

AN ORDINANCE AMENDING ORDINANCE #66, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, GRANTING ZONING VARIANCES ON 1 TRACT OF LAND DESCRIBED AS: BEING A TRACT OF LAND IN THE CITY OF ADDISON, OUT OF THE NOAH COOK SURVEY, ABSTRACT 520, OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; ALLOWING THE FOLLOWING VARIANCES: (1) ALLOWING 36 EFFICIENCY UNITS CONTAINING 400 SQUARE FEET EACH AND 120 ONE BEDROOM UNITS CONTAINING 606 SQUARE FEET EACH, (2) ALLOWING PART OF THE STRUCTURE TO BE 3 STORY, (3) ALLOWING 260 APARTMENT UNITS ON 7.837 ACRES OF LAND, (4) ALLOWING 2 BUILDINGS TO BE BUILT 25 FEET FROM THE PROPERTY LINE, AND (5) ALLOWING 12 PARKING SPACES IN THE FRONT YARD; 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:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Addison, Texas, be and the same is hereby amended to allow the variances hereinafter described to said ordinance on the following described property to wit:

Being a tract of land in the City of Addison, out of the Noah Cook Survey, Abstract 520, of Dallas County, Texas, and being more particularly described as follows:

COMMENCING 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 500.32 feet to the place of beginning of this tract;

THENCE South $26^{\circ} 18'$ West along the West right of way line of Brookhaven Drive a distance of 516.81 feet to the beginning of a circular curve to the right whose central angle is $59^{\circ} 28' 31''$ and whose radius is 334.00 feet and whose tangent is 190.80 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°12'42" and whose radius is 434.00 feet and whose tangent is 101.04 feet;

THENCE along said circular curve the left and continuing along the West right of way line of Brookhaven Drive a distance of 198.55 feet to a corner;

THENCE departing from the West right of way line of Brookhaven Drive North 0°18'15" East a distance of 710.53 feet to a corner;

THENCE South 89°42'39" East a distance of 687.92 feet to the place of beginning and containing 7.837 acres of land more or less.

SECTION 2. The following variances to the apartment regulations contained in the Comprehensive Zoning Ordinance, Addison, Texas are allowed on the above described property:

- a. 36 efficiency units containing 400 square feet each and 120 one bedroom units containing 606 square feet each.
- b. 3 story construction of part of the project.
- c. 260 apartment units on 7.837 acres of land.
- d. 2 buildings to be constructed 25 feet from the property line.
- e. 12 parking spaces in the front yard area.

All of the above referred to variances are in accordance with the Site Plan, and layouts of efficiency and one bedroom apartments as heretofore filed with the City of Addison, Texas by applicant.

SECTION 3. The above listed variances to the regulations contained in the Apartment District Classification in the Comprehensive Zoning Ordinance of the City of Addison, Texas are approved and granted upon the following expressed conditions to wit:

- a. That the development, construction, and building of the said apartment project shall be in substantial compliance with the Site Plan, prepared by the Group, Inc. Architect, Planners & Consultants, project #7503 filed with the City of Addison, and approved by the City Council

together with the preliminary landscape plan, the elevation showing the material to be used on exterior, and layouts of efficiency and one bedroom units with square footage.

- b. The Site Plan, the preliminary Site Plan, and the elevation showing the materials to be used on exterior, and layouts of the efficiency and one bedroom units with square footage shall become a part of this ordinance as though such plans were set out herein verbatim and are incorporated herein for all purposes. Any material change to such plans will require approval of the Council after receiving the recommendation of the Planning & Zoning Commission as prescribed by the Comprehensive Zoning Ordinance for changes and amendments to such ordinance.

SECTION 4. That the Site Plan and other related plans and documents heretofore mentioned, when approved by the City Council shall be retained in the office of the City Secretary as public records of the city.

SECTION 5. 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.

SECTION 6. 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 these zoning variances.

SECTION 7. 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.

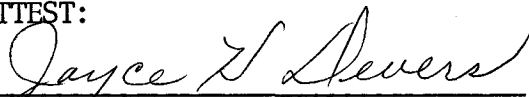
SECTION 8. That any person, firm or corporation violating any part of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the 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.

SECTION 9. That 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.

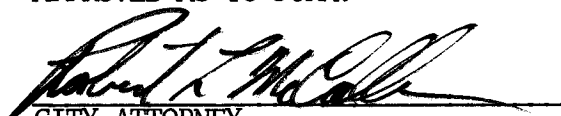
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS ON THE 8TH DAY OF June, 1976.

MAYOR 

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY