

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, CREATING PLANNED DEVELOPMENT DISTRICT \_\_\_\_\_ FOR HIGH DENSITY OFFICE DEVELOPMENT ON APPROXIMATELY 18.2 ACRES OF PROPERTY LOCATED AT 14345 DALLAS PARKWAY AND FORMERLY OCCUPIED BY THE EWING AUTOMOBILE DEALERSHIP; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at a meeting held on June 21, 2016, the Planning and Zoning Commission considered and made a recommendation on a request for a Planned Development District (Case No. 1737-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 recommendations 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.** 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.** Planned Development District \_\_\_\_ is hereby established for the 18.2 acres of property located within the Town of Addison at 14345 Dallas Parkway and more specifically described in **Exhibit A** attached hereto and incorporated herein (the "Property"), to allow high density office development in accordance with the Development Standards contained in **Exhibit B** an attached hereto and incorporated herein.

**Section 3.** Prior to and as a condition of the issuance of a building or any other permit for (i) any development. or (ii) the construction, erection, alteration, extension, placement or locating of any building, structure, infrastructure element, or improvement whatsoever, within the Property or any portion thereof, a development plan for the same must be approved by the Planning and Zoning Commission and by the City Council in accordance with Article XV, Section 5 of the Zoning Ordinance, as amended. A development plan (whether submitted for the entire Property or for a portion thereof) must comply with the standards, terms and conditions of this Ordinance, the Zoning Ordinance, and all other applicable ordinances, laws, rules, regulations, codes and standards, all as amended, of the City and any other governmental entity or agency having jurisdiction over the Property or applicable portion thereof. Development, occupancy, and use of the Property or portion thereof which is covered by or the subject of a development plan must comply in all respects with the development plan. Upon approval of a development plan by the City Council, the same shall be

incorporated into and made a part of this Ordinance for all purposes.

**Section 4.** The creation of Planned Development District \_\_\_\_\_ 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 5.** That the provisions of the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect save and except as amended by this ordinance.

**Section 6.** 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 7.** 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 8.** 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 9.** 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 12<sup>th</sup> day of July, 2016.

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Laura Bell, City Secretary

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

CASE NO: 1737-Z/14345 Dallas Parkway

PUBLISHED ON: \_\_\_\_\_

### **EXHIBIT A: PROPERTY DESCRIPTION**

A Planned Development district is hereby established for the 18.2 acres of property located generally at 14345 Dallas Parkway comprising of the portion of 4 properties within the Town of Addison and identified as the following:

- Lot 1, Block 1 of the S. Finley Ewing, Jr, Addition - Inst. No. D200101557407 D. R. D. C. T. – 16.23 acres
- The portion of Lot 2, Block 1 of the S. Finley Ewing, Jr, Addition - Inst. No. D200101557407 D. R. D. C. T. located within the boundaries of the Town of Addison – 1.492 acres
- The portion of Tract 2 of the S. Finley Ewing Jr. Addition Vol. 73093, PG. 1346 D. R. D. C. T. located within the boundaries of the Town of Addison - .0402 acres
- The portion of the D.P. & L. Co. 100 foot Right-of-Way located within the boundaries of the Town of Addison - .4750

## **EXHIBIT B: DEVELOPMENT STANDARDS**

### 1. Purpose.

The purpose of this Planned Development District (the "PD District," "Planned Development District," or "district") is to accommodate high density office development along the Dallas North Tollway Corridor. The Property will be developed in accordance with all of the standards, terms and conditions of this Ordinance (the "Ordinance"). These Planned Development conditions are incorporated into and made a part of the Ordinance for all purposes. Development, occupancy, and use of the Property and any portion thereof shall comply with development conditions set forth herein, with the Ordinance, with all applicable provisions of the Zoning Ordinance of the Town of Addison, Texas (the "City") (the same being Appendix A - Zoning of the Code of Ordinances of the City, and as it may be amended or superseded (the "Zoning Ordinance") and with all other applicable ordinances, laws, rules, regulations, standards, and codes of the City and any other governmental entity or agency having jurisdiction over the Property or applicable portion thereof, as they may be amended.

### 2. Definitions, Interpretations.

- A. Unless otherwise stated, the definitions and interpretations in the Zoning Ordinance apply to this Ordinance and the development conditions set forth herein.

