

ORDINANCE NO. 002-001

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING APPENDIX A – ZONING OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING ORDINANCE NO. 096-003 (RELATING TO PLANNED DEVELOPMENT ZONING ON A TRACT OF LAND LOCATED GENERALLY AT THE SOUTHEAST INTERSECTION OF BELT LINE ROAD AND DALLAS PARKWAY) AS SET FORTH HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a tract of land located within the Town of Addison, Texas (the “City”) generally known as the “Village on the Parkway” and containing approximately 33.967 acres of land and as more particularly described in **Exhibit A** attached hereto and incorporated herein (the “Land”) is currently zoned Planned Development by and as set forth in Ordinance No. 096-003 (as amended by Ordinance No. 096-028) of the City) the “Planned Development Ordinance”); and

WHEREAS, the owner of the Land has filed an application with the City requesting an amendment to the terms of the PD Ordinance as set forth herein; and

WHEREAS, all legal notices, requirements and condition having been complied with, the case to consider amendments to the PD Ordinance came on as a public hearing before the Planning and Zoning Commission and Town Council; and

WHEREAS, after considering the information submitted at the said public hearing and all other relevant information and materials, the City’s Planning and Zoning Commission has recommended to the City Council the adoption of the amendments to the PD Ordinance as set forth herein; 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 public interest.

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

Section 1. That Ordinance No. 096-003 of the City (the “Planned Development Ordinance”) shall be and is hereby amended by amending Section 2 thereof so that it shall hereafter read as follows:

A. Retail Parcel and Mixed Use Parcel. For purposes of this Ordinance, the real property described in **Exhibit A** (the "Property") is divided into two tracts as described and depicted on **Exhibit B** attached hereto and incorporated herein: (i) that tract of land comprising approximately 23.52 acres and being identified on **Exhibit B** as the "Retail Parcel", and (ii) that tract of land comprising approximately 7.321 acres and being identified on **Exhibit B** as the "Mixed Use Parcel." The Property shall be developed and used in accordance with the terms and conditions of this Ordinance, each of the applicable Exhibits attached hereto (and each such Exhibit is incorporated herein and made a part of this Ordinance for all purposes). Article XV ("Planned Development District") of the Town of Addison's Comprehensive Zoning Ordinance (and being Appendix A to the Code of Ordinances of the City (the "comprehensive Zoning Ordinance") all applicable parts of the comprehensive Zoning Ordinance, and all other applicable ordinances, rules and regulations of the Town of Addison, Texas (the "City").

B. Retail Parcel Regulations:

1. Use Regulations:

In the Retail Parcel, 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
- Camera shop
- Candy, cigars and tobaccos, retail sales only
- Caterer and wedding service
- 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
- Clothing store, retail sales only
- Department store, novelty or variety shop, retail sales
- Drug store, retail sales
- Electrical goods, retail sales
- Electrical repairing – retail sales
- Exterminating company, retail
- Film developing and printing

Fix-it shops, bicycle repairs saw filing, lawn mower sharpening,
retail sales only, but without outside storage
Florist, retail sales only
Furniture repairs and upholstery, retail sales only
Frozen food lockers, retail
Grocery store, retail sales only
Hardware, sporting goods, toys, paints, wallpaper, retail sales only
Household and office furniture, furnishings and appliances, retail
sales only
Job printing
Jewelry, optical goods, photographic supplies, retail sales only
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
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
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

2. 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. All buildings on the site are subject to FAA requirements for building height.

3. Area Regulations

(a) Front Yard

1) There shall be a front yard having a minimum depth of not less than twenty-five (25) feet except as provided in Appendix A, Article XXII, Exceptions of the Code of Ordinances.

2) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

(b) Side Yard

1) On a corner lot, a side yard of twenty-five feet shall be required on the side street.

(c) Rear Yard

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

4. Refuse Containers

All refuse and refuse containers shall be screened from all public rights-of-way. Such containers shall be set on a designed reinforced concrete pad and approach. Screening walls must be of aesthetic material.

5. Parking Regulations

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

6. Type of Construction

At least eighty (80%) percent of the exterior walls of all structures shall be of masonry construction. For the purposes of this ordinance, "masonry" shall be defined as: brick, stone, stucco, EIFS, or painted concrete tilt-wall panels.

7. Emergency Access Easement

Where a building is located more than one hundred (100) feet from a 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. All access easements shall be constructed in accordance with standards provided by the Addison Fire Department.

8. Outside sales and/or commercial promotions

(a) Any outside sale and/or commercial promotion shall be required to obtain a permit.

(b) 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.

(c) 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.

(d) Outside sales and/or commercial promotions related to existing businesses shall be allowed during Special Events, provided that the sponsors of such sale or promotions obtain a permit from the Planning and Zoning office at least ten (10) days prior to the event. Such outside sales and/or 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.

(e) 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, street 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) comply with all other reasonable conditions imposed by the Planning and Zoning office
- 7) the duration of the outside sales and/or 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.

9. Outside storage

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.

10. 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.

11. Site Landscaping

All landscaping within the Planned Development district shall conform to the standards contained in Appendix A, Article XX, Landscaping Regulations, of the Code of Ordinances.

C. Mixed Use Parcel Regulations:

1. Use Regulations:

In the Mixed Use Parcel, no land shall be used and no building shall be used, erected, or converted to any use other than:

All uses allowed in the Retail Parcel as listed in Section B, Subsection 1 above

Apartments (multifamily)

Condominiums (multifamily)

Community center for tenants of apartments or condominiums

Recreation center for tenants of apartments or condominiums

Laundry rooms for tenants of apartments or condominiums

Uses customarily incident to an apartment use or condominium use when situated within the apartment or condominium and not involving the conduct of a business, including home occupations engaged in by occupants of the dwelling, but said incidental use shall never be permitted as a principal use, rather only as a secondary use; and

Private common areas

2. Minimum Unit Sizes

The minimum floor area per dwelling unit shall be as follows:

| | |
|---------------|-------------------|
| Efficiency | 650 square feet |
| One Bedroom | 750 square feet |
| Two Bedroom | 850 square feet |
| Three Bedroom | 1,000 square feet |

3. Type of materials

At least eighty (80%) percent of the exterior walls of all structures shall be of masonry construction. For the purposes of this ordinance, "masonry" shall be defined as: brick, stone, stucco, EIFS, or painted concrete tilt-wall panels.

4. Height Regulations

No building or structure shall exceed 794 feet above mean sea level. The height of any building or structure shall comply with all requirements of the Federal Aviation Administration, the Texas Department of Transportation, and the Town.

