

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING AND RESTATING PLANNED DEVELOPMENT (PD) DISTRICT ORDINANCE O19-22 FOR A 10.88-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BELT LINE ROAD AND MONTFORT DRIVE; PROVIDING FOR MEDICAL OFFICE AS A PERMITTED USE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on June 11, 2019, the City Council for the Town of Addison, Texas adopted Planned Development (PD) District Ordinance O19-22 (“PD O19-22”) for a 10.88 acre property located at the the southeast corner of Belt Line Road and Montfort Drive (the “Property”); and

WHEREAS, at its regular meeting held on December 21, 2021 the Planning & Zoning Commission considered and made recommendations on a request to amend PD O19-22 by allowing medical office as a permitted use (Case No.1838-Z); and

WHEREAS, the City Council desires to amend and restate PD O19-22, in its entirety, to provide for medical office as a permitted use; 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 is hereby amended so as to amend and restate PD O19-22, in its entirety, and to provide for medical office as a permitted use for the Property, which is described and depicted in **Exhibit A** attached hereto and incorporated herein.

SECTION 3. PD O19-22 development stipulations are to read as follows:

- A. The Property shall be improved in accordance with the site plan, landscape plan, and building elevations, which are attached hereto as **Exhibit B** and made a part hereof for all purposes.

- B. All development and/or improvement of the the Property shall be in conformance with the Local Retail (LR) district standards, as amended, subject only to the following exceptions:
- i. All parking in the center shall be set at a mixed-use development ratio of one space per 200 square feet of space (1/200).
 - ii. The property may be developed with modifications to the LR design standards for façade materials, building height, and parking requirements as shown on **Exhibit B**.
 - iii. In addition to the uses allowed by the LR district regulations, the Property may be used for medical office uses providing non-emergency services, open and operational no longer than 18 hours on any given day.

SECTION 4. 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 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 in accordance with Chapter 1, Section 1-7 of the Code of Ordinances for the Town of Addison.

SECTION 6. 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 **11TH** day of **JANUARY** 2022.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Whitt Wyatt, City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Tract 2:

BEING a tract of land situated in the Allen Bledsoe Survey, Abstract No. 157, Town of Addison, Dallas County, Texas, and being a part of Lot A, Block 2, Oaks North-East No. 1, an Addition to the Town of Addison, according to the plat thereof recorded in Volume 79121, Page 603, Map Records, Dallas County, Texas, and being all of Lot B, Block 2, Oaks North-East No. 2, an Addition to the Town of Addison, according to the plat thereof recorded in Volume 79121, Page 595, Map Records, Dallas County, Texas, and all of Lot C, Block 2, Oaks North-East No. 3, an Addition to the Town of Addison, according to the plat thereof recorded in Volume 79121, Page 587, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the south line of Belt Line Road (100' R.O.W.), said corner being at the northeast end of a corner clip at the intersection of said south line with the east line of Montfort Drive (80' R.O.W.), said corner also being the north corner of a Right-of-Way Dedication to the Town of Addison as recorded in Volume 93199, Page 4620, Deed Records, Dallas County, Texas;

THENCE N 89°49'50" E, along said south line, a distance of 582.78 feet to a pk nail set for corner, said corner being the northeast corner of the abovementioned Oaks North-East No. 3 and the northwest corner of the Lake Forest Addition, an Addition to the Town of Addison, as recorded in Volume 79168, Page 2399, Map Records, Dallas County, Texas;

THENCE S 0°10'10" E, departing said south line and along the west line of said Lake Forest Addition, a distance of 366.56 feet to a pk nail set for corner, said corner also being the northeast corner of Lot D, Block 2, Oaks North-East No. 4, an Addition to the Town of Addison, as per the plat recorded in Volume 79121, Page 555, Map Records, Dallas County, Texas;

THENCE S 89°49'50" W, departing said west line and along the north line of said Addition, a distance of 604.08 feet to an "x" cut found for corner in the aforementioned east line of Montfort Drive, said corner also being in a curve to the left having a central angle of 10°02'14", a radius of 540.00 feet, a tangent of 47.42 feet and a chord bearing and distance of N 10°23'09" E, 94.48 feet;

