# ORDINANCE NO. 021-45

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING PLANNED DEVELOPMENT (PD) DISTRICT ORDINANCE 007-034 (AS AMENDED) TO APPROVE A REVISED CONCEPT PLAN AND PROVIDE FOR APPROVAL OF A DEVELOPMENT PLAN AND WAIVERS TO THE DEVELOPMENT STANDARDS, INCLUDING BUT NOT LIMITED TO, STREET BUILD-TO LINES, EXTERIOR BUILDING MATERIAL AND COLOR STANDARDS FOR A MULTIFAMILY DEVELOPMENT COMPRISED OF 85 DWELLING UNITS AND ASSOCIATED AMENITY SPACE ON A 5.1 ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SPRING VALLEY ROAD AND VITRUVIAN WAY; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on October 9, 2007, the City Council for the Town of Addison, Texas adopted Planned Development (PD) District Ordinance O07-034 ("PD O07-034") for the Vitruvian Park development on a 99.176-acre tract of land bounded on the north by Spring Valley Road, to the south and east by the City of Farmers Branch, and to the west by Marsh Lane; and

**WHEREAS**, on July 9, 2013, the City Council for the Town of Addison, Texas adopted PD Ordinance O13-026 amending PD O07-034 to revise certain use and development standards, and to adopt a revised Concept Plan, expanding the Vitruvian Park development ("Vitruvian Park") to 120.91 acres, as described therein; and

WHEREAS, at its regular meeting held on November 16, 2021, the Planning & Zoning Commission considered and made recommendations on a request to further amend PD 007-034 (as amended) to approve a revised Concept Plan and provide for approval of a Development Plan and waivers to the Development Standards, including but not limited to, street build-to lines and exterior building material and color standards for a multifamily development comprised of 85 dwelling units and associated amenity space on a 5.1 acre property located at the southeast corner of Spring Valley Road and Vitruvian Way (the "Property") (Case No.1839-Z); and

**WHEREAS,** this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; 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 finds that this amendment promotes 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 recitals and findings set forth above are hereby found to be true and correct

and incorporated as if fully set forth herein.

**SECTION 2.** The Zoning Ordinance and official zoning map shall be amended so as to amend PD 007-034 (as amended) by approving a revised Concept Plan for Vitruvian Park, which is attached hereto as **Exhibit A** and made a part hereof for all purposes.

**SECTION 3.** Prior to the issuance of a Certificate of Occupancy, the Property, as described and depicted in **Exhibit B** attached hereto and incorporated herein, shall be improved in accordance with the site plan, landscape plan, floor plan, and building elevations, which are attached hereto as **Exhibit C** and made a part hereof for all purposes.

<u>SECTION 4</u>. The following Development Standard waivers are hereby granted for the Property as depicted in <u>Exhibit C</u>:

- A. The street build-to-line for Vitruvian Way may exceed 9 feet;
- B. The maximum number of façade materials may be four instead of three;
- C. Stucco façade materials shall be categorized as masonry construction;
- D. White shall be permitted and categorized as a primary façade color; and
- E. Masonry shall be a permitted alternative to wrought iron or metal fencing for patio enclosure construction.

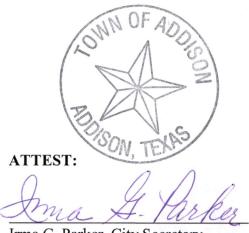
**SECTION 5.** Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set inaccordance with Chapter 1, Section 1-7 of the Code of Ordinances for the Town of Addison.

<u>SECTION 6</u>. 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 7.** 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 8**. 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  $14^{TH}$  day of <u>DECEMBER</u> 2021.



# TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

# **APPROVED AS TO FORM:**

Irma G. Parker, City Secretary

Whitt Wyatt, City Attorney

Published in the Dallas Morning News - January 5, 2022 Edition



Town of Addison, Texas Ordinance No. 021-45 Case No. 1839-Z/Vitruvian Townhomes

# EXHIBIT B

### LEGAL DESCRIPTION OF THE PROPERTY

WHEREAS, DCO Addison at Brookhaven and DCO Realty, Inc., are the owners of a tract of land situated in the Noah Good Survey, Abstract No. 520, Town of Addison, Dallas County, Texas, said tract being all of a tract of land conveyed to DCO Addison at Brookhaven by deed recorded in County Clerk Instrument Number 200600407616, Official Public Records of Dallas County, Texas, being all of a tract of land conveyed to DCO Realty Inc. by deed recorded in County Clerk Instrument Number 201100337076, Official Public Records of Dallas County, Texas, and all of a 0.433 acre tract of land conveyed from Town of Addison to VPDEV I LLC by deed recorded in the Official Public Records, Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a found 5/8 inch iron rod for the northwest corner of Lot 1, Block A, of the Villas at Parkside Phase I addition, an addition to the City of Addison as recorded in Volume 2003220, Page 5062, Offical Public Records, Dallas County, Texas and being in the south right-of-way line of Spring Valley Road (variable width right-of-way);

THENCE South 00 degrees 07 minutes 24 seconds East, along the west line of said Lot 1, Block A, a distance of 857.37 feet to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" for corner and being the northeast corner of Bella Lane, as shown on the plat of Vitruvian Park Addition, an addition to the City of Addison as recorded in Instrument Number 201100123703, Official Public Records, Dallas County, Texas;

THENCE departing said west line of Lot 1, Block A and along the north right-of-way line of said Bella Lane, the following three (3) calls and distances:

North 89 degrees 50 minutes 23 seconds West, a distance of 20.78 feet to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" for corner and the beginning of a non-tangent curve to the left;

Along said non-tangent curve to the left having a central angle of 37 degrees 22 minutes 25 seconds, a radius of 77.50 feet, and an arc length of 50.55 feet (chord bears North 45 degrees 00 minutes 48 seconds West, a distance of 49.66 feet) to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" at the end of said curve:

North 63 degrees 42 minutes 00 seconds West, a distance of 397.91 feet to a set "X" in concrete for corner at the intersection of said north right-of-way line of Bella Lane and the southeast right-of-way line of Vitruvian Way (variable width right-of-way);

THENCE North 26 degrees 22 minutes 15 seconds East departing said north line right-of-way line of Bella Lane and along said southeast right-of-way line of Vitruvian Way, a distance of 290.48 feet to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" for the beginning of a tangent curve to the left, and being the south corner of said 0.433 acre tract of land;

THENCE with the southeast right-of-way line of Vitruvian Way and said 0.433 acre tract, the following six (6) calls and distances:

Along said tangent curve to the left having a central angle of 13 degrees 21 minutes 54 seconds, a radius of 434.00 feet, and an arc length of 101.24 feet (chord bears North 19 degrees 41 minutes 18 seconds East, a distance of 101.01 feet to a set "X" in concrete for the end of said curve and the beginning of a compound curve to the left;

Along said compound curve to the left having a central angle of 04 degrees 19 minutes 47 seconds, a radius of 971.08 feet, and an arc length of 73.88 feet (chord bears North 10 degrees 50 minutes 28 seconds East, 73.36 feet) to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" for the end of said curve and the beginning of a compound curve to the left;

Along said compound curve to the left having a central angle of 08 degrees 29 minutes 14 seconds, a radius of 160.00 feet, and an arc length of 23.70 feet (chord bears North 04 degrees 25 minutes 58 seconds East, 23.68 feet) to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" for the end of said curve;

North 00 degrees 15 minutes 46 seconds East, a distance of 104.90 feet to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" for the beginning of a tangent curve to the right;

Along said tangent curve to the right having a central angle of 14 degrees 07 minutes 20 seconds, a radius of 90.00 feet, and an arc length of 22.18 feet (chord bears North 07 degrees 19 minutes 26 seconds East, 22.13 feet) to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" for the end of said tangent curve to the right, and the beginning of a non-tangent curve to the left;

Along said non-tangent curve to the left having a central angle of 13 degrees 43 minutes 01 second, a radius of 233.48 feet, and an arc length of 55.90 feet (chord bears North 73 degrees 26 minutes 28 seconds East, 55.76 feet) to a set "X" in concrete for the end of said non-tangent curve to the left, and the beginning of a non-tangent curve to the left; said corner being at the said southeast right-of-way line of Vitruvian Way and the south right-of-way line of said Spring Valley Road;