5. Area Regulations

(a) Front Yard

1) There shall be a front yard having a minimum depth of not less than 25 feet.

2) On corner lots, the required front yard shall be required on both sides adjacent to a street.

(b) Side Yard

1) Where the ends of a building are adjacent to and parallel to the side lot line the side yard shall be not less than 20 feet.

(c) 1) There shall be no rear yard depth required unless the district adjoins a single family or an apartment district. In this case, a ten (10) foot rear yard will be required.

6. Parking Regulations

Off-street parking and loading shall be mandatory for all projects developed in the Mixed Use Parcel and shall satisfy the provisions of all other town ordinances applying to the layout, design, and construction of parking and loading areas as well as satisfying the following regulations:

(a) Adequate off-street parking spaces shall be provided to meet the requirements of the residents and their guests in each building, but in no event shall the number of spaces provided be less than:

| | |
|----------------|-------------------------|
| Efficiency | 1 space/unit |
| 1 bedroom | 1 space/unit |
| 1 bedroom/den | 1 space/unit |
| 2 bedroom | 2 spaces/unit |
| 2 bedroom/den | 2 spaces/unit |
| 3 bedroom | 3 spaces/unit |
| 3 bedroom/den | 3 spaces/unit |
| All other uses | 1 space/250 square feet |

7. Accessory Buildings

Accessory buildings and uses shall be permitted only to the extent necessary and normal to the limited types of uses permitted in this district. All accessory buildings which are not a part of the main buildings shall be separated from the main buildings by a minimum of 15 feet. Final determination of location, height, and arrangement will be made by site plan approval.

8. Emergency Access Easement

Where a building is located more than one hundred (100) feet from a 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. All access easements shall be constructed in accordance with standards provided by the Addison Fire Department.

9. Outside sales and/or commercial promotions

(a) Any outside sale and/or commercial promotion shall be required to obtain a permit.

(b) 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.

(c) 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.

(d) Outside sales and/or commercial promotions related to existing businesses shall be allowed during Special Events, provided that the sponsors of such sale or promotions obtain a permit from the Planning and Zoning office at least ten (10) days prior to the event. Such outside sales and/or 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.

(e) 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, street 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) comply with all other reasonable conditions imposed by the Planning and Zoning office
- 7) the duration of the outside sales and/or 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.

10. Outside storage

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.

11. 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.

12. Site Landscaping

All landscaping within the Planned Development district shall conform to the standards contained in Appendix A, Article XX, Landscaping Regulations, of the Code of Ordinances.

Section 2. That Ordinance No. 096-003 of the City (the "Planned Development Ordinance") shall be and is hereby amended by amending Section 3 thereof so that it shall hereafter read as follows:

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 which are attached hereto and made a part hereof for all purposes.

Section 3. That Ordinance No. 096-003 of the City (the "Planned Development Ordinance") shall be and is hereby amended by amending Section 4 thereof so that it shall hereafter read as follows:

Section 4. The following special conditions are placed on the above described property:

-the development shall provide a minimum of 994 parking spaces, with a minimum of 249 spaces clearly signed as retail parking and provided for use by customers to the shopping center

-the cantilevered portion of the apartment building (west building) must be set at a minimum height approved by the staff.

-a 10-foot wide, 6-inch reinforced concrete walkway must be constructed through the central portion of the easement to provide necessary vehicle access.

-additional fire hydrants must be added on the south side of the drive along the front of the buildings.

-loading/unloading docks, or a designated space for residents to move in and out and retailers to receive deliveries, must be provided in each building.

-the applicant and Dunhill Properties (the property owner) shall enter into an agreement that spells out who will maintain the open space on the project and carry a provision that will keep it from being eliminated or fenced off from the residential towers by a future owner. The agreement should be structured similarly to the cross parking agreement in that the city should have the authority to approve it and any amendments to it. The agreement must be approved by the Council prior to the issuance of a building permit.

-The applicant must file a complete landscaping plan prior to the issuance of a building permit.

-The applicant shall furnish an avigation easement to the Town prior to the issuance of a building permit for any residential building in the Mixed Use Parcel.

Section 4. Savings. This Ordinance shall be cumulative of all other ordinances of the City regarding 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 5. 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 6. Effective Date. This Ordinance shall become effective from and after its date of passage and publication as may be required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 8th day of January, 2002.



MAYOR

ATTEST:


CITY SECRETARY

Case 1383-Z


DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: _____

EXHIBIT A

BEING a shopping center known as the Village on the Parkway, located on a tract of land out of the Allen Bledsoe Survey, Abstract No. 157, the G.W. Fisher Survey, Abstract No. 482 and the J. Pancoast Survey, Abstract No. 1146, City of Addison, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point being the intersection of the east right-of-way line of Dallas Parkway and the south right-of-way line of Belt Line Road;

THENCE East along said south line, a distance of 241.34 feet to a point for a corner;

THENCE S 65°51'30" E, a distance of 54.24 feet to a point for corner;

THENCE N 48°03'00" E, a distance of 30.0 feet to a point for a corner, said point lying on the centerline of Sakowitz Drive;

THENCE S 41°57'00" E along said centerline, a distance of 741.67 feet to an angle point;

THENCE S 23°24'00" E continuing along said centerline, a distance of 907.45 feet to a point for a corner;

THENCE S 85°31'25" W departing said centerline, a distance of 733.4 feet to an angle point;

