

ORDINANCE NO. O23-39

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING AND RESTATING PLANNED DEVELOPMENT (PD) DISTRICT ORDINANCE NO. O20-53, FOR A 0.57± ACRE PROPERTY LOCATED SOUTH OF ARAPAHO ROAD AND APPROXIMATELY 570 FEET EAST OF ADDISON ROAD, AND ADDRESSED AS 4900 ARAPAHO ROAD, PROVIDING FOR ADOPTION OF AMENDED PERMITTED USES AND DEVELOPMENT PLANS TO ALLOW MULTIFAMILY RESIDENTIAL USE WITHIN A 5-STORY COMMERCIAL BUILDING; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on November 10, 2020, the City Council for the Town of Addison, Texas adopted Planned Development (PD) District Ordinance O20-053 (“PD O20-053”) for a 0.57± acre property located at 4900 Arapaho Road; and

WHEREAS, at its regular meeting held on August 15, 2023, the Planning & Zoning Commission considered and made recommendations on a request to amend the PD Ordinance for a 0.57± acre property located at 4900 Arapaho Road and being further described within **Exhibit A** attached hereto (the “Subject Property”) to provide for amended permitted uses and development plans to allow a multifamily residential use within a 5-story commercial building (Case No. 1890-Z); and

WHEREAS, the City Council desires to amend and restate PD O20-053, in its entirety, to provide for modified permitted uses and development plans; 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 approval of this ordinance 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 and restate PD O20-053, in its entirety, and to provide for modified permitted use standards and development plans for the Subject Property, which is described and depicted in **Exhibit A** attached hereto.

SECTION 3. The Subject Property shall be developed and conform with the Urban Center (UC) district standards, as amended, subject to the following modifications and conditions:

- A. A single residential dwelling unit is allowed to be developed on the Subject Property and occupied in conformance with Section 3.E.ii, below. All other residential uses, including residential subdistricts, are prohibited.
- B. No residential uses are permitted within the 65 LDN contour as defined by the 2023 Addison airport noise contours.
- C. Building setbacks shall comply with the Urban Center (UC) standards except for along Edwin Lewis Drive, where the building shall be setback a minimum of three feet (3') from the edge of the sidewalk.
- D. Minimum parking requirements shall be reduced by ten (10) percent due to the site's adjacency to the Addison Transit Center.
- E. Minimum parking requirements shall be calculated based on net usable square footages rather than gross square footage.
- F. Prior to an issuance of a Certificate of Occupancy, the Subject Property shall be improved in accordance with the site plan, landscape plan, floor plan, and building elevations, which are attached hereto as **Exhibit B** and made a part hereof for all purposes, with the following special condition:
 - i. The second floor shall be constructed in such manner that will allow accommodation of future conversion to a parking garage and the parking lift to access the second-floor parking garage shall meet the requirements contained in the Fire Code adopted by the Town, as amended.
 - ii. The fifth floor of the building (as depicted in **Exhibit B**) may be constructed and occupied for residential use; provided, only one residential dwelling unit that is designed and constructed for occupancy by one family shall be allowed.

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, including the right to seek injunctive relief for any and all violations of this ordinance where the law in such cases so provides.

SECTION 5. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance or of the Zoning Ordinance for the Town of Addison, as amended hereby, be adjudged or held, in whole or in part, to be invalid, voided, or unconstitutional, the same shall not

affect the validity of the remaining portions of said ordinances, as amended hereby, which shall remain in full force and effect.

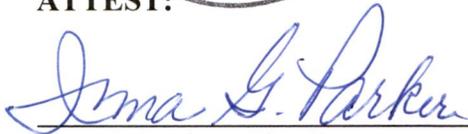
SECTION 6. All ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

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.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas, on this the 12th day of SEPTEMBER 2023.



ATTEST:



Irma G. Parker, City Secretary

TOWN OF ADDISON, TEXAS



Bruce Arfsten, Mayor

APPROVED AS TO FORM:



Whitt Wyatt, City Attorney

Published in the Dallas Morning News in the September 15, 2023 issue.

