

ORDINANCE NO. 092-048

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, AS APPROVED THROUGH ORDINANCE 091-068, TO A REVISED PLANNED DEVELOPMENT, ON APPLICATION FROM CENTENNIAL AMERICAN PROPERTIES, LOCATED ON APPROXIMATELY 42 ACRES AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MARSH LANE AND BELT LINE ROAD, 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; PROVIDING FOR SPECIFIC REPEAL OF ORDINANCE 091-068, AND PROVIDING FOR A GENERAL 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:

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 or parcel of land situated in the City of Addison, Dallas County, Texas out of the Thomas L. Chenoweth Survey, Abstract No. 273, said tract being part of Les Lacs Plaza Subdivision, an addition to the City of Addison, as recorded in Volume 83064, Page 2724 of the deed records of Dallas County, Texas, all of the Printemps Addition No. 1, an addition to the City of Addison, as recorded in Volume 89013, Page 0827 of the map records of Dallas County, Texas and all of Printemps Addition No. 2, an addition to the City of Addison, as recorded in Volume 89013, Page 835 of the map records of Dallas County, Texas, said tract more particularly described as follows:

COMMENCING at the intersection of the southerly right-of-way line of Belt Line Road (100 feet wide), and the southeasterly cut off line between the easterly right-of-way line of Marsh Lane (100 feet wide) and the southerly right-of-way line of Belt Line Road;

THENCE S 88°53'15" E - 460.00 feet along the south line of Belt Line Road to the POINT OF BEGINNING, said point also being the northwest corner of said Printemps Addition No. 1;

THENCE S 88°53'15" W - 48.54 feet along the south line of Belt Line Road to a point;

THENCE S 89°00'26" E - 1099.16 feet along the south line of Belt Line Road to the beginning of a curve to the left having a central angle of 09°58'40", a radius of 1960.00 feet and whose chord bears N 86°00'14" E - 340.89 feet;

THENCE along the south line of Belt Line Road with said curve to the left, a distance of 341.32 feet to a point for corner at the northeast corner of said Printemps Addition No. 2;

THENCE S 25°08'43" E - 498.12 feet along the southwesterly line of a tract of land conveyed to First Interstate Bank of Texas by deed recorded in Volume 88192; Page 2509 of deed records of Dallas County, Texas;

THENCE N 79°49'35" E - 195.37 feet to a point for corner;

THENCE S 00°55'55" W - 83.19 feet to a point for corner at the beginning of a curve to the southwest having a central angle of 27°39'28", a radius of 558.50 feet and whose chord bears S 76°34'22" W - 266.99 feet;

THENCE with said curve to the southwest a distance of 269.60 feet at the beginning of a curve to the southwest having a central angle of 26°43'56", a radius of 760.00 feet and whose chord bears S 49°22'50" W - 351.38 feet;

THENCE with said curve to the southwest, a distance of 354.59 feet;

THENCE S 36°00'52" W - 190.93 feet to a point for corner;

THENCE N 53°59'08" W - 24.76 feet to a point for corner;

THENCE S 68°51'37" W - 402.06 feet to a point for corner;

THENCE West - 568.23 feet to a point for corner;

THENCE S 69°04'31" W - 45.18 feet to a point for corner;

THENCE West - 195.40 feet to a point for corner;

THENCE N 72°06'23" W - 425.14 feet to a point for corner;

THENCE South - 185.05 feet to a point for corner;

THENCE N 60°33'27" W - 62.80 feet to a point for corner;

THENCE N 72°06'23" W - 90.50 feet to a point for corner in the east line of Marsh Lane;

THENCE N 00°56'06" E - 369.87 feet along the east line of Marsh Lane to a point for corner, said point being the southwest corner of said A.P. Stephens tract;

THENCE S 89°03'54" E - 248.50 feet along a south line of said A.P. Stephens tract to a point for corner at the most southerly southeast corner of said A.P. Stephens tract;

THENCE N 00°56'06" E - 284.73 feet along an interior east line of said A.P. Stephens tract to a point for corner at an interior corner of said A.P. Stephens tract;

THENCE S 89°53'11" E - 230.72 feet along a south line of said A.P. Stephens tract to a point for corner;

THENCE N 01°06'45" E - 252.35 feet to the point of beginning and containing 42.8833 acres (1,867,995 S.F.) of land more or less.