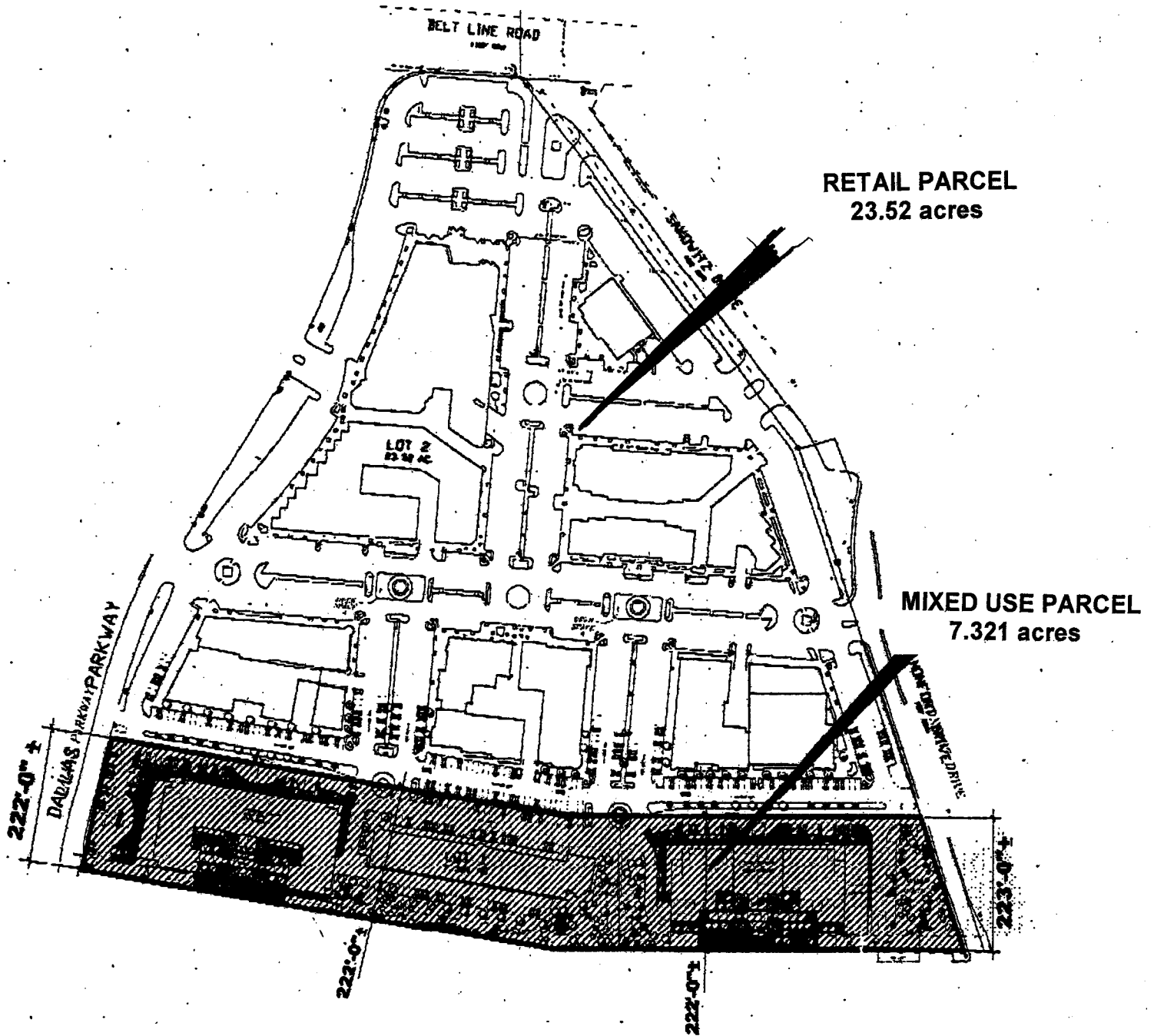
THENCE N 85°30'06" W a distance of 882.99 feet to a point for a corner said point lying on the east right-of-way of Dallas Parkway;

THENCE Northeasterly along said east line being a circular curve to the right having a central angle of 34°35'34" and whose center bears S 88°39'35" E, 1256.93 feet, an arc distance of 759.25 feet to the point of reverse curve to the left having a central angle of 36°13'00" and a radius of 1014.93 feet;

THENCE Northeasterly along said curve and continuing along said east line, an arc distance of 641.54 feet to its point of tangency;

THENCE N 00°16'01" W, a distance of 65.52 feet to the POINT OF BEGINNING AND CONTAINING 33.967 acres of land more or less.

EXHIBIT B



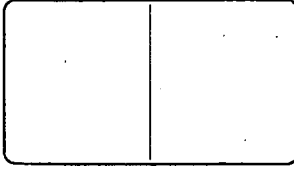
OVERALL SITE PLAN

11/16/01

CONTRACT NO. 002-001



KSNG ARCHITECTS INC.
 10000 N. CENTRAL EXPRESSWAY, SUITE 1110
 DALLAS, TEXAS 75243
 TEL: (214) 343-3300
 FAX: (214) 343-3303



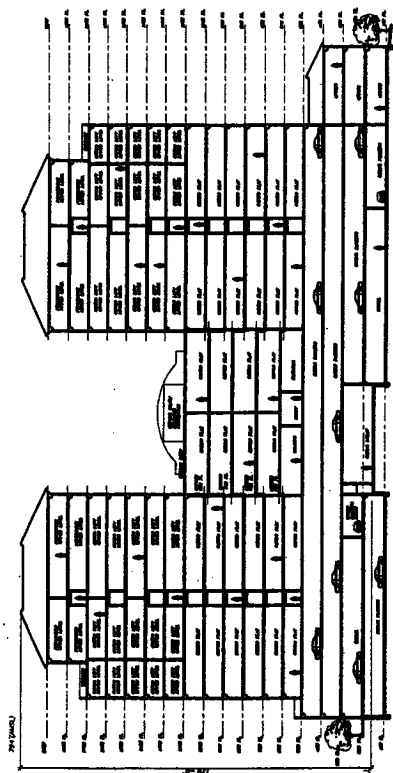
SAINT TROPEZ CONDOMINIUMS
AND OVER PLACE APARTMENTS

ADDISON, TEXAS
 FOR:
K S DEVELOPMENT
 2001 BERRY STREET
 SUITE 1238
 DALLAS, TEXAS 75201

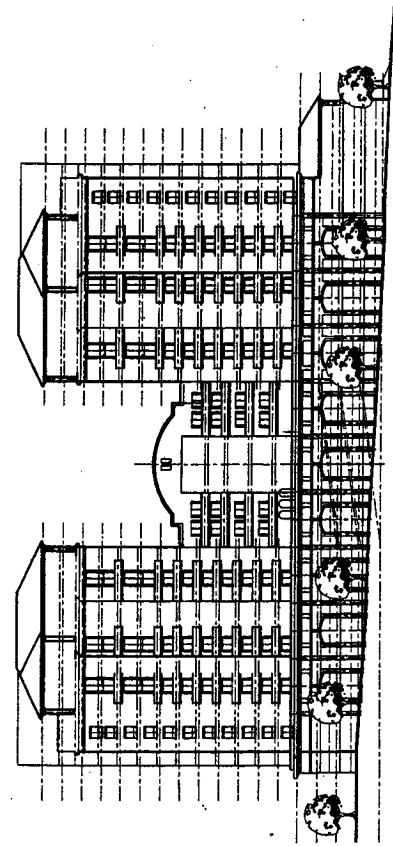
| NO. | DATE | DESCRIPTION |
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| 1 | 10/20/01 | AS SUBMITTED |
| 2 | 02/27/02 | FOR PER SUBMISSION |

