

ORDINANCE NO. 094-011

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, SO AS TO CHANGE THE ZONING FROM "C-1" COMMERCIAL TO "PD" PLANNED DEVELOPMENT, AND AMENDING ORDINANCE 084-060, SECTION ONE (1), TO PROVIDE FOR A REVISED LEGAL DESCRIPTION, SECTION TWO (2), TO PROVIDE FOR THE DELETION OF PREVIOUSLY APPROVED DEVELOPMENT PLANS FOR PHASE II, AND TO PROVIDE FOR ALLOWED USES AND DEVELOPMENT RESTRICTIONS, AND SECTION THREE (3) TO PROVIDE FOR REVISED SPECIAL CONDITIONS, LOCATED ON 34.268 ACRES BORDERED BY DALLAS PARKWAY ON THE EAST, QUORUM DRIVE ON THE WEST, KELLER SPRINGS ROAD ON THE SOUTH, AND WESTGROVE DRIVE ON THE NORTH, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; ON APPLICATION FROM MARY KAY CORPORATION/RICHMONT CORPORATION; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY 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

OFFICE OF THE CITY SECRETARY

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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, is hereby amended by amending Ordinance  
084-060, Section 1, to read as follows:

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

TRACT I

BEING 33.448 acres of land located in the WILLIAM LOMAX  
SURVEY, Abstract No. 792, City of Addison, Dallas  
County, Texas, including SUNBELT CENTER, an addition to  
the City of Addison, recorded in Volume 86234, Page  
4712 of the Deed Records of Dallas County, Texas, and  
being all of the property conveyed to Home Interiors  
and Gifts, Inc., by the deeds recorded in Volume 93172,  
Page 1860 and Volume 93172, Page 1918 of the Deed  
records of Dallas County, Texas. Said 33.448 acres of  
land being more particularly described by metes and  
bounds, as follows:

BEGINNING at a 1/2" iron rod found at the intersection  
of the North right-of-way line of Keller Springs Road  
with the West right-of-way line of Dallas Parkway;

THENCE N 89°26'28" W 306.45 feet along the North  
right-of-way line of said Keller Springs Road to an "X"  
cut in concrete for a corner at the Southeast corner of  
UNITED FIDELITY OFFICE PARK ADDITION to the City of  
Addison, recorded in Volume 80140, Page 1720 of the Map  
Records of Dallas County, Texas;

THENCE N 00°12'00" E 638.75 feet along the East line of the aforesaid UNITED FIDELITY OFFICE PARK and the East line of LIBERTY PLAZA TWO, an addition to the City of Addison, recorded in Volume 84178, Page 2807 of the Map Records of Dallas County, Texas, to an "X" cut in concrete at the Northeast corner of the aforesaid LIBERTY PLAZA TWO ADDITION, and lying in the South line of the tract of land platted as SUNBELT CENTER, recorded in Volume 86234, Page 4712 of the Map Records of Dallas County, Texas;

THENCE N 89°55'43" W at 27.90 feet passing a 1/2" iron rod at the Southwest corner of said SUNBELT CENTER Plat, in all 567.09 feet along the North line of the aforesaid LIBERTY PLAZA TWO ADDITION to a 1/2" iron rod set for a corner in the East right-of-way line of Quorum Drive (an 80 foot right-of-way);

THENCE along the East right-of-way line of said Quorum Drive, as follows:

1. N 00°10'10" W 675.93 feet to a 1/2" iron rod set for a corner at the beginning of a curve to the Left;
2. NORTHWESTERLY 170.05 feet along said curve to the Left, having a radius of 594.46 feet, a central angle of 16°23'22" and a chord bearing N 08°21'51" W 169.47 feet to a 1/2" iron rod set at the end of said curve and the beginning of a curve to the Right;
3. NORTHWESTERLY 147.16 feet along said curve to the Right, having a radius of 514.46 feet, a central angle of 16°23'22" and a chord bearing N 08°21'51" W 146.66 feet to a 1/2" iron rod set at the end of said curve;
4. N 00°10'10" W 366.44 feet to an "X" cut in concrete at the intersection of the East right-of-way line of Quorum Drive with the South right-of-way line of Westgrove Drive;

