

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 012 – 002

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, THE SAME BEING APPENDIX A–ZONING OF THE TOWN’S CODE OF ORDINANCES, BY CHANGING THE ZONING OF AN APPROXIMATELY 30.7141 ACRE TRACT OF LAND, GENERALLY LOCATED WITHIN THE TOWN AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BELT LINE ROAD AND DALLAS PARKWAY AND ADDRESSED AS 5301 BELT LINE ROAD (AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO), FROM A PLANNED DEVELOPMENT DISTRICT, PURSUANT TO AND AS DESCRIBED IN ORDINANCE NOS. 096-003, 096-028, 002-001, AND 005-024, TO A NEW PLANNED DEVELOPMENT DISTRICT FOR OFFICE AND RETAIL USES AND, SUBJECT TO THE APPROVAL OF A SPECIAL USE PERMIT, RESTAURANT USES, THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ONLY, THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION, A MOVIE PICTURE THEATER, AND A HOTEL/MOTEL, ; PROVIDING FOR SPECIAL CONDITIONS AND THAT THE DEVELOPMENT AND USE OF THE SAID TRACT OF LAND SHALL BE IN ACCORDANCE WITH THE DEVELOPMENT PLAN ATTACHED HERETO, THE USE REGULATIONS AND DEVELOPMENT CONDITIONS SET FORTH HEREIN, AND ALL TERMS, CONDITIONS AND PROVISIONS OF THIS ORDINANCE, THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN, AND ALL APPLICABLE LAWS, STATUTES, ORDINANCES, RULES, REGULATIONS, CODES, AND STANDARDS OF THE TOWN AND ANY OTHER GOVERNMENTAL ENTITY OR AUTHORITY; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 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;CLAUSE; PROVIDING FOR A

**SEVERABILITY CLAUSE; PROVIDING FOR A REPEAL CLAUSE;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, a tract of land located within the Town of Addison, Texas (the "City"), containing approximately 30.717 acres and being generally located at the southeast corner of the intersection of Belt Line Road and Dallas Parkway and the address of which is 5301 Belt Line Road, and as more particularly described in this Ordinance (the "Property"), is zoned Planned Development District pursuant to and as set forth in Ordinance Nos. 096-003, 096-028, 002-001, and 005-024 of the City; and

WHEREAS, the owner of the Property filed an application with the Planning and Zoning Commission of the City requesting a change in zoning on the Property from Planned Development District, pursuant to and as described in Ordinance Nos. 096-003, 096-028, 002-001, and 005-024 of the City, to a new Planned Development District for the uses and purposes as described herein, in accordance with State law and the City's comprehensive Zoning Ordinance, the same being Appendix A-Zoning of the City's Code of Ordinances (the "Zoning Ordinance"); and

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with State law and the ordinances of the City, have given the required notices, have held the required public hearings, and have complied with all other legal requirements regarding the change in zoning of the Property; and

WHEREAS, all the legal requirements, conditions and prerequisites having been complied with, and after considering the information submitted at the public hearing and all other relevant information and materials, the Planning and Zoning Commission recommended to the City Council a change in zoning of the Property, and thereafter the case came before the City Council; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas does find that there is a public necessity for the zoning change herein made, that the public demands it, that the public interest clearly requires this 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 ("City"), the same being included with the Code of Ordinances of the City as Appendix A-Zoning, be, and the same is hereby amended by changing the zoning on the Property described below and that is the subject of this Ordinance from Planned Development District, pursuant to and as described in Ordinance Nos. 096-003, 096-028, 002-001, and 005-024 of the City, to Planned Development District in accordance with the requirements of this Ordinance (including all exhibits referenced herein, each of which is incorporated herein for all purposes), all applicable parts of the Zoning Ordinance, and all other applicable ordinances, rules, regulations, codes and standards of the City and the laws, rules, regulations and standards of all other governmental entities, agencies, or authorities having jurisdiction over the Property.

The Property that is the subject of this Ordinance and the change in zoning hereby made is generally located within the City at the southeast corner of the intersection of Belt Line Road and Dallas Parkway and the address of which is 5301 Belt Line Road, and is more particularly described as follows:

BEING a tract of land situated in the G.W. Fisher Survey, Abstract. No. 482, J. Pancoast Survey, Abstract no. 1145 and the Allen Bledsoe Survey, Abstract no. 1145, City of Addison, Dallas County, Texas and being all of Lots 1A, 1B and 2A of the Village on the Parkway, a subdivision and addition to the City (Town) of Addison, Texas as described and shown on the Amended Replat of Lot 1A, Lot 1B, & Lot 2A, Village on the Parkway recorded in Volume 2001019, Page 914 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at the north end of a right-of-way corner clip at the intersection of the southwest right-of-way line of Sakowitz Drive (65-foot wide right-of-way) with the south right-of-way line of Belt Line Road (100 foot wide right-of-way);

THENCE South 65°51'30" East, a distance of 29.57 feet to a point for corner at the south end of said right-of-way corner clip in the said southwest right-of-way line of Sakowitz Drive;

THENCE with said southwest right-of-way line, South $41^{\circ}57'00''$ East, a distance of 757.56 feet to a point for corner in the west right-of-way line of Montfort Drive (80 foot wide right-of-way);

THENCE with said west right-of-way line, South $23^{\circ}24'00''$ East, a distance of 887.39 feet to a point for the southeast corner of said Village on the Parkway Addition;

THENCE departing said west right-of-way line and along the south line of said Parkway Village Addition, the following courses and distances:

South $85^{\circ}31'25''$ West, a distance of 691.03 feet to an angle point;
North $85^{\circ}30'06''$ West, a distance of 807.47 feet to a point for corner in the east right-of-way line of Dallas Parkway (a variable width right-of-way) at the beginning of a non-tangent curve to the right having a central angle of $06^{\circ}56'16''$, a radius of 668.20 feet, a chord bearing and distance of North $06^{\circ}43'06''$ East, 80.86 feet;

THENCE with the east right-of-way line of said Dallas Parkway, the following courses and distances:

In a northerly direction, with said curve to the right, an arc distance of 80.91 feet to a point at the end of said curve;

North $10^{\circ}11'14''$ East, a distance of 225.13 feet to a point for corner at the beginning of a tangent curve to the right having a central angle of $16^{\circ}08'42''$, a radius of 1,140.92 feet, a chord bearing and distance of North $18^{\circ}15'27''$ East, 320.43 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 321.49 feet to a point at the end of said curve;

North $26^{\circ}19'54''$ East, a distance of 252.26 feet to a point for corner at the beginning of a tangent curve to the left having a central angle of $01^{\circ}00'19''$, a radius of 1,262.92 feet, a chord bearing and distance of North $25^{\circ}49'46''$ East, 22.16 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 22.16 feet to a point at the beginning of a curve to the right having a central angle of $04^{\circ}59'52''$, a radius of 100.00 feet, a chord bearing and distance of North $27^{\circ}49'34''$ East, 8.72 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 8.72 feet to a point at the end of said curve;

North $30^{\circ}19'34''$ East, a distance of 89.93 feet to an angle point;

North $20^{\circ}38'23''$ East, a distance of 5.88 feet to a point for corner at the beginning of a tangent curve to the left having a central angle of $15^{\circ}43'45''$, a radius of 1,274.92 feet, a chord bearing and distance of North $12^{\circ}46'31''$ East, 348.90 feet;

In a northerly direction, with said curve to the left, an arc distance of 350.00 feet to a point at the end of said curve;

North 04°54'38" East, a distance of 24.73 feet to a point for corner at the beginning of a tangent curve to the right having a central angle of 85°05'19" a radius of 79.36 feet, a chord bearing and distance of North 47°27'19" East, 107.32 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 117.86 feet to a point in the said south right-of-way line at the end of said curve;

THENCE along said south right-of-way line, North 90°00'00" East, a distance of 126.98 feet to the POINT OF BEGINNING and containing 30.717 acres or 1,338,020 square feet of land.

SECTION 2.

A. *Development, Occupancy, and Use.* The Property shall be developed, occupied, and used only in accordance with the terms and conditions of this Ordinance and all exhibits attached hereto (all of which are incorporated herein and made a part hereof for all purposes), including, without limitation, the development plans which are attached hereto as Exhibit A and made a part hereof for all purposes ("Development Plans"), with the Zoning Ordinance (and as the same may be hereafter amended or superseded), and with all other applicable ordinances, codes, standards, rules and regulations of the City (and as the same may be hereafter amended or superseded).

B. *Uses.* Only those uses identified herein as permitted uses, special uses, or accessory uses are authorized uses (subject to the terms, conditions and provisions of this Ordinance) within the Property. All other uses are expressly prohibited.

1. *Permitted Uses.* The following uses are authorized as permitted uses within the Property:

(a) Retail. Retail uses within the Property are limited to the following (all uses listed below are for retail use only (whether or not so specified):

- Antique shop
- Aquarium
- Art gallery
- ATM facilities
- Bakery, retail sales only
- Bank
- Barber and beauty shop
- Bicycle sales and service
- Book or stationery store
- Business support services
- Camera shop
- Candy, cigars and tobaccos, retail sales only
- Caterer and wedding service (office only)

Cleaning, dyeing and laundry pick-up station for receiving and delivery of articles to be cleaned, dyed and laundered, but no actual cleaning, dying, or laundering work is to be done on the premises

Coffee shop (no seating on premises)

Convenience store

Cosmetic and beauty supplies

Dance studios

Department store

Donut and pastry shop, no seating on premises

Drug store, retail sales only

Electrical goods and fixtures for consumer use

Electronics store

Film developing and printing

Financial services

Fix-it shops, bicycle repair, saw filing and lawn mower sharpening, retail sales only

Florist, retail sales only

Furniture sales, repairs and upholstery

Gallery, for the display and sale of artworks

Grocery store, retail sales only

Hardware, sporting goods, toys, paints, wallpaper, clothing, retail sales only

Health club, private and public

Household and office furniture, furnishings and appliances, retail sales or rental only

Jewelry, optical goods, photographic supplies, retail sales only

Laundromat, 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

Magazine store

Meat market, retail sales only

Medical and dental clinics

Movie DVD and VHS rental and sales

Optician and optical store

Pet and pet supplies

Photographer or artist studio

Pizza delivery shop, no seating on premises

Piano and musical instruments

Plumbing shop, without warehouse facilities (to include storage for ordinary repairs, but not storage for materials for contracting work)

Printing and copy shop, retail sales only

Professional offices for architect, attorney, engineer and real estate

Public garage, parking, no repairs

Retail Store

Seamstress, dressmaker, or tailor

Shoe repair shop, retail sales only

Sporting goods, toy & hobby store
Studio for the display and sale of glass, china, art objects, cloth and draperies
Studios, dance, music, drama, martial arts
Tailors
Telephone stores
Title companies
Travel services
Wearing apparel, including clothing, shoes, hats, millinery and accessories

(b) Office. Office use, as the term "office" is defined in Article XXX of the Zoning Ordinance.

(c) Civic. Civic uses, as the term "civic" is defined in Article XXX of the Zoning Ordinance.

2. *Special Uses*. A use listed below in this subsection may be permitted within the Property but only if, and provided the same is first, authorized by the approval of the City Council in accordance with and subject to Article XX, Special Uses, of the Zoning Ordinance (and as the same may be modified or superseded):

(a) Hotel.

(b) Restaurants without drive-in service (service to be entirely within a building); and restaurants with drive-in facilities, provided that no food or drink may be served to vehicles parked on a public street.

(c) Movie picture theater.

(d) Sale of beer and wine for off-premises consumption.

(e) Sale of alcoholic beverages for on-premises consumption.

3. *Accessory Uses*. The following are permitted as accessory uses within the Property:

(a) Parking and parking structures.

SECTION 3. The following special conditions are placed on the above described Property:

-The Development Plans shall be revised to reflect the addition of trees to the west side and front of the grocery store building (as shown in video presented by the Property owner / applicant at a public hearing before the City Council held on January 24, 2012, a true and correct copy of which is on file in the office of the Director of Development Services for the City);

-The Development Plans shall be revised to include a 5-foot wide sidewalk along the entire street frontage against Belt Line Road;

-The proposed Development Plans shall be revised to change the cable-railings on the south façade of the parking garage, as shown on the Development plans, to pre-cast concrete panels to match the panels on the north side of the garage;

-In accordance with Section 8.(B)(4) of the Town's Landscaping Regulations (Article XXI of the Zoning Ordinance), the Property owner / applicant shall pay a fee to the Town in lieu of tree replacements in an amount and under terms to be determined by the Parks Director and City Manager; and

Final development plans and documents shall be subject to the approval by the City Attorney and City Manager for conformance with the terms and provisions of this Ordinance and all other ordinances, rules, regulations, codes and standards of the City.

SECTION 4. All paved areas, permanent drives, streets and drainage structures, and water and sanitary sewer facilities, shall be constructed in accordance with standard Town of Addison specifications adopted for such purpose.

SECTION 5. No building permit or certificate of occupancy for any use on or in the Property shall be issued until there has been full compliance with this Ordinance and all other applicable ordinances, rules, regulations, codes and standards of the City.

SECTION 6. The official Zoning Map of the City shall be modified to reflect the zoning change herein made.

SECTION 7. The amendment to zoning herein made has been made in accordance with the comprehensive plan of the City 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 8. That any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII

(Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

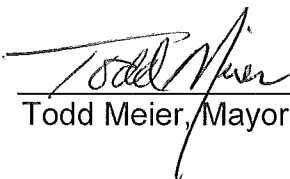
SECTION 9. The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

SECTION 10. 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 11. The above and foregoing recitals to this Ordinance are true and correct and are incorporated into this Ordinance and made a part hereof for all purposes.

SECTION 12. This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 24th day of January, 2012.



Todd Meier, Mayor

ATTEST: 

CITY SECRETARY

CASE NO: 1648-Z/Village on the Parkway

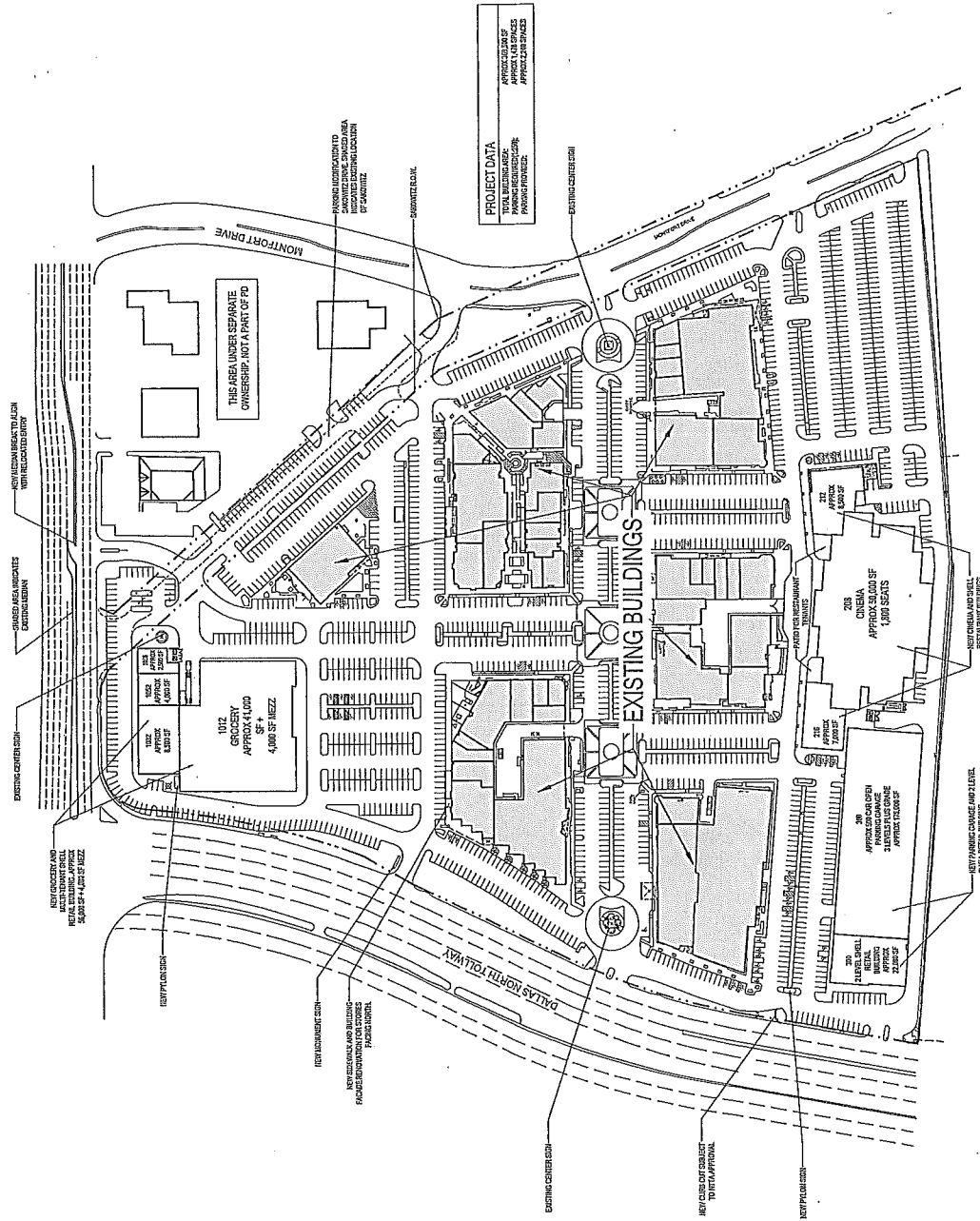
APPROVED AS TO FORM:

C MORAN

DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: _____

6/29

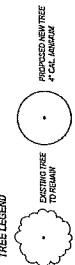
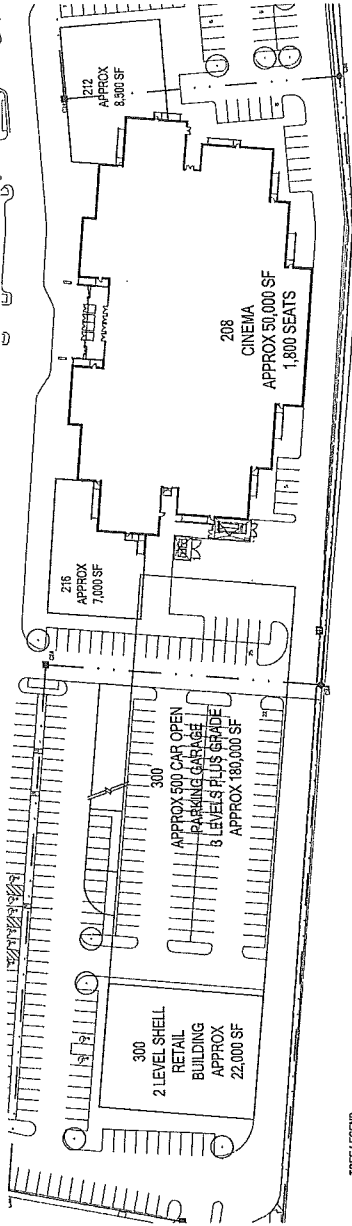
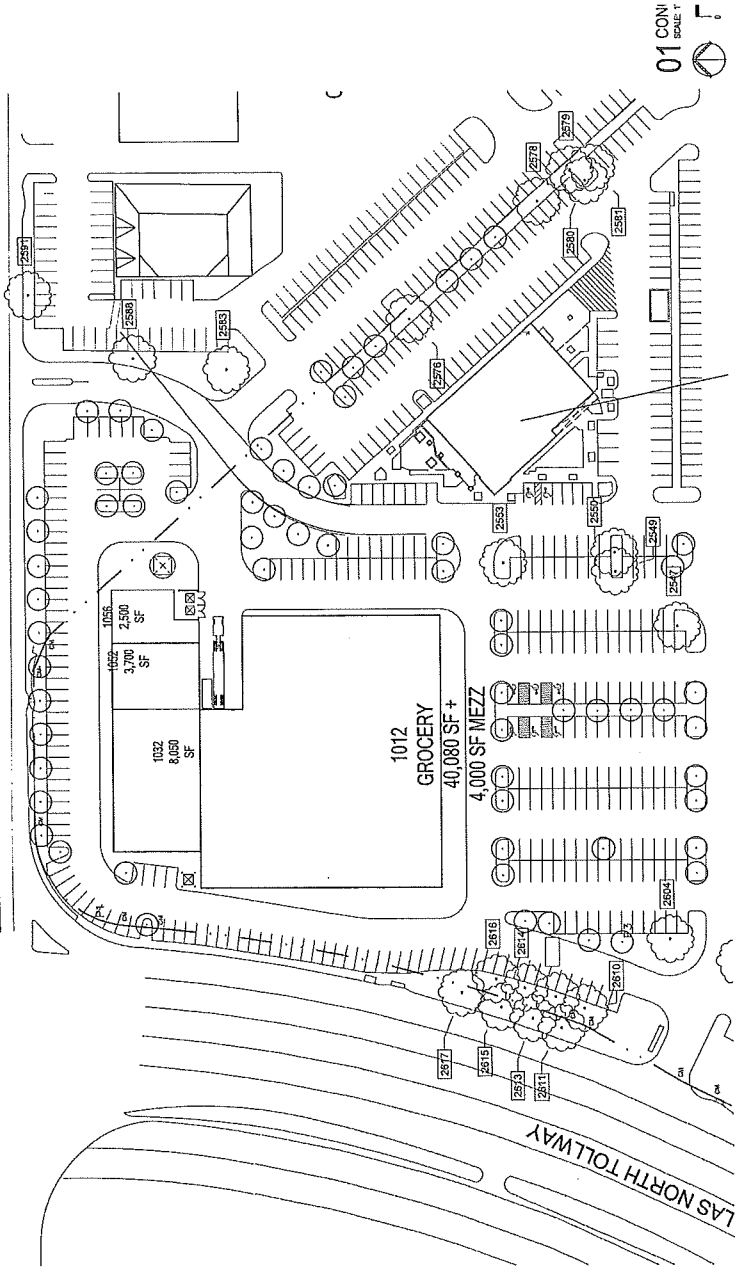


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 Drawn by: mjb

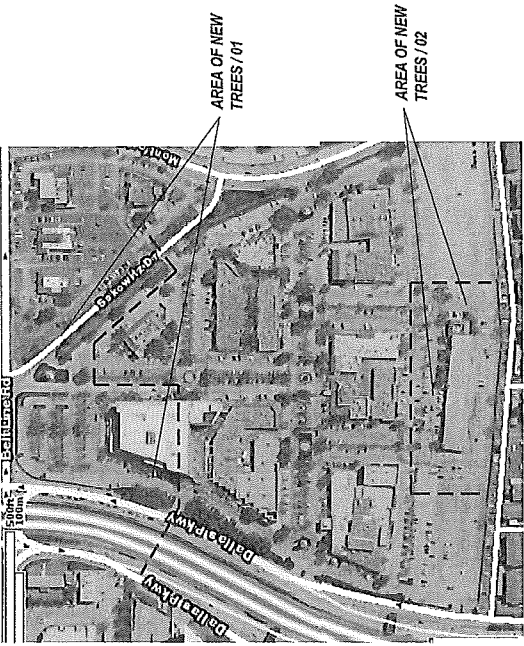
OVERALL SITE PLAN
 Village on the Parkway
 Addison, Texas

Exhibit "A"

BELT LINE ROAD
(100' PUBLIC ROW)



02 CONCEP
SCALE 1"=50'



SMR
Sustainable Mitigation Resources, Inc.
10000 Coles Road
Dallas, Texas 75242
Tel: 214.712.0405
Email: smr@smr-tx.com

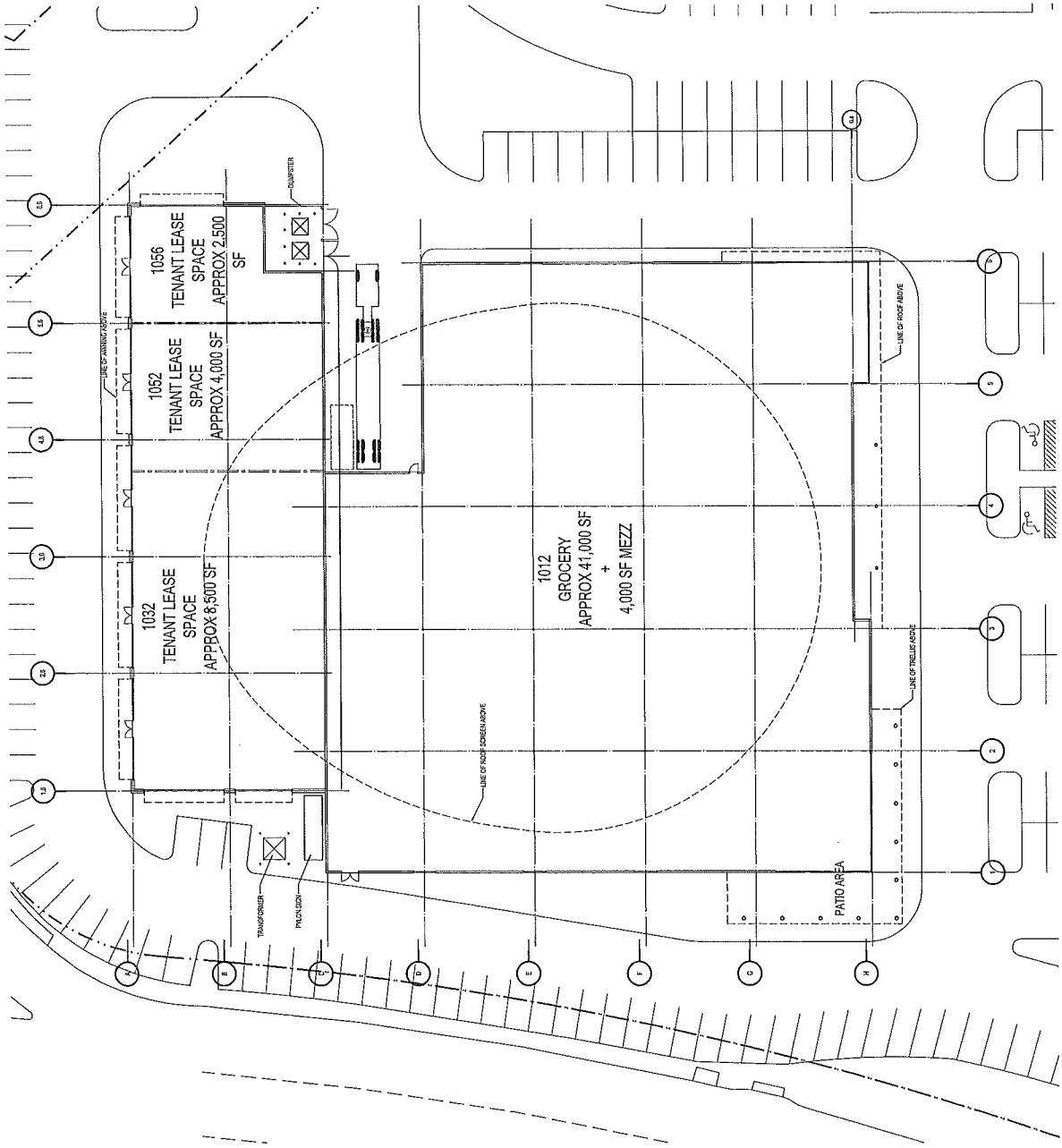
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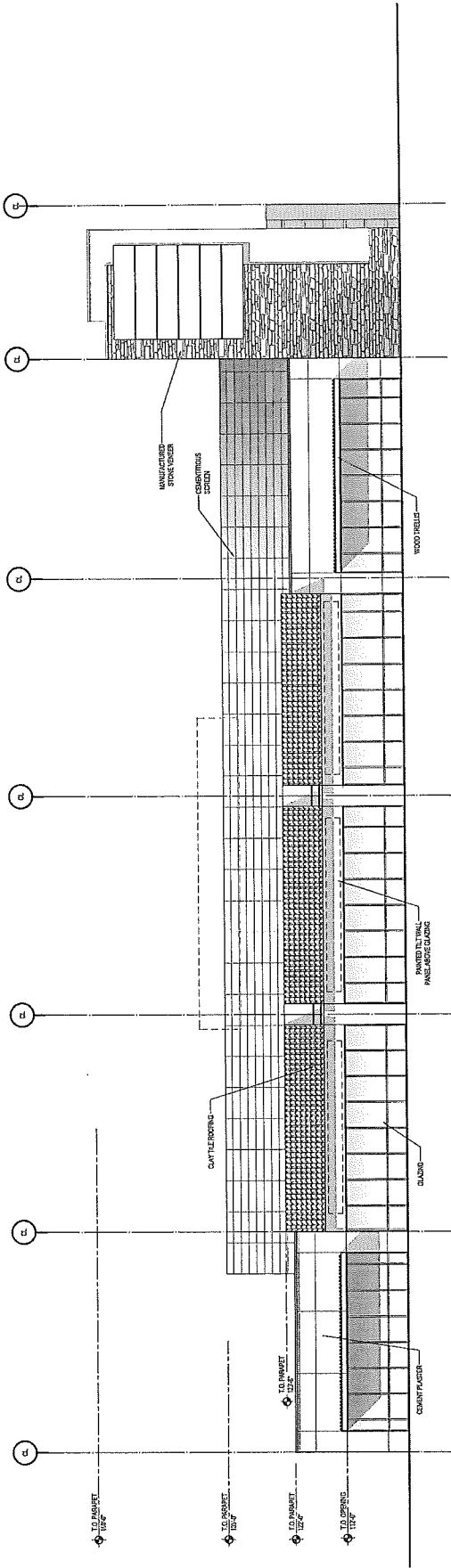


