

ORDINANCE NO. 005- 031

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO APPROVE A REVISED CONCEPT PLAN FOR THE COMMERCIAL SUB-DISTRICT OF THE URBAN CENTER DISTRICT, LOCATED ON 22.01 ACRES ON THE NORTH SIDE OF THE ST. LOUIS AND SOUTHWESTERN RAILROAD TRACK, AND BOUNDED ON THE EAST SIDE BY THE DALLAS NORTH TOLLWAY AND ON THE WEST SIDE BY SPECTRUM DRIVE, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; 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 the Comprehensive Zoning Ordinance of the Town of Addison, Texas, be, and the same is hereby amended by amending the zoning map of the Town of Addison, Texas, so as to approve a revised concept plan for the hereinafter described property, which is located in the UC - Urban Center zoning district, in the Commercial sub-district. Said property being in the Town of Addison, Texas, and being described as follows:

Tract 1

BEING a tract of land situated in the G.W. Fisher Survey, Abstract No. 482, in Town of Addison, Dallas County, Texas, and being a portion of two tracts of land deeded to OPUBCO Properties, Inc. as evidenced by two instruments recorded in Volume 82020, Page 0864 and Volume 84151, Page 3619 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a one-half inch iron rod found with "Huitt-Zollars" cap at the intersection of the north right-of-way line of the Dallas Area Rapid Transit Property Acquisition Corporation, (formerly St. Louis Southwestern Railroad) a 100 foot wide right-of-way, as evidenced by instrument recorded in Volume 91008, page 1390 of the Deed Records of Dallas County, Texas, with east right-of-way line of Quorum Drive as established by instrument to the Town of Addison, Texas as recorded in Volume 82093, page 1077 of the Deed Records of Dallas County, Texas;

THENCE, North 00 degrees 08 minutes 00 seconds East along the east right-of-way line of Quorum Drive a distance of 96.69 feet to a one-half inch iron rod found with "Huitt-Zollars" cap at the beginning of a curve to the right having a radius of 1,392.39 feet;

THENCE, continuing along said east right-of-way line of Quorum Drive and along said curve to the right through a central angle of 06 degrees 52 minutes 23 seconds, an arc distance of 167.03 feet, being subtended by a chord which bears North 03 degrees 34 minutes 12 seconds East, and is 166.93 feet in length to a one-half inch iron rod found with "Huitt-Zollars" cap;

THENCE, North 07 degrees 00 minutes 23 seconds East continuing along the east right-of-way line of Quorum Drive a distance of 143.16 feet to a one-half inch iron rod found with "Huitt-Zollars" cap at the beginning of a non-tangent curve to the left having a radius of 130.00 feet;

THENCE, departing said east right-of-way line of Quorum Drive and along said curve to the left through a central angle of 144 degrees 58 minutes 13 seconds, an arc distance of 328.93 feet, being subtended by a chord which bears North 06 degrees 36 minutes 04 seconds East, and is 247.95 feet in length to a one-half inch iron rod found with "Huitt-Zollars" cap on said east right-of-way line of Quorum Drive, said point being the beginning of a non-tangent curve to the left having a radius of 1,472.39 feet;

THENCE, continuing along said east right-of-way line of Quorum Drive and along said curve to the left through a central angle fo 03 degrees 17 minutes 22 seconds, an arc distance of 84.53 feet, being subtended by a chord which bears

North 02 degrees 33 minutes 54 seconds East and is 84.52 feet in length to a one-half inch iron rod found with "Huitt-Zollars" cap for the point of tangency of said curve;

THENCE, North 00 degrees 55 minutes 13 seconds East continuing along the east right-of-way line of Quorum Drive a distance of 339.66 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South 89 degrees 04 minutes 47 seconds East departing said east right-of-way line of Quorum Drive a distance of 13.00 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South 00 degrees 55 minutes 13 seconds West a distance of 34.50 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South 89 degrees 04 minutes 47 seconds East a distance of 496.03 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, North 00 degrees 55 minutes 13 seconds East a distance of 21.00 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South 89 degrees 04 minutes 47 seconds East a distance of 69.00 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South 00 degrees 55 minutes 13 seconds West a distance of 218.98 feet to a one-half inch rod set for the beginning of a curve to the right having a radius of 101.50 feet;

THENCE, along said curve to the right through a central angle of 57 degrees 31 minutes 26 seconds, an arc distance of 101.90 feet, being subtended by a chord which bears South 78 degrees 15 minutes 18 seconds East and is 97.68 feet in length to a one-half inch iron rod set with "Huitt-Zollars" cap;

THENCE, North 72 degrees 58 minutes 59 seconds East a distance of 400.69 feet to a one-half inch iron rod set with "Huitt-Zollars" cap on the east line of said OPUBCO recorded in Volume 82020, Page 0684 and the west right-of-way line of Dallas North Tollway;

THENCE, South 00 degrees 29 minutes 00 seconds East continuing along the east line of said OPUBCO tract and the west right-of-way line of Dallas North Tollway a distance of 187.22 feet to a one-half inch iron rod found at the southeast corner of the OPUBCO tract as recorded in Volume 82020, page 0684, said corner also being the northeast corner of the OPUBCO tract as recorded in Volume 84151, page 3619;

THENCE, South 89 degrees 59 minutes 39 seconds East continuing along the west right-of-way line of Dallas North Tollway and along the north line of the last mentioned OPUBCO tract a distance of 48.08 feet to a one-half inch iron rod set with "Huitt-Zollars" cap at the northeast corner of said OPUBCO tract, said corner being the beginning of a non-tan-tangent curve to the left having a radius of 2,964.79 feet;

THENCE, continuing along the east line of said OPUBCO tract and the west right-of-way line of Dallas North Tollway and along said curve to the left through a central angle of 01 degrees 54 minutes 29 seconds, an arc distance of 98.74 feet and being subtended by a chord bearing South 12 degrees 05 minutes 47 seconds East a distance of 98.73 feet to a one-half inch iron rod found with "Huitt-Zollars" cap;

THENCE, South 13 degrees 03 minutes 02 seconds East continuing along the east line of the OPUBCO tract and along the west right-of-way line of Dallas North Tollway a distance of 118.29 feet to the northwesterly right-of-way line of said Dallas Area Rapid Transit Tract;

THENCE, South 66 degrees 45 minutes 01 seconds West along the northwesterly right-of-way line of Dallas Area Rapid Transit tract a distance of 1,411.55 feet to the POINT OF BEGINNING and CONTAINING 18.694 acres of land, more or less.

Tract 2

BEING a tract of land situated in the G.W. Fisher Survey, Abstract No. 482, in the Town of Addison, Dallas County, Texas, and being all of Lots 11, 12, and 13 of Block B and all of Lot 5 of Block D, in Julian's Addition, an addition to the Town of Addison, as recorded in Volume 91118, Page 1571 of the Deed Records of Dallas County, Texas, and being a portion of a tract deeded to OPUBCO, Inc. as evidenced by instrument recorded in Volume 84151, page 3619 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a one-half inch iron rod found at the intersection of the north right-of-way line of a tract of land to Dallas Area Rapid Transit Property Acquisition Corporation (formerly St. Louis Southwestern Railroad), a 100 foot wide right-of-way, as evidenced by instrument recorded in Volume 91008, page 1390 of the Deed Records of Dallas County, Texas, with the east line of a 20 foot wide alley in Block B of said Julian's Addition;

THENCE, North 00 degrees 01 minutes 39 seconds East along the east line of said 20 foot alley a distance of 440.92 feet to a one-half iron rod set with "Huitt-Zollars" cap;

THENCE, South 89 degrees 58 minutes 21 seconds East departing the east line of said 20 foot alley a distance of 412.81 feet to a one half inch iron rod found with "Huitt-Zollars" cap on the platted west right-of-way line of Quorum Drive as established by Addison Circle Phase I, and addition to the Tow of Addison as recorded in Volume, Page, of the Deed Records of Dallas County, Texas, and being the beginning of a non-tangent curve to the left having a radius of 1,485.39 feet;

THENCE in a southerly direction along said curve to the left through a central angle of 4 degrees 59 minutes 05 seconds, an arc distance of 129.23 feet and being subtended by a chord bearing South 02 degrees 37 minutes 32 seconds West a distance of 129.19 feet to a one-half inch iron rod found with "Huitt-Zollars" cap;

THENCE, South 00 degrees 08 minutes 00 seconds West continuing along the west right-of-way line of Quorum Drive a distance of 136.90 feet to a one-half inch iron rod found at the north right-of-way line of Dallas Area Rapid Transit tract;

THENCE, South 66degrees 45 minutes 01 seconds West along the north right-of-way line of Dallas Area Rapid Transit tract a distance of 442.74 feet to the POINT OF BEGINNING and Containing 3.307 acres of land, more or less.

SECTION 2. That the revised concept plan for the Commercial sub-district, which states "Total Floor Area – No Maximum" in each applicable space, for all properties contained in the commercial sub-district, is hereby approved.

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 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 4. 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 5. 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 9th day of August, 2005.


MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 1497-Z/Town of Addison

APPROVED AS TO FORM:


DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: _____