THENCE along said east line and along said curve to the left, an arc distance of 94.60 feet to a 1/2" iron rod found for corner at the beginning of a curve to the right having a central angle of 5°17'30", a radius of 392.50 feet, a tangent of 18.14 feet and a chord bearing and distance of N 6°52'29" E, 36.24 feet;

THENCE along said curve to the right and with said east line, an arc distance of 36.25 feet to a 1/2" iron rod found for corner at the beginning of a curve to the left having a central angle of 17°09'59", a radius of 258.00 feet, a tangent of 38.94 feet and a chord bearing and distance of N 2°02'36" E, 77.01 feet;

THENCE along said curve to the left and with said east line, an arc distance of 77.30 feet to a 1/2" iron rod found for corner at the beginning of a curve to the left having a central angle of 6°25'56", a radius of 549.00 feet, a tangent of 30.85 feet and a chord bearing and distance of N 9°45'19" W, 61.60 feet;

THENCE along said curve to the left and with said east line, an arc distance of 61.63 feet to a 1/2" iron rod found for corner at the beginning of a curve to the right having a central angle of 10°24'14", a radius of 451.00 feet, a tangent of 41.06 feet and a chord bearing and distance of N 7°15'57" W, 81.78 feet;

THENCE along said curve to the right and with said east line of Montfort Drive, an arc distance of 81.89 feet to a 5/8" capped iron rod set for corner at the southwest end of the abovementioned corner clip at the intersection of said east line and the abovementioned south line of Belt Line Road;

THENCE N 41°43'23" E, along said corner clip, a distance of 25.36 feet to the POINT OF BEGINNING and containing 215,741 square feet or 4.9527 acres of land, more or less.

EXHIBIT A

Tract 3:

BEING a tract of land situated in the Allen Bledsoe Survey, Abstract No. 157, Town of Addison, Dallas County, Texas, and being a part of Oaks North-East No. 4, an Addition to the Town of Addison, according to the plat thereof recorded in Volume 79121, Page 555, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a pk nail with washer stamped "RPLS 4625" set for corner in the east line of Montfort Drive (80' at this point), said corner being the northwest corner of said Oaks North-East No. 4 and the southwest corner of Oaks North-East No. 1, an Addition to the Town of Addison, as per the plat thereof recorded in Volume 79121, Page 603, Map Records, Dallas County, Texas;

THENCE N 89°49'50" E, along the common line between said Additions, a distance of 604.08 feet to a pk nail with washer stamped "RPLS 4625" set for corner in the west line of Lake Forest Addition, an Addition to the Town of Addison, as recorded in Volume 79168, Page 2399, Map Records, Dallas County, Texas;

THENCE S 0°10'10" E, along the west line of said Lake Forest Addition, a distance of 298.55 feet to a 1/2" "SJF" capped iron rod found for corner;

THENCE S 75°13'25" E, a distance of 12.84 feet to a 1/2" "SJF" capped iron rod found for corner;

THENCE S 0°10'10" E, a distance of 19.00 feet to a pk nail with washer stamped "RPLS 4625" set for corner, said corner being the northeast corner of Prestonwood Pond II, as recorded in Volume 86088, Page 444, Deed Records, Dallas County, Texas;

THENCE S 89°49'50" W, along the north line of said tract, a distance of 485.00 feet to a pk nail set for corner, said corner being the most easterly northwest corner of said tract;

THENCE S 0°10'10" E, a distance of 197.00 feet to a 5/8" "BDD" capped iron rod set for corner, said corner being a re-entrant corner of said tract;

THENCE S 89°49'50" W, a distance of 195.47 feet to a 1/2" iron rod found for corner in the east line of the abovementioned Montfort Drive, said corner also being the most westerly northwest corner of said tract;

THENCE N 23°24'00" W, along said east line, a distance of 2.67 feet to a 1/2" iron rod found for corner at the beginning of a curve to the right having a central angle of 51°50'50", a radius of 460.00 feet, a tangent of 223.60 feet and a chord bearing and distance of N 2°31'25" E, 402.20 feet;

THENCE along said curve to the right and with said east line of Montfort Drive, an arc distance of 416.26 feet to an 1/2" iron rod found for corner at the beginning of a reverse curve to the left having a central angle of 13°02'34", a radius of 540.00 feet, and a chord bearing and distance of N 21°55'33" E, 122.66 feet;

THENCE along said reverse curve to the left and with said east line, an arc distance of 122.93 feet to the POINT OF BEGINNING and containing 257,353 square feet or 5.9080 acres of land, more or less.