Good Fulton & Fairer
2008 Fairmount Street
Dallas, Texas 75201
Dallas, Texas 75201

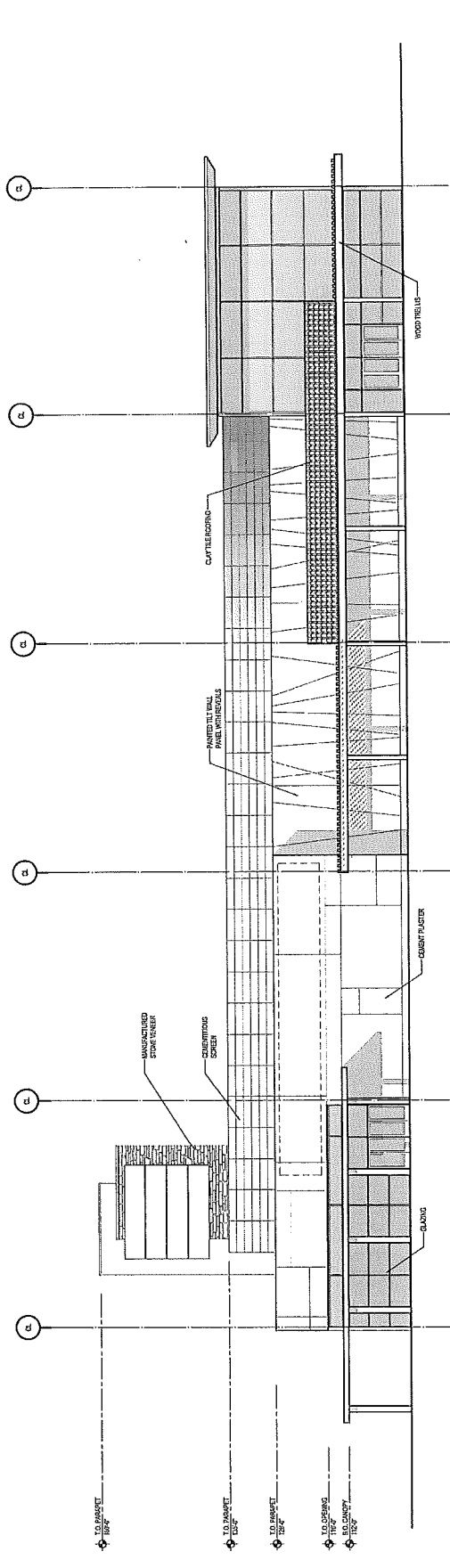
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CONCEPTUAL MITIGATION PLAN
Village on the Parkway
Addison, Texas



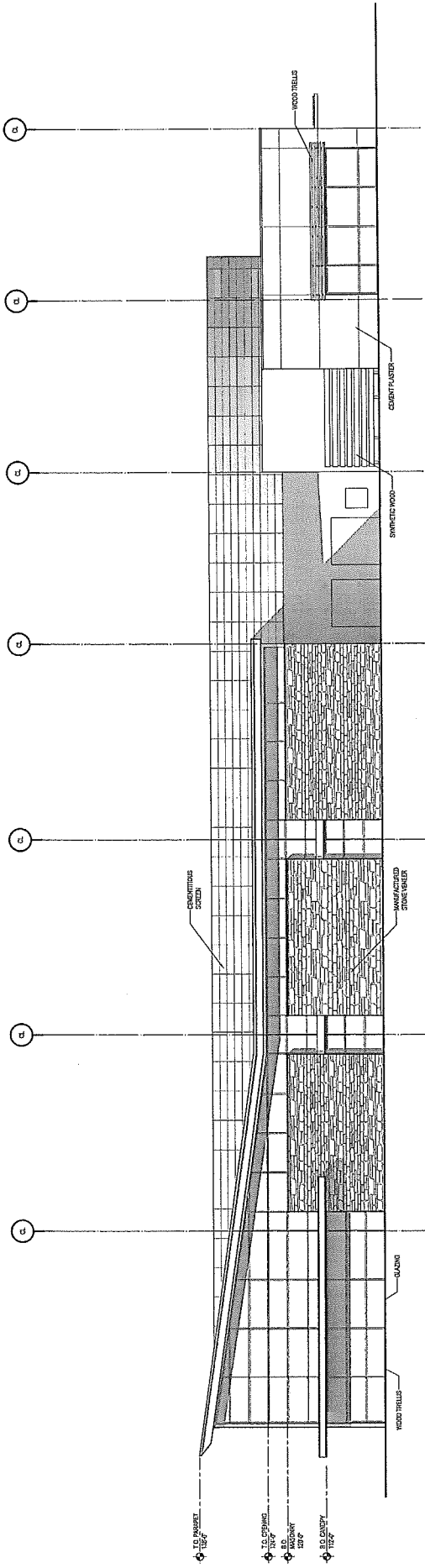


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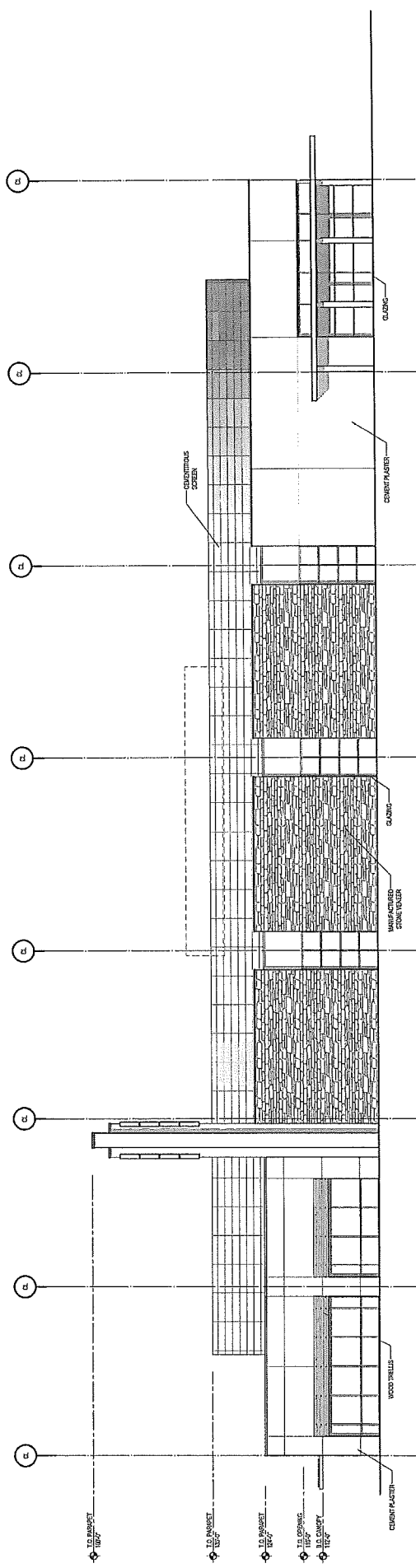


SOUTH ELEVATION



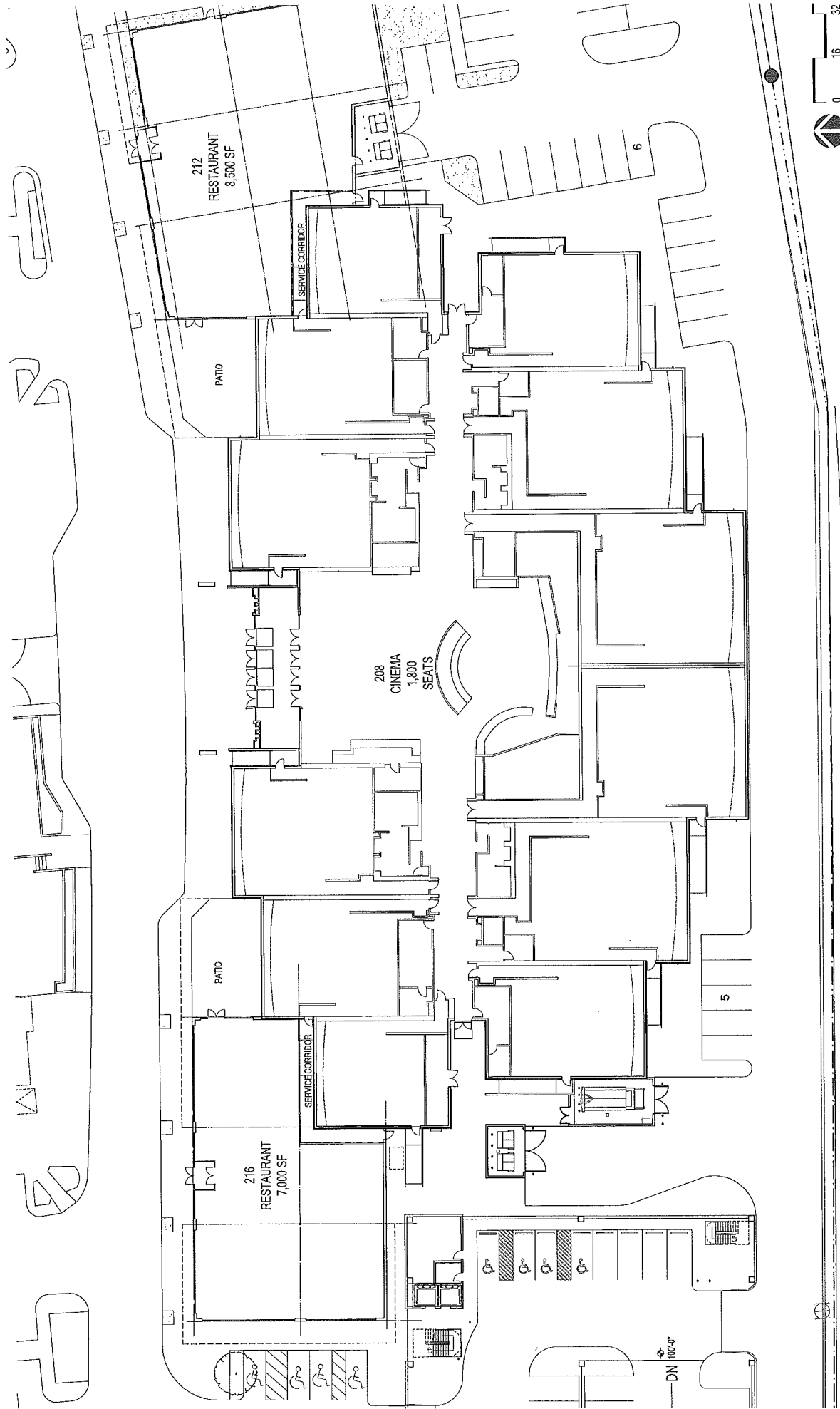


EAST ELEVATION



WEST ELEVATION



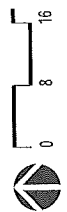
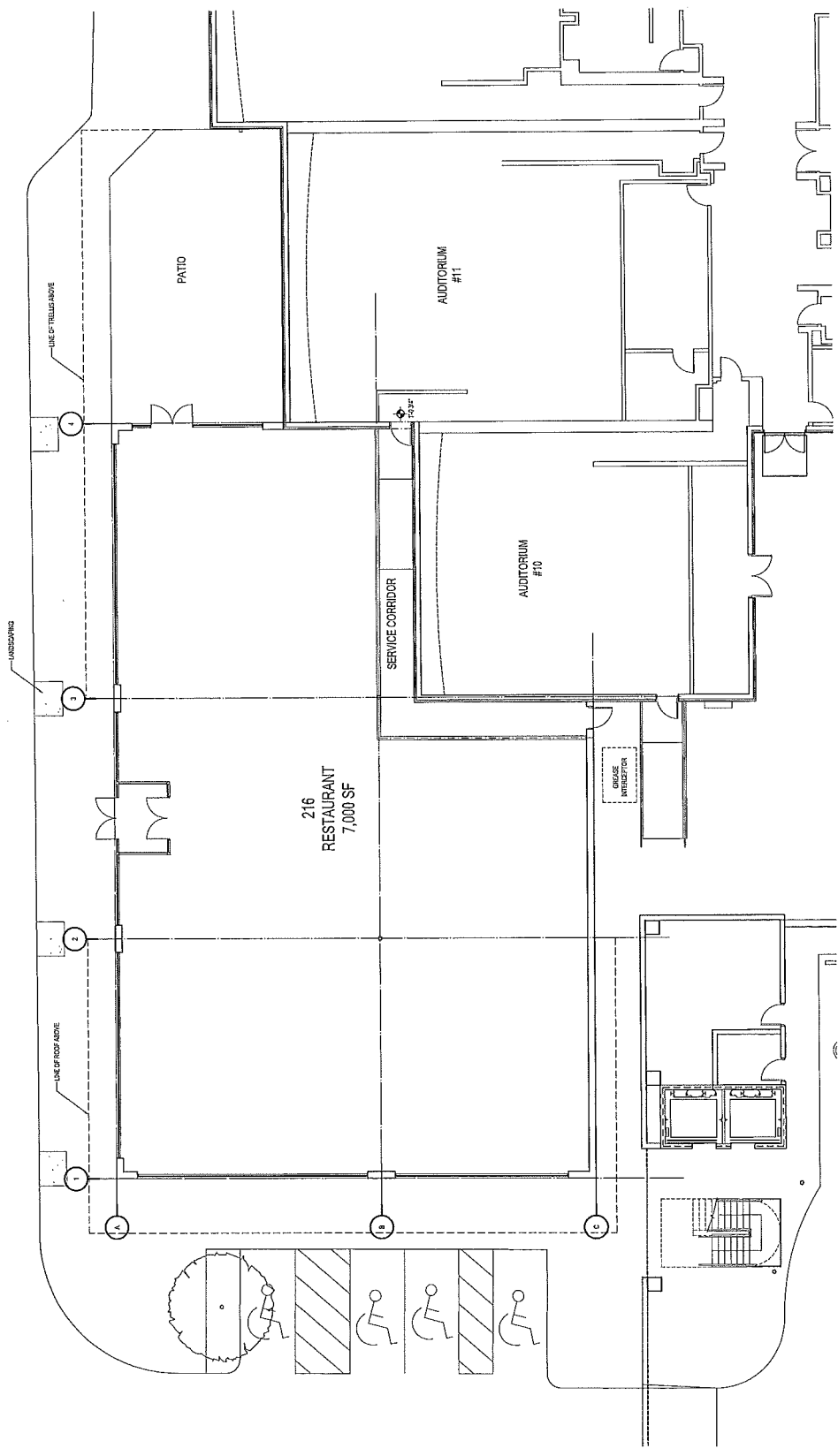