EXHIBIT A

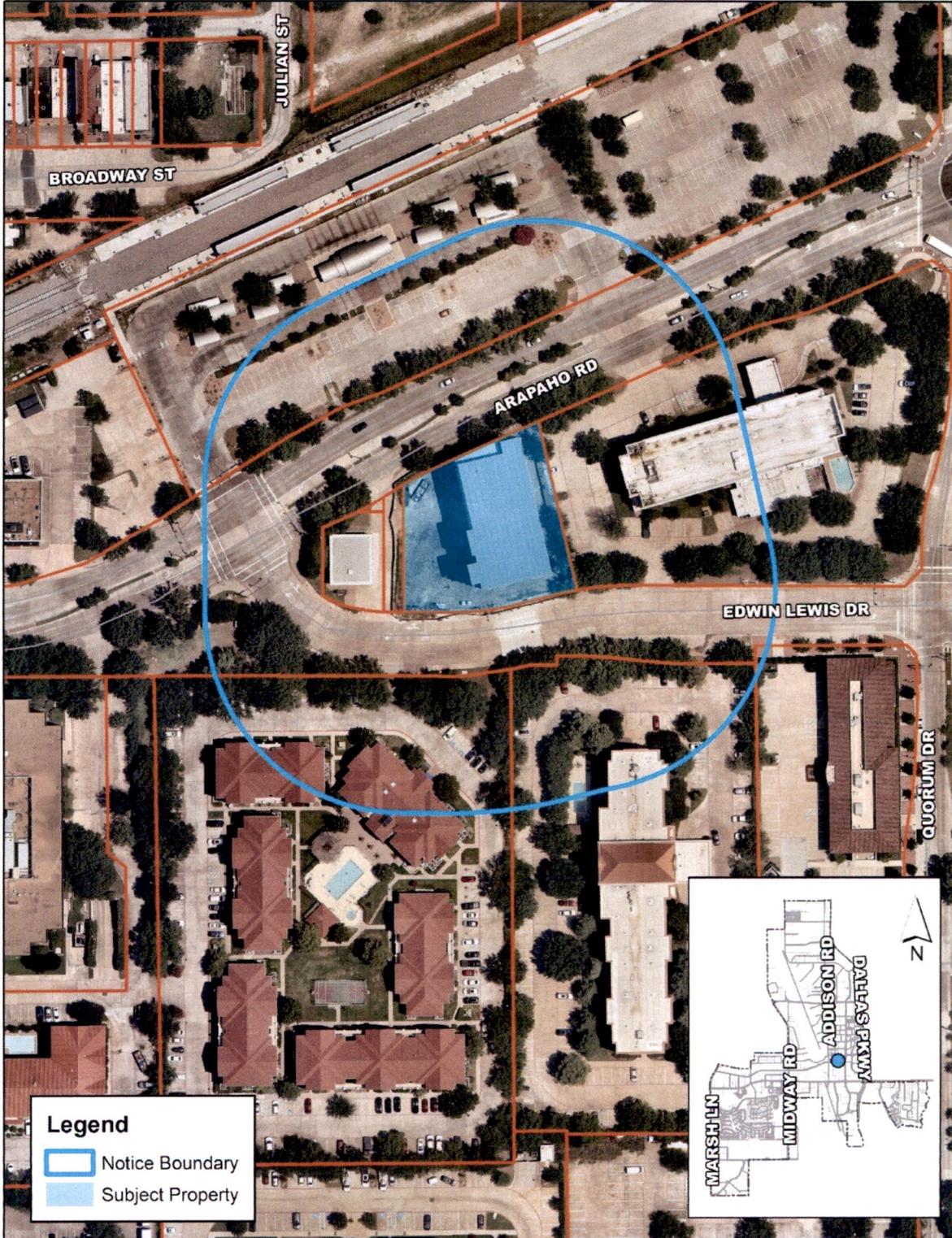


EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

BEGINNING at a "+" cut found at the Southwest corner of Lot 1, Block A of the Wingate Inn of Addison Addition, recorded in volume 99074, Page 10 in the GW Fisher Survey, Abstract 482, Located in the Town of Addison, Dallas, County, Texas;

THENCE N, 0 deg 25 min. 13 sec W, parallel with tract 1.5 of A tract land described by instrument to Southwestern Bell Telephone Company as recorded in Volume 86207, page 3192 of the Deed of Records, Dallas County Texas for a length of 127.2 feet to a "+" cut found at the South Right of Way of Arapaho Road;

