

ORDINANCE NO. 091-068

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM PLANNED DEVELOPMENT ORDINANCE 626, ON APPLICATION FROM CENTENNIAL AMERICAN PROPERTIES, LOCATED AT 63 ACRES AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BELT LINE ROAD AND MARSH LANE, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL 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 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:

OFFICE OF THE CITY SECRETARY

ORDINANCE NO.091-068

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. Said property being in the Town of Addison, Texas, and being described as follows:

Being a tract of land situated in the Thomas L. Chenoweth Survey, Abstract No. 273, Dallas County, Texas, and being part of Block A of Les Lacs Plaza Subdivision, an addition to the city of Addison as recorded in Volume 83064, Page 2724, Map Records, Dallas County, Texas and being all of PRINTEMPS ADDITION NO. 1, an addition to the city of Addison, as recorded in Volume 89013, Page 827, Map Records, Dallas County, Texas, and further being all of PRINTEMPS ADDITION NO. 2, an addition to the City of Addison as recorded in Volume 89013, Page 835, Map Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point for corner situated in the east line of Marsh Lane (100' R.O.W.), said point also being N 00°56'06" E a distance of 150.00 feet from the north line of Beltway Drive (80' R.O.W.)

THENCE N 00°56'06" E along the east line of said Marsh Lane a distance of 536.46 feet to a point for corner;

THENCE S 89°03'54" E departing said Marsh Lane a distance of 248.50 feet to a point for corner;

THENCE N 00°56'06" E a distance of 284.73 feet to a point for corner;

THENCE S 88°53'11" E a distance of 230-72 feet to a point for corner;

THENCE N 01°06'45" E a distance of 230.72 feet to a point for corner;

THENCE along the south line of said Belt Line Road the following:

S 88°53'15" E a distance of 48.54 feet to a point for corner;

S 89°00'26" E a distance of 1099.16 feet to a point for corner, and the beginning of a curve to the left;

Along said curve having a central angle of $09^{\circ}58'40''$, a radius of 1960.00 feet, and an arc length of 341.32 feet to a point for corner;

THENCE S $25^{\circ}08'43''$ E departing said Belt Line Road a distance of 498.12 feet to a point for corner;

THENCE N $79^{\circ}49'35''$ E a distance of 195.37 feet to a point for corner situated in the west line of a 100' T.U. Electric R.O.W.;

THENCE S $00^{\circ}55'55''$ W along the west line of said 100' T.U. Electric R.O.W. a distance of 83.19 feet to a point for corner, and the beginning of a non-tangent curve to the left, said point also being N $00^{\circ}55'55''$ E a distance of 150.01 feet from the curving north line of said Beltway Drive;

THENCE N $89^{\circ}04'05''$ W a distance of 99.11 feet to the beginning of a curve to the left having a central angle of $60^{\circ}00'00''$ and a radius of 400.00 feet;

THENCE along said curve to the left for an arc distance of 418.88 feet and a chord bearing and distance of S $60^{\circ}55'55''$ W, 400.00 feet to the point of tangency;

THENCE S $30^{\circ}55'55''$ West a distance of 398.28 feet to the beginning of a curve to the right having a central angle of $94^{\circ}59'27''$ and a radius of 800.00 feet;

THENCE along said curve to the right for an arc distance of 1326.32 feet and a chord for bearing and distance of S $78^{\circ}24'39''$ W, 1179.56 feet to the point of tangency;

THENCE N $54^{\circ}04'38''$ W a distance of 290.76 feet to the beginning of a curve to the left having a central angle of $35^{\circ}00'00''$ and a radius of 500.00 feet;

THENCE along said curve to the left for an arc distance of 305.43 feet and a chord distance of N $71^{\circ}35'38''$ W, 300.71 feet to the point of tangency;

THENCE N $89^{\circ}04'38''$ W a distance of 56.89 feet to a point for corner in the aforementioned east right-of-way line of Marsh Lane;

THENCE N $00^{\circ}56'06''$ E along said east right-of-way line of Marsh Lane a distance of 1502.00 feet to the POINT OF BEGINNING;

CONTAINING a computed area of approximately 2744280.00 square feet or 63 acres of land more or less.

