

ORDINANCE NO. 003-040

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY BY AMENDING THE ZONING ON A TRACT OF LAND ZONED UC URBAN CENTER DISTRICT AND GENERALLY DESCRIBED AS AN APPROXIMATELY 9.732 ACRE TRACT LOCATED WITHIN THE CITY NORTH OF MORRIS AVENUE, EAST OF QUORUM DRIVE, SOUTH OF AIRPORT PARKWAY AND WEST OF THE PROPOSED SPECTRUM DRIVE (ADDISON CIRCLE), AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE, BY AMENDING THE CONCEPT PLAN GOVERNING THE RESIDENTIAL SUB-DISTRICT OF THE URBAN CENTER DISTRICT AS SET FORTH HEREIN; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 095-032 (the "UC Zoning Amendment") of the Town of Addison, Texas (the "City"), certain land described in the UC Zoning Amendment (the "Entire Property") was zoned UC Urban Center District according to the UC Urban Center District Regulations set forth in the City's Comprehensive Zoning Ordinance (the "Comprehensive Zoning Ordinance"), the same being Appendix A - Zoning of the City's Code of Ordinances; and

WHEREAS, simultaneously with the approval of the UC Zoning Amendment and in accordance with the Comprehensive Zoning Ordinance, a concept plan ("Concept Plan" or "Plan") governing the residential sub-district (the "Residential Sub-district") of the Entire Property was approved and incorporated within the UC Zoning Ordinance; and

WHEREAS, the Concept Plan governing the Residential Sub-district was amended by Ordinance No. 000-037 and

WHEREAS, the real property described herein and which is the subject of this Ordinance (the "Property") is located entirely within the Residential Sub-district; and

WHEREAS, application was made to the Planning and Zoning Commission of the City to amend the Comprehensive Zoning Ordinance, as required by State law and the Comprehensive Zoning Ordinance, by amending the Concept Plan as it pertains to the Property as set out in that plan identified as "ParkView at Addison Circle," a true and

correct copy of which is attached hereto as Exhibit 1 (the "CityHomes ParkView Plan");
and

WHEREAS, all the legal requirements, conditions and prerequisites having been complied with, including the receipt of a final report from the Planning and Zoning Commission, the case came on as a public hearing before the City Council; and

WHEREAS, after due deliberations and consideration of the final report of the Planning and Zoning Commission and other information and materials, the City Council of the Town of Addison, Texas does find that the adoption of this Ordinance is in the best interest of the Town and its citizens and of the public health and welfare; 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 (the "City"), the same being Appendix A - Zoning of the City's Code of Ordinances, is hereby amended as follows:

A. The Concept Plan, as adopted by Ordinance No. 095-032 and as amended by Ordinance No. 000-037, is hereby amended as shown on that plan identified as the CityHomes ParkView Plan, attached hereto as Exhibit 1 and incorporated herein, for the following described Property:

Being a tract of land situated in the G.W. FISHER SURVEY ABSTRACT No. 482, Dallas County, Texas, an addition to the Town of Addison according to the plat as recorded in Volume 2002240, Page 3529 of the Deed Records of Dallas, County, Texas (DRDCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found in the northerly right of way line of MORRIS AVENUE (a 69' right of way);

THENCE N 89°04'47" W, along the northerly right of way line of said MORRIS AVENUE, a distance of 496.03 feet to a chiseled "x" cut found for corner;

THENCE N 00°55'13" E, departing the northerly right of way line of said MORRIS AVENUE, a distance of 34.50 feet to a capped iron rod stamped "Huitt-Zollars" found for corner;

THENCE N 89°04'47" W, a distance of 13.00 feet to a capped iron rod stamped "Huitt-Zollars" found for corner, same being in the east right of way line of QUORUM DRIVE (a 80' right of way);

THENCE N 00°55'13" E, along the easterly right of way line of said QUORUM DRIVE, a distance of 750.33 feet to a capped iron rod stamped "Huitt-Zollars" found for corner, same being the southwest corner of Quorum East Addition, as evidenced in a Deed recorded in Volume 98001, page 33, Deed Records of Dallas County, Texas;

THENCE S 89°05'45" E, departing the easterly right of way line of said QUORUM DRIVE and along the common line with said Quorum East Addition, a distance of 543.53 feet to a point for corner, from which a ½" x capped iron rod with a random cap bears No 89°05'45" W – 2.00', same being the northwest corner of Tract 3 as conveyed to TexOK Properties, L.P., as evidenced in a Deed recorded in Volume 2002240, Page 3529, Deed Records of Dallas County, Texas;

THENCE S 00°55'13" W, departing said Quorum East Addition and along the common line of said Tracts 2 and 3, a distance of 719.98 feet to a capped iron rod stamped "Huitt-Zollars" found for corner;

THENCE N 89°04'47" W, departing said Tract 3, and continuing along said Tract 2, a distance of 34.50 feet to a capped iron rod stamped "Huitt-Zollars" found for corner;

THENCE S 00°53'13" W, a distance of 65.00 feet to the POINT OF BEGINNING and containing within these metes and bounds 9.732 acres or 423,924 square feet of land more or less.

The Property may only be developed in accordance with the Concept Plan, as amended by this Ordinance.

SECTION 2. That all paved areas, permanent drives, streets and drainage structures in connection the development of the Property must be constructed in accordance with standard Town of Addison specifications adopted for such purpose.

SECTION 3. 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, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, General Provisions, Section 1-7, of the Code of Ordinances for the Town of Addison, Texas.


SECTION 4. That the provisions of this Ordinance are severable, and 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 provision 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 5. That the above and foregoing premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 6. 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.

SECTION 7. That this Ordinance shall take effect from and after its date of passage and publication as required by law.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 11th day of November 2003.



MAYOR

ATTEST:



CITY SECRETARY

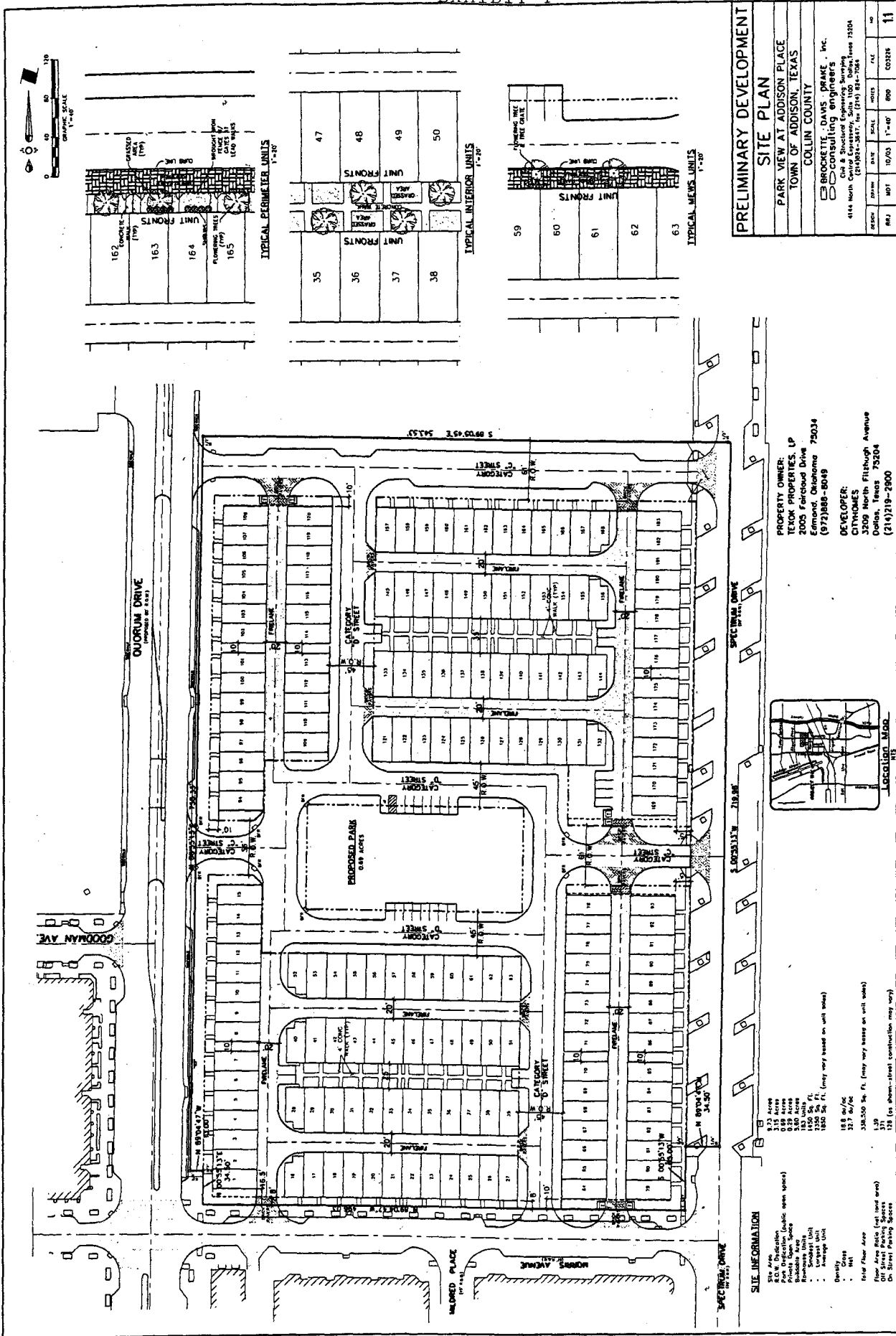
CASE NO. 1437-Z

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: Kl. 10. Morning News 4.30.04



PRELIMINARY DEVELOPMENT SITE PLAN

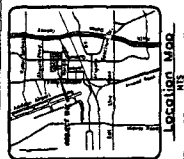
PARK VIEW AT ADDISON PLACE
TOWN OF ADDISON, TEXAS
COLLIN COUNTY

BRONSTEIN, DAVID PRAME, INC.
Civil & Structural Engineering Surveying
414 North Central Expressway, Suite 1000 Dallas, Texas 75204
(214) 761-1111

DATE	SCALE	SHEET	TOTAL SHEETS
10/03	1"=40'	800	020226
REV	DATE	BY	DESCRIPTION
101	10/03	1"=40'	020226

PROPERTY OWNER:
TEKOR PROPERTIES, LP
2005 Faircloud Drive
Carmel, Oklahoma 75034
(972) 880-8049

DEVELOPER:
CITITHOMES
3209 North Fitzhugh Avenue
Dallas, Texas 75204
(214) 219-2900



SITE INFORMATION

Site Area: 3.73 acres
 Park Designation: (public open space)
 Park Area: 0.88 acres
 Building Area: 3,610 sq ft
 Building Footprint: 1,850 sq ft
 Building Height: 1 story
 Lot Area: 1,200 sq ft (only very small on unit basis)
 Density: 18.8 units/acre
 Units: 181

Retail Floor Area: 338,550 sq ft (may vary based on unit mixes)
 Floor Area Ratio (net land used area): 1.39
 Floor Area Ratio (gross land used area): 1.71 (see shown-based construction map for)