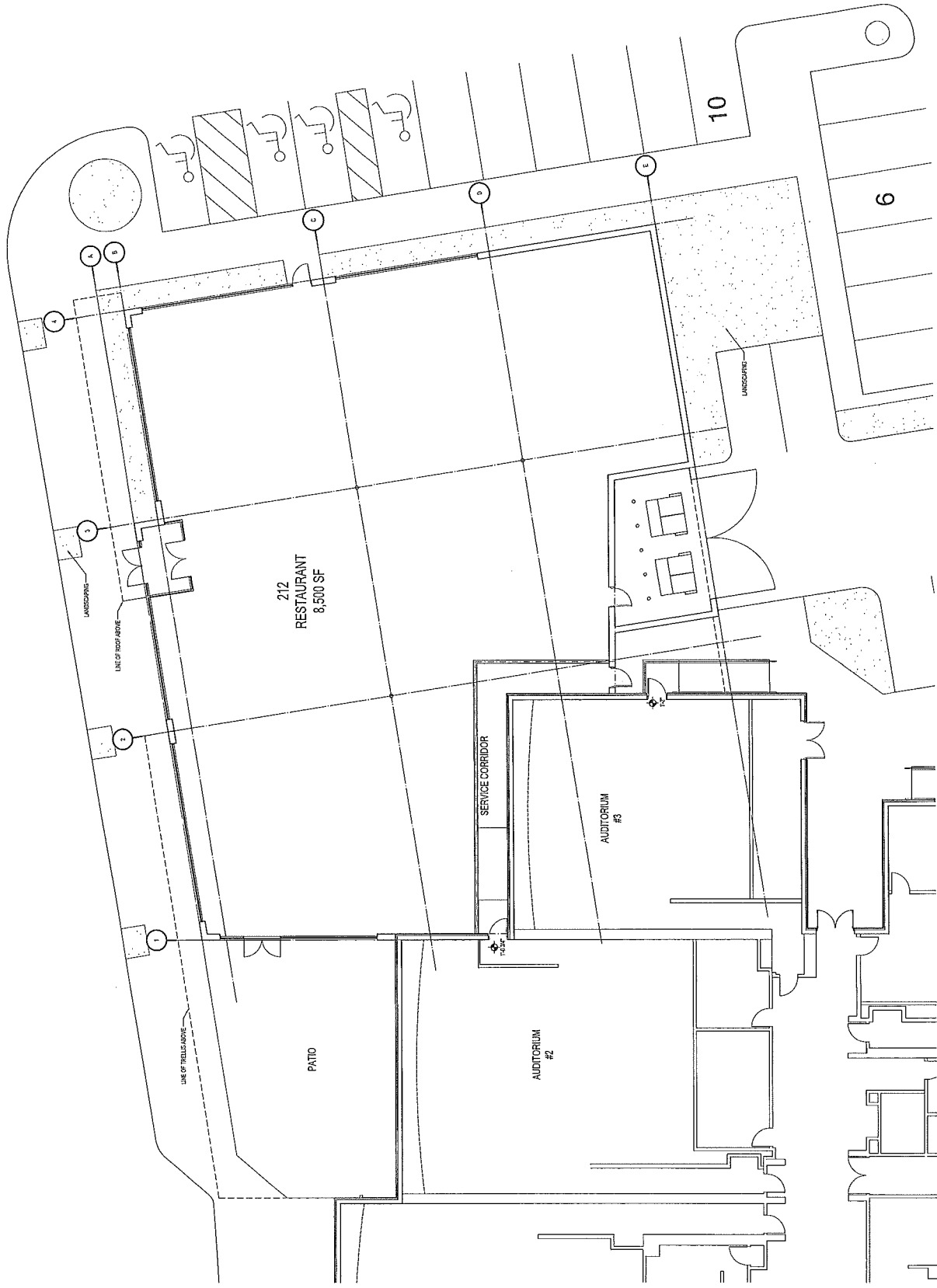
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 2635 E. Rmament Street
 Suite 500
 Dallas, Texas 75201

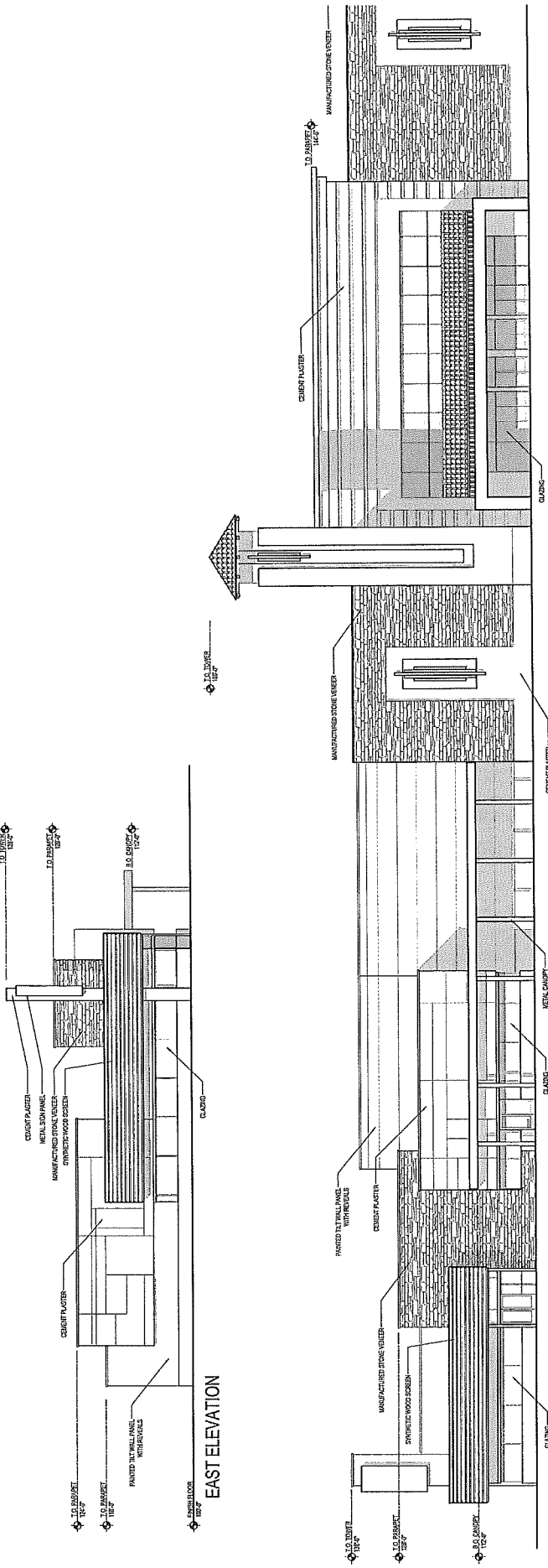
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 Date: 11.14.11
 Drawn by: rjb

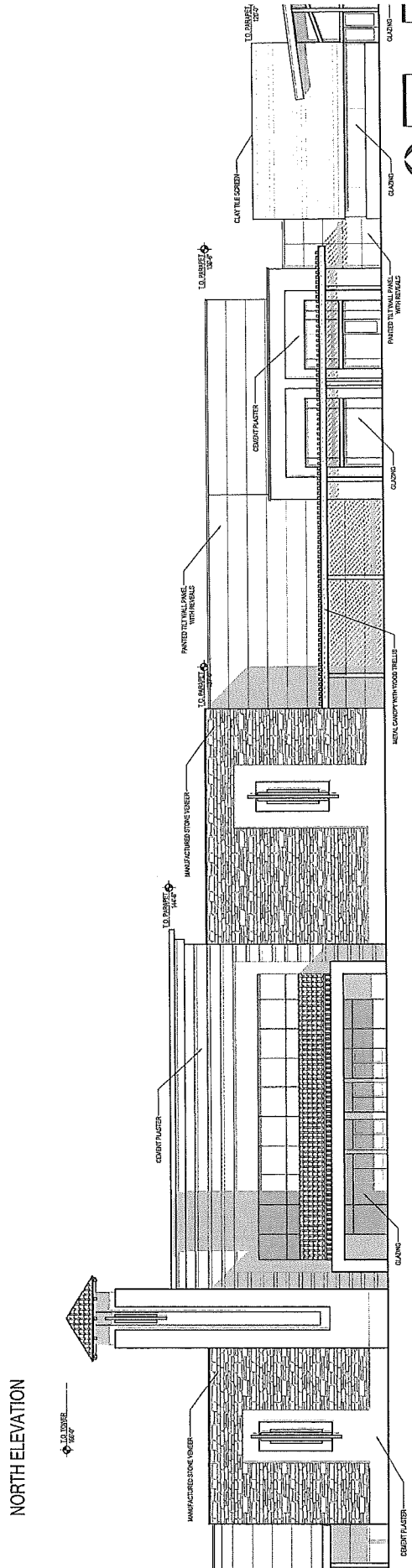
OVERALL CINEMA PLAN
 Village on the Parkway
 Addison, Texas







