

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 096-032

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING ORDINANCE NO. 66 OF THE CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE ZONING ON A CERTAIN TRACT OF LAND LYING AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MIDWAY ROAD AND KELLER SPRINGS ROAD AND BEING A PORTION OF LOT 1, MIDWAY PARK NORTH II, AN ADDITION TO THE TOWN OF ADDISON, TEXAS AND AS FURTHER DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN, FROM ITS CURRENT ZONING OF INDUSTRIAL-1 (I-1) TO PD PLANNED DEVELOPMENT FOR THE USES ALLOWED IN THE I-1 DISTRICT; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE PD PLANNED DEVELOPMENT ZONING DISTRICT FOR THE SUBJECT PROPERTY; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; 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 tract of land described as Lot 1, Midway Park North II, an addition to the City, as depicted on the Final Plat thereof

recorded in Volume 83035, Page 1180, Deed Records, Dallas County, Texas (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," described and depicted in Exhibit A attached hereto and incorporated 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. Rezoning. Ordinance No. 66 of the Town of Addison, Texas, the same being the Comprehensive Zoning Ordinance, is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed:

A. The zoning on the Remaining Property, described and depicted in Exhibit A attached hereto and incorporated herein, heretofore zoned I-1 Industrial-1 District is hereby changed to PD Planned Development District for certain commercial and industrial uses, in accordance with the requirements of this Ordinance (including Exhibits B (Development Standards) and C (Development Plan), each of which Exhibits is incorporated herein for all purposes), all applicable parts of the Comprehensive Zoning Ordinance, and all other applicable ordinances, rules and regulations of the City.

Section 3. Paved areas; drainage structures. All paved areas, permanent drives, streets and drainage structures shall be constructed in accordance with standard City specifications adopted for such purpose.

Section 4. Zoning map. The Planning and Zoning Administrator is hereby directed to mark and indicate on the official Zoning District Map of the Town to reflect the zoning change herein made.

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.

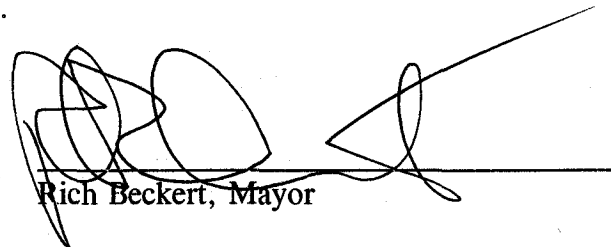
Section 6. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting the regulation of land and zoning and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions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

Section 7. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 8. 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 9. 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.

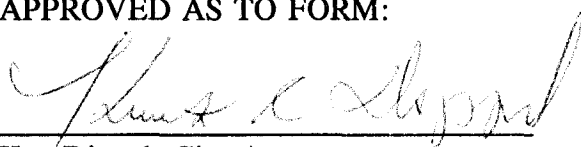

Rich Beckert, Mayor

ATTEST:


Carmen Moran, City Secretary

[SEAL]

APPROVED AS TO FORM:


Ken Dippel, City Attorney

Published
8/25/96

EXHIBIT A

BEING generally described as 15900 Midway Road, Addison, Texas, and more particularly described as Lot 1 of the Midway Park North II subdivision as described and depicted on the final plat thereof recorded in Volume 83035, Page 1180, Deed Records, Dallas County, Texas, SAVE AND EXCEPT the following:

A. Right-of-Way Easement:

BEING a portion of that called 5.04 acre tract or parcel of land being in the David Myers Survey, Abstract 923 and the W. H. Witt Survey, Abstract 1609, Dallas County, Texas, shown as Lot 1 on a plat entitled "MIDWAY PARK NORTH II," as recorded in Volume 83035, Page 1180, in the Deed Records of Dallas County, Texas, and being conveyed to Midpark North, Joint Venture, by the deed recorded in Volume 91136, Page 1164, of said Deed Records and being more particularly described as follows (Basis of bearings is Texas State Plane NAD83 as determined from monumentation found on Addison Airport runway centerline):

BEGINNING at a set 5/8 inch iron rod for corner lying on the common line between said Lot 1 and existing Keller Springs Road (a variable width right-of-way, at this point), said point being at the northern-most point of the corner cut-back line at the intersection of said southerly line of Keller Springs Road with the westerly line of Dooley Road (a 50' right-of-way);

THENCE, South 57°10'10" East, continuing along said northerly line and said corner cut-back line, a distance of 45.23 feet to a set 5/8 inch iron rod for corner

THENCE, leaving said northerly and corner cut-back lines, South 89°16'08" West, a distance of 20.77 feet to a set 5/8 inch iron rod for an angle point;

THENCE, South 00°43'52" East, a distance of 7.00 feet to set 5/8" iron rod for a corner;

THENCE, South 89°16'08" West, a distance of 214.00 feet to a set 5/8" iron rod for an angle point;

THENCE, South 85°54'09" West, a distance of 59.62 feet to a set 5/8 inch iron rod for corner, said corner lying on the common line between said Lot 1 and Lot 2, as shown on said plat and as conveyed to M & F Development Company, Inc., by the deed recorded in Volume 90081, Page 3202, of said Deed Records;

THENCE, North 00°43'53" West, along said common line, a distance of 35.50 feet to a set drill hole in concrete for corner, from which bears a found 'X' cut in concrete at South 76°47'12" West, a distance of 0.21 feet, also from which bears another found 'X' cut in concrete at South 40°47'12" West, a distance of 0.19 feet, said corner lying on said northerly line of Lot 1 and said Southerly line of Keller Springs Road, said corner also being the northwest corner of said Lot 1 and the northeast corner of said Lot 2;

THENCE, North 89°16'07" East, along said northerly and southerly lines, a distance of 256.60 feet to the **POINT OF BEGINNING**, and containing 8,905 square feet, or 0.204 acres of land in the metes and bounds recited.

AND

B. Utility Easement:

BEING a portion of that called 5.04 acre tract or parcel of land being in the David Myers Survey, Abstract 923 and the W. H. Witt Survey, Abstract 1609, Dallas County, Texas, shown as Lot 1 on a plat entitled "MIDWAY PARK NORTH II," as recorded in Volume 83035, Page 1180, in the Deed Records of Dallas County, Texas, and being conveyed to Midpark North, Joint Venture, by the deed recorded in Volume 91136, Page 1164, of said Deed Records and being more particularly described as follows (Basis of bearings is Texas State Plane NAD83 as determined from monumentation found on Addison Airport runway centerline):

COMMENCING at a set 5/8 inch iron rod for corner lying on the common line between said Lot 1 and existing Keller Springs Road (a variable width right-of-way, at this point), said point being at the northern-most point of the corner cut-back line at the intersection of said southerly line of Keller Springs Road with the westerly line of Dooley Road (a 50' right-of-way);

THENCE, South 57°10'10" East, along said northerly line and said corner cut-back line, a distance of 45.23 feet to The **POINT OF BEGINNING**, a set 5/8 inch iron rod for corner

THENCE, South 57°10'10" East, continuing along said northerly line and said corner cut-back line, a distance of 50.65 feet to a point for corner;

THENCE, leaving said northerly and corner cut-back lines, South 89°16'08" West, a distance of 92.20 feet to a point for corner;

THENCE, North 00°43'52" West, a distance of 11.00 feet to a point for corner;

THENCE, South 89°16'08" West, a distance of 106.02 feet to a point for corner;

THENCE, South 00°43'52" East, a distance of 5.00 feet to a point for corner;

THENCE, South 89°16'08" West, a distance of 78.32 feet to a point for corner;

THENCE, South 85°54'09" West, a distance of 60.06 feet to a point for corner, said corner lying on the common line between said Lot 1 and Lot 2, as shown on said plat and as conveyed to M & F Development Company, Inc., by the deed recorded in Volume 90081, Page 3202, of said Deed Records;

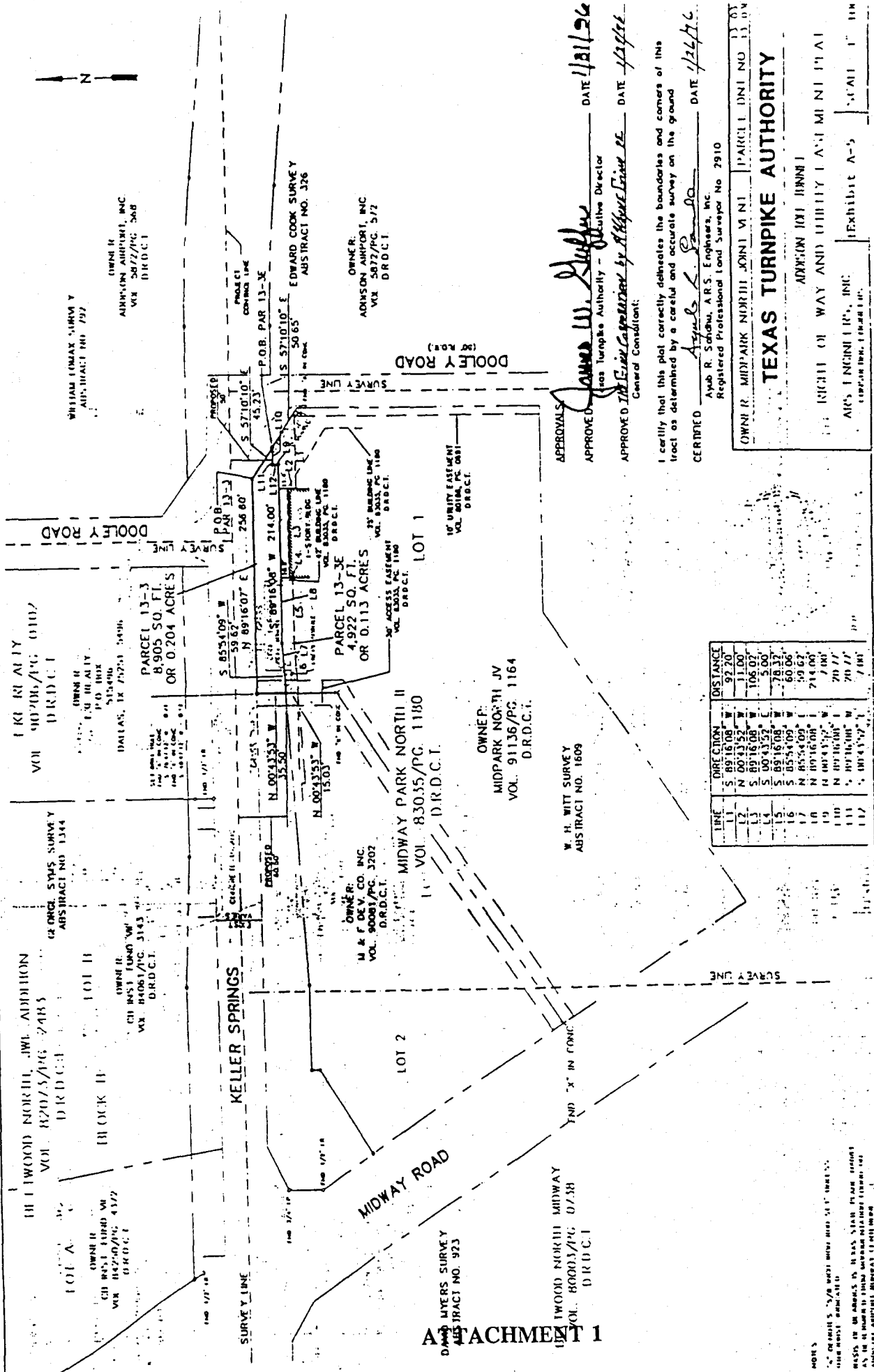
THENCE, North 00°43'53" West, along said common line, a distance of 15.03 feet to a set 5/8 inch iron rod for corner;

THENCE, North 85°54'09" East, leaving said common line, a distance of 59.62 feet to an angle point;

THENCE, North 89°16'08" East, a distance of 214.00 feet to a point for corner;

THENCE, North 00°43'52" West, a distance of 7.00 feet to a point for corner;

THENCE, North 89°16'08" East, a distance of 20.77 feet to the **POINT OF BEGINNING**, and containing 4,922 square feet, or 0.113 acres of land in the metes and bounds recited.



WILLIAM TOMAX SURVEY
 ABSTRACT NO. 797

OWNER:
 AMERICAN AIRPORT, INC.
 VOL. 5872/PC. 5/72
 D.R.D.C.T.

OWNER:
 ADAMSON AIRPORT, INC.
 VOL. 5872/PC. 5/72
 D.R.D.C.T.

LIKRI REALTY
 VOL. 90706/PC. 0107
 D.R.D.C.T.

