the Town of Addison, Dallas County, Texas and being out of the Edward Cook Survey, Abstract No. 326 and being more particularly described in Exhibit "A" attached hereto for all purposes (the "Property").

That the undersigned, CAMDEN FINANCIAL CORPORATION, does hereby impress the property with the following deed restrictions:

I. SITE PLAN: Development of the Property must conform to the Site Plan attached hereto as Exhibit "B" and will consist of four (4) restaurants fronting Beltline Road ("Frontage Restaurants") and seven (7) restaurants located around the circular drive providing future access to Arapaho Road ("Interior Restaurants")

II. BRICK TREATMENT: Facades of all structures with restaurant uses to be constructed on the Property must consist of one (1) or more of the following brick selections or their equivalents:

- Brick Color "A":     Elgin Butler  
                          Glazed Black #4S SM #1055  
                          Panel #CE-1234-E6
- Brick Color "B":     Elgin Butler  
                          Glazed Green #4005 Glossy
- Brick Color "C":     Interstate Brick Company  
                          Mountain Red - Matte Finish

A. Frontage restaurants will be required to use brick selections in the following manner:

1. Brick Color "A" is to be laid up to 3'-4" above finished floor elevation for each restaurant. Brick Color "A" shall extend below finished grade to insure that concrete grade beams will not be visible.
2. Brick Color "B" is to be laid up in an 8" band (3 modular courses) immediately above brick Color "A".
3. Brick Color "C" is to be laid up immediately above the 8" band of brick Color "B" and shall comprise at least 60% of the remaining masonry wall area.

B. Visible roofing materials are to be complimentary to the required brick selections and are subject to Declarant's approval for Frontage Restaurants.

C. Interior Restaurants will be required to use brick selections in the following manner:

1. Brick Color "A" is to be laid up to 3'-4" above finished floor elevation for each restaurant. Brick Color "A" shall extend below finished grade to insure that concrete grade beams will not be visible.
2. Brick Color "B" is to be laid up in an 8" band (3 modular courses) immediately above brick color "A".
3. Brick Color "C" is to be laid up immediately above color "B" and shall comprise 100% of the remaining masonry wall area up to a datum not to exceed 10'-8" above finish floor.

D. Elevations of all structures to be located on the Property must be submitted with each Special Use Permit application to the Town of Addison.

E. The undersigned, its successors or assigns, must approve brick color equivalent substitutes, if any, for Frontage Restaurants and Interior Restaurants.

III. OTHER IMPROVEMENTS: Other improvements to be located on the common areas on the Property including, but not limited to, benches and trash receptacles must substantially conform to the most similar type of improvement as depicted in Exhibit "C".

IV. MAST SIGNS: Mast signs shall be located on the Property as shown on the Site Plan and must substantially conform with the brick color and materials as shown on Exhibit "C". No pole signs, other than the mast signs shown on the site plan, will be allowed on the Property.

V. DIRECTIONAL SIGNS: Directional signs may be located on the Property as shown on the Site Plan and must substantially conform with the brick color and materials as shown on Exhibit "C".

VI. LIGHT STANDARDS: Light standards may be located on the Property as shown on the Site Plan and must substantially conform with the brick color and materials as shown on Exhibit "C". No exposed luminous gas tubing shall be allowed on the Property except that tubing specifically authorized by the Addison Sign Ordinance, as amended.

VII. ATTACHED SIGNS: Attached signage must conform to the requirements of the Addison Sign Ordinance.

VIII. DEFINITIONS: All definitions of the Addison Development Code, as amended, apply and are incorporated into this document as if recited herein.

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein.

These restrictions shall not be altered, amended or terminated without approval by the City Council of the Town of Addison.

The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the Town of Addison to exercise its legislative duties and powers insofar as zoning of the property is concerned.

These restrictions inure to the benefit of the Town of Addison, and the undersigned owner hereof does hereby grant to the Town of Addison the right, but not the obligation, to prosecute, at law or in equity, against the person violating or attempting to violate such restrictions, either to prevent him from so doing or to correct such violation and for further remedy, the Town of Addison may withhold the Certificate of Occupancy necessary for the lawful use of the property until such restrictions described herein are fully complied with.

These restrictions are hereby declared covenants running with the land and shall be fully binding upon all persons acquiring property within the above-described tract, and any person by acceptance of title to any of the above-described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this the 24<sup>th</sup> day of ~~October~~<sup>JANUARY</sup>, 1988.

CAMDEN FINANCIAL CORPORATION

By:

Wayne H. Walker  
Its ~~President~~ Vice President

THE STATE OF TEXAS       §  
  §  
COUNTY OF DALLAS       §

BEFORE ME, the undersigned authority, on this day personally appeared Wayne H. Walker, Vice President of CAMDEN FINANCIAL CORPORATION, A New Mexico Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 21 day of ~~October, 1987.~~  
January, 1988

Dorothy E. Rosen  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

My Commission Expires:

11/14/90

Dorothy E. Rosen  
(Printed Name of Notary)

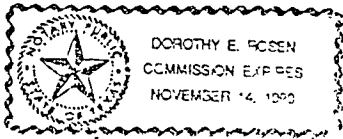


EXHIBIT "A"

FIELD NOTES

Being a 12.586 acre tract of land situated in the Edward Cook Survey, Abstract No. 326 and the E. Fike Survey, Abstract No. 478, Dallas County, Texas, and being those certain tracts of land as described in deed to Camden Financial Corporation as recorded in Volume 86170, Page 2523, and Volume 84189, Page 1651, Deed Records, Dallas County, Texas, said 12.586 acre tract being particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod, found, in the northerly right-of-way line of Beltline Road, a 100 Foot wide public right-of-way, and the southeasterly corner of a tract of land as shown to Rodeway Inn according to the plat as recorded in Volume 81052, Page 775, said County Records;

THENCE, North 00 degrees 08 minutes 59 seconds East, 734.18 feet to a 5/8 inch iron rod with cap stamped "Carter & Burgess", found, at the northeasterly corner of said Rodeway Inn tract, same being in the southerly right-of-way line of the St. Louis and Southwestern Railroad;

THENCE, North 86 degrees 20 minutes 00 seconds East, 520.14 feet along said southerly right-of-way line to a 1/2 inch iron rod, found;

THENCE, North 80 degrees 53 minutes 00 seconds East, 184.70 feet along said southerly right-of-way line to a 5/8 inch iron rod with cap stamped "Carter & Burgess", found, same being the northwesterly corner of a tract of land as described in deed to the City of Dallas as recorded on August 8, 1958, said County Records;

THENCE, South 00 degrees 43 minutes 00 seconds West, 838.24 feet to a 1/2 inch iron rod, found, the southwesterly corner of said City of Dallas tract, same being in the aforementioned northerly right-of-way line of Beltline Road;

THENCE, North 89 degrees 40 minutes 00 seconds West, 144.90 feet along said northerly right-of-way line to a 1/2 inch iron rod, found, same being the beginning of a curve concave to the northeast, whose radius is 2814.79 feet, and whose longchord bears North 87 degree 02 minutes 45 seconds West, 257.42 feet;

THENCE, along said curve and said northerly right-of-way line in a northwesterly direction, thorough a central angle of 05 degrees 14 minutes 30 seconds, an arc length of 257.51 feet to a 1/2 inch iron rod, found;

THENCE, North 84 degrees 37 minutes 38 seconds West, 292.18 feet along said northerly right-of-way line to the POINT OF BEGINNING and containing 12.586 acres of land, more or less.