THENCE, continuing with said Right of Way line and with said curve to the right, the chord of which is N 63 deg. 15 min. 32 sec. E with a distance of 65.11 ft, the radius is 778 ft., a distance of 65.13 ft. to a "+" cut found at the P. T. of said curve to the left;

THENCE, continuing with said Right of Way line N 65 deg. 39 min. 26 sec. E, continuing for a length of 84.74 feet;

THENCE, leaving said Right of Way S 13 deg. 21 min. 3 sec. W, continuing for a length of 172.69 feet to the North Right of Way line of Edwin Lewis Drive;

THENCE, continuing with said Right of Way line and with said curve to the left, the chord of which is S 77 deg. 44 min. 55 sec. W with a distance of 22.58 ft, the radius is 359.31 ft., a distance of 22.58 ft. to a 5/8" Iron Rod Found;

THENCE, continuing with said Right of Way line S 75 deg. 23 min. 45 sec. W, a distance of 43.41 ft. to a 1/2" Iron Rod Found;

THENCE, continuing with said Right of Way line and with said curve to the right, the chord of which is S 83 deg. 27 min. 22 sec. W with a distance of 65.32 ft, the radius is 299.31 ft., a distance of 65.45 ft.;

THENCE N continuing with said Right of Way line S 89 deg. 43 min. 31 sec. W, continuing for a length of 45.33 feet to the Point of Beginning, containing 34,752 square feet or .57 Acres of Land

EXHIBIT B

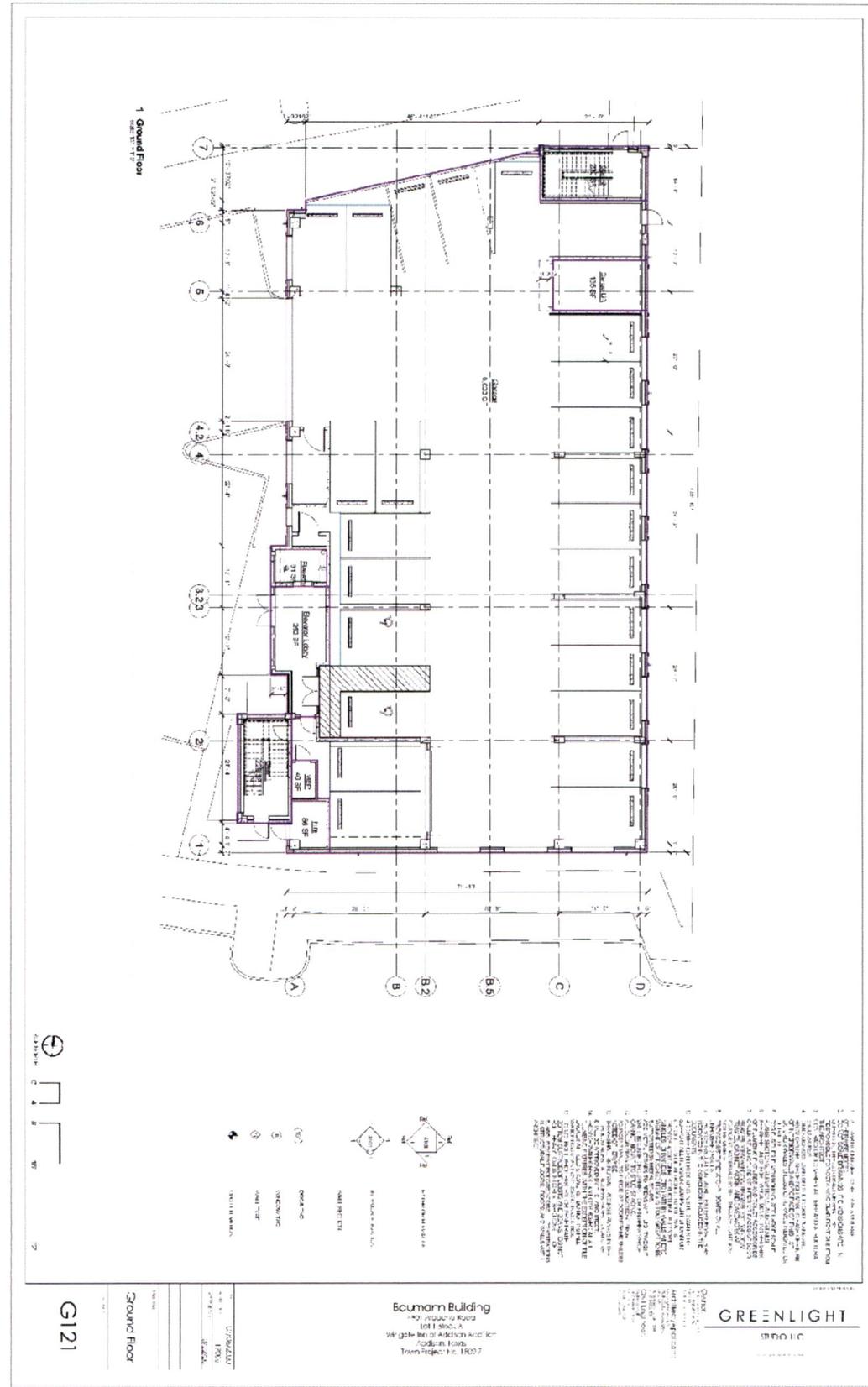


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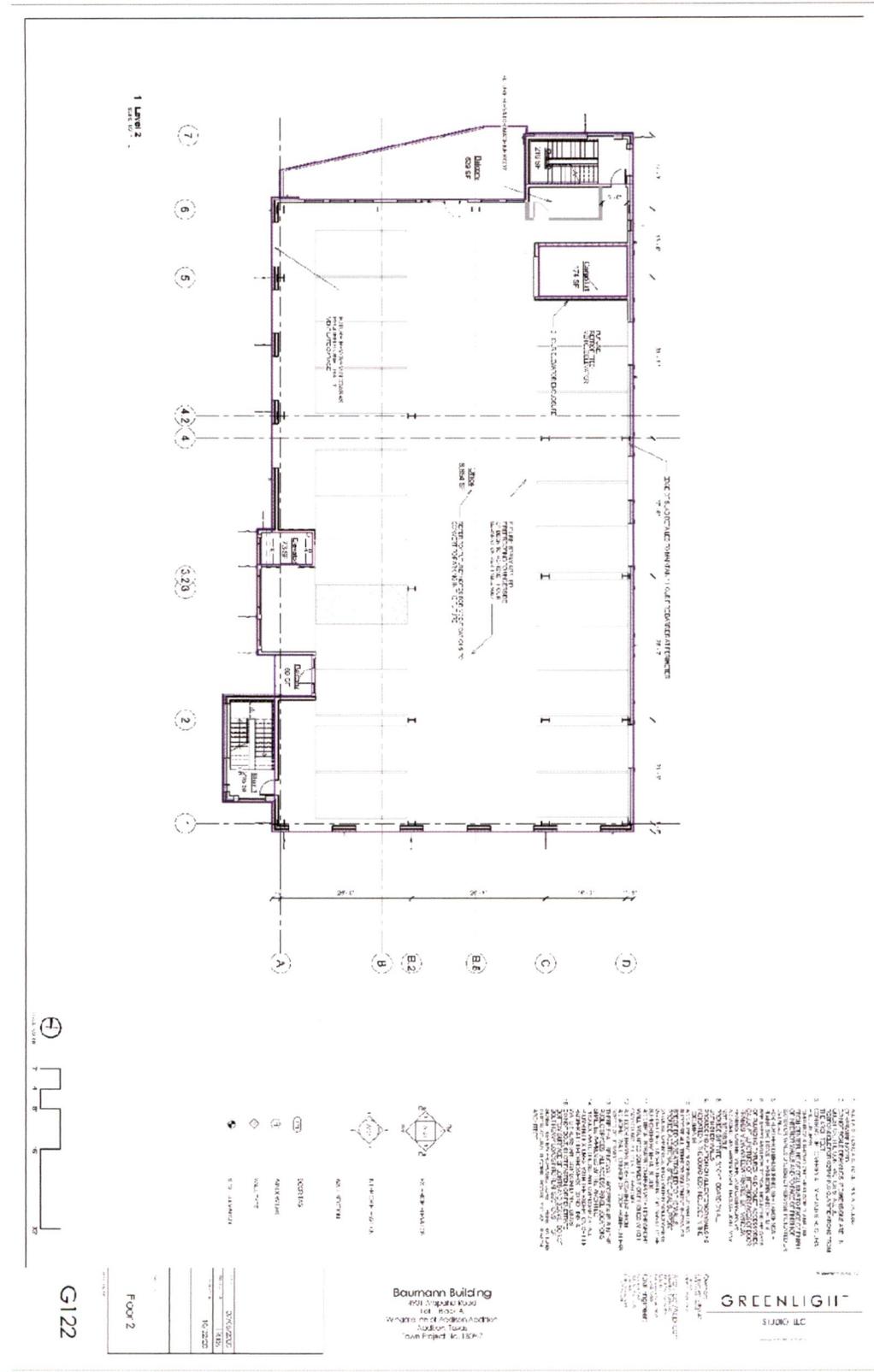