THENCE along the South right-of-way line of said Westgrove Drive, as follows:

1. NORTHEASTERLY 207.46 feet along a curve to the Left, having a radius of 330.00 feet, a central angle of 36°01'15" and a chord bearing N 60°19'21" E 204.06 feet to an "X" cut in concrete at the end of said curve;
2. N 42°18'43" E 22.00 feet to an "X" cut in concrete for a corner;
3. N 53°37'21" E 101.98 feet to a 1/2" iron rod set for a corner;
4. N 42°18'43" E 188.00 feet to a 1/2" iron rod set for a corner in the West right-of-way line of the aforesaid Dallas Parkway;

THENCE along the West right-of-way line of said Dallas Parkway, as follows:

1. S 87°38'50" E 16.91 feet to a 1/2" iron rod set for a corner;
2. S 47°24'53" E 89.03 feet to a 1/2" iron rod set for a corner at the beginning of a curve to the Right;
3. SOUTHEASTERLY 739.51 feet along said curve to the Right, having a radius of 1400.00 feet, a central angle of 30°15'53" and a chord bearing S 32°49'18" E 730.94 feet to a 1/2" iron rod set at the end of said curve and the beginning of another curve to the Right;
4. SOUTHEASTERLY 301.02 feet along said curve to the Right, having a radius of 1078.20 feet, a central angle of 15°59'47" and a chord bearing S 06°59'11" E 300.04 feet to a 5/8" iron rod found at the end of said curve;
5. S 01°14'45" W 591.62 feet to an "X" cut in concrete at the beginning of a curve to the Left;
6. SOUTHEASTERLY 176.25 feet along said curve to the Left, having a radius of 726.60 feet, a central angle of 13°54'21" and a chord bearing S 05°42'10" E 175.82 feet to a 1/2" iron rod set at the end of said curve and the beginning of a curve to the Right;
7. SOUTHEASTERLY 54.42 feet along said curve to the Right, having a radius of 706.20 feet, a central angle of 04°24'54" and a chord bearing S 10°26'53" E 54.40 feet to a 1/2" iron rod set at the end of said curve;

8. S 01°05'56" W 521.54 feet to THE PLACE OF BEGINNING, containing 33.448 acres (1,456,996 square feet of land.

TRACT II

BEING 0.820 acres of land located in the WILLIAM LOMAX SURVEY, Abstract No. 792, City of Addison, Dallas County, Texas, and being a portion of the tract of land conveyed to Home Interiors and Gifts, Inc., according to the deed recorded in Volume 93172, Page 1918 of the Deed Records of Dallas County, Texas. Said 0.820 acres of land being more particularly described by metes and bounds, as follows:

BEGINNING at a 1/2" iron rod found in the North right-of-way line of Keller Springs Road, and lying N 89°22'04" W 929.17 feet from the West right-of-way line of Dallas Parkway;

THENCE N 89°31'52" W 203.51 feet along the North right-of-way line of said Keller Springs Road to a 3/8" iron rod found;

THENCE N 00°27'48" W 98.32 feet to a 1/2" iron rod set in the Southeast right-of-way line of Quorum Drive;

THENCE along the Southeast right-of-way line of said Quorum Drive, as follows:

1. NORTHEASTERLY 33.84 feet along a curve to the Right, having a radius of 110.00 feet, a central angle of 17°37'43" and a chord bearing N 51°40'47" E 33.71 feet to a 1/2" iron rod set at the end of said curve and the beginning of a curve to the Left;
2. NORTHEASTERLY 175.38 feet along said curve to the Left, having a radius of 465.00 feet, a central angle of 21°36'34" and a chord bearing N 49°41'21" E 174.34 feet to a 1" iron pipe found for a corner;

THENCE S 89°20'40" E 44.11 feet to a 1" iron pipe found for a corner in the West line of a Perpetual Easement of Ingress and Egress, recorded in Volume 5340, Page 571 of the Deed Records of Dallas County, Texas, called Hanger Road;

THENCE S 00°11'43" E 233.17 feet along the West line of said Ingress and Egress Easement to THE PLACE OF BEGINNING, containing 0.820 acres (35,736 square feet) of land.

