

ORDINANCE NO. 094-052

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 AND COMMERCIAL-2, TO PLANNED DEVELOPMENT, ON APPLICATION FROM SUMMERFIELD SUITES HOTELS, LOCATED ON 4.03 ACRES AT THE SOUTHWEST CORNER OF THE INTERSECTION OF ARAPAHO ROAD AND QUORUM DRIVE, 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:

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

OFFICE OF THE CITY SECRETARY

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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:

BEGINNING at a chiseled "X" found for the south corner of a visibility clip at the intersection of the south right-of-way line of Arapaho Road (a 60-foot wide right-of-way) with the west right-of-way line of Quorum Drive (an 80-foot wide right-of-way);

THENCE South 00°15'05" East, along the west right-of-way line of said Quorum Drive, a distance of 300.00 feet to a chiseled "X" set in concrete for a corner;

THENCE North 89°57'28" West, departing said west right-of-way line of Quorum Drive, a distance of 303.03 feet to a 1/2-inch iron rod set at the beginning of a curve to the left having a central angle of 14°08'06", a radius distance of 300.00 feet, a chord bearing of South 82°58'29" West and a chord distance of 73.82 feet;

THENCE in a westerly direction, along said curve to the left, an arc distance of 74.01 feet to a 1/2-inch iron rod set at the beginning of a curve to the right having a central angle of 14°22'34", a radius distance of 300.00 feet, a chord bearing of South 83°05'43" West and a chord distance of 75.08 feet;

THENCE North 89°43'00" West, a distance of 121.70 feet to a 1/2-inch iron rod set for a corner.

THENCE North 00°25'00" East, a distance of 302.89 feet to a 1/2-inch iron rod set on the south right-of-way line of Arapaho Road;

THENCE in an easterly direction, along the south right-of-way line of said Arapaho Road, the following:

South 89°35'00", East, a distance of 95.00 feet to a 5/8-inch iron rod found at the beginning of a curve to the left having a central angle of 13°33'20", a radius distance of 359.39 feet, a chord bearing of North 83°38'20" East and a chord distance of 84.83 feet;

Along said curve to the left, an arc distance of 85.03 feet to a 5/8-inch iron rod found at the end of said curve;

South 89°35'00" East, a distance of 28.05 feet to a 5/8-inch iron rod found for corner;

North 01°14'38" West, a distance of 8.70 feet to a 1/2-inch iron rod set at the beginning of a non-tangent curve to the right having a central angle of 14°41'10", a radius distance of 299.31 feet, a chord bearing of North 83°38'20" East and a chord distance of 76.51 feet,

Along said curve to the right, an arc distance of 76.72 feet to a chiseled "X" set for the end of said curve;

South 89°35'00" East, a distance of 275.86 feet to a chiseled "X" found for the north corner of the aforementioned visibility clip at the intersection of the south right-of-way line of Arapaho Road with the west right-of-way line of Quorum Drive,

THENCE South 44°53'47" East, along said visibility clip, a distance of 1422 feet to the POINT OF BEGINNING, and CONTAINING 4.037 acres or 175,837 square feet of land, more or less.

SECTION 2. That all property within said Planned Development District shall be developed in accordance with the following allowed uses and development standards:

USE REGULATIONS

In this District, no land shall be used and no building shall be used, erected, or converted to any use other than:

- Antique Shop
- Aquarium
- Art Gallery
- Auto seat covers, covering
- Baker, retail sales only
- Bank, office, wholesale sales office or sample room
- Barber and beauty shop
- Bird and pet shops, retail
- Book or stationery store
- Bowling alley - if air-conditioned and soundproofed
- 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, dyed and laundered, but no actual work to be done on premises

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
Department store, novelty or variety shop, retail sales
Drug store, retail sales
Electrical goods, retail sales
Electrical repairing - domestic equipment and autos, retail sales
Exterminating company, retail
Film developing and printing
Fix-it shops, bicycle repairs, saw filing, lawn mower sharpening, retail only, but without outside storage
Florist, retail sales only
Furniture repairs and upholstering, retail sales only, and where all storage and display is within the building
Frozen food lockers, retail
Grocery store, retail sales only
Hardware, sporting goods, toys, paints, wallpaper, clothing, retail sales only
Household and office furniture, furnishings and appliances, retail
Hotel/Motel
Ice delivery station
Job printing
Jewelry, optical goods, photographic supplies, retail sales only
Letter and mimeograph shop
Library, rental
Meat market, retail sales only
Mortuary
Office building
Parking lot without public garage or automobile facilities for the parking of passenger cars and trucks of less than one (1) ton capacity only
Photographers or artists studio
Professional offices for architect, attorney, engineer and real estate
Public garage, parking, no repairs
Piano and musical instruments, retail sales only
Plumbing shop, retail sales only, without warehouse facilities (to include storage for ordinary repairs, but not storage for materials for contracting work)
Retail store or shop for custom work or the making of articles to be sold for retail on the premises
Restaurant (requires a Special Use Permit)
Sale of alcohol for on-premises consumption (requires a Special Use Permit)
Seamstress, dressmaker, or tailor
Seed store
Shoe repair shop, retail sales only

Studios, dance, music, drama, health, and 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

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. There shall be a front yard having a minimum depth of not less than twenty-five (25) feet except as provided in the Article on Variances and Exceptions of the Comprehensive Zoning Ordinance.
- B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yard

- A. The building side yard setback should be twenty-five feet (25') from the property line when adjacent to a street.
- B. On the side of the lot in this District adjoining a single family or an apartment district, there shall be a side yard of ten (10) feet.