### 3. Uses.

- A. Authorized Uses/ Prohibited 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.

- B. Permitted Primary Uses. The primary use of the Property must be:

- (1). Office building(s)

- C. Permitted Secondary Uses may not occupy greater than 30% of the floor area of all structures. The following are permitted as secondary uses within the Property:

- (1). All uses permitted within Commercial-1 District, as amended
- (2). Hotel (upon the issuance of a Special Use Permit)
- (3). Restaurant (upon the issuance of a Special Use Permit)
- (4). Sale of alcoholic beverages for on-premises consumption in conjunction with a restaurant (upon the issuance of a Special Use Permit)

- D. Accessory Uses. The following are permitted as accessory uses within the Property:

- (1). Parking and parking structures
- (2). Other uses customarily incidental and subordinate to permitted uses and any special uses

### 5. Development Standards

- A. Development, occupancy, and use of the Property shall comply with the development standards set forth in the following Table A:

<b>Building Setbacks</b>	As required in the Commerical-1 District zoning regulations, as amended.
<b>Minimum Building Height</b>	8 stories
<b>Maximum Building Height</b>	12 stories, upon approval from the Federal Aviation Administration (FAA)

- B. Miscellaneous development standards:

(1). Minimum Building Height requirement does not apply to any parking structure.

## 6. Parking

- A. *Generally*. Off-street parking must be provided for the appropriate building use classification according to the ratios listed in the Commerical-1 District Zoning regulations, as amended.
- B. *Shared parking*. Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two or more specific uses occurs at alternating time periods or that the parking can be shared without any negative impacts on or adjacent to the property. Required parking shall be determined based on parking demand for the peak parking period as determined by a parking analysis study approved by the City's Zoning Administrator.
- C. *Parking structure*. A minimum of 80% of any parking must be provided in structured parking. Parking structure ramps shall not be express on the façade of the parking structure fronting or visible from public streets or adjacent properties. Steel parking structures and steel guard cables on the structure's facades are prohibited.

## 7. Exterior Appearance

- A. *Materials*:

- (1). At least 80 percent of the exterior walls of all structures shall be of masonry construction.
- (2). For purposes of this planned development district, "masonry construction" includes, but is not limited to brick, stone, cultured stone, glazing and plate glass, and split face concrete masonry units. An applicant, however, may submit a design for construction of parking structures that employs alternative construction materials for exterior

cladding with an application for a development plan. The alternative may be approved by the city upon determination that such construction will result in an appearance that is compatible with surrounding buildings and the overall character of the district.

- (3). No more than 15% of each exterior wall fronting or visible from public streets (including above grade parking structures) may use accent materials such as stucco, architectural metal paneling, tile, and fiber cement siding (e.g. hardi-material).
  - (4). No more than 40% of exterior cladding of all walls not fronting on, or not visible from, public areas (including above grade parking structures) may use accent materials such as stucco, architectural metal paneling, tile, and fiber cement siding (e.g. hardi-material).
  - (5). The exterior cladding (excluding glass and roofing materials) of all buildings, (including above grade parking structures) shall be composed of not more than three materials.
  - (6). The following materials are prohibited as primary cladding materials:
    - i. Aluminum siding or cladding
    - ii. Fiberboard or Masonite siding
    - iii. Wood roof shingles
    - iv. Unfinished concrete block (architecturally finished concrete block is permitted as a cladding material)
  - (7). The following materials are prohibited as primary roofing materials:
    - i. Wood roof shingle
    - ii. Composite shingles with less than a 50-year life
- B. *Walls*. Walls attached to buildings shall be developed as architectural extensions of the building, constructed of the same material and in the same style.

## 8. Landscape.

- A. Landscaping within the Property shall comply with the standards contained in the Town of Addison Code of Ordinances, as amended.

## 9. Screening

- A. Mechanical equipment shall be mounted on the roof and be screened from view from all public streets and adjacent properties and located to minimize noise intrusion off each lot. The required screening must be architecturally compatible with the building design.
- B. Loading, service, and trash storage areas shall be screened from all public streets and adjacent properties. Refuse containers must be placed on a designed, reinforced concrete pad, including drive approach. The required screening must be composed of the same exterior materials as the buildings or through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.