

ORDINANCE NO. 201

AN ORDINANCE AMENDING ORDINANCE NO. 66, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, GRANTING A ZONING VARIANCE ON 3 TRACTS OF LAND DESCRIBED AS: TRACT "A" 6.11 ACRES OF LAND IN THE ROBERT WILBURN SURVEY, ABSTRACT NO. 1580; TRACT "B" 3.600 ACRES OF LAND IN THE ROBERT WILBURN SURVEY, ABSTRACT NO. 1580; AND TRACT "C" 16.539 ACRES OF LAND IN THE ROBERT WILBURN SURVEY, ABSTRACT NO. 1580 OF DALLAS COUNTY, TEXAS, MORE FULLY AND COMPLETELY DESCRIBED IN THE BODY OF THIS ORDINANCE; ORDERING A CHANGE IN THE HEIGHTH REGULATION AS PRESCRIBED IN THE "LR" LOCAL RETAIL DISTRICT CLASSIFICATION TO ALLOW CONSTRUCTION OF 12 STORY BUILDINGS OR STRUCTURES SUBJECT TO THE APPROVAL OF THE FEDERAL AVIATION ADMINISTRATION; 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 ORDNANED 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 to allow in "LR" Local Retail District Classification buildings or structures up to 12 stories in heighth subject to the approval of the Federal Aviation Administration on the following described property, to wit:

Being tracts of land situated in the Robert Wilburn Survey, Abstract No. 1580, Dallas County, Texas, also being part of a 165.672 acre tract conveyed to the P.W.A. Corporation by the

Shadywood Country Club Corporation, December 27, 1968, by Deed as recorded in Volume 68-251, Page 0696 of the Deed Records of Dallas County, Texas, said tracts being inside the Corporate Limits of the City of Addison, Texas, and being more particularly described as follows:

TRACT "A"

BEGINNING at the intersection of the east line of Dallas Parkway, a 200-foot width street and the southeast line of the St. Louis and Southwestern Railroad 100-foot width right-of-way, said point being the northeast corner of a 4.283 acre tract of land conveyed to the County of Dallas, Texas by Simons Land Company, Deed filed for record April 9, 1974, and recorded in Volume 74070, Page 2535 of the Deed Records of Dallas County, Texas;

THENCE N 65° 44' 30" E, along the southeast line of the St. Louis and Southwestern Railroad 100-foot width right-of-way, 455.33 feet;

THENCE S 03° 12' 30" E, along the east Corporate line of the City of Addison, Texas, 769.12 feet to the north line of a 0.148 acre tract conveyed to the County of Dallas, Texas by Simons Land Company, said 0.148 acre tract shown as Tract 1 (One) on Deed recorded in Volume 74128, Page 2627 of the Deed Records of Dallas County, Texas, said north line being the north line of Arapaho Road, a 110-foot width street;

THENCE in a westerly direction along the north line of said 0.148 acre tract and Arapaho Road with a curve to the right, having a central angle of 10° 24' 22" and a radius of 1092.50 feet, tangent to curve at this point bears S 76° 23' 08" W, an arc distance of 198.42 feet;

THENCE S 86° 47' 30" W, continuing along said north line, 132.20 feet;

THENCE N 10° 45' 06" W, along the east line of said 0.148 acre tract, said east line being the east line of Dallas Parkway, 346.71 feet;

THENCE in a northwesterly direction along the east line of Dallas Parkway, with a curve to the left, having a central angle of 3° 25' 54" and a radius of 2391.83 feet, an arc 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 6.111 acres of land.

TRACT "B"

COMMENCING at the intersection of the east line of Noel Road, a 50-foot width street and the north line of Belt Line Road, at this point a 120-foot width street, said north line being

70 feet north of the center line of Belt Line Road; Thence N 89° 30' 00" E, parallel to and a perpendicular distance of 70 feet north of the center line of Belt Line Road, 500.53 feet to the east Corporate line of the City of Addison, Texas; Thence N 3° 12' 30" W, along said east Corporate line, 1471.65 feet to the Place of Beginning;

THENCE FROM THE PLACE OF BEGINNING S 89° 30' 00" W, 417.56 feet to the east line of a 0.065 acre tract described as Tract III in the Deed from Simons Land Company to the County of Dallas, Texas and recorded in Volume 74128, Page 2628 of the Deed Records of Dallas County, Texas, said east line being the east line of Dallas Parkway;

THENCE in a northeasterly direction along said east line with a curve to the left, having a central angle of 01° 35' 53" and a radius of 2391.83 feet tangent to curve at this point bears N 09° 56' 43" E, an arc distance of 66.71 feet;

THENCE N 08° 20' 50" E, continuing along said east line, 346.43 feet to the south line of Arapaho Road, a 110-foot width street;

THENCE N 86° 47' 30" E, along the south line of Arapaho Road, 136.10 feet;

THENCE in a northeasterly direction, continuing along said south line of Arapaho Road with a curve to the left, having a central angle of 09° 26' 42" and a radius of 1202.50 feet, an arc distance of 198.23 feet to the east Corporate line of the City of Addison, Texas;

THENCE S 03° 12' 30" E, along said east Corporate line 440.60 feet to the Place of Beginning and containing 3.600 acres of land.

TRACT "C"

BEGINNING at the intersection of the north line of Belt Line Road, at this point a 120-foot width street, said north line being 70-feet north of the center line of Belt Line Road and the east line of Noel Road, at this point a 50-foot width street;

THENCE N 03° 06' 53" W, along the east line of Noel Road, 1135.12 feet to the east line of Dallas Parkway, a 200-foot width street;

THENCE N 10° 30' 00" E, along the east line of Dallas Parkway, 319.18 feet;

THENCE in a northeasterly direction continuing along said east line with a curve to the left, having a central angle of 00° 33' 17" and a radius of 2391.83 feet, an arc distance of 23.16 feet;

THENCE N 89° 30' 00" E, 417.56 feet to the east Corporate line of the City of Addison, Texas;

THENCE S 03° 12' 30" E, along said Corporate line 1471.65 feet

to the north line of Belt Line Road;
THENCE S 89° 30' 00" W, along said north line, parallel to
and a perpendicular distance of 70-feet north of the
centerline of Belt Line Road, 500.33 feet to the Place
of Beginning and containing 16.539 acres of land.

That the change in Amendment granted herein shall only apply
to the above described property and only after written approval
of such structure or structures have been given by the Federal
Aviation Administration.

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 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 24 DAY OF Feb., 19 75.



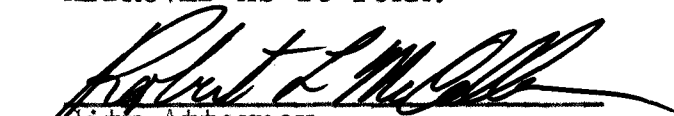
Mayor

ATTESTED:



Ass't City Secretary

APPROVED AS TO FORM:



City Attorney