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

Antique shop;  
Aquarium;  
Art gallery;  
Automotive goods, retail sales only;  
Automotive service, limited to the K-Mart store only.  
Bakery, retail sales only;  
Bank, office, wholesale sales office or sample room,  
barber and beauty shops;  
Bird and pet shops retail;  
Book or stationery store;  
Camera shop;  
Candy, cigars and tobaccos, retail sales only;  
Caterer and wedding service, offices only;  
Cleaning, dyeing and laundry pick-up station for  
receiving and delivery of articles to be cleaned;  
Cleaning and pressing shops having an area of not more  
than 6,000 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;  
Florist, retail sales only;  
Furniture store, retail only;  
Grocery store, retail sales only;  
Hardware, sporting goods, toys; paints, wallpaper,  
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 6,000  
square feet in area and no pick-up and delivery shall be  
operated;  
Library, rental;  
Meat market, retail sales only;  
Moving Picture Theatre  
Office building

Photographers or artists studio;  
Parking lot without public garage or automobile facilities for the parking of passenger cars and trucks of less than one (1) ton capacity only;  
Professional offices for architect, attorney, engineer and real estate;  
Piano and musical instruments, retail sales only;  
Restaurant with or without sale of alcohol for on-premise consumption (subject to Special Use Permit approval)  
Retail store/shop for custom work or the making of articles to be sold for retail on the premises;  
Seamstress, dressmaker or tailor;  
Shoe repair shop, retail sales only;  
Studios, dance, music, drama, health, 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 their laundry;  
Wearing apparel, including clothing, shoes, hats, millinery and accessories;  
Accessory buildings and uses customarily incident to the above uses;

SECTION 3. 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 4. 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 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. All median modifications shall be completed prior to the issuance of the first Certificate of Occupancy for Phase I of the development. If possible, Belt Line Road median modifications (done by the applicant) will be constructed at the same time as the median modifications (done by the city) called for in the thoroughfare and bottleneck study.

-At the time this property is platted, the applicant will dedicate to the city an area of property between the shopping center and any residential uses proposed on the south side of the property (against Beltway Drive). This property shall serve as a buffer between the shopping center and the residential property, and shall be used by the Town for park purposes.

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

-Applicant shall install a solid row of photinia 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 photinias 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. If the proposed grocery store is a 24-hour operation, 24-hour lighting shall be allowed in front of the grocery store only, and shall be reviewed and approved by Town staff prior to installation.

-All public parking lot surfaces shall be 100% concrete. Additional landscaping shall be added to the interior of the parking lots to break the length of the parking bays.

-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.

-The K-Mart store shall be allowed to do all automotive repairs normally found in K-Mart stores. The landscaping plan shall be revised to provide increased berming between Marsh Lane and the automotive service bays in order to screen the bays from Marsh Lane. No cars awaiting automotive service shall be stored over-night on the site.

-No goods, articles, or materials on this site shall be kept in the open or exposed to public view, with the exception of merchandise stored in the Garden Center at the K-Mart.

-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.

-This plan should be revised to reflect the median and turn lane modifications recommended by the Town's traffic engineer Barton-Aschman for Belt Line Road and Marsh Lane. Modifications to the Marsh Lane medians require the approval of Farmers Branch.

-The throat length of the western entrance should be lengthened to a minimum of 150 feet.

-The proposed buildings need to be located so the Town can access and maintain the existing water, wastewater and storm drainage facilities. This may require relocating the building or the utilities.

-Right-of-way is required to expand both the Marsh Lane/Belt Line and the Commercial/Belt Line intersections.