SECTION 2. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Ordinance 084-060, Section 2, to read as follows:

SECTION 2. In the hereinabove described land, all developments or improvements to the land, other than the existing Corporate I building except as expressly set forth below, shall be used, erected and constructed in accordance the following allowed uses and development restrictions:

USE REGULATIONS

In this Planned Development district no land shall be used and no building shall be erected for or converted to any use other than:

Antique shop  
Aquarium  
Art gallery  
Auto seat covers, covering  
Baker, retail or wholesale  
Bank, office, wholesale sales office or sample room  
Barber and beauty shop  
Bird and pet shops  
Book or stationery store  
Camera shop  
Candy, cigars and tobaccos  
Caterer and wedding service  
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 6,000 square feet  
Day nurseries and day care facilities, subject to development plan approval by the Planning and Zoning Commission and City Council  
Department store, novelty or variety shop, retail sales only and under 50,000 square feet in total floor area  
Drug store  
Electrical lighting fixtures and supplies for consumer use  
Electrical repair, domestic equipment and autos  
Exterminating company  
Film developing and printing

Fix-it shops, bicycle repairs, saw filing, lawn mower  
sharpening,  
Florist  
Furniture repairs and upholstering, where all storage and  
display is within the building  
Frozen food lockers  
Gallery, for the display and sale of artworks  
Gasoline sales, subject to development plan approval by the  
Planning and Zoning Commission and City Council  
General Services shops for maids, tax preparers, book-  
keeping  
Grocery store or convenience store  
Hardware, sporting goods, toys, paints, wallpaper, clothing,  
Hotel and Motel  
Health Club, public or private  
Household and office furniture, furnishings and appliances,  
Jewelry, optical goods, photographic supplies  
Job printing  
Ice delivery station  
Laundromat, 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  
Letter and mimeograph shop  
Library, rental  
Manufacturing facility, subject to development plan approval  
by the Planning and Zoning Commission and City Council  
Meat market  
Medical and Dental offices  
Mortuary

Office building  
Office/service/showroom, the office/showroom component is  
limited to a facility for the regular transaction of  
business and for the display of uncontainerized  
merchandise in a finished building setting, and the  
service component of this use is limited to not more  
than seventy-five percent (75%) of the floor area of  
the use.

Parking lot without public garage or automobile facilities  
for the parking of passenger cars and trucks or less  
than one (1) ton capacity only  
Photographers or artists studio  
Private Clubs, subject to development plan approval by the  
Planning and Zoning Commission and City Council  
Professional offices for architect, attorney, engineer and  
real estate  
Public garage, parking no repairs  
Piano and musical instruments

Plumbing shop, without warehouse facilities (to include storage for ordinary repairs, but not storage for materials for contracting work)  
Restaurant without drive-in service, subject to development plan approval by the Planning and Zoning Commission and City Council  
Retail store or shop for custom work or the making of articles to be sold for retail on the premises  
Sale of alcohol for on-premises consumption only, subject to development plan approval by the Planning and Zoning Commission and City Council  
Satellite Earth Station, subject to development plan approval by the Planning and Zoning Commission and City Council  
Seamstress, dressmaker or tailor  
Shoe repair shop  
Studios, dance, music, drama, health, and reducing  
Studio for the display and sale of glass, china, sculpture, art objects, cloth and draperies  
Taxi stand  
Video equipment and cassettes, sales and rental  
Warehouse and distribution facility, subject to development plan approval by the Planning and Zoning Commission and City Council  
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

Only the uses listed above which specifically require development plan approval shall go through a review process, all other listed uses, which are developed in accordance with the following standards, will require only a building permit prior to construction.