SECTION 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:

-The Town shall pay the total cost for the widening of the intersection of Marsh Lane and Belt Line Road as recommended in the bottleneck and thoroughfare study done for the Town by Barton-Aschman. Addison will request DART L.A.P funds to pay for this intersection improvement and will enter into interlocal agreements with the cities of Carrollton and Farmers Branch to obtain right-of-way in those cities.

-There shall be no southbound access to Marsh Lane from this site. The existing medians shall be modified to prohibit access for southbound traffic. All costs for these modifications shall be paid by the applicant, including landscaping and irrigation of any median areas.

-The applicant shall pay for a traffic study, to be conducted by Barton-Aschman, to see if the existing traffic signal at the intersection of Belt Line Road and Commercial Drive can be "unwarranted" and moved to the intersection of Belt Line Road and Business Avenue. If the study concludes that the light can be safely moved, the applicant shall reimburse the owners of the Addison National Bank property for the cost of the light and shall pay the cost of moving the light Belt Line Road and Business Avenue. If the study concludes that the light can be safely moved, the applicant shall reimburse the owners of the Addison National Bank property for the cost of the light and shall pay the cost of moving the light to Belt Line Road and Business Avenue.

-The applicant shall make all median modifications on Belt Line Road as recommended by Barton-Aschman at his expense. The modifications shall include the relocation or replacement of any existing landscaping and irrigation in the medians.

-At the time this property is platted, the applicant will dedicate to the city a 150-foot wide strip of property

across the southern property line, immediately adjacent to Beltway Drive. This land shall serve as a buffer strip between this shopping center and the residential property on the south side of Beltway Drive.

-The applicant will install the following improvements on the property which shall be dedicated to the Town:

-Applicant shall install a solid row of photenia plants, at a size of five (5) gallon, to be planted in a single row at a spacing of thirty-six (36) inches on center along the entire south property line. These photenias shall be planted on the applicant's property and shall be irrigated with the applicant's irrigation system. They shall be planted on top of berms that the applicant will build, and shall serve as a screening buffer.

-Applicant will plant 100 leyland Cypress trees, at a size of 30-gallon, 50 live oak trees, at a size of 4-inch caliper, and 50 integra holly trees, at a size of 15 gallons, on the park property which shall be dedicated to the Town. All trees planted on the site shall be guaranteed by the landscape contractor for a period of one year.

-Applicant will spray common bermuda grass hydromulch, or seed buffalo grass on the park property which shall be dedicated to the Town.

-Applicant will install underground irrigation (golf course rotors) on the park property which shall be dedicated to the Town. Staff must approve all irrigation plans prior to any installation of irrigation on the park site.

-Applicant will build berms on the park property to be dedicated to the Town up to the amount of dirt available on site. Applicant will not be required to haul dirt onto the site to be used for berms on the park property. Applicant agrees that berms will be eight to ten feet in height.

-Applicant will build berms during the site grading process, and will work concurrently on the shopping center and the park. All work on the park must be completed and accepted by the Town prior to the issuance of the first Certificate of Occupancy for the first building in the shopping center.

-The applicant will be allowed to construct the south side of the shopping center out of concrete block or tilt-wall. However, the south side shall be painted in a color to match the brick used on the front and sides of the center.

-All mechanical equipment shall be constructed, located and screened so as not to interfere with the peace, comfort and repose of the occupants of any adjoining building or shall not be visible from any public street or residence.

-All lighting on site will be on 30-foot tall light poles or less. All lighting at the rear of the site shall be on wall mounted fixtures which will be shielded from residences, or on 20-foot tall poles which shall direct light away from residences.

-All public parking lot surfaces shall be 100% concrete.

-All buildings shall be recessed into the site at least five feet (5') below the grade elevation at the north right-of-way line of Beltway Drive.

-There shall be no automotive operations in the K-Mart store, but tire mounting and battery installation only may be allowed in the Pace Warehouse/Retail Club.

-The applicant shall obtain a letter from the Resolution Trust Corporation authorizing the applicant to proceed with a rezoning and a site plan approval for the portion of this site which is owned by the RTC.

-No good, articles, or materials on this site shall be kept in the open or exposed to public view, this shall include the Garden Center shown on the site plan at the K-Mart store.

-Except for the equipment and/or the materials stored on a construction site and used for a temporary construction project, the long term outside storage of equipment building and/or other materials, goods, and products shall be prohibited.

-No trucks or trailers shall be left parked on the site at any time, except for trucks located in the wells of the loading docks.

-No exterior kiosk uses or can banks shall be allowed on the property.

-All parking lot sweeping shall be completed prior to midnight.

-All parking lot lighting shall be turned off at 10:00 p.m.

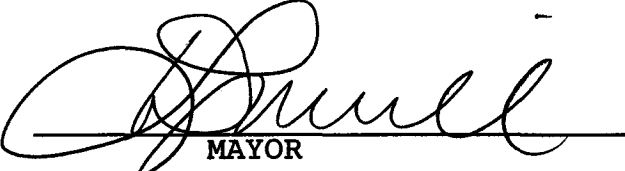
SECTION 4. All paved areas, permanent drives, streets and drainage structure shall be constructed in accordance with standard Town of Addison specifications adopted for such purpose

SECTION 5. 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 Thousand Dollars (\$2,000.00) and not less then Five Hundred Dollars (\$500.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 6. That should any paragraph, sentence, sub-division, 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 7. 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 21st day of November, 1991.


MAYOR

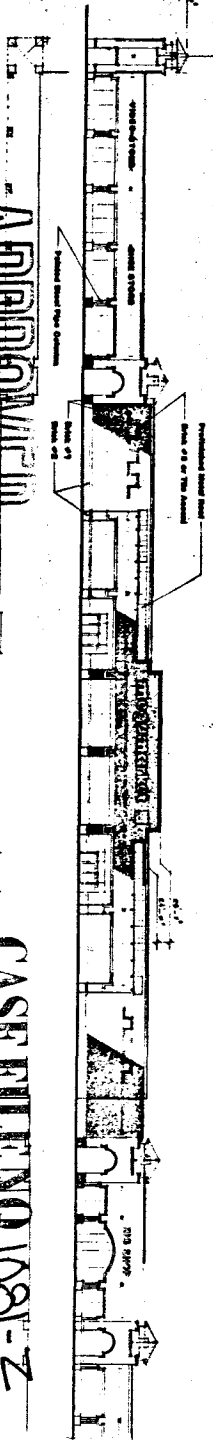
ATTEST:


CITY SECRETARY

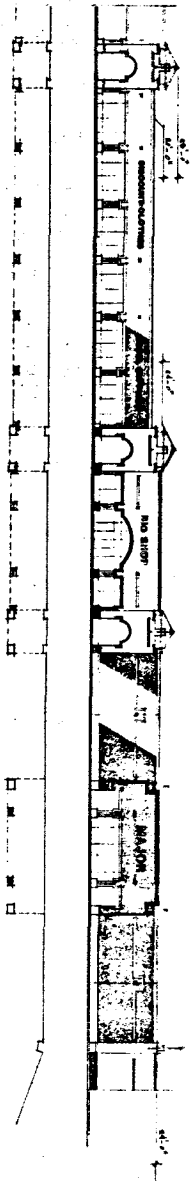
Case 1081-Z

THESE PLANS ARE REDUCTIONS OF THE ORIGINAL RECORD SET OF PLANS WHICH ARE FILED IN ZONING CASE FILE 1081-

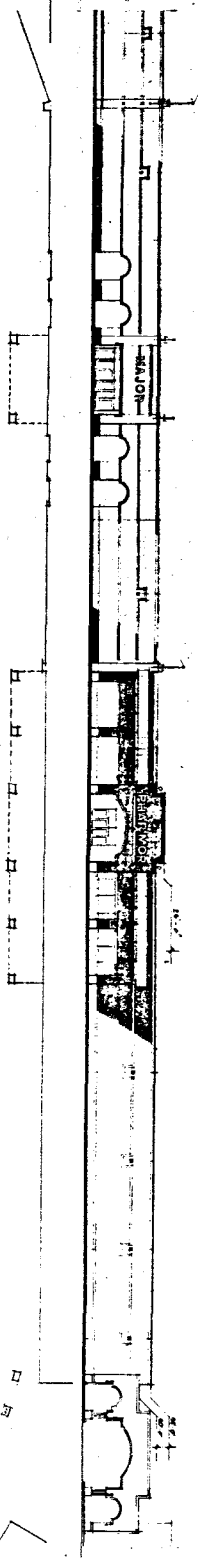
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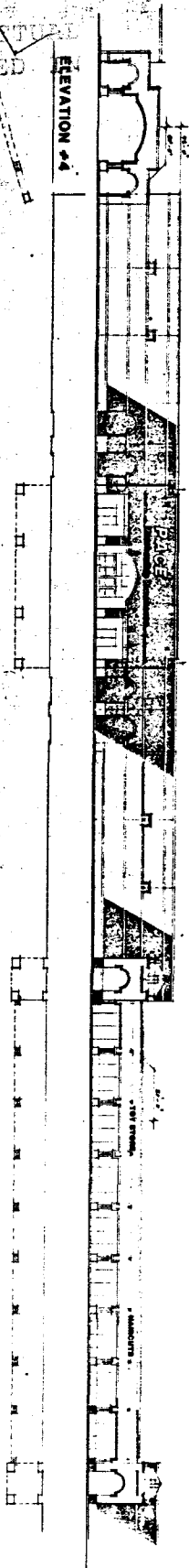
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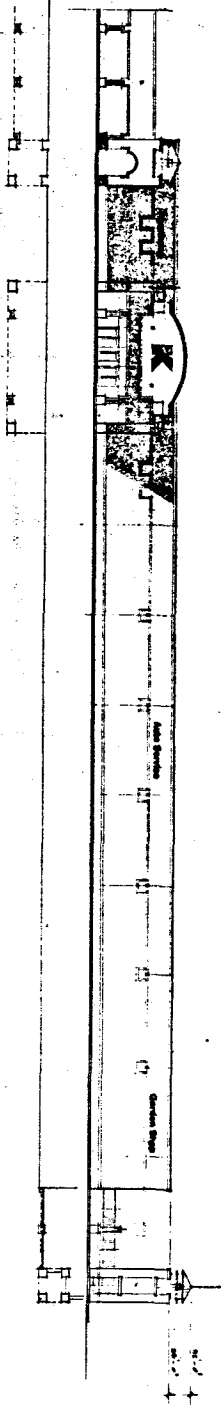
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ELEVATION #4



ELEVATION #5



APPROVED

CASE FILE NO. 1081-Z
RECEIVED. 11-18-91

091-068

PROJECT NUMBER
9100200
DATE
29 AUG 91

RETAIL DEVELOPMENT
ADDISON, TEXAS

Centennial American
Properties Ltd



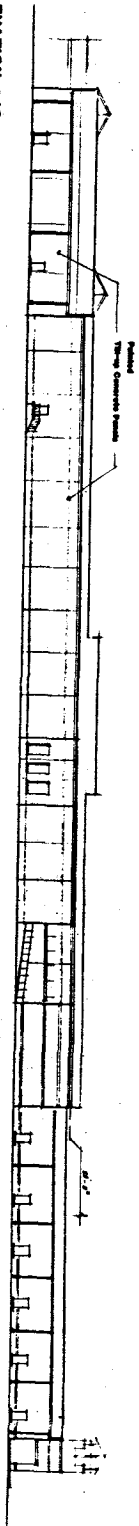
PIEPER-ORIENTH
ARCHITECT
SUITE 507
1700 AVENUE D
ADDISON, TX 75001
(409) 386-0225 FAX 312



