

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 096-030

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING ORDINANCE NO. 084-027 OF THE CITY RELATING TO PD PLANNED DEVELOPMENT ZONING FOR A 1.241 ACRE TRACT OF LAND LOCATED AT THE NORTHWEST CORNER OF ADDISON ROAD AND KELLER SPRINGS ROAD AND WITHIN THE BOUNDARIES OF ADDISON AIRPORT (AND AS FURTHER DESCRIBED HEREIN) BY AMENDING THE DEVELOPMENT PLAN ATTACHED TO THE SAID ORDINANCE RELATING TO: (1) SETBACK REQUIRED ADJACENT TO KELLER SPRINGS ROAD, (2) LANDSCAPING REQUIREMENTS, AND (3) PARKING REQUIREMENTS; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ORDINANCE, THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Turnpike Authority ("TTA") is a state agency authorized to acquire real property for the construction and operation of turnpike projects to facilitate vehicular traffic in the state; and

WHEREAS, the TTA is acquiring property for right-of-way and utility easements for the construction and operation of the Addison Airport Toll Tunnel (the "Project"), which will connect the eastern and western termini of Keller Springs Road and thereby facilitate the flow of traffic in the City and enhance the safety and welfare of the citizens of the City; and

WHEREAS, one of the properties located along Keller Springs Road from which the TTA is acquiring right-of-way and utility easements for the Project is a 1.275 acre tract of land located at the northwest corner of Keller Springs Road and Addison Road in the City and as described in Ordinance No. 084-027 of the City (the "Entire Property"); and

WHEREAS, it is anticipated that the TTA's acquisition of right-of-way and utility easements from the Entire Property (the land acquired being referred to herein as the "Part Taken") will cause the improvements located on the portion of the Property remaining after the acquisition (the "Remaining Property" as described and depicted in Section 2 herein) to fail to conform to the City's zoning requirements for building setbacks, landscaping and parking; and

WHEREAS, on June 11, 1996 the City Council adopted Resolution No. R96-051 which recognized the anticipated non-conforming status of the Remaining Property and which directed the City Staff to review the steps necessary to cause the Remaining Property to conform to the standards of the Comprehensive Zoning Ordinance, and to institute action to achieve such conforming status for the Remaining Property; and

WHEREAS, pursuant to Resolution No. R96-051 the Planning and Zoning Commission initiated the process to consider a change in zoning on the Remaining Property and to amend the official Zoning District Map of the Town in accordance with Ordinance No. 66 of the City (the "Comprehensive Zoning Ordinance"); and

WHEREAS, all legal notices, requirements and conditions having been complied with, the case to rezone the Remaining Property came on before the Planning and Zoning Commission and City Council; and

WHEREAS, the City Council, at a public hearing, had an opportunity to consider the following factors in making a determination as to whether the requested changes should be granted or denied: effect on the congestion in the streets, safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the Remaining Property, noise producing elements and glare of vehicular and stationary lights and effect of such lights on the established character of the neighborhood, the fire hazards and other dangers possibly present and the securing of safety from the same, lighting and type of signs and the relation of signs to traffic control and adjacent property, street size and adequacy of width for traffic reasonably expected to be generated for proposed uses around the Remaining Property and in the immediate neighborhoods, the effect on the promotion of health and the general welfare, effect on adequate light and air, the effect on the transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, the City Council further considered among other things the character of the districts and their peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the Town, and does hereby find that the rezoning approved hereby accomplishes such objectives; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at the said public hearing and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendments to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, the City Council has determined that there is a necessity and need for the change in zoning and that there has been a change in the conditions of the property surrounding and in close proximity to the Remaining Property since the Remaining Property was classified and therefore the change in zoning herein made is needed; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public

hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Addison, Texas and of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. Ordinance No. 084-027 of the Town of Addison, Texas is hereby amended in the following particulars, and all other provisions of the said Ordinance are not amended but are hereby ratified and affirmed:

A. Legal description. Section 1 is hereby amended so that it shall hereafter read as follows:

BEING a tract of land situated in the William Lomax Survey, Abstract 792 and the E. Cook Survey, Abstract 326, Dallas County, Texas, and located on Addison Municipal Airport, Addison, Texas, and said tract being more fully described as follows:

COMMENCING at the southeast corner of a tract of land conveyed to O.J. Broughton and E.E. Ericson by deed as recorded in Volume 4350, Page 491, Dallas County Deed Records; said point also being in the west right-of-way of Addison Road (a 60-foot ROW at that point) and the north right-of-way of Glen Curtis Drive (a 50-ft. ROW);

THENCE, S 0°14'20" E, with said west right-of-way a distance of 213.0 ft. to the POINT OF BEGINNING;

THENCE, S 89°51'25" W, a distance of 185.85 ft to an iron pin;

THENCE, S 31°25'31" W, a distance of 30.80 ft. to a PK Nail;

THENCE, S 21°04'53" E, a distance of 338.33 ft to a PK Nail;

THENCE, N 69°14'06" E, a distance of 154.34 ft. to a point on the west right-of-way of Addison Road (variable ROW at this point);

THENCE, along said west right-of-way N 20°30'18" W, a distance of 63.97 ft. to a point on a curve to the right; said curve having a chord bearing N 10°22'19" W, 231.83., a radius of 658.13 ft., central angle of 20°15'58", and an arc length of 232.79 ft. to the POINT OF BEGINNING, containing 1.275 acres of land (5559.60 sf) more or less;

SAVE AND EXCEPT that parcel of land identified as Area C on the Texas Turnpike Authority Lease Area Plat attached hereto as Exhibit A and incorporated herein.

B. Setback. The development plan referred to in paragraph 4 of Section 2 is amended such that the building setback required from the Keller Springs Road right-of-way shall be 25 feet.

C. Parking. The parking on the Remaining Property with respect to the development and buildings in existence on the effective date of this Ordinance is hereby deemed to conform to the parking standards and requirements set forth in the Comprehensive Zoning Ordinance.

D. Remaining Landscaping. The landscaping in existence on the effective date of this Ordinance, with respect to existing development on the Remaining Property, is hereby deemed to conform to the requirements of the Comprehensive Zoning Ordinance. Future or additional development of or construction on the Remaining Property shall be required to comply with the landscaping standards of the City.

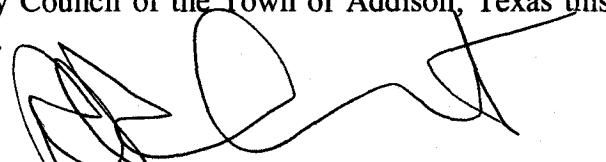
Section 5. Purpose. The amendment to zoning herein made has been made in accordance with the Comprehensive Plan of the Town for the purpose of promoting the health, safety and welfare of the community, and with consideration of the reasonable suitability for the particular use and with a view of conserving the value of the buildings and encouraging the most appropriate use of land within the community.

Section 6. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting the regulation of land and zoning and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 7. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

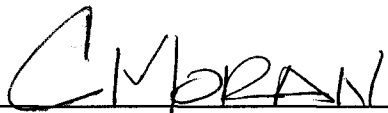
Section 8. Effective date. This Ordinance shall become effective from and after its date of adoption and publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 23 day of July, 1996.



Rich Beckert, Mayor

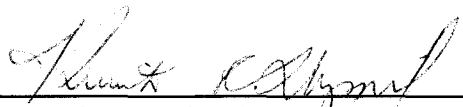
ATTEST:



Carmen Moran, City Secretary

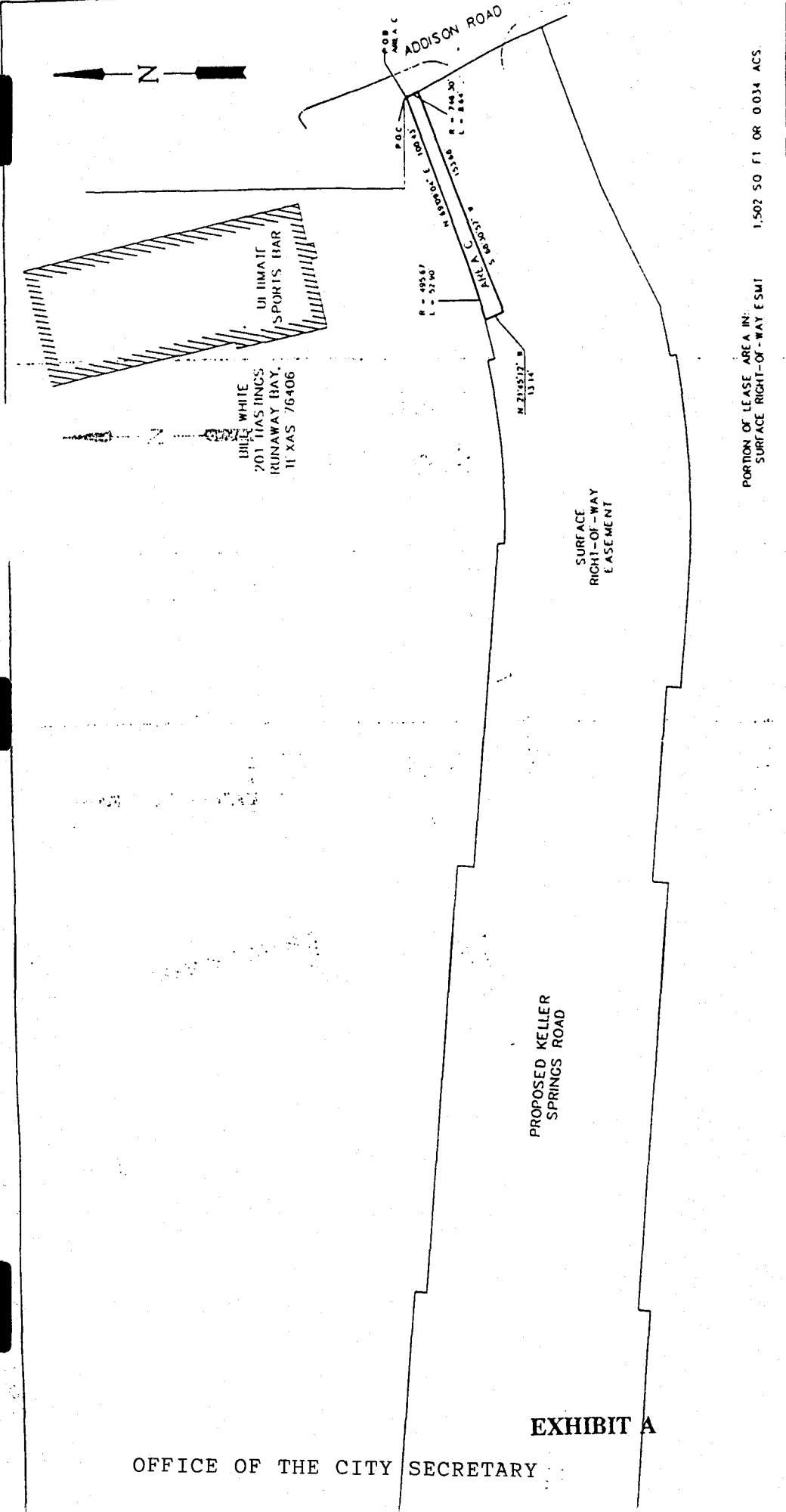
[SEAL]

APPROVED AS TO FORM:



Ken Dippel, City Attorney

Published
8/22/96



PORTION OF LEASE AREA IN
SURFACE RIGHT-OF-WAY ESMI 1,502.50 FT OR 0.034 ACS

LESSEE: BILL WHITE	
LEASE AREA 16101 ADDISON RD (AREA C - PART)	
TEXAS TURNPIKE AUTHORITY	
ADDISON 101 TURNPIKE	
11 A-1 AREA 11A1	
AMS ENGINEERS, INC. <small>CORPORATE ENGINEERS</small>	Exhibit A-7
	SCALE 1" = 60'

PROPOSED KELLER
SPRINGS ROAD

SURFACE
RIGHT-OF-WAY
EASEMENT

UHIMATIC
SPORTS BAR
201 TIASINGS
RUNWAY BAY,
TXAS 76406



EXHIBIT A