

ORDINANCE NO. 096-028

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO AMEND ORDINANCE 096-003 IN ORDER TO DELETE CERTAIN CONDITIONS FOR DEVELOPMENT, ON APPLICATION FROM SOUTHWEST PROPERTIES, LOCATED ON 32 ACRES AT THE SOUTHEAST CORNER OF THE INTERSECTION OF DALLAS NORTH TOLLWAY AND BELT LINE ROAD, 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 Ordinance No. 096-003 is hereby amended by amending Section 3 to read as follows:

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

-Allowable building height shall be set at the same requirement as Commercial-1 zoning which is across the Tollway, which is as follows:

-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. Applicant shall comply with all FAA requirements.

-All parking in the center shall be set at a mixed-use development ratio of one space per 250 square feet of space (1/250).

-Approval of the location of the tower elements at the entrances shall be subject to the approval of the city's traffic engineer, Barton-Aschman, Inc.

-At the end of one year after the final inspection of the improvements proposed by the applicant, the Town shall conduct a warrant study to determine if a traffic signal is needed at the middle driveway on Montfort drive. If the study indicates a traffic signal is warranted, the cost for the signal, including installation, shall be paid by the applicant.

-A plan indicating all reconfiguring of drives and changes to curb-cuts shall be submitted to the staff and approved prior to construction.

-If Sakowitz Drive is closed, the city shall be allowed to maintain a utility easement through the property, a demolition plan for the roadway shall be approved by all adjacent property owners, and a cross-access easement to Montfort shall be provided for the independent restaurants that front Belt Line Road.

-A detailed landscaping plan shall be submitted to the staff and approved prior to the issuance of a building permit.

-The revised plan for the Belt Line Road entrance to the shopping center shall be reviewed by the city's traffic engineer prior to the issuance of a construction permit.

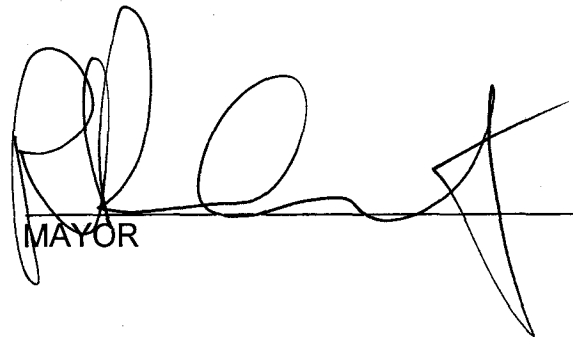
SECTION 2. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon

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 3. 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 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 23rd day of July, 1996.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO.: 1260-Z

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

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