

**ORDINANCE NO. O22-8**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY REZONING A 1.804 ACRE PROPERTY LOCATED AT 4150 BELTWAY DRIVE, FROM PLANNED DEVELOPMENT (PD) DISTRICT TO A NEW PLANNED DEVELOPMENT (PD) DISTRICT TO ALLOW A TOWNHOME DEVELOPMENT COMPRISED OF 31 TOWNHOME LOTS AND ASSOCIATED OPEN SPACE AND COMMON AREA LOTS; 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; PROVIDING FOR SAVINGS, NO SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on February 15, 2022 the Planning & Zoning Commission considered and made recommendations on a request to rezone a 1.804 acre property located at 4150 Beltway Drive (the "Property"), to a new PD District to allow a townhome development comprised of 31 townhome lots and associated open space and common area lots (Case No.1846-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 rezone a 1.804 acre property located at 4150 Beltway Drive, said Property being described in the legal description on **Exhibit A** attached hereto, from Planned Development (PD) District to a new Planned Development (PD) District to allow a townhome development comprised of 31 townhome lots and associated open space and common area lots, subject to the following conditions:

- A. Prior to issuance of a building permit, the developer shall provide the Town written notification that the 24' access and utility easement (as recorded in the Dallas County Real Property Records on February 1, 1993, Volume 93020, Page 3255) encumbering the eastern, southern, and western boundaries of the property has been fully released and abandoned.

- B. The existing masonry wall along Beltway Drive shall not be altered or removed until a building permit has been issued and construction is ready to commence for the townhome units adjacent to the wall.
- C. Installation and maintenance of public parkland landscape, trail, and site furnishings are the obligation of the developer until such time as the foregoing have been dedicated to the Town, and the Town has inspected and accepted the same.
- D. Installation and maintenance of private street improvements shall comply with all Town regulations (as amended) applicable to the construction of public streets and alleys.
- E. Installation of any required public street improvements are the obligation of the developer and shall be maintained by developer until such time as the foregoing have been dedicated to the Town, and the Town has inspected and accepted the same.
- F. Prior to issuance of a building permit for the construction of public improvements, Town and developer shall execute an agreement by separate instrument addressing the future removal of the temporary perimeter fencing and site access gates. This agreement shall be a condition precedent to the issuance of a building permit for the public improvements and shall, at a minimum, include the following developer obligations:
  - 1. The temporary fencing and access gates constructed in conformance with Exhibits “B” and “C” (defined in Section 3, below) may remain in place; provided, that the Town shall have the right to require the same be removed, in whole or in part, at developer’s sole cost any time upon written notice by Town providing a reasonable time for removal. Notwithstanding the foregoing, on or before the tenth (10<sup>th</sup>) anniversary of the date the initial final plat for this subdivision is filed in the Dallas County real property records, the temporary fencing and access gates shall be removed in their entirety at the sole cost of developer or the development’s Homeowner’s Association (HOA); provided, that upon written request delivered to the Town prior to the 10<sup>th</sup> anniversary above, the Town may, but shall not be obligated to, enter into a written agreement with developer and/or HOA (as applicable) for an alternative to removal.
  - 2. The proposed right-of-way dedications for public streets shall not be executed nor accepted by the Town until such time as the temporary access gates are removed. Developer and/or the development’s Homeowner’s Association (HOA) shall own and maintain all areas designated as a future public street until such areas have been dedicated and accepted by the Town.
  - 3. Private or public street connections may be extended to this development from adjacent properties upon removal of the temporary fencing and access gates. This may include extension of the private street currently depicted as “One Reserve Street” to the south, as well as new connections to the private street currently depicted as “Three Reserve Street”.

4. Upon removal of the temporary fencing and access gates, future private development to the south may be permitted to maintain access from the private streets currently depicted as “One Reserve Street” and “Three Reserve Street”. If this condition is approved by the Town, the Town shall accept a conversion of these shared streets to public streets.
  5. The Developer and/or HOA shall, prior to completion of construction, post signage interior to the site notifying future residents of the temporary nature of the perimeter fencing and access gates.
  6. Developer shall agree to execute such recordable instruments as the Town may reasonably require to preserve the future public streets and rights of access contemplated by this Section 2(F).
  7. The terms of the agreement shall also be included within the governing documents of the subdivision Homeowner’s Association, and said governing documents shall not contain any provisions in conflict with the agreement or other provision of this ordinance.
- G. The Director of Development Services may approve reductions in sidewalk and trail width at the Beltway Drive frontage, where needed to prevent damage to or loss of mature shade trees.

**SECTION 3.** The Property shall be developed in accordance with the Permitted Uses and Development Standards contained in **Exhibit B** and shall substantially conform with the conceptual site plan, landscape plan, building elevations, and floor plan which are attached hereto as **Exhibit C** and made a part hereof for all purposes.

**SECTION 4.** 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, Section 1-7 of the Code of Ordinances for the Town of Addison.

**SECTION 5.** 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 6.** 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.** 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 **8<sup>TH</sup>** day of **MARCH 2022**.

**TOWN OF ADDISON, TEXAS**



  
Joe Chow, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

  
Irma Parker, City Secretary

  
Whitt Wyatt, City Attorney

*Published in the Dallas Morning News on Wednesday, March 16, 2022*

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

BEING Tract 1 of A-Motel, an Addition to the Town of Addison, according to the plat thereof recorded in Volume 79219, Page 181, Deed Records, Dallas County, Texas, same being that tract of land conveyed to Dillon Investments, LLC, a Texas limited liability company, by deed recorded in Instrument No. 201300008151, Official Public Records, Dallas County, Texas, and being described by metes and bounds:

BEGINNING at a "X" cut in concrete found for corner, said corner being in the South right-of-Way line of Beltway Drive (a 60 foot Right-of-Way), same being a Northwest corner of Lot 1, Block 1, of Midway Square Addition, an addition to the City of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 93252, Page 3095, Plat Records, Dallas County, Texas, from which a "X" found in concrete for reference bears North 66 degrees 10 minutes 278 seconds West, a distance of 0.35 feet;

THENCE South, along a West line of said Lot 1, a distance of 242.62 feet to a "X" cut in concrete found for corner;

THENCE West, along a North line of said Lot 1, passing at a distance of 338.75 feet to a 1/2 inch iron rod found for reference at a Northeast corner of Towne Lake, an addition to the City of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 97003, Page 1033, Plat Records, Dallas County, Texas, and continuing a total distance of 385.00 feet to an "X" cut set in concrete found for corner;

THENCE North, along an East line of said Towne Lake, a distance of 151.29 feet to an "X" cut in concrete set for corner, said corner being in the South Right-of-Way line of said Beltway Drive, being the beginning of a non-tangent curve turning to the left, with a radius of 1005.00 feet, a delta angle of 04 degrees 17 minutes 07 seconds, a chord bearing of North 74 degrees 38 minutes 33 seconds East, and a chord length of 75.15 feet;

THENCE along said curve to the left, along the South Right-of-Way line of said Beltway Drive, an arc length of 75.17 feet to a 5/8 iron rod found for corner;

THENCE North 72 degrees 30 minutes 00 seconds East, along the South Right-of-Way line of said Beltway Drive, a distance of 100.00 feet to a 5/8 inch iron rod found for corner, same being the beginning of a tangent curve turning to the right, with a radius of 945.00 feet, a delta angle of 13 degrees 26 minutes 04 seconds, a chord bearing of North 79 degrees 13 minutes 00 seconds East, and a chord length of 221.07 feet;

THENCE along said curve to the right, along the South Right-of-Way line of said Beltway Drive, an arc length of 221.58 feet to the POINT OF BEGINNING and containing 78,564 square feet or 1.80 acres of land.