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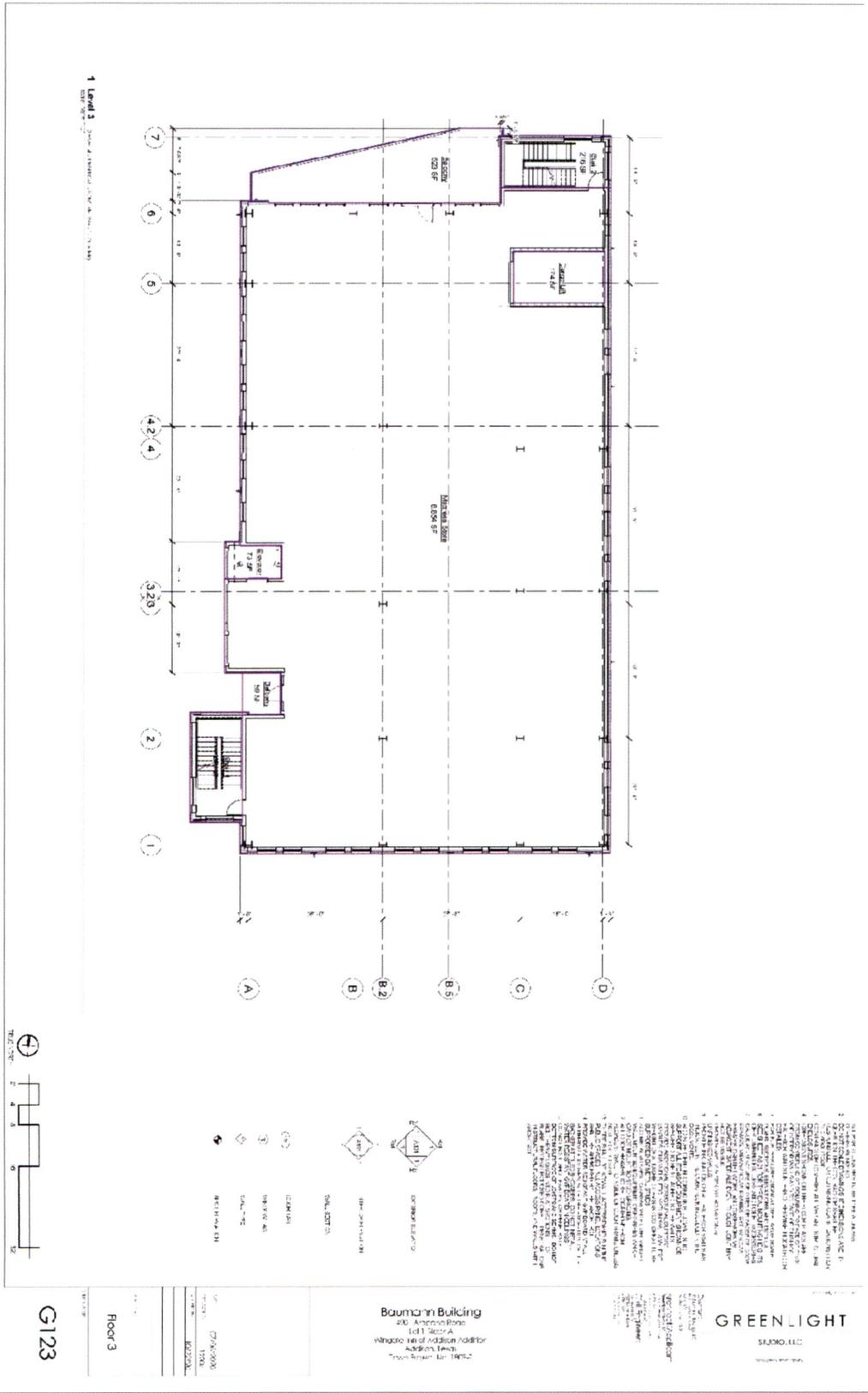