OWNER:
 LIKRI REALTY
 P.O. BOX
 515490
 DALLAS, TX 75251-5496

PARCEL 13-3
 8,905.50 FT.
 OR 0.204 ACRES

PARCEL 13-3E
 4,922.50 FT.
 OR 0.113 ACRES

OWNER:
 M & F DEV. CO. INC.
 VOL. 90081/PC. 3702
 D.R.D.C.T.

MIDWAY PARK NORTH II
 VOL. 83035/PC. 1180
 D.R.D.C.T.

OWNER:
 MIDPARK NORTH JV
 VOL. 91136/PC. 1164
 D.R.D.C.T.

W. H. WITT SURVEY
 ABSTRACT NO. 1609

THE WOOD NORTH, JWL ADDITION
 VOL. 82075/PC. 2485
 D.R.D.C.T.

OWNER:
 CH WEST FUND, INC.
 VOL. 84067/PC. 3143
 D.R.D.C.T.

KELLER SPRINGS

MIDWAY ROAD

TWOOD NORTH MIDWAY
 VOL. 80003/PC. 0738
 D.R.D.C.T.

ATTACHMENT 1

APPROVED BY: James W. Stuffle DATE: 1/31/26
 Texas Turnpike Authority - Executive Director

APPROVED BY: Robert L. ... DATE: 1/24/26
 General Consultant

I certify that this plat correctly delineates the boundaries and corners of this tract as determined by a careful and accurate survey on the ground.

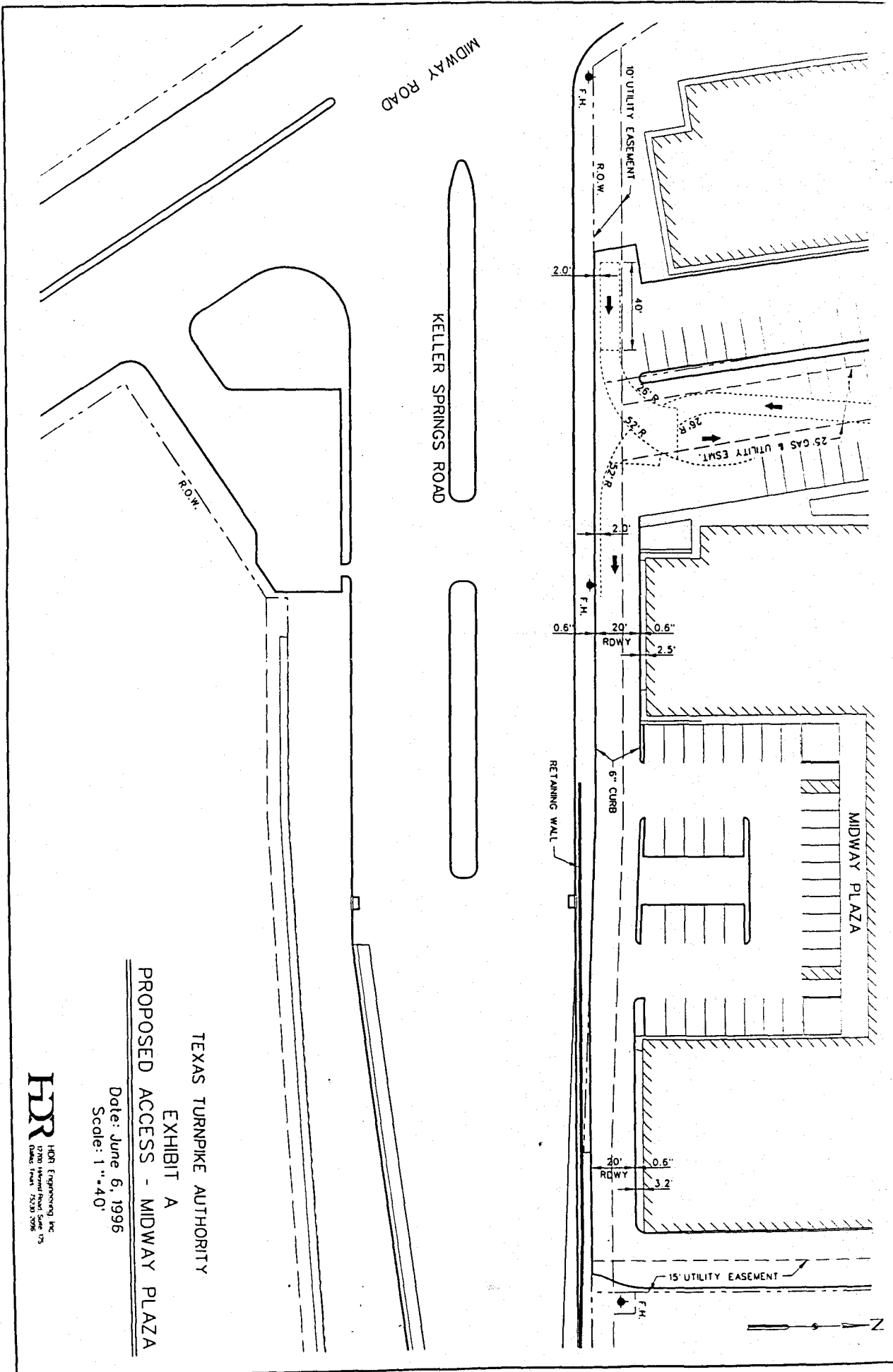
CERTIFIED: Arnell L. ... DATE: 1/24/26
 Arnell R. Schuch, A.R.S. Engineers, Inc.
 Registered Professional Land Surveyor No. 2910