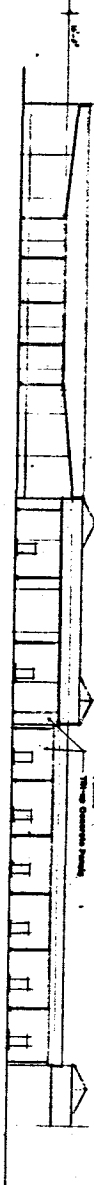
PIEPER-ORIENTH
ARCHITECT
SUITE 507
1700 AVENUE D
ADDISON, TX 75001
(409) 386-0225 FAX 312

THESE PLANS ARE REDUCTIONS OF THE ACTUAL
 "RECORD SET" OF PLANS WHICH ARE FILED IN
 ZONING CASE FILE 1081-7

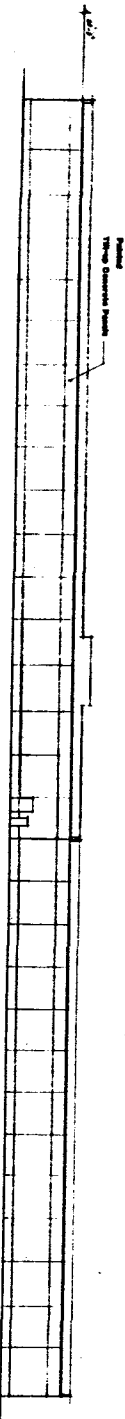
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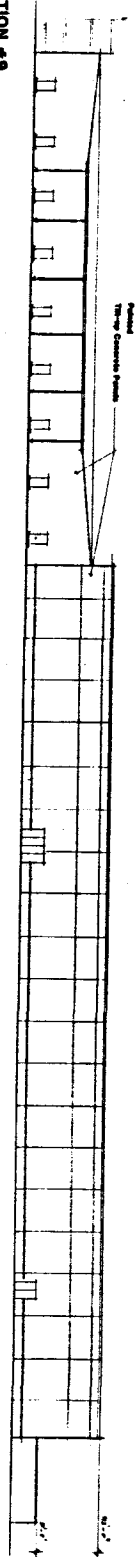
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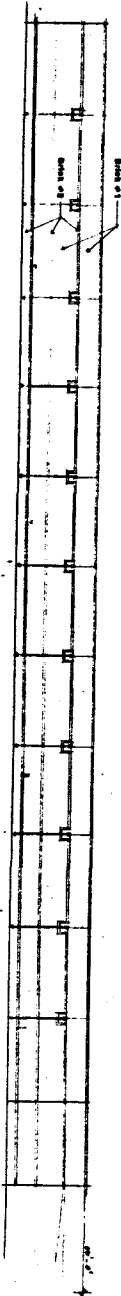
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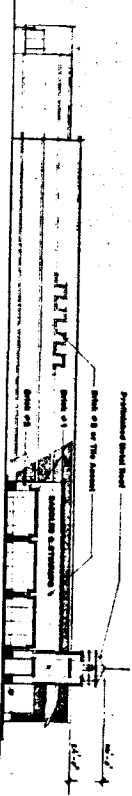
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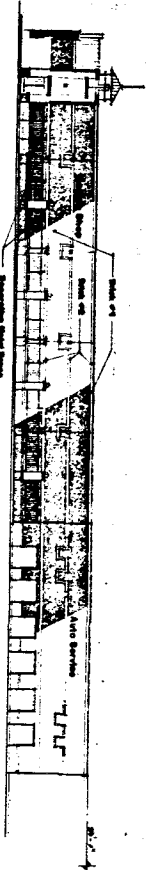
ELEVATION #8



ELEVATION #6



ELEVATION #7



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CASE FILE NO. 1081-7
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091-068

RETAIL DEVELOPMENT
 ADDISON, TEXAS

Centennial American
 Properties, Ltd.



PIEDER OBIENH
 ARCHITECT
 SUITE 300
 700 ANNA ST
 ATLANTA, GA 30303
 404/525-6622 FAX 512

PROJECT NUMBER
 9100200
 DATE
 29 AUG 91

DATE TITLED
 SCHMIDT, Eberhardt
 11/18/91