EXHIBIT A

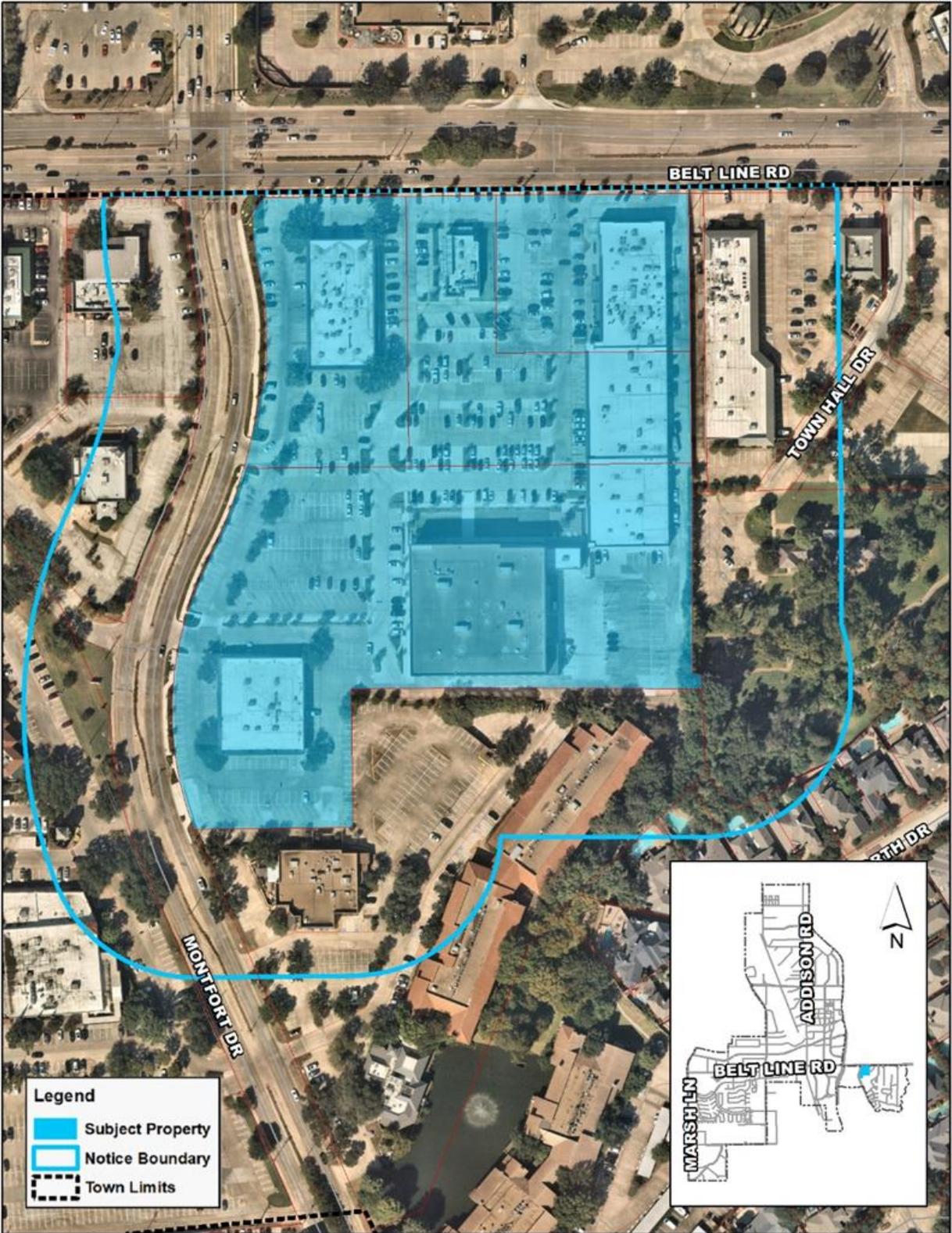