**EXHIBIT B**  
**PERMITTED USES AND DEVELOPMENT STANDARDS**

1. Permitted Uses:
    - A. Single-Family Residence Detached.
    - B. Townhome.
    - C. Accessory uses encompassing community, social, and recreation facilities customary to single-family residential development, and home occupations that do not employ persons outside the residence and that do not alter the physical structure or generate additional parking demand.
  2. Maximum Number of Dwelling Units: 31 dwelling units.
  3. Minimum Lot Area: None.
  4. Minimum Lot Width: 20 feet.
  5. Minimum Lot Depth: None.
  6. Minimum Building Setbacks:
    - A. Front Yard:
      - A. Lots fronting Beltway Drive: 5 feet.
      - B. Lots facing public open space: 10 feet / 65 feet from western subdivision boundary.
      - C. All other lots: None.
    - B. Side Yard:
      - A. Lots fronting Beltway Drive: 5 feet.
      - B. All other lots: None.
    - C. Rear Yard: None.
  7. Permitted Setback Encroachments:
    - A. Overhangs and balconies: 5 feet.
    - B. Patios and courtyards: Full setback.
  8. Maximum Building Height: 3 stories / 45 feet from grade to peak.
  9. Maximum Lot Coverage: 100 percent.
  10. Minimum Floor Area Per Dwelling Unit: 1,400 square feet.
  11. Minimum Parking Requirements: 2 enclosed spaces per dwelling unit and 0.5 surface parking spaces per dwelling unit.
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## EXHIBIT B

12. Required Open Space:

- A. Minimum Public Open Space: As depicted in Exhibit C.
- B. All public and private open space shall be landscaped and irrigated.

13. Required Site Landscape:

- A. Minimum Landscape Area: 20 percent of the gross site area.
- B. Minimum Tree Plantings: One canopy (4 inch caliper minimum) or ornamental tree per dwelling unit, and 0.5 canopy or ornamental trees per surface parking space. No less than 9 canopy trees to be planted. Tree planting may be achieved in public open space, private open space or common areas, and/or private yards.
- C. Required Site Landscape: Excluding mews streets, parking, sidewalks, and other required hardscape, common areas are to be landscaped and irrigated. Residential ground floor frontages shall be required to landscape the entire area between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area must be irrigated, and may be landscaped with ground cover, low shrubs, and ornamental trees.

14. Street and Pedestrian Lighting: Each street and pedestrian way shall have street lamps and pedestrian lighting located to support safe pedestrian and vehicle movement. The exact location shall be provided in accordance with a lighting plan approved at the time of development plan approval.

15. Mechanical Equipment Placement and Screening: Mechanical equipment shall be mounted on the roof and be screened from view from all rights-of-way and located to minimize noise intrusion off each lot. Screening must be architecturally compatible with the building design.

16. Fencing:

- A. Temporary Perimeter Fence and Access Gates: Final perimeter fence layout, access gate configuration, and fence specifications shall be provided with the development plan application. Fence height and materials should substantially comply with the conceptual site plan. Alternative designs may be considered as part of the development plan review process.
- B. Private Yard Fencing: Private yard fencing shall substantially comply with the conceptual site plan. Fencing shall not exceed four feet in height and shall be no more than 50 percent opaque, and shall be constructed of ornamental iron materials.



LANDSCAPE PLAN INFORMATION  
 SEE ALSO: 1.800 ACRES (EL PASO)  
 LANDSCAPE AREA: 1.800 ACRES (EL PASO)

LANDSCAPE PLAN LEGEND  
 T1 IN TOTAL: NEW CONCRETE PAVEMENT  
 T2 IN TOTAL: NEW ASPHALT DRIVE  
 T3 IN TOTAL: NEW ASPHALT DRIVE  
 T4 IN TOTAL: NEW CONCRETE DRIVE

LANDSCAPE PLAN LEGEND  
 T5 IN TOTAL: NEW CONCRETE DRIVE  
 T6 IN TOTAL: NEW CONCRETE DRIVE  
 T7 IN TOTAL: NEW CONCRETE DRIVE  
 T8 IN TOTAL: NEW CONCRETE DRIVE

LANDSCAPE PLAN LEGEND  
 T9 IN TOTAL: NEW CONCRETE DRIVE  
 T10 IN TOTAL: NEW CONCRETE DRIVE  
 T11 IN TOTAL: NEW CONCRETE DRIVE  
 T12 IN TOTAL: NEW CONCRETE DRIVE

