

ORDINANCE NO. 200

AN ORDINANCE AMENDING ORDINANCE NO. 66, 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 ROBERT WILBURN SURVEY, ABSTRACT NO. 1530 OF DALLAS COUNTY, TEXAS, MORE FULLY AND COMPLETELY DESCRIBED IN THE BODY OF THIS ORDINANCE; ORDERING A CHANGE IN THE CLASSIFICATION OF SAID PROPERTY FROM "A" APARTMENT DISTRICT CLASSIFICATION UNDER ORDINANCE NO. 66, AS AMENDED, TO "LR" LOCAL RETAIL DISTRICT CLASSIFICATION; 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 GENREAL 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 situated in the Robert Wilburn Survey, Abstract No. 1580, Dallas County, Texas, and being located in the City of Addison, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the east line of Dallas Parkway and the south line of the St. Louis & Southwestern Railroad;

THENCE N 65° 44' 30" E, along said south line, 455.33 feet;  
THENCE S 03° 12' 30" E, 1321.39 feet;  
THENCE S 89° 30' 00" W, 417.56 feet to the east line of  
Dallas Parkway;

THENCE In a northerly direction along said east line with a curve to the left, tangent bearing N 09° 56' 43" E, said curve having a central angle of 1° 35' 53" and a radius of 2391.83 feet, a distance of 66.71 feet;  
THENCE N 08° 20' 50" E, continuing along said east line, 346.43 feet;  
THENCE N 01° 10' 40" W, 110.07 feet;  
THENCE N 10° 45' 06" W, along the east line of Dallas Parkway, 346.71 feet;  
THENCE In a northerly direction continuing along said east line, with a curve having a central angle of 03° 25' 54" and a radius of 2391.83 feet, a distance of 143.26 feet;  
THENCE N 14° 11' 00" W, continuing along said east line, 141.05 feet to the place of beginning and containing 10.551 acres of land.

Which is presently zoned "A" Apartment District Classification under Ordinance No. 66, is changed to "LR" Local Retail District Classification 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 change.


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 the 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 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 24<sup>th</sup> DAY OF February, 1975.

  
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Mayor

ATTESTED:

Joyce H. Severs  
City Secretary

APPROVED AS TO FORM:

Robert L. McCallum  
Robert L. McCallum  
City Attorney