PROJECT NO. 00-31-001
 SHEET NO. 204
 DATE 1/4/02

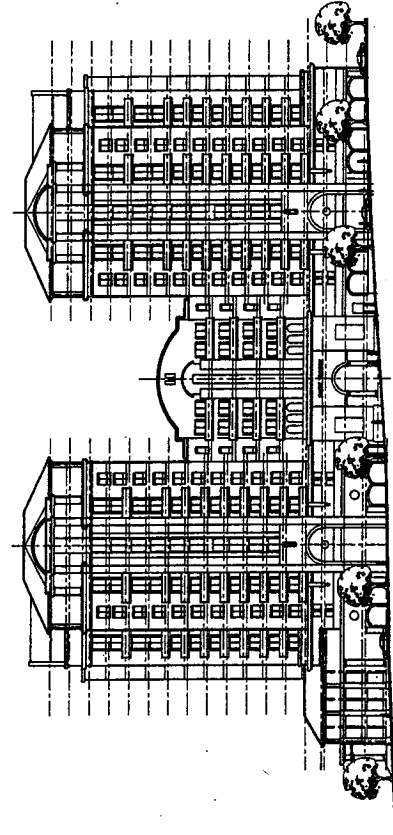
204



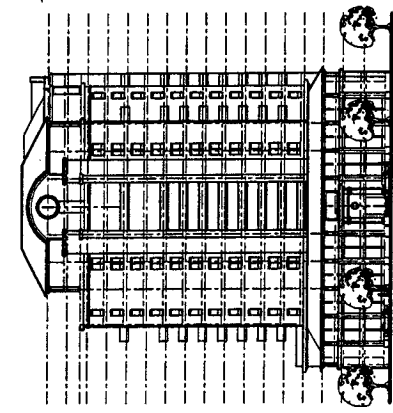
BLDG. SECTION



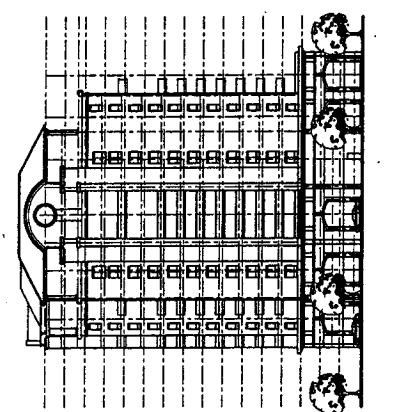
SOUTH ELEVATION



NORTH ELEVATION

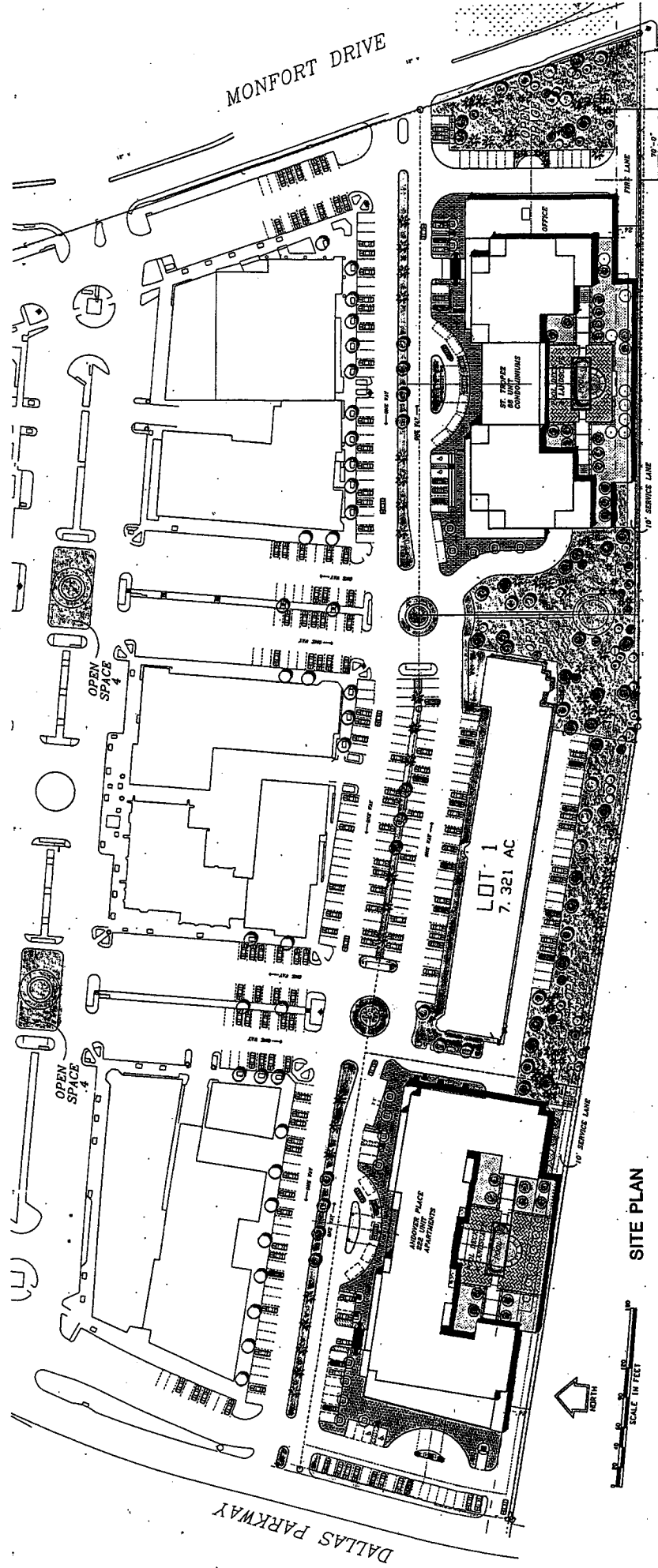


EAST ELEVATION



WEST ELEVATIONS

SAINT TROPEZ CONDOMINIUMS



PROVIDED:

| | |
|----------------------------------|--------------------|
| OPEN SPACE 1 | 0.442 ACRES |
| OPEN SPACE 2 | 0.587 ACRES |
| OPEN SPACE 3 | 0.151 ACRES |
| OPEN SPACE 4 | 1.49 ACRES |
| SUBTOTAL | 2.670 ACRES |
| WALKWAY(ENHANCED) | 0.29 ACRES |
| AROUND CONDOMINIUMS | |
| WALKWAY(ENHANCED) | 0.32 ACRES |
| AROUND APARTMENTS | |
| TOTAL OPEN SPACE PROVIDED | 2.1 ACRES |