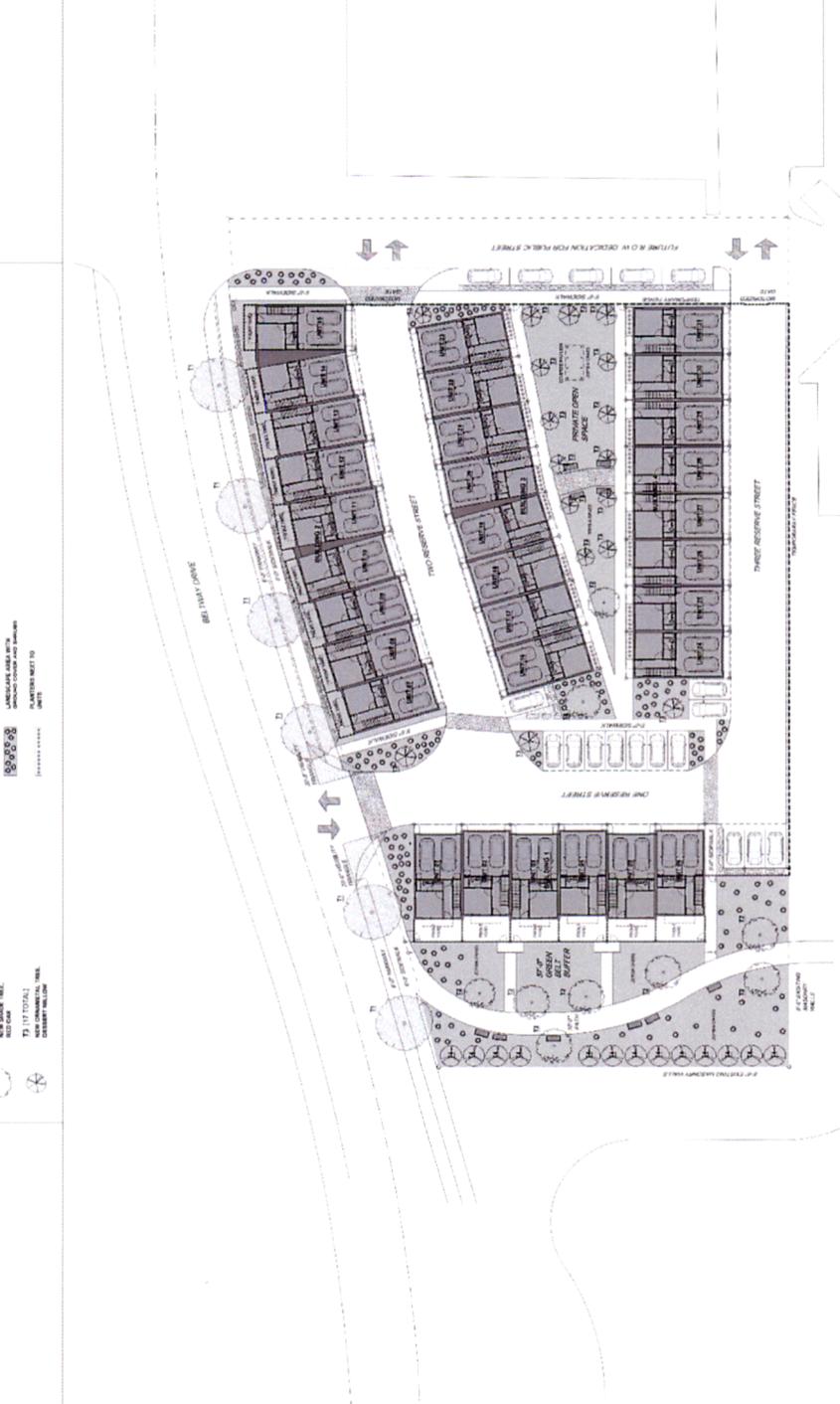
LANDSCAPE PLAN LEGEND  
 T13 IN TOTAL: NEW CONCRETE DRIVE  
 T14 IN TOTAL: NEW CONCRETE DRIVE  
 T15 IN TOTAL: NEW CONCRETE DRIVE  
 T16 IN TOTAL: NEW CONCRETE DRIVE

LANDSCAPE PLAN LEGEND  
 T17 IN TOTAL: NEW CONCRETE DRIVE  
 T18 IN TOTAL: NEW CONCRETE DRIVE  
 T19 IN TOTAL: NEW CONCRETE DRIVE  
 T20 IN TOTAL: NEW CONCRETE DRIVE