-Detention may be required. A final determination will be based on the detailed drainage calculations and the capacity of the existing system.

-Additional information is required from the developer prior to platting regarding utilities, streets and drainage.

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

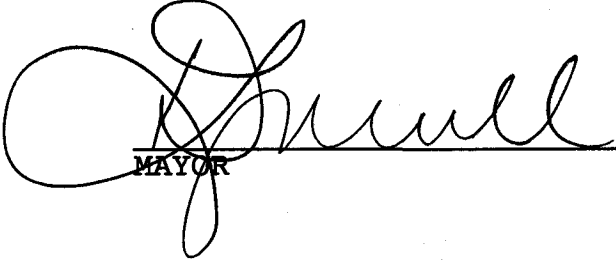
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.



SECTION 7. 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 8. That this ordinance shall specifically repeal Ordinance 091-068, previously passed by the Council on November 21, 1991, and 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 28th day of July, 1992.

  
MAYOR

ATTEST:

  
CITY SECRETARY

Case # 1081-Z-1

APPROVED AS TO FORM:

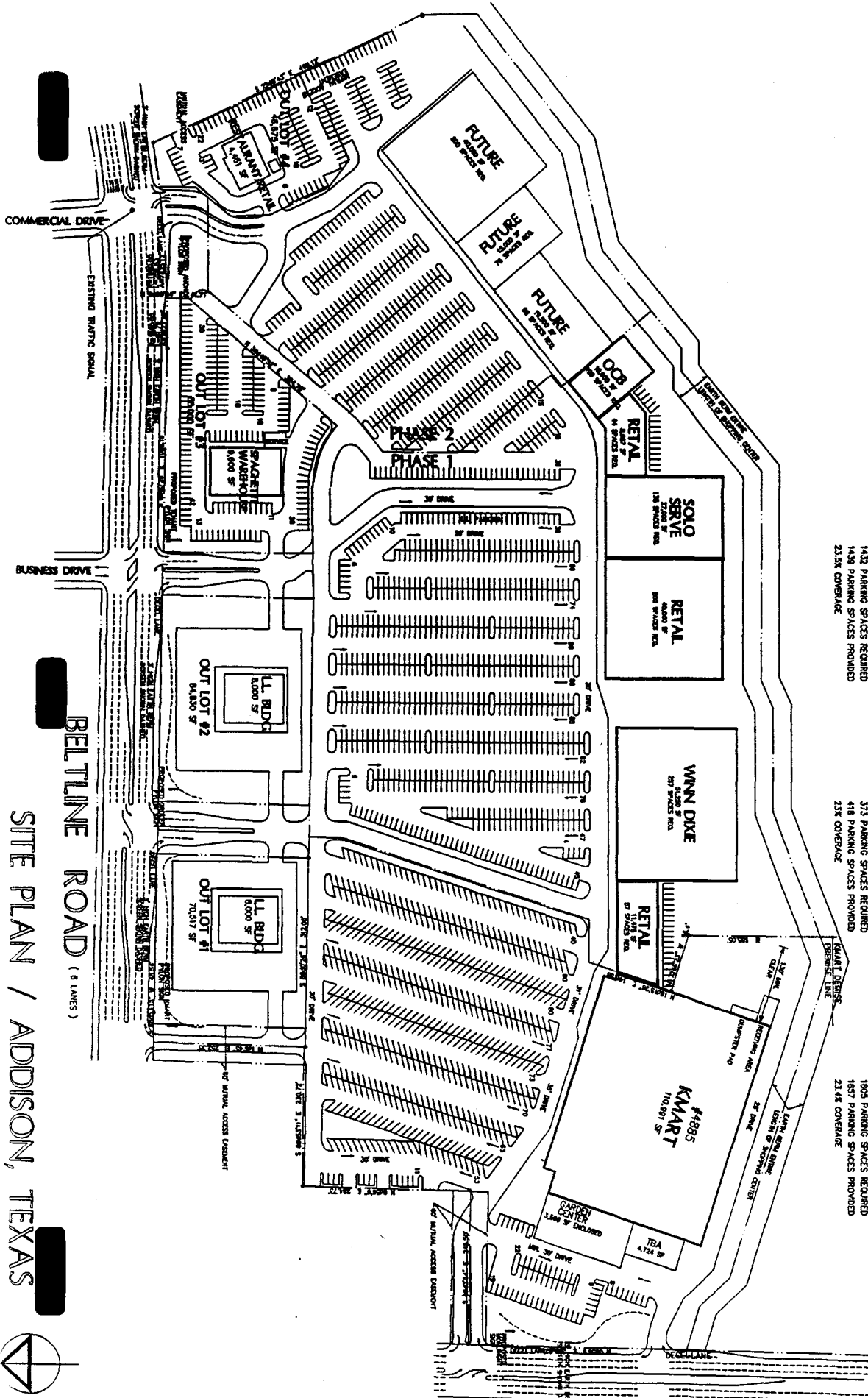
  
DIRECTOR OF DEVELOPMENT SERVICES

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 092-048

Published  
10/8/92





**PHASE 1 TABULATIONS**

34.25 ACRES TOTAL LAND AREA  
 6.88 ACRES AREA OF PLOTS (4)  
 28.19 ACRES RETAIL LAND AREA INCLUDING KMART  
 (1,140,843 SF)

267,723 SF RETAIL BUILDING AREA  
 1432 PARKING SPACES REQUIRED  
 1439 PARKING SPACES PROVIDED  
 21.5% COVERAGE

**PHASE 2 TABULATIONS**

7.45 ACRES TOTAL LAND AREA

74,500 SF RETAIL BUILDING AREA  
 373 PARKING SPACES REQUIRED  
 418 PARKING SPACES PROVIDED  
 23% COVERAGE

**TOTAL TABULATIONS**

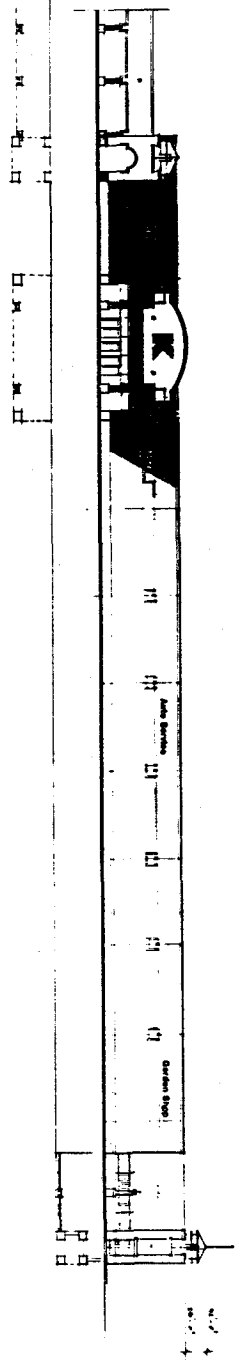
41.7 ACRES TOTAL LAND AREA  
 6.88 ACRES AREA OF PLOTS (4)  
 33.84 ACRES RETAIL LAND AREA INCLUDING KMART  
 (1,465,200 SF)