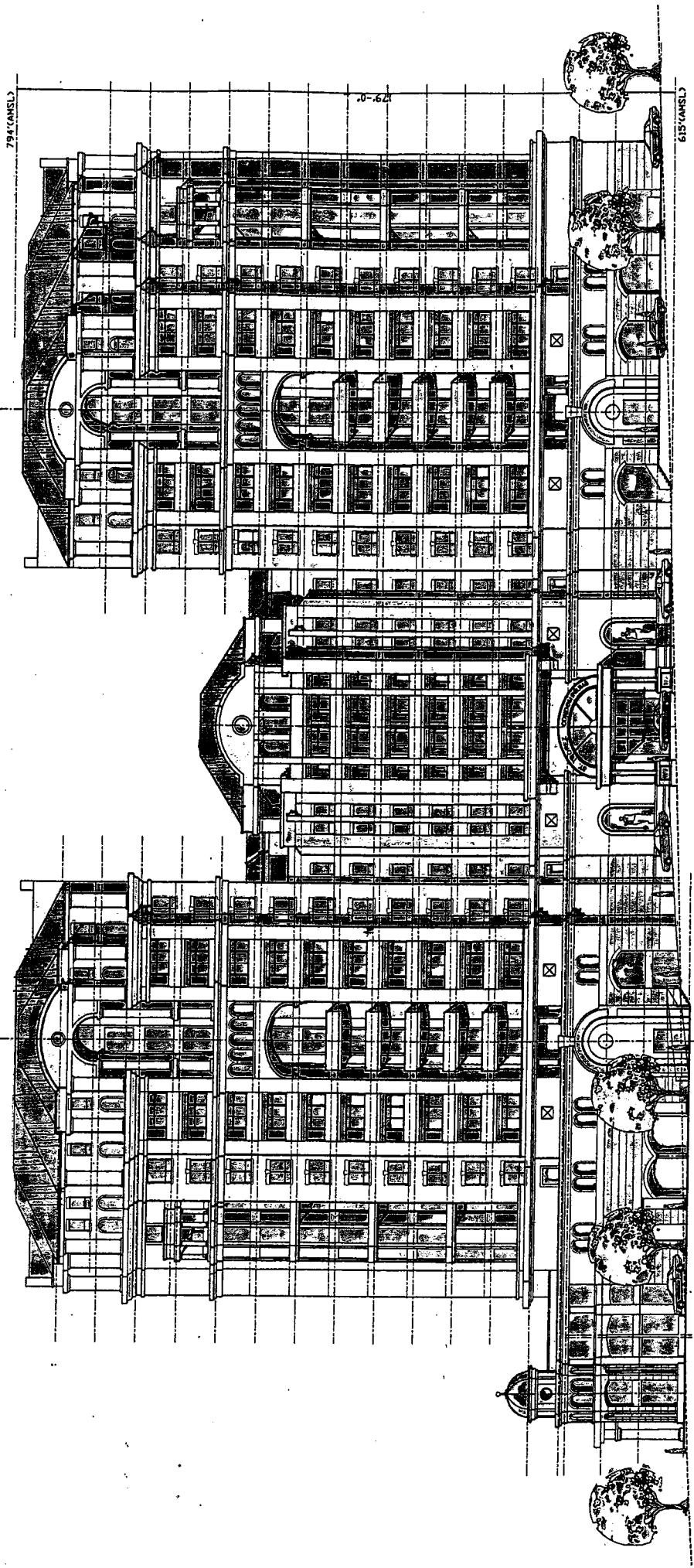
OPEN SPACE CALCULATION

REQUIRED:

| | |
|----------------------------------|-----------------------------|
| PEOPLE FOR CONDOMINIUMS | 132 @ 1.5/UNIT |
| PEOPLE FOR APARTMENTS | 444 @ 2.0/UNIT |
| TOTAL PEOPLE | 576 |
| TOTAL OPEN SPACE REQUIRED | 1.152 ACRES |
| | 2 ACRES/1,000 PERSON |

CONDOMINIUMS/APARTMENTS OVERALL PLAN

SITE PLAN



794 (ANSI)

10-62

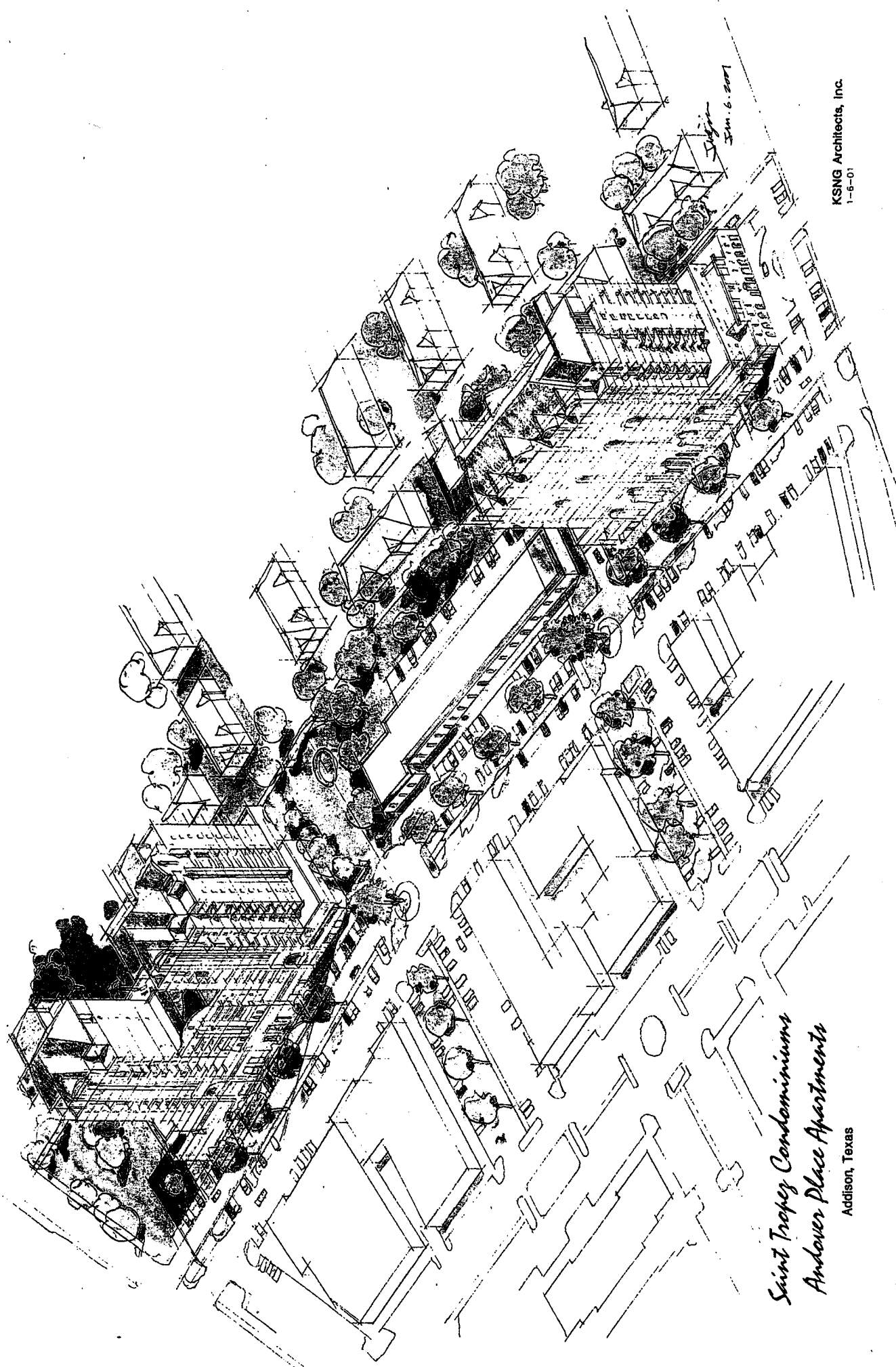
615 (ANSI)