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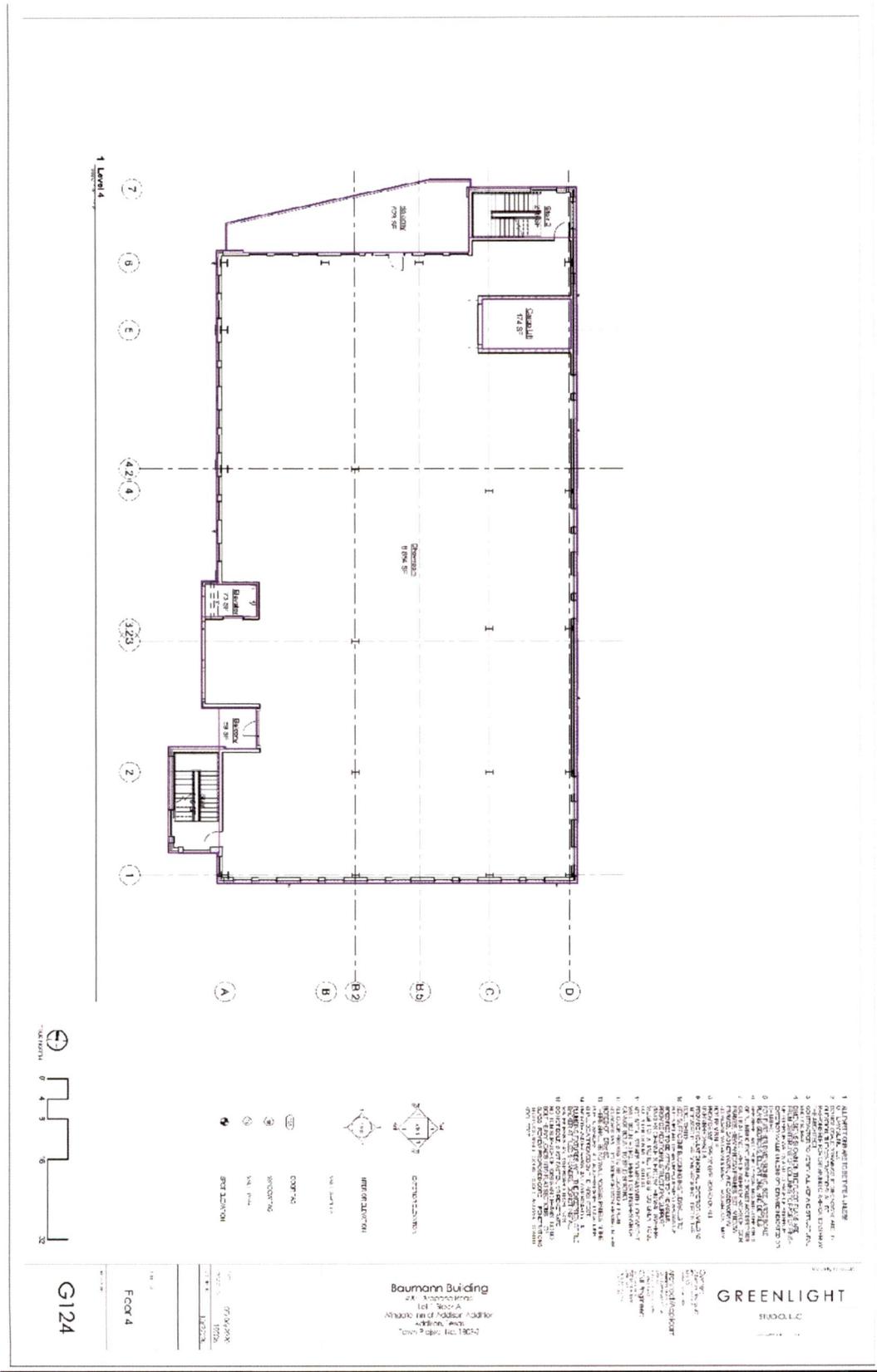