3. Rear Yard

There shall be no rear yard depth required unless this District adjoins a single family or an apartment district. In this case, a ten (10) foot rear yard will be required.

MISCELLANEOUS REGULATIONS

1. Wherever this district adjoins a more restricted district (R-1, R-2, R-3 or A) and is not separated by a street, a six (6) foot solid sight barring fence or better shall be constructed and maintained along or within one (1) foot of the boundary or property line of said District to serve as permanent screening. All outside lighting features shall be placed and reflected in such a manner so as not to create annoyances, nuisances, or hazards. All outside signs shall be of the parapet wall, marquee, or flat wall type, except that the standard pole signs for drive-in facilities shall be permitted, provided they do not exceed thirty-six (36) square feet in area. Failure to comply with these requirements shall constitute a violation of the zoning ordinance and shall be subject to the penalties that are hereafter provided.
2. Refuse Containers: All refuse and refuse containers shall be screened from all public right-of-way. (Such containers shall be set on a designed reinforced concrete pad and approach.) Screening walls must be of aesthetic material.
3. All ice boxes, ice machines, and vending machines are to be placed inside the principal building or located behind a screening wall where such walls are permitted.

PARKING REGULATIONS

Off-street parking space shall be provided for the appropriate building use classification according to the following ratio:

- 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 floor area. An office complex of 50,000 square feet or more: (1/300 s.f.) square feet of gross leasable area.

- F. Motion Picture Theater: (1/4 seats) One space per each four seats based on maximum occupancy load.
- G. 1. Parking Regulations/Free Standing Restaurants.
- a. Restaurants: (1/70 sq.ft.) One space for seventy (70) square feet of floor area for all free standing buildings unless it is part of a shopping center or mixed use development.
2. Parking regulations/Restaurants in Mixed Use Developments.
- a. Restaurants in Mixed Use Developments: (1/100 sq. ft.). One space for one hundred (100) square feet of floor area.
- b. If all buildings which are part of the development total less than 30,000 square feet in area and the development has more than 40% of its floor area devoted to restaurant uses, the parking for the restaurant uses shall be provided at the ratio of one (1) space for every seventy (70) square feet of gross restaurant floor area.
- c. Free standing restaurants which occur within the mixed-use developments shall be required to provide parking at the ration of one (1) parking space for every one hundred (100) square feet of gross floor area if the property is deed restricted or if covenants exist which allow the restaurant the use of the entire on-site parking provided by the development. Such on-site parking must adjoin and/or be contiguous to the restaurant use. When there are no deed restrictions or covenants allowing restaurants the use of on-site parking, free-standing restaurants in mixed-use developments shall be required to provide parking at the ratio of one (1) parking space for every seventy (70) square feet of gross floor area.
- d. In the case of a restaurant development occurring in an unfinished center, the center must provide enough parking so as to give the restaurant use a parking requirement of one (1) space for every seventy (70) square feet.
- H. Bowling Alleys: (5/1 alley) Five spaces per each alley.

- I. Retail and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods, within the building or on the lot adjacent to a private alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area ten (10) feet by twenty-five (25) feet for each twenty thousand (20,000) square feet of floor space or fraction thereof in excess of three thousand (3,000) square feet in the building or on the lot used for retail, storage or service purposes.

TYPE OF CONSTRUCTION

At least eighty (80%) per cent of the exterior walls of all structures shall be of masonry construction. For the purposes of this district, the term masonry shall include stucco and E.I.F.S. materials, brick, stone, and plate or block glass.

EMERGENCY ACCESS EASEMENT

Where a building is located more than one hundred (100) feet from dedicated public street, there shall be provided an emergency access easement situated not further than thirty (30) feet from such building. Each emergency access easement shall allow for the rapid and safe movement of vehicles used for purposes of providing emergency health or public safety services. Each such easement shall have a clear unobstructed width of twenty-four (24) feet, shall connect at each end to a dedicated public street, or shall have a turn-around of eighty (80) feet in diameter; corner of emergency access easements and their intersections with public streets shall have a sufficient turning area to permit the free movement of emergency vehicles. Emergency access easements shall be marked by permanent signs, as required for designation of visitor parking spaces, and such signs shall have dimensions of not less than two (2) square feet nor greater than four (4) square feet in face area. Emergency access easements shall be clearly posted to prohibit parking or standing of vehicles except for emergency purposes.

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

1. 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 within this district.

MECHANICAL EQUIPMENT

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 residence and shall not be visible from any public street.