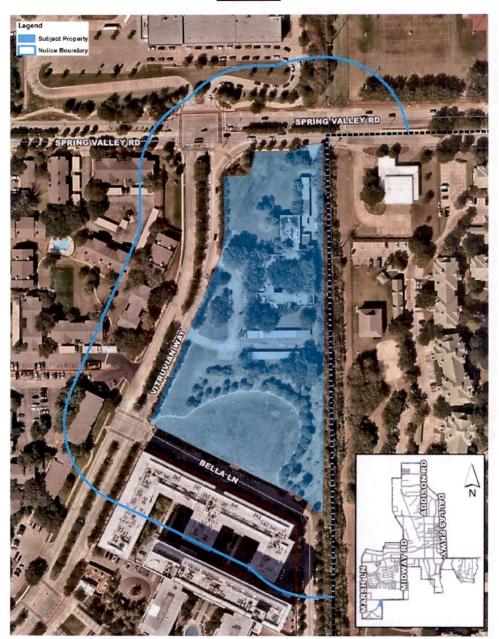
THENCE along said south right-of-way line of Spring Valley Road, the following three (3) calls and distances:

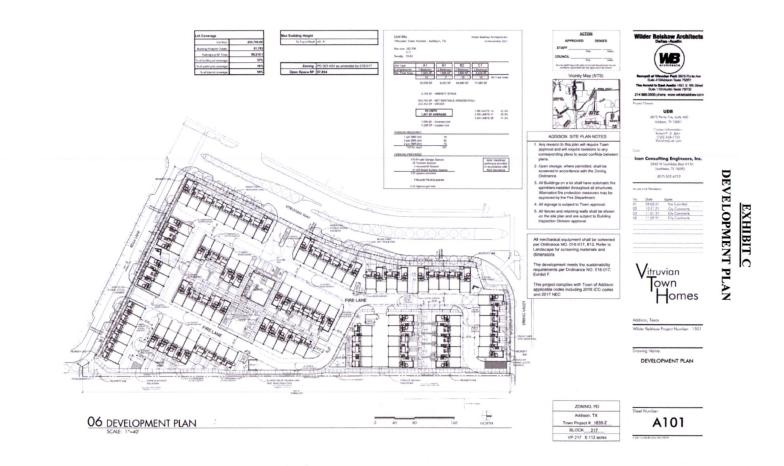
Along said non-tangent curve to the left have a central angle of 07 degrees 56 minutes 56 seconds, a radius of 332.30 feet, and an arc length of 46.10 feet (chord bears North 02 degrees 38 minutes 16 seconds East,46.06 feet) to a set 1/2-inch capped iron rod stamped "WESTWOOD PS" for the end of said non-tangent curve to the left and the beginning of non-tangent curve to the right;

Along said non-tangent curve to the right having a central angle of 20 degrees 23 minutes 52 seconds, a radius of 90.00 feet, and an arc length of 32.04 feet (chord bears North 79 degrees 38 minutes 19 seconds East, 31.87 feet) to a set "X" in concrete for the end of said non-tangent curve to the right;

North 89 degrees 50 minutes 16 seconds East, a distance of 141.87 feet to the POINT-OF-BEGINNING, containing 222,304 square feet or 5.103 acres of land.

# EXHIBIT B





#### TOWN GENERAL NOTES:

WITHIG HETHER THE PUBLIC ROW MART BE COORDENATED WITH THE TOWN OF ADDISON PARKS DEPARTMENT. MECHANGLE REQEINMENT IS SCREENED FROM PUBLIC REACHANTS WITH SVERCHEEN LANDACAPE MATERIAL PER ORDINANCE NO. 007-054. PLANT MATERIAL TO BE NINDAEM RECHT OF 6" AT THRE OF