St. Tropez Condominiums

Addison, Texas

KSNG Architects, Inc.
12-3-01





Jan. 6, 2007

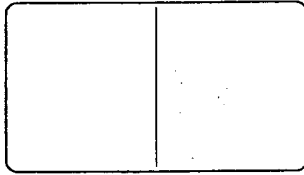
KSNG Architects, Inc.
1-6-01

*Saint Tropez Condominiums
Andover Place Apartments*

Addison, Texas



KSNG ARCHITECTS INC.
 10440 N. CENTRAL EXPRESSWAY, SUITE 1610
 DALLAS, TEXAS 75244
 TEL: 214-635-1234
 FAX: 214-635-1234

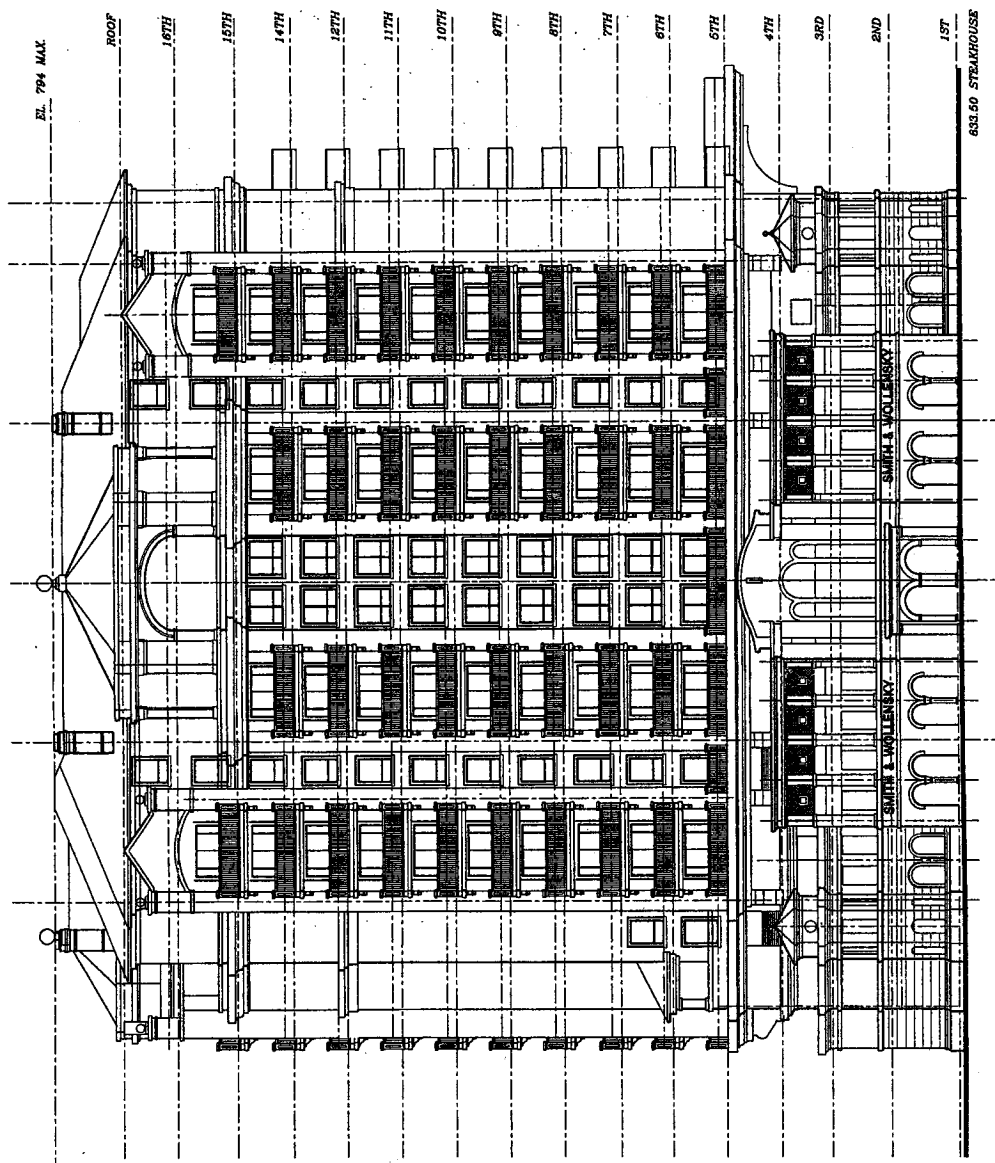


ANDOVER PLACE
 APARTMENTS
 ADDISON, TEXAS

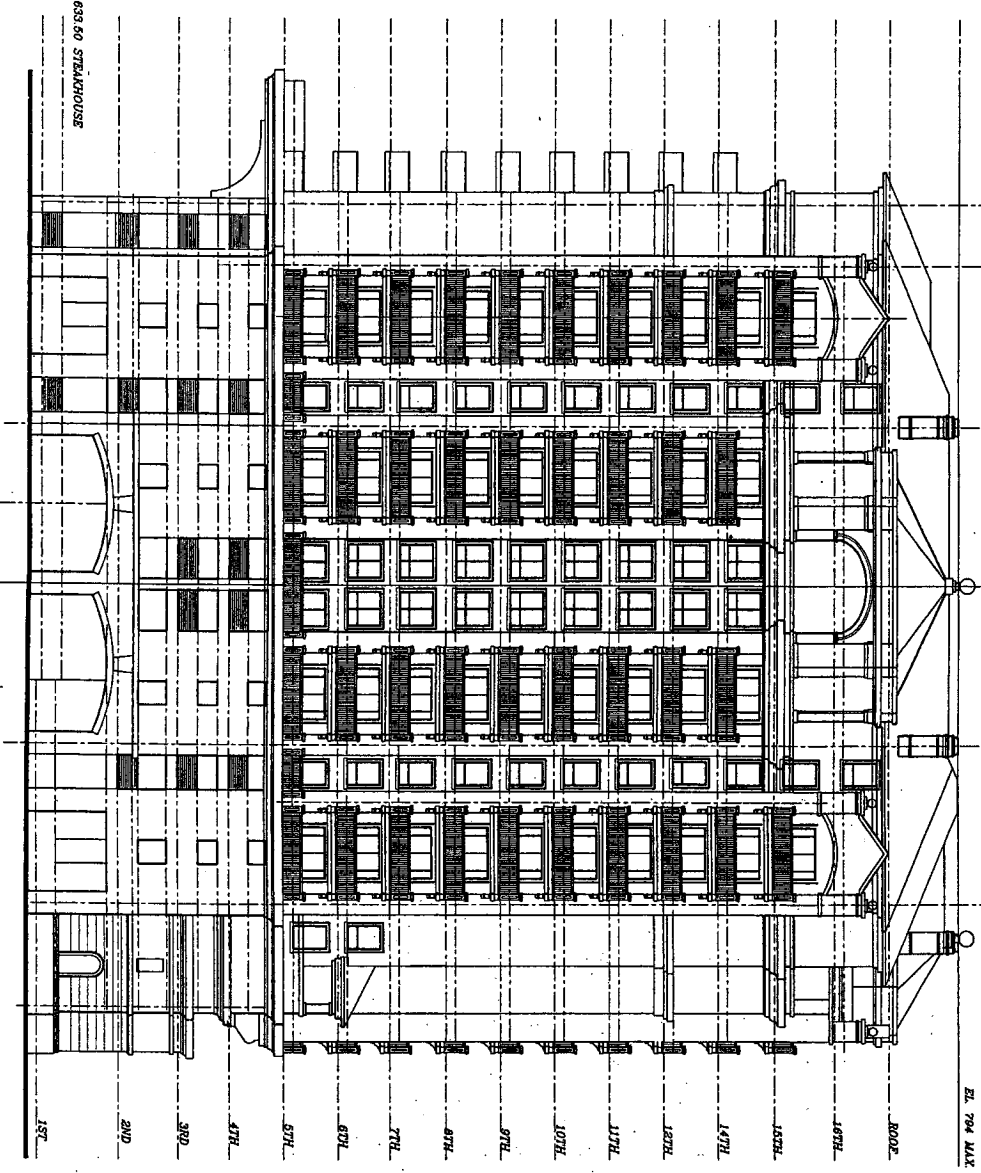
FOR:
K S DEVELOPMENT
 2001 BRYAN STREET
 SUITE 1500
 DALLAS, TEXAS 75201