342,223 SF RETAIL BUILDING AREA  
 1805 PARKING SPACES REQUIRED  
 1857 PARKING SPACES PROVIDED  
 21.4% COVERAGE

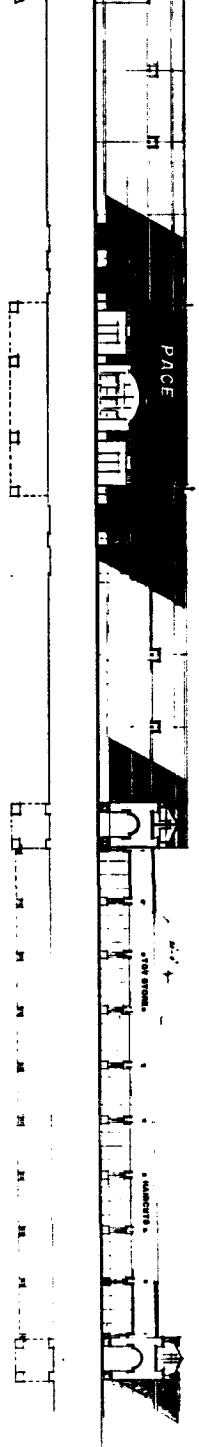
BELTIME ROAD (8 LANES)  
 BUSINESS DRIVE  
 COMMERCIAL DRIVE  
 MARSH LANE (NO TRUCK TRAFFIC ALLOWED)



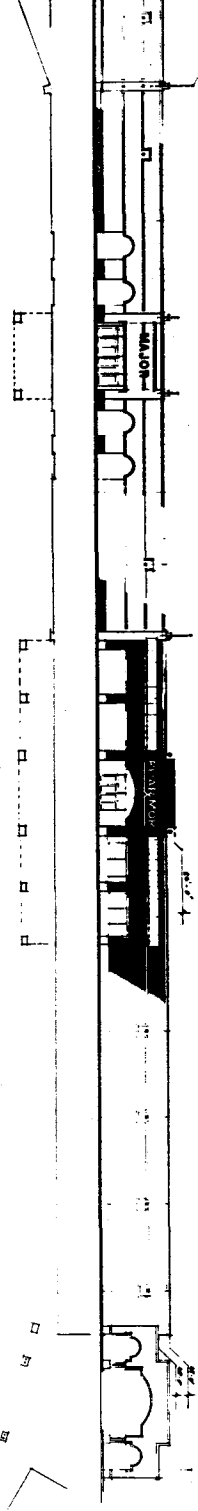
ELEVATION #5



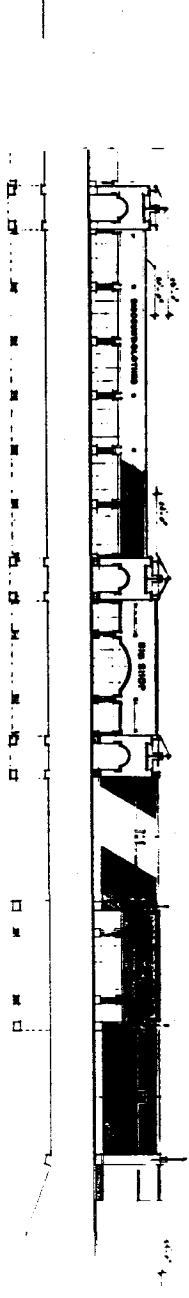
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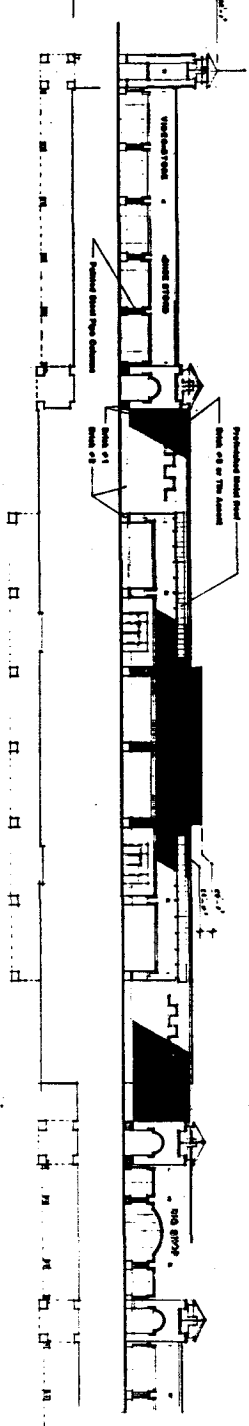
ELEVATION #3



ELEVATION #2



ELEVATION #1



092-048

PIEPER OHLIEN HERR  
ARCHITECTS

SUITE SEVENTEEN HUNDRED  
TWO KAVINIA DRIVE  
ATLANTA, GA 30346  
404/512-6622 FAX 512-6633

RETAIL DEVELOPMENT  
ADDISON, TEXAS

Centennial American  
Properties, Ltd.