#### TOWN PLANTING NOTES:

- ANY CHARGES TO PLANTINGS WEIHIN THE PLELE RUSH. MUST ALSO BE REPORTED TO THE TOWN OF ADDRION PARKS DOWNTHICKT.
- . PINAL FIRESH GRADE OF PLAYTING AREAS IN THE PURIO N.O.Y. MUST REVIEWED AND APPROVED BY THE TOTAL TOWN OF ADDRESS PARKS CREMETINING.
- THE PARKS DEFARTHENT MUST REVEW AND APPROVE ANY PLANT MATERIAL PROVIDED WITHIN THE PARK REALX, PROFETD DELEASEY TO STREAMY THAT SUBSTITUTION IN THE R.O.K. MUST GE PROVIDED TO THE PARKS DEFARTMENT FOR APPROVAL PROFETD SUBCINES.
- PLANTINGS WITH THE PUBLIC R.O.W. MUST BE PLANTED WIEH THE FOLLOWING SCK. DISCHERATIONS.
- LANDROAME REDS PHI BALANCED COMPOST FROM ACE, BULDING SYSTEME, OR APPROVED EQUAL, BLL BITG EXISTING SOIL TO ACHEVE A MAXIMUM PLATE OF SON. COMPOST AND 1 MAY EXISTING SOL.
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#### TOWN IRRIGATION NOTES:

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- ANY IRLANDING DAMAGED IN RELACENT RECEASE AND PROPERTIES DURING CONSTRUCTION IS TO BE REPEADED AT NO COST TO THE OWNER.
- 5. MY DAMAGED PLANT MATERIAL CAUSED BY A KON-PUNCTIONAL REREATION DYSTEM WILL BE REPLACED AT THE COST OF THE CONTINUESON.
- 4. PLANTINGS WAY NOT BE INSTALLED UNTEL THE PRINCIPAL STREED BY INSTALLED, HAS A VIOLENCE FORMER SQUEEZ AND F FULLY OPERATIONAL CONTINUETOR RESPONDED FOR INSTALLED, INSTALLED AND TO PLANTING UNTE. INVASITIENTIES TO THE FUNDAM AFTER DESISTANTING, CONTENEND, CONT.

#### GENERAL NOTES:

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  MATTER DEVISIONES.
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- 4. THE LOCATEDRS OF EASTEDIS LITELITES AS SHOWN ON THESE PLANS ANE APPROXIMATE, THERE MAY BE OTHER UNDERGROUND UTELITIES WITHIN THE HIGGET MELA THAT ME NOT SHOWN.
- 40. PROPORED AND REMEMBED DRADES ARE BASED ON INFORMATION PROMIDED BY THE OWNERS. SARAY AND/OR ONE DREAMERS, ANY DECEMPANCES IN ACTUAL PELO MEASUREMENTS ARE TO BE REPORTED TO THE UNDEGATE ANY EMECT IMMEDIATELY.
- 6. CONTINUES OF REPORTED FOR ALL CONTINUES INTO INVESTIGATIONS, AND SAMPTITES INVESTIGATE IN LANSING AND ALL CONTINUES INTO AND STACK AND AND ANY DESCRIPTIONS.
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#### PLANTING NOTES:

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- ALL PLANT DEAMITTIES LIBTED ARE FOR INFORMATION ONLY. IF ID THE CONTRACTOR'S RESPONSIBILITY TO RECYCLE ASLL CONTRACT IN ALL PLANTING AREAD AS SPECIFIED IN THE PLANT ISSEDULE AND VERIFY ALL QUANTIES.
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- 11. ANY PLAYT MATERIAL THAT DOES NOT SURVEY'S SHALL BE REPLACED WITH AN FOUND SHT SZE AND SPECIES WITHIN THEITY OLD DAYS.
- PLANT MATDRAL BHALL BE PRUNED AS NECESSARY TO CONTINUE 4625 BUT NOT TO EXEMPT THE NATURE SECONT MATTERS OF CONTINUE TORS FOR TOTAL AND EXCEPT AS RECESSARY TO ADDRESS CONT ADDRESS AND ADDRESS AND
- 13. LANDSCAPED AREAS SHALL SE KEPT FREE OF TRASH, WEEDS, DESRES, AND DEAD PLANT MATER ALL LINE STARE VERY SOR, & BLORGANCE SELECT FELL FOR ISLAUED STADLE & REMOVED FROM PLANTHET AREAS TO A ODPTH OF SP & REPLACED WITH OREMACE INFORTED TOPSOR, FELL