Uses for the existing Corporate One building may include uses allowed under the previously-approved development plans for Phase One of Corporate One, in which case no further development plan approval will be required. Additionally, uses for the existing Corporate One building may include the allowed uses listed above.

#### HEIGHT REGULATIONS

No building or structure shall exceed six (6) standard stories in height unless additional height is set back from the street lines one (1') foot for each two (2') feet of height above each six story limit. Height of structures is further limited by the Federal Aviation Administration F.A.A.



## AREA REGULATIONS

### 1. Front Yard

- (A) The minimum required front yard is twenty-five (25) feet, such distance shall be measured from the property line.
- (B) If a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets, such distance shall be measured from the property line.

### 2. Side Yard

- (A) Except as provided below, there is no minimum required side yard.
- (B) On a corner lot, a minimum required side yard of twenty-five (25) feet must be provided on the side street, such distance shall be measured from the property line.
- (C) If a lot in this district abuts an apartment district, a minimum required side yard of ten (10) feet must be provided. If a corner lot in this district abuts an apartment district, a minimum required side yard of twenty-five (25) feet must be provided on the side street.

### 3. Rear Yard

- (A) Except as provided below, there is no minimum required rear yard.
- (B) If a rear lot line in this district abuts an apartment district, a minimum required rear yard of ten (10) feet must be provided.

## PARKING REGULATIONS

Off-street parking shall be provided for all uses within the existing Corporate I building under the ratio of 1 space per 300 square feet of net usable.

Off-street parking for all other buildings and uses shall be provided according to the following ratios:

- (A) General retail: (1/200 s.f.) One space per each two hundred square feet of floor area.
- (B) Furniture Store: (1/1000 s.f.) One space per each one thousand square feet of floor area.
- (C) Medical or Dental Clinics: (1/200 s.f.) One space per each two hundred square feet of floor area.
- (D) Banks or Savings and Loans: (1/300 s.f.) One space per each three hundred square feet of floor area
- (E) Office: (1/300 s.f.) One space per each three hundred square feet of gross floor area. An office building or group of buildings which shall total fifty thousand (50,000) square feet or more: (1/300 s.f.) One space per 300 square feet of net usable area.
- (F) Service: (1/1,000 s.f.) one space per each one thousand square feet of floor area.
- (G) Health Club or Studio for dance, music, drama, health, and reducing: (1/100 s.f.)

#### TYPE OF CONSTRUCTION

At least eighty (80) per cent of the exterior walls of all structures shall be of masonry construction, exclusive of door and window openings. All facades visible from a divided thoroughfare must be of brick or stone construction. Glass tile, glass block and plate glass may count as masonry.

#### LOADING AND UNLOADING FACILITIES

1. All loading facilities shall be screened in accordance with the provisions of Article XVIII- Landscaping Regulations, Section 7b.
2. For lots that abut a 4-lane divided thoroughfare, no loading facilities shall face the thoroughfare, or be located on the side of the building which is adjacent to the thoroughfare.