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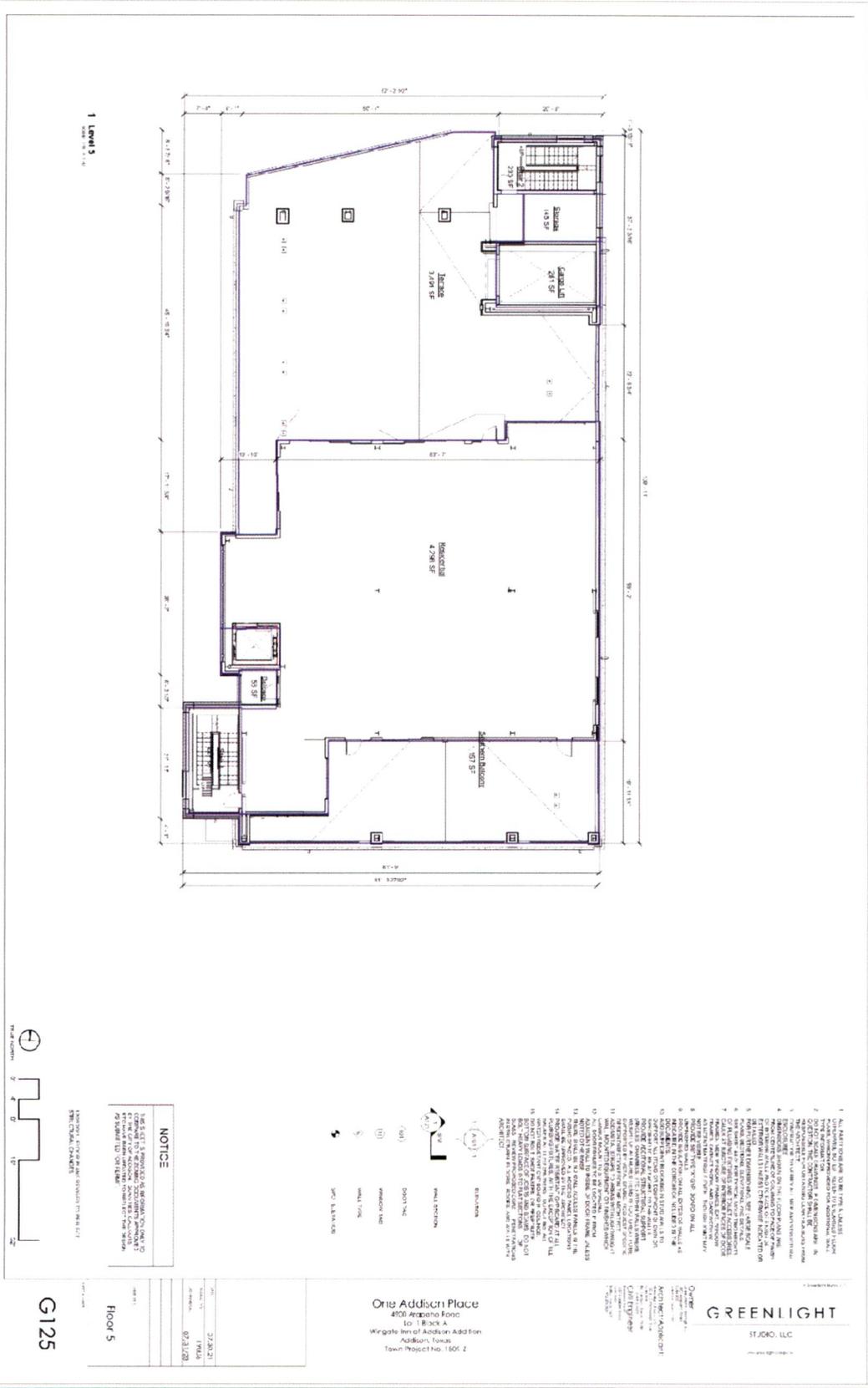


EXHIBIT B

