

**ORDINANCE NO. O23-12**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, PROVIDING FOR APPROVAL OF A DEVELOPMENT PLAN ON LOT 2, BLOCK A, ADDISON CIRCLE STATION – PHASE 1, PART OF A PLANNED DEVELOPMENT (PD) ZONING DISTRICT (O23-12), AND SITUATED ON 1.9± ACRES GENERALLY LOCATED SOUTH OF FESTIVAL WAY AND 400 FEET WEST OF QUORUM DRIVE, TO ALLOW FOR THE CONSTRUCTION OF EMERGENCY ACCESS DRIVES, PEDESTRIAN WAYS, AND FESTIVAL WAY STREETScape IMPROVEMENTS ON AND ADJACENT TO LOT 2, BLOCK A; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); PROVIDING FOR SAVINGS, NO SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on January 17, 2023 the Planning & Zoning Commission considered and made recommendations on Case No. 1873-Z, being a request to approve a Development Plan (defined herein below) for Lot 2, Block A, Addison Circle Station – Phase I, comprising 1.9± acres generally located south of Festival Way and 400 feet west of Quorum Drive (the “Subject Property”), to allow for the construction of emergency access drives, pedestrian ways, and Festival Way streetscape improvements on and adjacent to Lot 2, Block A; and

**WHEREAS**, Planned Development (PD) District O23-12 (the “PD Ordinance”), requires approval of the Development Plan (defined herein) prior to the issuance of a building permit for the Subject Property; 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 approval of this Development Plan 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 Subject Property shall be improved in accordance with the Development Plan, which is comprised of a site plan and landscape plan (the “Development Plan”), which is attached hereto as **Exhibit A** and made a part hereof for all purposes, subject to the following conditions:

- A. Additional development plans are required in the future to initiate the final buildout of this lot.
- B. Final public and private landscape and streetscape design shall be completed prior to the issuance of a permit for the construction of site infrastructure.

- C. The final quantity of parking spaces, operation of the public parking structure, and retail parking accommodations in the public parking structures will be determined subject to and following completion of a parking study and as provided in the Definitive Agreements.
- D. Developer shall provide the Town evidence of compliance with FAA Part 77 building height review prior to issuance of a building permit for the Subject Property.
- E. Required sustainability features such as LEED compliance, electric vehicle charging stations, and public art will be required components of the Project, which will be further defined in the Definitive Agreements (as defined in the PD Ordinance).

**SECTION 3.** 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.

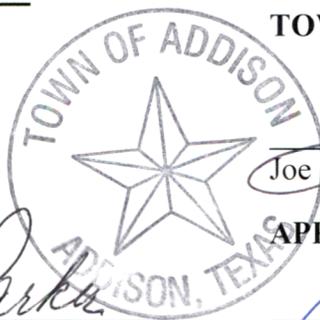
**SECTION 4.** The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal 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 5.** 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 6.** 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 13<sup>TH</sup> day of FEBRUARY 2023.

**TOWN OF ADDISON, TEXAS**



*Joe Chow*  
 Joe Chow, Mayor

**ATTEST:**

*Irma G. Parker*  
 Irma G. Parker, City Secretary

**APPROVED AS TO FORM:**

*Whitt Wyatt*  
 Whitt Wyatt, City Attorney

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