LANDSCAPE PLAN LEGEND  
 T21 IN TOTAL: NEW CONCRETE DRIVE  
 T22 IN TOTAL: NEW CONCRETE DRIVE  
 T23 IN TOTAL: NEW CONCRETE DRIVE  
 T24 IN TOTAL: NEW CONCRETE DRIVE

LANDSCAPE PLAN LEGEND  
 T25 IN TOTAL: NEW CONCRETE DRIVE  
 T26 IN TOTAL: NEW CONCRETE DRIVE  
 T27 IN TOTAL: NEW CONCRETE DRIVE  
 T28 IN TOTAL: NEW CONCRETE DRIVE

REFERENCE SITE PLAN FOR MORE INFORMATION  
 REGARDING SITE PLAN ELEMENTS



SCALE: 1/8" = 1'-0"  
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 ONLY FOR THE PROJECT AND SITE SPECIFICALLY  
 IDENTIFIED IN THE TITLE BLOCK. NO OTHER USES  
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DATE: 06/23/2020  
 SHEET: 01 OF 01  
 TOWN PROJECT NO.: 1846-Z

CONCEPTUAL LANDSCAPE PLAN 01  
 ADDISON RESERVE  
 33-UNIT MULTIFAMILY DEVELOPMENT  
 4150 BELTWAY DRIVE, ADDISON, TEXAS 75001

L1.01

EXHIBIT C



MATERIAL LEGEND:  
BRICK  
WOOD  
BOARD AND BATTEN HARDIE  
FAR + DANG

**ADDISON RESERVE**

COG DALLAS HOMES III  
BUILDING 1 - WEST ELEVATION FACING THE GREEN BELT

**EXHIBIT C**

# EXHIBIT C



**EXHIBIT C**



MATERIAL LEGEND:  
■ BRICK  
||| BOARD AND BATTEN SIDING  
— BOARD AND BATTEN HANDLE

COG DALLAS HOMES III

BUILDING 1 - NORTH ELEVATION PARKING BELTWAY DRIVE

ADDISON RESERVE

**EXHIBIT C**

MATERIAL LEGEND:  
F&B + D&NG



BRICK



BOARD AND BATTEN HARDIE

COG DALLAS HOMES III

BUILDING 1 - SOUTH ELEVATION

ADDISON RESERVE



# EXHIBIT C

<p style="text-align: center;">LEVEL 1 - CONDITIONED SPACE 841 SF</p> <p style="text-align: right;">LEVEL 1 - CONDITIONED SPACE 841 SF TOTAL CONDITIONED SPACE 2,118 SF</p>	<p style="text-align: center;">LEVEL 1 - CONDITIONED SPACE 885 SF</p> <p style="text-align: right;">LEVEL 1 - CONDITIONED SPACE 885 SF TOTAL CONDITIONED SPACE 2,118 SF</p>	<p style="text-align: center;">LEVEL 1 - CONDITIONED SPACE 368 SF</p> <p style="text-align: right;">LEVEL 1 - CONDITIONED SPACE 368 SF TOTAL CONDITIONED SPACE 2,118 SF</p>
<p>SCALE 1/8" = 1'-0"</p> <p>© FAR + DANG THE DRAWINGS, ORDINANCES AND ALL INFORMATION HEREIN ARE THE PROPERTY OF FAR + DANG AND SHALL REMAIN THE PROPERTY OF FAR + DANG. NO PART OF THESE DRAWINGS OR INFORMATION SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM FAR + DANG.</p>	<p>CONSULTANT</p> <p>ARCHITECT</p> <p><b>FAR + DANG</b> FAR + DANG ARCHITECTS, P.C. 2700 W. TRINITY DALLAS, TEXAS 75201 P: 214.766.7777 F: 214.766.7778 WWW.FARANDDANG.COM</p>	<p>SCALE 1/8" = 1'-0"</p> <p>ARCHITECT</p> <p><b>ADDISON RESERVE</b> 33-UNIT MULTIFAMILY DEVELOPMENT 4150 BELTWAY DRIVE ADDISON, TEXAS 75001</p>
UNIT TYPE A1 - FLOOR PLAN - LEVEL 3	UNIT TYPE A1 - FLOOR PLAN - LEVEL 2	UNIT TYPE A1 - FLOOR PLAN - LEVEL 1