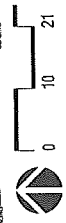
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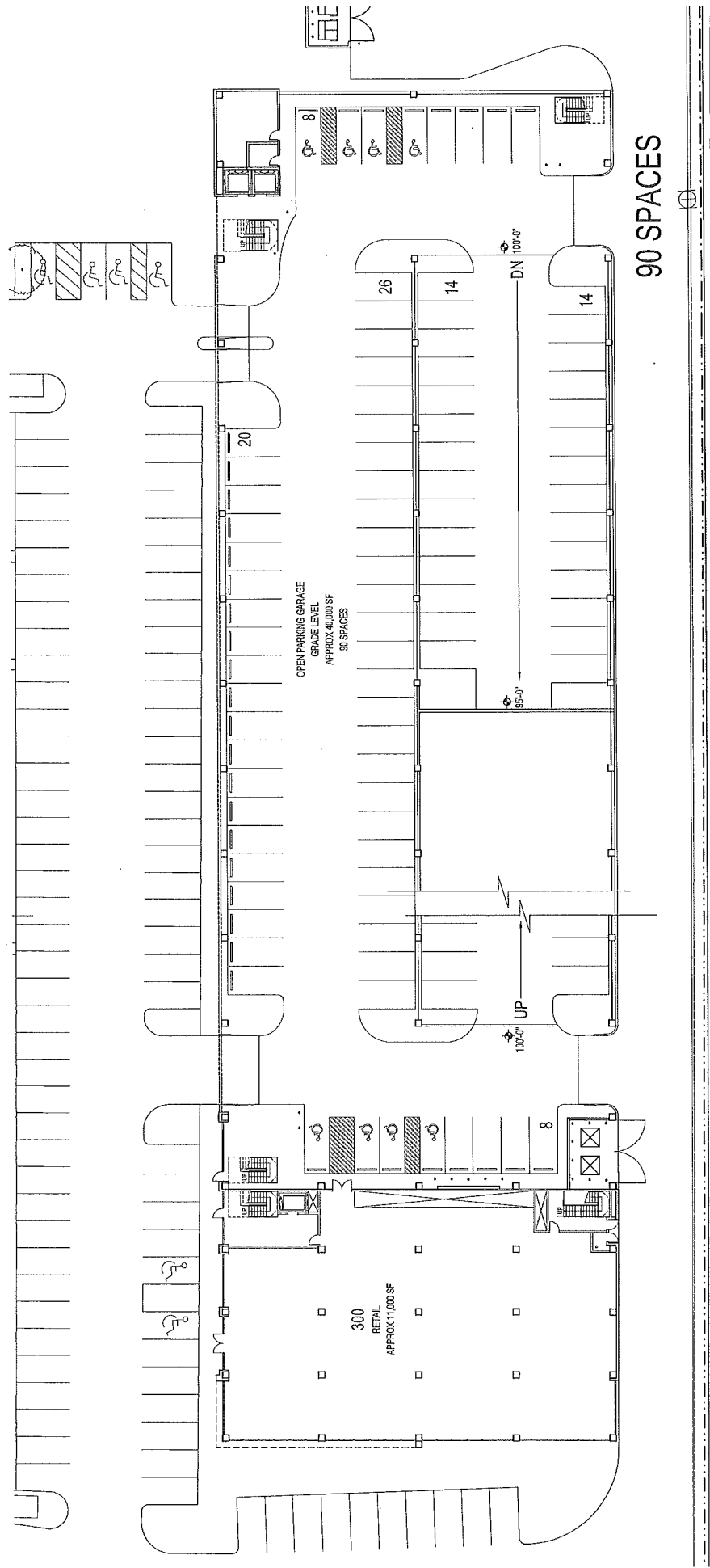


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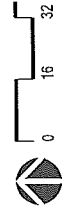
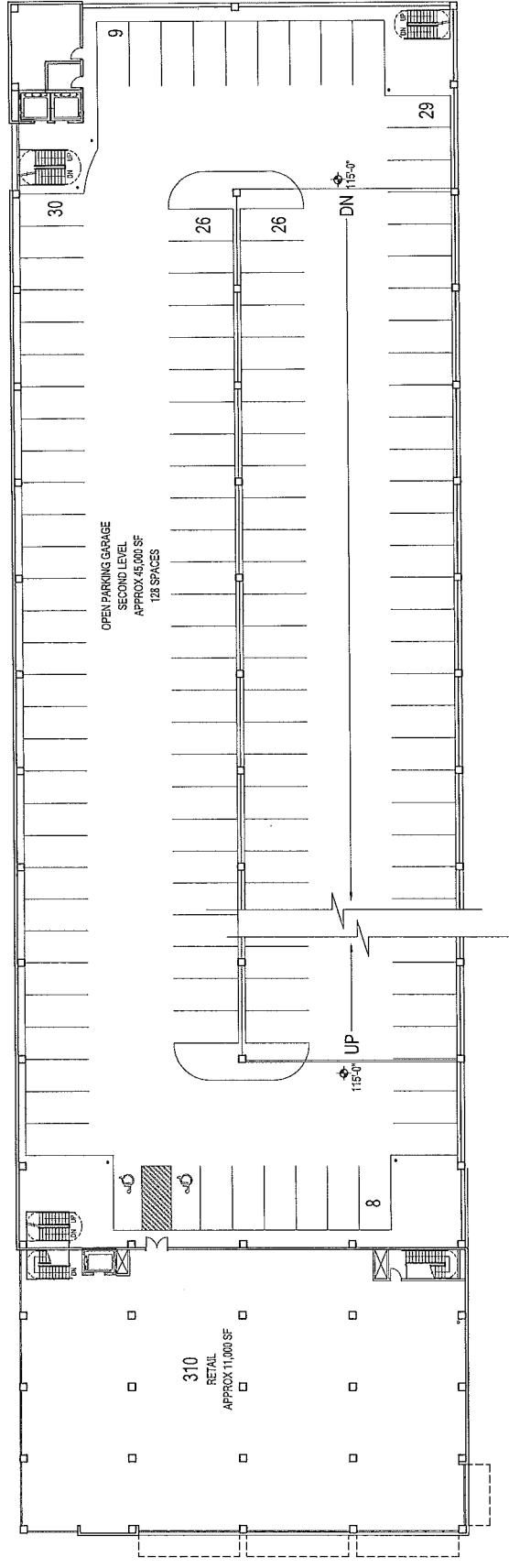
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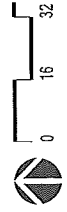
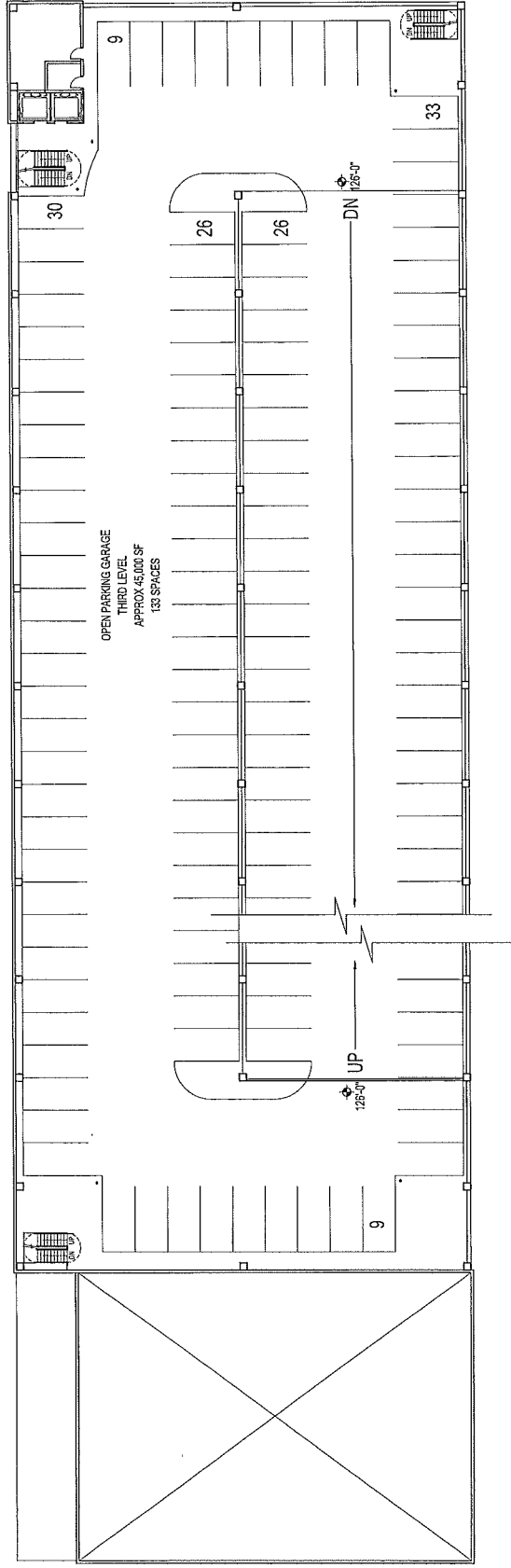