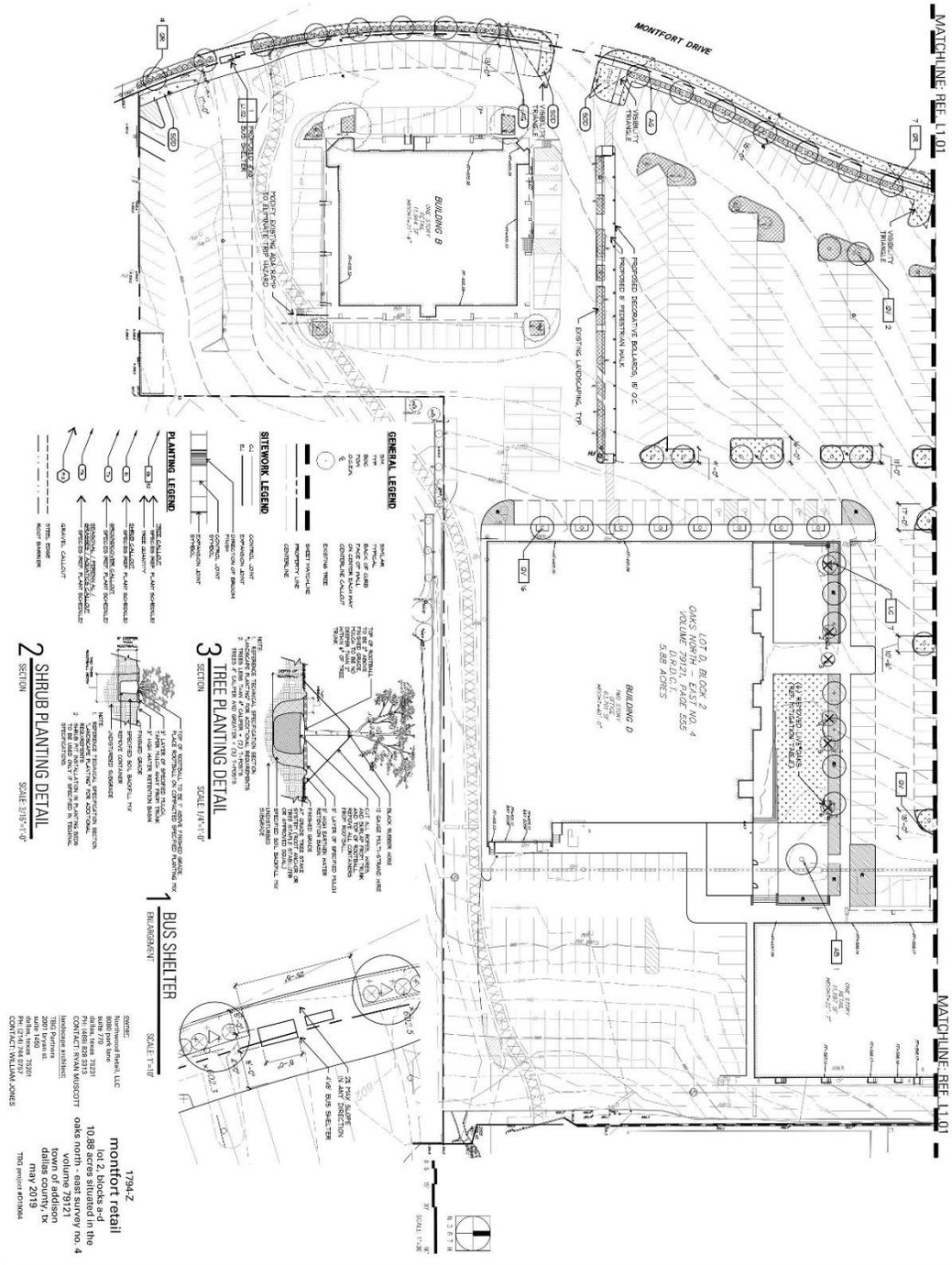