#### IRRIGATION NOTES:

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- 2. IRREDATION SYSTEMS GHALL BE MAINTAINED AND REVLACED AS RECEDENCY. 1. ALL PLANTING AREAS TO BE FULLY IPRIMATED.
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- NOV EXISTING PLANTING DAMAGED DURING CONSTRUCTION IS TO BE REPLACED AT NO COST TO THE OWNER.
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#### STREET TREE DECK

VETRUMAN WAY ME2LF STREET FORTAGE ALONG PROPERTY LINE	O TREES 1 TREE / DO LF PER TORM LANDGE APE PERLATEORS	23 TREES (21 EXESTING, 2 PROPOSED)
GPREND VALLEY ROAD 116 LF STREET FOOTAGE ALONG PROPERTY LEN:	4 TREES 1 TREE / 30 LF PER YOWN LANDBOATS REGULATIONS	ETREES (2 EXISTING, 4 PROPOSED)
DELLA LANE 400 LF STREET FOOTAGE ALONO PROPERTY LINE	14 TREES 1 TREE / DO LE PER TOWN	14 TREES (1 EXISTING, 1.1 PROPOSED)





RY STREET LANDICARE BURTER	PROVADIED
VERSILE STY TREMOULES	REFER TO PLANS
OFF-ETHERT LOADING SCHEEN	1990A060
PARKING LOT SCREENING	NA.

#### LANDSCAPE CALCULATIONS:

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	FROPEDICO LANDBOARE BO, FT2 50,421 (27 5-OF BROSS BITE SO, FT2



Wilder Belshaw Architects



Addison, Texos Wilder Belshow Project Number: 1901

Drawing Name:

GENERAL NOTES, PLANTING LEGEND & LANDSCAPE

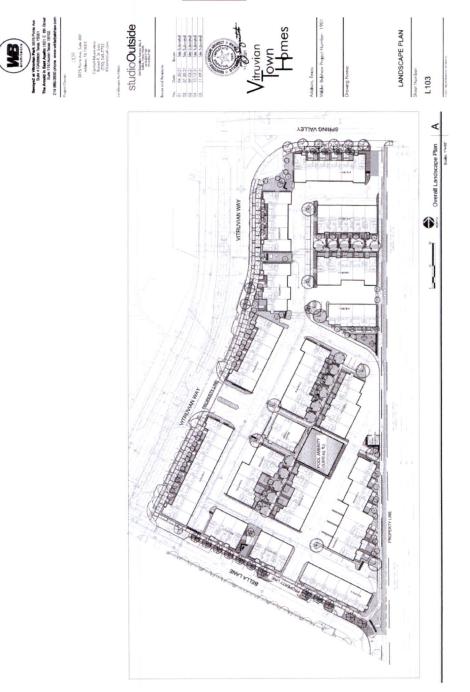
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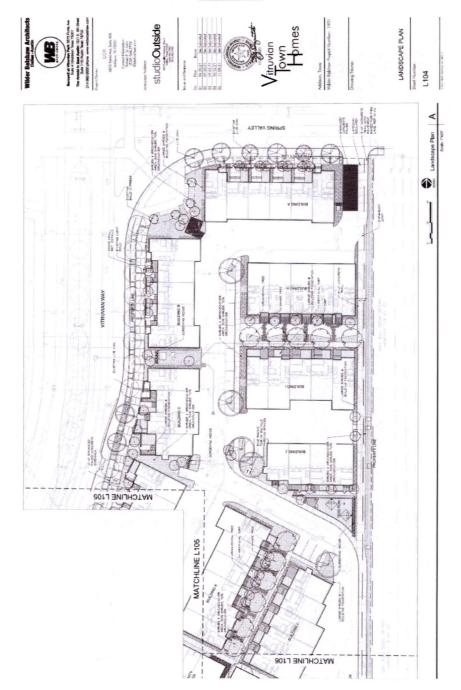
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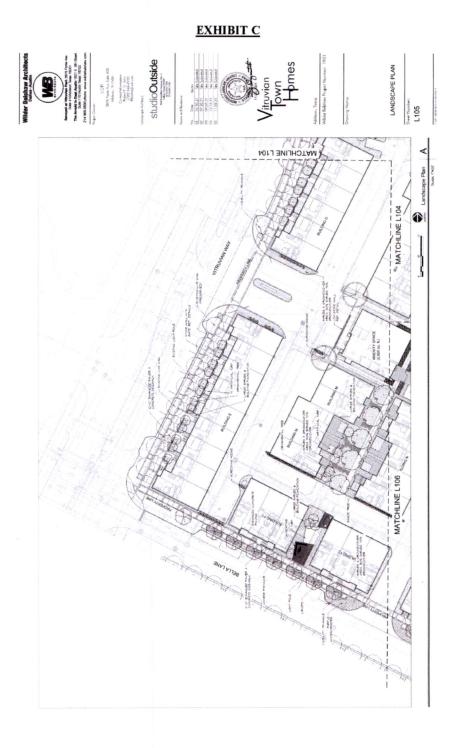