90 SPACES
490 SPACES TOTAL



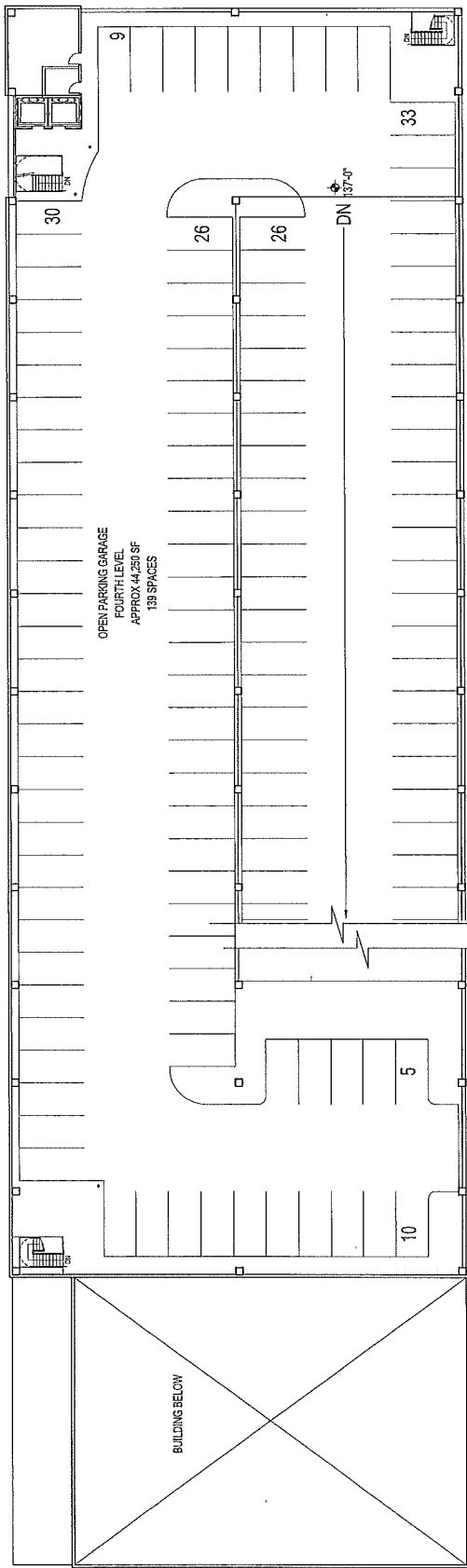




Good Fulton & Farre
 2805 Edmond Street
 Suite 100
 Dallas, Texas 75201

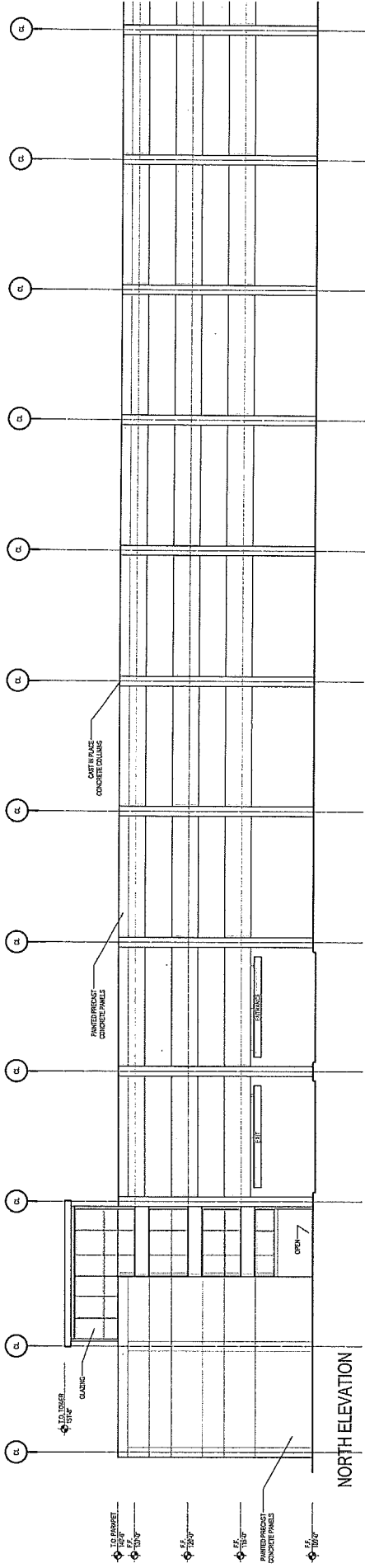
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 Drawn by: mjb

THIRD LEVEL GARAGE PLAN (126'-0")
 Village on the Parkway
 Addison, Texas

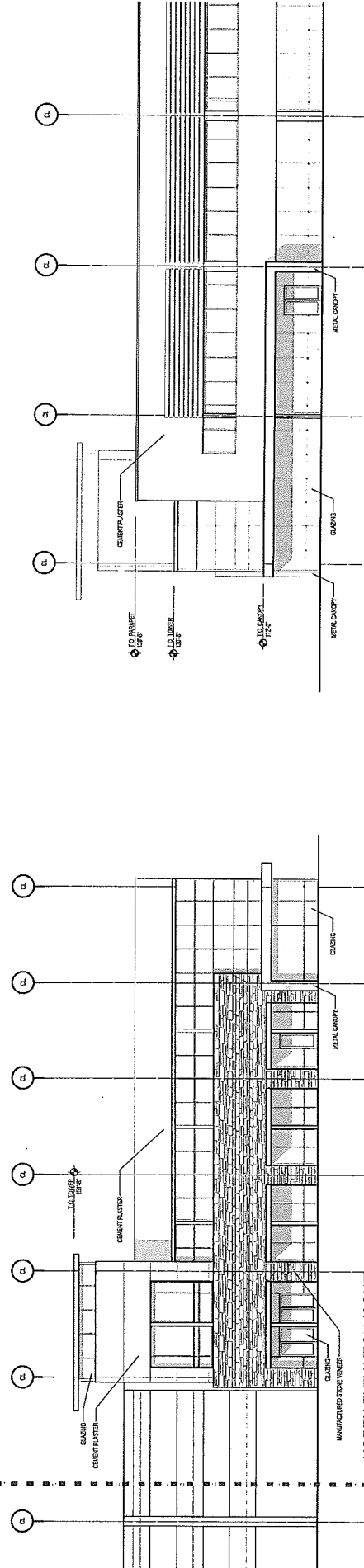


139 SPACES

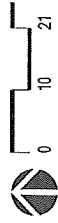


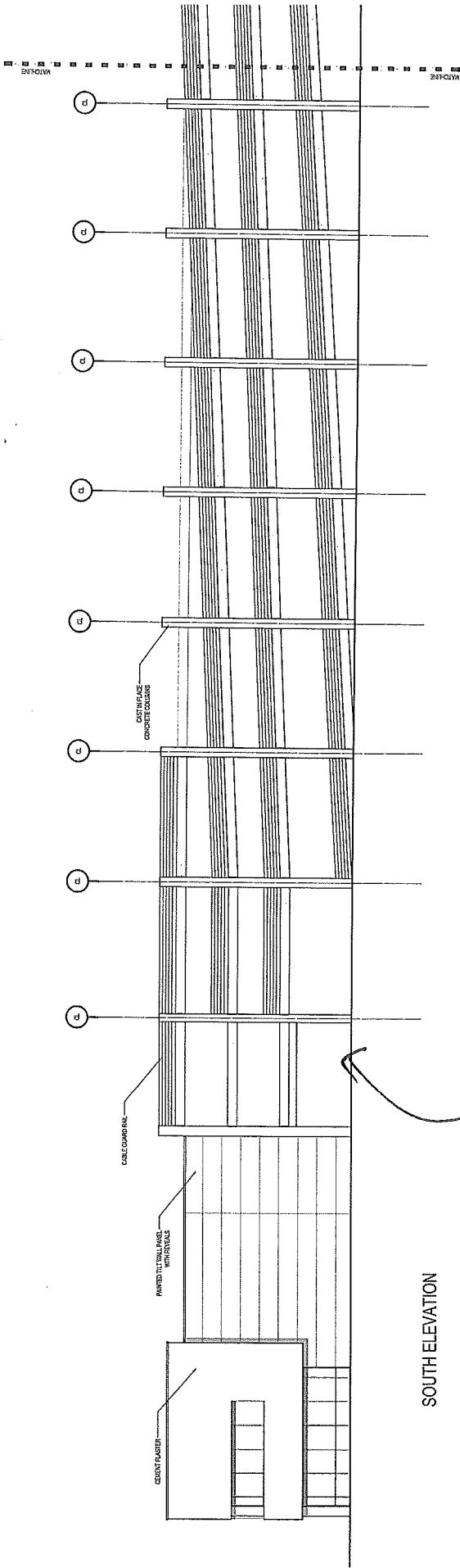


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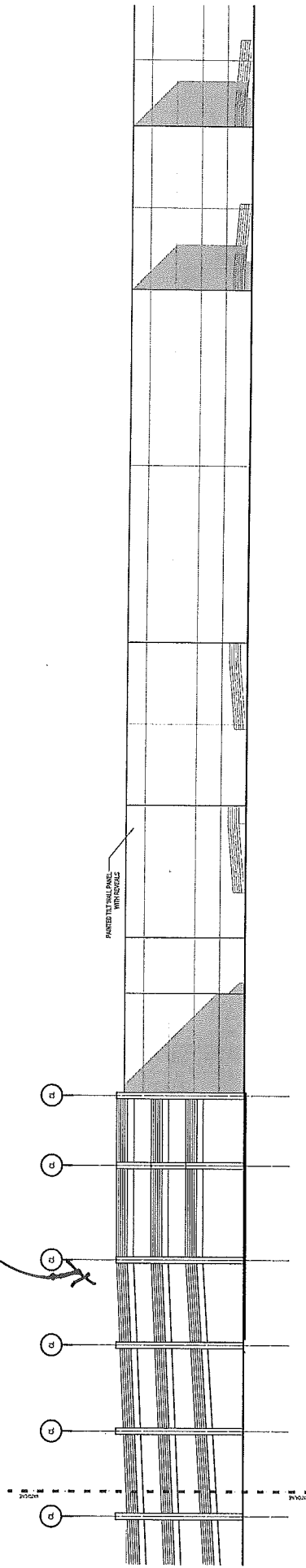
NORTH ELEVATION (CONT)





SOUTH ELEVATION

ALL CABLE TO BE CHANGED TO CONCRETE PANEL TO MATCH NORTH SIDE OF GARAGE



SOUTH ELEVATION