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| REVISIONS | | |
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| DRAWING TITLE | | |
| WEST ELEVATION DETAILS | | |
| DRAWN BY | DATE | 4-5-03 |
| CHECKED BY | PROJECT NO. | 0088 |
| APPROVED BY | SCALE | 3/16" = 1'-0" |

DRAWING NO. **117-PR**



WEST ELEVATION




KSNG ARCHITECTS, INC.
 2210 W. GORMAN, SUITE 200, DALLAS, TEXAS 75201
 TEL: (214) 265-7200 FAX: (214) 265-7212

ANDOVER PLACE
 APARTMENTS
 ADDISON, TEXAS

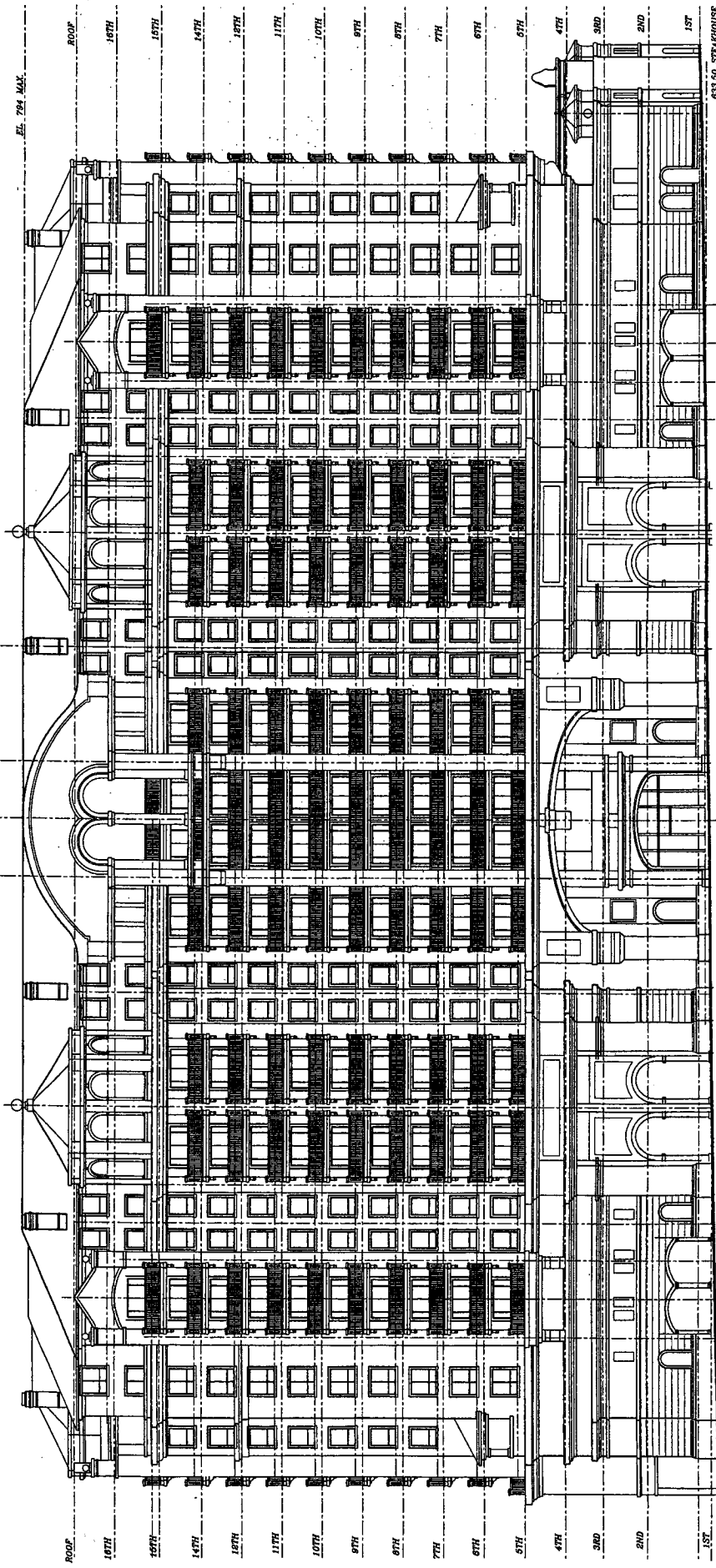
FOR:
K S DEVELOPMENT
 2001 BRYAN STREET
 SUITE 619
 DALLAS, TEXAS 75201