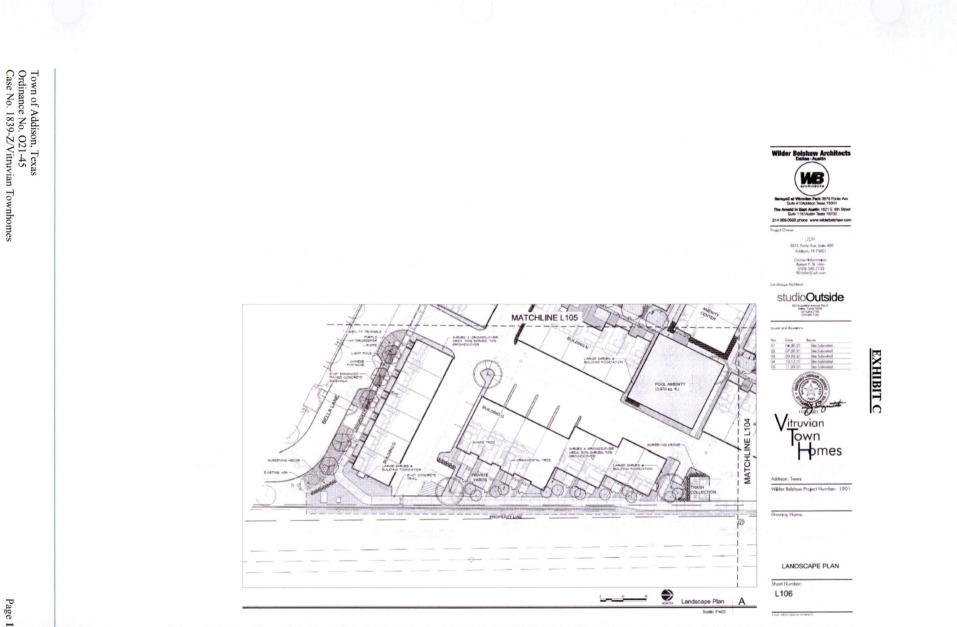


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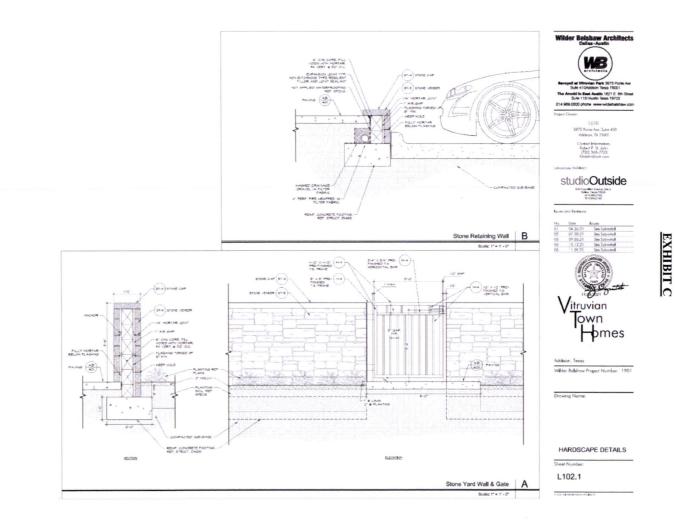


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