SITE LANDSCAPING

All landscaping within this district shall conform to the standards for the "LR" district contained in Article XII-A, Landscaping Regulations, of the Comprehensive Zoning Ordinance.

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 showing the site plan, floor plans, landscaping plans, and elevations, 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:

-A Type II Environmental assessment shall be conducted on the site, and the findings of the assessment considered by the staff, prior to the issuance of a building permit.

-The owner shall provide a revised utility, drainage, and access plan for the entire site.

-The driveway throat length for the northwest driveway is insufficient. The vehicular parking located in the visibility triangle shall be eliminated.

-The applicant shall grant an avigation easement to the city.

-The applicant shall provide certification, by an acoustical expert, that a noise level reduction of 30 dB is provided through the proposed construction. Such certification shall be provided prior to the issuance of a building permit.

-The applicant shall provide certification, by an acoustical expert, that a noise level reduction of 30 dB was achieved by the construction. Such certification shall be provided prior to the issuance of a Certificate of Occupancy.

-Where possible a 20-foot wide landscape buffer shall be provided along the Quorum and Arapaho street frontage areas.

-The sidewalk along Arapaho shall be reconstructed at the back of the curb to avoid the extremely narrow grass strip between the sidewalk and the curb. The sidewalk along Quorum Drive already exists, and can remain.

-Berming shall be included on the plan along Quorum Drive and Arapaho to enhance the screening of the parking lot and fire lanes. A section drawing shall be added to the plan showing how the berms are to be graded.

-A final detailed set of plans shall be submitted for approval prior to issuance of a building permit. All turf areas shall be solid sodded.

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 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 9th day of August, 1994.

MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 1191-Z

APPROVED AS TO FORM:

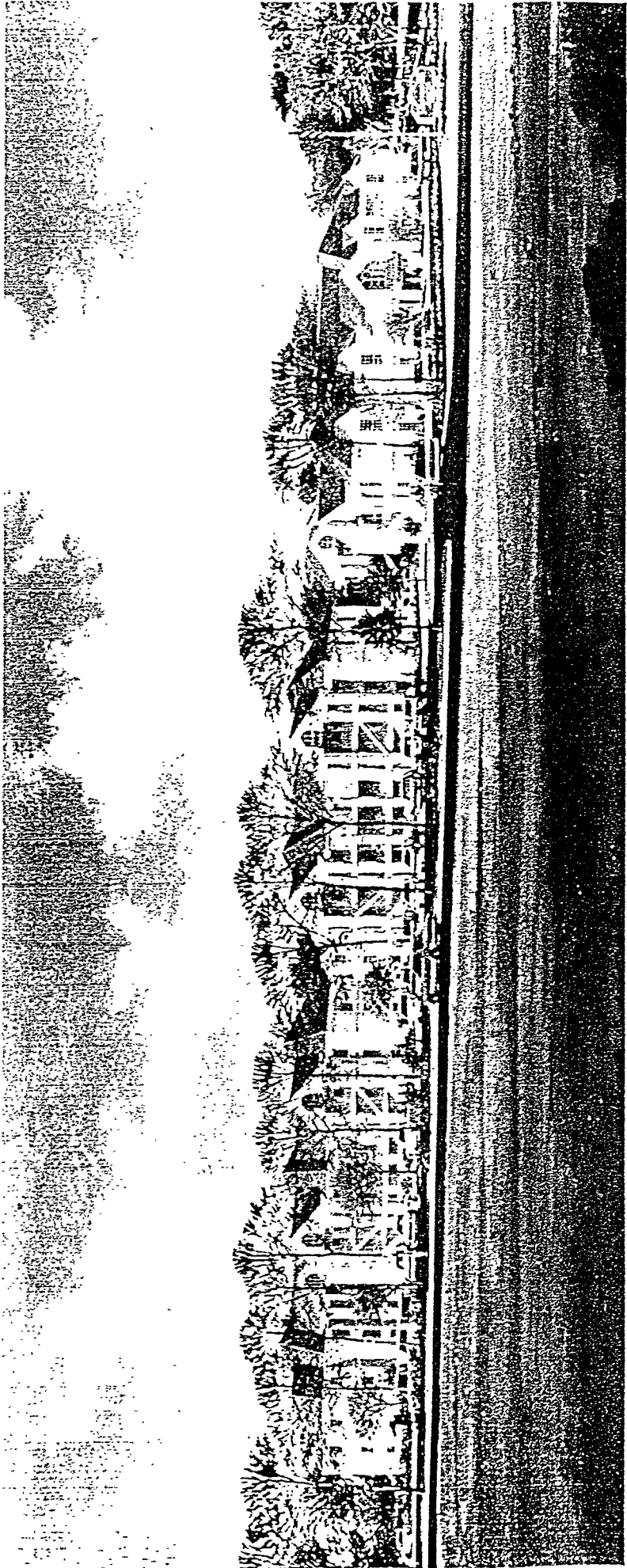

DIRECTOR OF DEVELOPMENT SERVICES

OFFICE OF THE CITY SECRETARY

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