| REVISION | |
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SHEET TITLE:
EAST ELEVATION

| | |
|-----------------------|------------------|
| DATE: 4-8-02 | DRAWN BY: CM |
| TITLE: 3/25 "A" - "D" | CHECKED BY: CM |
| PROJECT NO: 0066 | DRAWING NO: 0066 |

SHEET NO: **118-PR**



NORTH ELEVATION

| | |
|-------------|----------------------|
| DATE | 1/27/11 |
| DESIGNED BY | KSNG ARCHITECTS INC. |
| APPROVED BY | [Signature] |
| DATE | 3/27/11-11-11 |
| PROJECT NO. | 115-PR |

NORTH ELEVATION

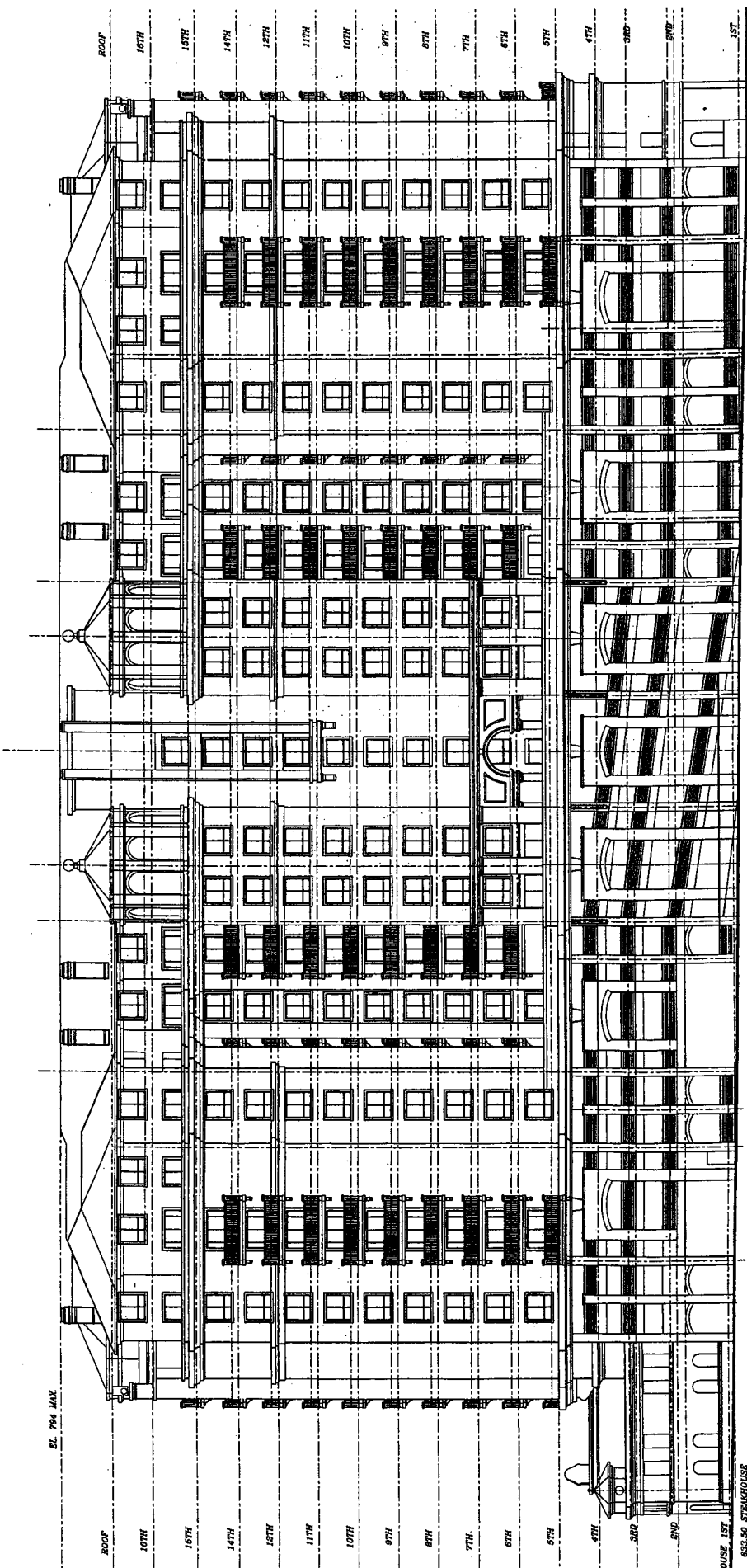
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| NO. | DATE | DESCRIPTION |
| | | |
| | | |
| | | |

K S DEVELOPMENT
 2001 BRYAN STREET
 SUITE 1038
 DALLAS, TEXAS 75201

ANDOVER PLACE
 APARTMENTS
 ADDISON, TEXAS

KSNG ARCHITECTS INC.
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SOUTH ELEVATION

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| DATE OF ISSUE | NO. |
| DATE OF REVISION | NO. |
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PROJECT NO. 116-PR

PROJECT NAME SOUTH ELEVATION

PROJECT ADDRESS 2001 BRYAN STREET SUITE 1938 DALLAS, TEXAS 75201

PROJECT NAME ANDOVER PLACE APARTMENTS ADDRESS, TEXAS

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PROJECT NAME 633.50 STRACKHOUSE

Published
NW Morning News
5-17-02

