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ORDINANCE NO. 171

AN ORDINANCE AMENDING ORDINANCE NO. 66, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, GRANTING A ZONING VARIANCE ON A TRACT OF LAND DESCRIBED AS: BEING A TRACT OF LAND OUT OF THE NOAH GOOD SURVEY, ABSTRACT NO. 520 OF DALLAS COUNTY, TEXAS, MORE FULLY AND COMPLETELY DESCRIBED IN THE BODY OF THIS ORDINANCE; ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM APARTMENT DISTRICT CLASSIFICATION UNDER ORDINANCE NO. 66, AS AMENDED, TO ALLOW FOR THREE STORY APARTMENT CONSTRUCTION; CORRECTING THE OFFICIAL ZONING MAP ATTACHED TO ORDINANCE NO. 66; PRESERVING ALL OTHER PORTIONS OF ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; DETERMINING THAT THE PUBLIC INTEREST, MORALS, AND GENERAL WELFARE DEMAND A ZONING CHANGE AND AMENDMENT HEREIN MADE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made to amend the comprehensive Zoning Ordinance of the City of Addison, Texas, by making application for same with the Planning and Zoning Commission of the City of Addison, Texas, as required by State Statutes and the Zoning Ordinance of the City of Addison, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Addison, Texas at a public hearing called at a regular session of the City Council did consider the following factors in making a determination as to whether this requested change should be granted or denied; safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the sites; safety from fire hazards and measures of fire control, protection of adjacent property from flood or water damages, noise reducing elements and glare of vehicle and stationary lights and affect of such lights on established character of the neighborhood, location, lighting and types of sign and relation of signs to traffic control and adjacent property, street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood, adequacy of parking as determined by requirements of this ordinance for off-street parking facilities, location of ingress and egress points for

parking and off-street loading spaces, and protection of public health by servicing all parking areas to control thus, the effect on the promotion of health and the general welfare, effect on light and air, the effect on the over-crowding of the land, the effect on concentration of population, the effect on the transportation, water, sewer, schools, parks and other public facilities; and

WHEREAS, the City Council of the City of Addison, Texas does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the City of Addison, and helps promote the general welfare, safety and welfare of this community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS;

That Ordinance No. 66, the Zoning Ordinance of the City of Addison, Texas, be, and the same is amended and changed in that the use of the following described property, to wit:

Being a tract of land out of the Noah Good Survey, Abstract 520 of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at the intersection of the West right-of-way line of Brookhaven Drive and the South right-of-way line of Spring Valley Road;

THENCE South  $26^{\circ} 18'$  West along the West right-of-way line of Brookhaven Drive a distance of 1017.13 feet to the beginning of a circular curve to the right, whose central angle is  $59^{\circ} 28' 3''$ , and whose radius is 334.00 feet;

THENCE along said circular curve to the right a distance of 346.71 feet to the point of reverse curve to the left, whose central angle is  $26^{\circ} 12' 42''$  and whose radius is 434.00 feet;

THENCE along said circular curve to the left a distance of 198.55 feet to a corner;

THENCE departing from the Northwest line of Brookhaven Drive North  $0^{\circ} 16' 34''$  East a distance of 1244.80 feet to a corner in the South line of Spring Valley Road;

THENCE continuing along said South line of Spring Valley Road South  $89^{\circ} 50' 17''$  East a distance of 516.03 feet to an angle point;

THENCE continuing along said South line of Spring Valley Road South  $89^{\circ} 51'$  East a distance of 164.35 feet to the beginning of a circular curve to the right, whose central angel is  $26^{\circ} 01' 09''$ , and whose radius is 216.41 feet;

THENCE along said circular curve to the right a distance of 98.27 feet to the point of tangency;

THENCE South  $63^{\circ} 49' 51''$  East a distance of 147.35 feet to the PLACE OF BEGINNING and containing 17.68 acres.

Which is presently zoned Apartment District Classification under Ordinance No. 66, is changed to allow for three story apartment construction only on the above referred to property and subject to all the requirements of Ordinance No. 66.

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.

That the above described property shall be used only in the manner and for

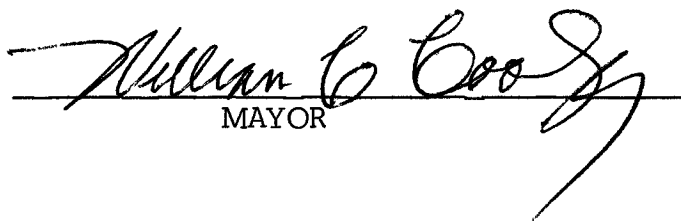
the purposes provided for in the comprehensive zoning ordinance of the City as amended herein by granting of this zoning variance.

That should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part of provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the comprehensive Zoning Ordinance as a whole

That 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 the comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

WHEREAS, the above described property requires that it be given the above zoning variance in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City and creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this Ordinance shall take effect immediately from and after its passage and publication of the captioned as the law in such case provides.

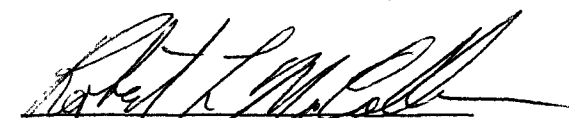
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, ON THE 21<sup>st</sup> DAY OF January, 1974.

  
MAYOR

ATTESTED:

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Charles Howard,  
City Secretary

APPROVED AS TO FORM:

  
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Robert L. McCallum,  
City Attorney