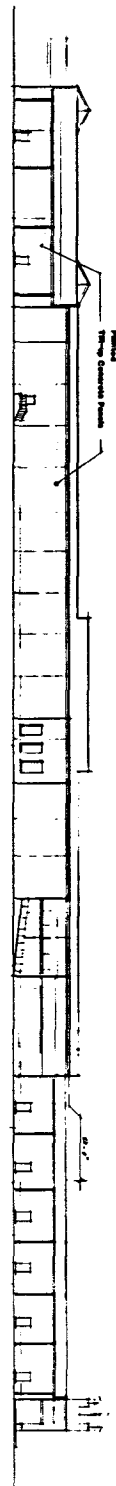


PROJECT NUMBER  
9100200  
DATE  
29 AUG 91  
APPENDIX

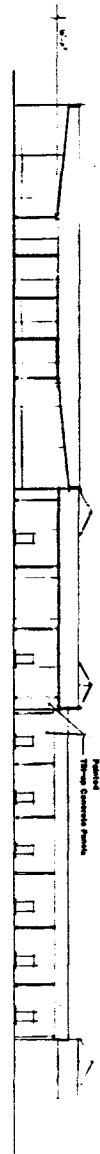
NOT VALID FOR CONSTRUCTION

8/27/91

TITLE  
Architect Elevators  
1977 14 0000 0



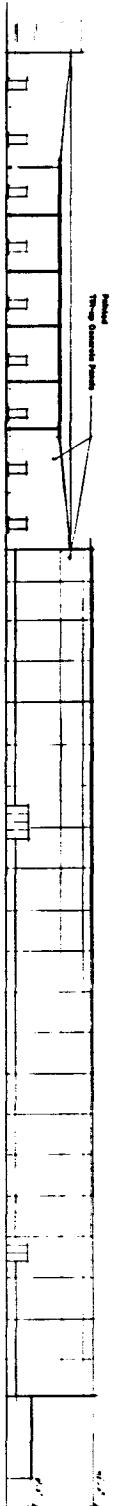
ELEVATION #12



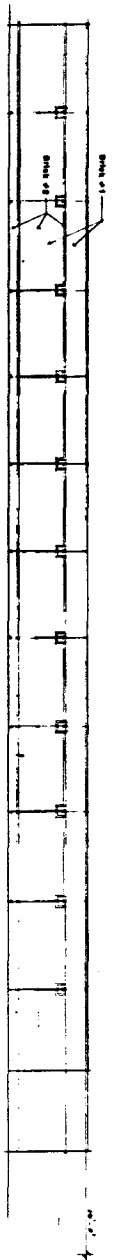
ELEVATION #11



ELEVATION #10



ELEVATION #9



ELEVATION #8



ELEVATION #6



ELEVATION #7

092-048

PIEPER O'Brien HERR  
ARCHITECTS  
SUITE SEVENTEEN HUNDRED  
170 KANTONIA DRIVE  
ATLANTA, GA 30346  
404/511-8622 FAX 511-0653

THE ARCHITECTS OF RECORD FOR THIS PROJECT ARE:  
PIEPER O'Brien HERR ARCHITECTS  
170 KANTONIA DRIVE  
ATLANTA, GA 30346  
404/511-8622 FAX 511-0653

RETAIL DEVELOPMENT  
ADDISON, TEXAS

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Centennial American  
Properties, Ltd.



PROJECT NUMBER  
9100200

DATE  
29 AUG 91

TYPE  
ARCHITECT

FOR INFORMATION ONLY  
DO NOT SCALE

DATE  
29 AUG 91  
CENTENNIAL AMERICAN PROPERTIES, LTD.

