

ORDINANCE NO. 172

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, GRANTING A ZONING CHANGE ON A TRACT OF LAND DESCRIBED AS: BEING A TRACT OF LAND OUT OF THE ELISHA PIKE SURVEY, ABSTRACT NO. 478; AND BEING OUT OF THE J. PANCOAST SURVEY, ABSTRACT NO. 1146; MORE FULLY AND COMPLETELY DESCRIBED IN THE BODY OF THIS ORDINANCE: ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM "LR" LOCAL RETAIL DISTRICT CLASSIFICATION TO "C" COMMERCIAL DISTRICT CLASSIFICATION; 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 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, and 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 the Comprehensive 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 part of the Elisha Pike Survey, Abstract No. 478 and the Josiah Pancoast Survey, Abstract No. 1146, and being a part of that certain tract described in deed to J.R. and Jack Maxfield, filed 8-18-59 and recorded in the Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod for corner in the present West Line of Inwood Road, a 60 foot right-of-way, said point being N 17° 15' W 396.11 feet from the Southwest corner of said Maxfield tract and S 17° 15' E 1290.39 feet from the point of intersection of the said West line of Inwood Road and the Southern most corner of the visibility clip on the South line of Belt Line Road, a 100 foot right-of-way; point also being the Northeast corner of the Jim Miller Sales Company 0.382 acre tract described in the deed recorded in the Deed Records of said County;

THENCE N 80° 59' 48" W 229.77 feet along the North line of the said Jim Miller tract to an iron rod for corner;

THENCE S 17° 15' E 184.90 feet along the West line of the said Jim Miller tract to an iron rod for corner at the most Northerly Northeast corner of the Tennis International, Inc. 2.627 acre tract described in deed file 2-6-70 in the Deed Records of said County;

THENCE S 80° 34' W 400.00 feet along the North line of said Tennis International, Inc. tract to an iron rod for corner, the Northwest corner of said Tennis International, Inc. tract, point being in the West line of said Maxfield tract;

THENCE N 00° 26' W 772.61 feet along the West line of said Maxfield tract to a point for corner; point being the Southwest corner of that certain 4.07 acre tract conveyed to Edward H. Harrison by deed filed 9-22-69 and recorded in said Deed Records;

THENCE East 410.66 feet along the South line of said Harrison tract to an iron rod for corner in the said present West line of Inwood Road;

THENCE S 17° 15' E 555.44 feet along the said present West line of Inwood Road to the point of beginning and containing 7.7697 acres (338,446.78 square feet) of land.

Which is presently zoned "LR" Local Retail District Classification under Ordinance No. 66 is changed to "C" Commercial District Classification 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.

900
180'

That the above described property shall be used only in the manner and for the purpose provided for in the comprehensive zoning ordinance of the City as amended herein by granting of this zoning classification.

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.

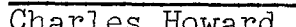
That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for the comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred 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 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 affect immediately from and after its passage and publication of the captioned as the law in such case provides.

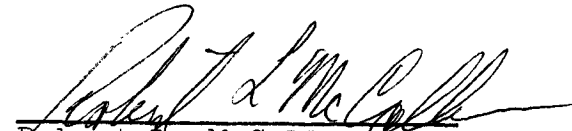
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON,
TEXAS, ON THE 6th DAY OF May, 1974.


MAYOR

ATTESTED:


Charles Howard,
City Secretary

APPROVED AS TO FORM:


Robert L. McCallum,
City Attorney