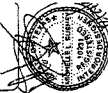
DATE: 12/2/05
JOB#: 5031

SITE PLAN

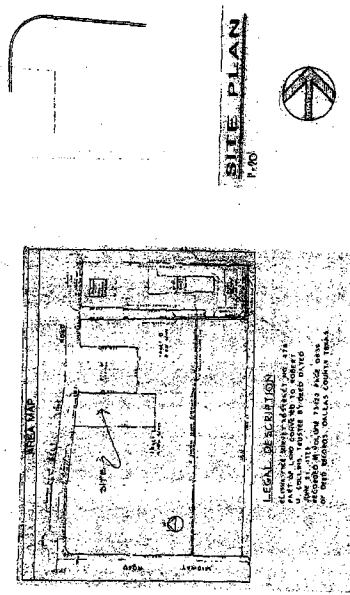
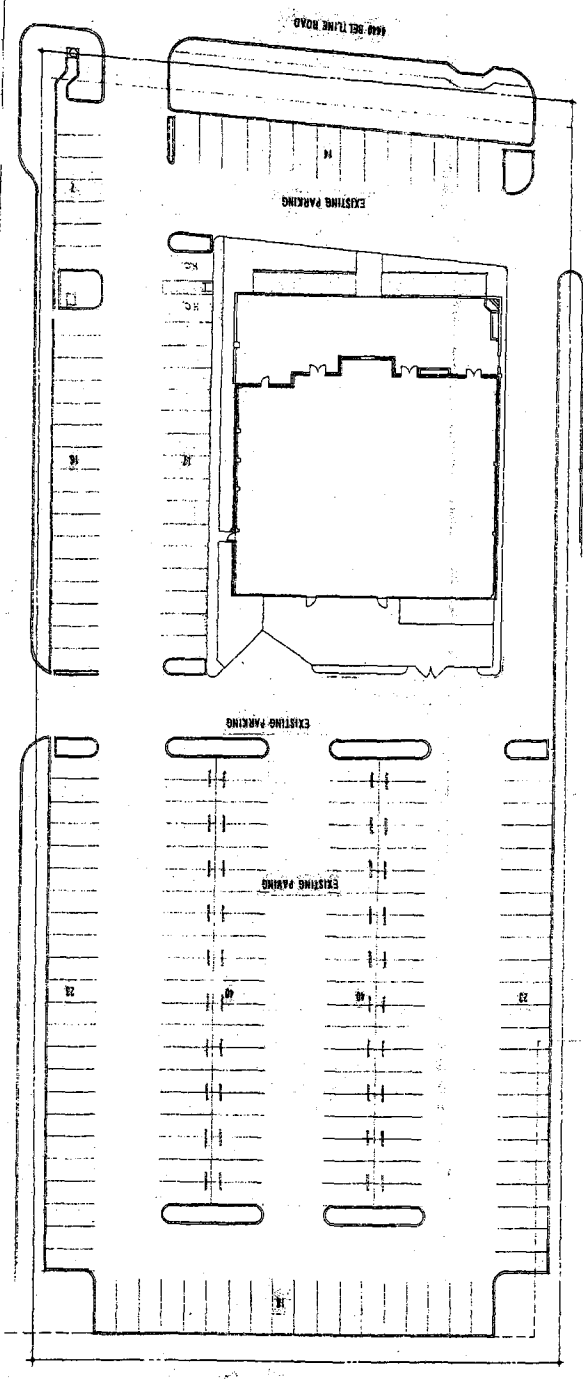
NAME OF RESTAURANT
PENDING
ADDISON, TX

4440 BELTLINE, LTD

VISION 360
SUITE 1
5714 MCCOMMAS BLVD.
DALLAS, TX 75208



SHEET NUMBER
SP



PROJECT DATA
PROJECT NAME: VISION 360
PROJECT ADDRESS: 5714 MCCOMMAS BLVD., SUITE 1, DALLAS, TX 75208
PROJECT TYPE: RESTAURANT
DATE: 12/2/05
PROJECT NUMBER: 5031
PROJECT AREA: 12,345 SQ. FT.
PROJECT PERMIT NUMBER: 12345
PROJECT ENGINEER: [Name]
PROJECT ARCHITECT: [Name]

LEGAL DESCRIPTION
[Text describing the legal description of the property]