OWNER: MIDPARK NORTH JV
 PARCEL 13-3E

TEXAS TURNPIKE AUTHORITY

RIGHT OF WAY AND UTILITY ADMINISTRATION
 AIRS ENGINEERING, INC.
 EXHIBIT A-5

LINE	DIRECTION	DISTANCE
11	S 89°16'08" W	97.20
12	N 00°43'52" E	111.00
13	S 89°16'08" W	106.07
14	S 00°43'52" E	5.00
15	S 89°16'08" W	28.37
16	S 85°34'09" W	60.66
17	N 89°16'08" E	214.00
18	N 00°43'52" E	7.00
19	N 89°16'08" W	20.77
20	S 00°43'52" E	7.00



TEXAS TURNPIKE AUTHORITY
 EXHIBIT A
 PROPOSED ACCESS - MIDWAY PLAZA

Date: June 6, 1996
 Scale: 1" = 40'

HRR
 HDR Engineering, Inc.
 1700 Westwood Blvd, Suite 175
 Dallas, Texas 75208-2098

EXHIBIT B

DEVELOPMENT STANDARDS LOT 1, MIDWAY PARK NORTH II

Except as modified herein, the development of the Remaining Property described in Exhibit A, including regulations relating to use, height, area, type of construction, emergency access easement, outside storage display, mechanical equipment, refuse containers and site landscaping, shall be in accordance with the following Development Standards, conditions and requirements:

1. Generally. All provisions of the I-1 Industrial-1 Zoning District as set forth Ordinance No. 66, the Comprehensive Zoning Ordinance of the Town of Addison, Texas.

2. Area regulations.

A. Setback: Setback for the yard adjacent and contiguous to Keller Springs Road shall be 10 feet, except as provided in the Article on Variances and Exceptions of the Comprehensive Zoning Ordinance. The setback shall be measured from the Keller Springs right-of-way line.

3. Parking. As a result of the acquisition of right-of-way and utility easements within the Part Taken as described in the premises to this Ordinance, the number of parking spaces for the Remaining Property will be reduced by 19 spaces. The Remaining Property shall receive a credit for the said 19 parking spaces, which credit shall be applied against any future parking requirements imposed upon the Remaining Property. (Example: 60 parking spaces located in Entire Property; 10 parking spaces located in Part Taken and removed for TTA improvements; future development in the Remaining Property requires a total of 80 parking spaces. Parking requirement calculated as follows: 80 required spaces - 10 spaces removed from Part Taken = 70 parking spaces required).

4. 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.

EXHIBIT C

**DEVELOPMENT PLAN
LOT 1, MIDWAY PARK NORTH II**

1. Development plan. The Development Plan for the Remaining Property shall be comprised of the following:

A. Final Plat of Lot 1, Midway Park North II, recorded in Volume 83035, Page 1180, Deed Records, Dallas County, Texas; and

B. Texas Turnpike Authority Right-of-Way and Utility Easement Plat, Addison Toll Tunnel (Attachment 1); and

C. Aerial photograph of Remaining Property on file in the office of the City Engineer.

2. Future development/construction. Future development or construction on the Remaining Property which is in accordance with this Ordinance shall not require an amendment to the Development Plan.