EXHIBIT B

PH19084 - Montfort Retail\03 Development\03a City Sketch\04 CAD\02 Sheets\13-LD-09084-L01-09.dwg



OWNER:
 MONTFORT RETAIL LLC
 8880 West 20th
 P.O. Box 2020
 Dallas, TX 75220
 PHONE: 214.344.2177
 CONTRACT: WILLIAM JONES

1794-Z
 Montfort retail
 of 2 blocks and
 10.98 acres of the
 oaks north - east survey no. 4
 volume 79121
 town of addison
 dallas county tx
 75121
 THE PROJECT DESIGNER

PROJECT
 montfort
 retail

786
 2001 Tupper Street
 Addison, TX 75101
 (214) 344-2177
 www.montfort.com

DATE: 09-13-2018
 DRAWING NO: 13-2018
 SHEET NO: 13-01

LANDSCAPE
 plan

L1.02

EXHIBIT B

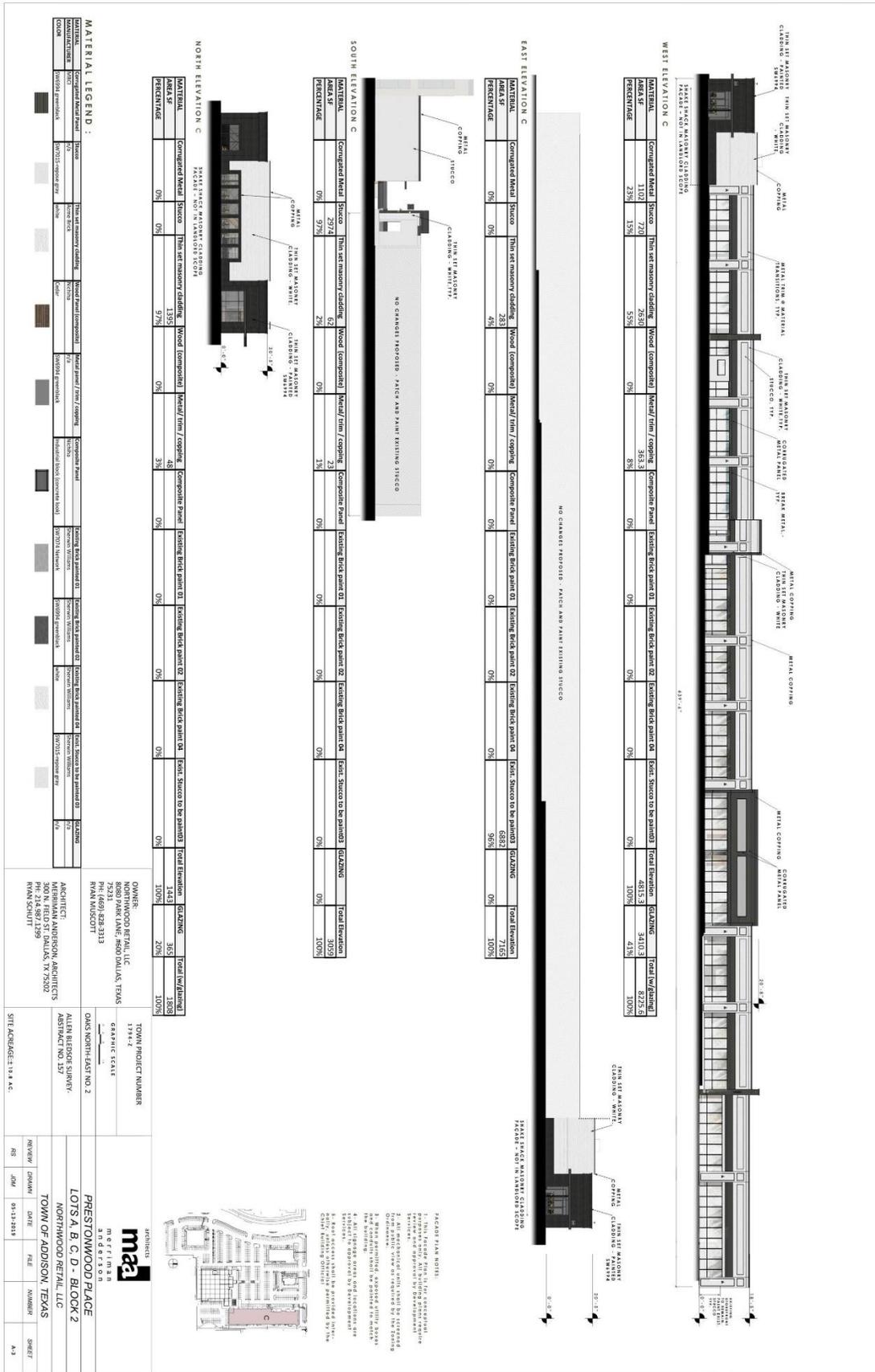


EXHIBIT B