#### OUTSIDE SALES AND/OR COMMERCIAL PROMOTIONS

1. Any outside sales and/or commercial promotions shall be required to obtain a permit.

2. The above outside sales and/or commercial promotion may be permitted for a period of 14 days each calendar year with a maximum of two permits per business per year, providing such goods, products or merchandise is displayed on a sidewalk within ten (10) feet of the business building.
3. The above outside sales and/or commercial promotion shall be construed to apply to merchandise dispensing units placed adjacent to and outside of a business building.
4. The above outside sales and/or commercial promotion shall not be construed to prohibit the display of merchandise normally placed on gasoline pumps and/or gasoline pump islands.
- 5a. Outside sales and/or commercial promotions related to existing businesses shall be allowed during Special Events, provided that the sponsors of such sales or promotions obtain a permit from the Planning and Zoning Office at least ten (10) days prior to the event. Such outside sales and commercial promotions may involve the use of tents and the provision of food, alcohol and entertainment if the sponsors comply with the terms of this ordinance set forth in this section.
- 5b. In order to qualify for a permit, the applicant must:
  1. provide the Planning and Zoning Office with a flammability certificate for each tent to be used;
  2. provide a map, plan, or drawing to indicate adequate off-street parking for patrons, employees and delivery trucks; such map, plan or drawing should also indicate that no fire lanes, streets or other public rights-of-way will be blocked as a result of the sale or promotion;
  3. if the event chooses to serve food, provide food service facilities in accordance with the Addison Food and Food Establishments ordinance;
  4. provide for adequate trash and waste removal and clean-up of the area;
  5. comply with all requirements of the Addison Noise ordinances;
  6. submit a check in the amount of \$50.00 to the Planning and Zoning Office; and

7. comply with all other reasonable conditions imposed by the Planning and Zoning Office.
- 5c. The duration of the outside sales and commercial promotions allowable under this section shall be limited to the actual days and times of the Event, with a time period of 48 hours allowed before the Event and 24 hours after the Event for setting up, removing and cleaning the area, tents and other items used during the sale or promotions.

#### OUTSIDE STORAGE

Except for the equipment or materials stored on a construction site and used for a temporary construction project, the long term outside storage of equipment, buildings or other materials, goods and products is prohibited.

#### MECHANICAL EQUIPMENT

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

#### REFUSE CONTAINERS

All refuse and refuse containers must be screened from all public rights-of-way. Refuse containers must be placed on a designed, reinforced concrete pad and approach. Screening walls must be of an aesthetic material.

#### LANDSCAPING

All landscaping in this district shall be governed by the standards set forth in Article XII-A, Landscaping Regulations, of Ordinance #66, the Comprehensive Zoning Ordinance.

SECTION 3. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Ordinance 084-060, Section 3, to read as follows:

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

-All property owners within 200 feet of any lot which is the subject of a development plan in this district will be notified, and a public hearing will be held, prior to the approval by the City of any development plans for those uses which pursuant to this ordinance, specifically require city approval of development plans. Property owners entitled to notice under this provision may submit comments addressing their concerns prior to, or during the public hearing. While the property owners' concerns will not be binding upon the City Council, each concern will be fully considered during the public hearing process.

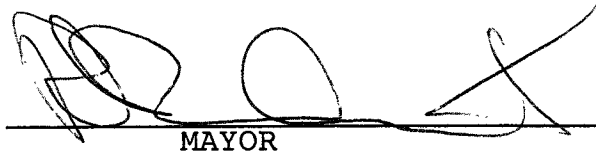
-In the event there are no tenant finish permits for the Mary Kay Corporation relating to the existing Corporate One building, or other building permits, or certificates of occupancy issued for any development on the land covered by this ordinance within one year of the effective date of the ordinance, the City Council may initiate public hearings to consider rezoning the property to a Commercial-1 district or amending the Planned Development district. This special condition will be automatically deemed to have been complied with upon the application by Mary Kay Corporation for a tenant finish permit relating to the existing Corporate One building.

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. 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 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 8th day of February, 1994.



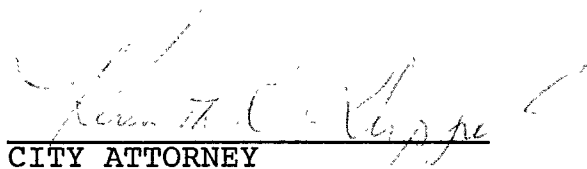
MAYOR

ATTEST:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY

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3/10/94

