

ORDINANCE NO. 312

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION, UNDER SPECIAL CONDITIONS, ON THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

Being a portion of that certain tract of land conveyed to Francis D. Truman by deed filed on May 11, 1961 situated in the Josiah Pancoast Survey, Abstract No. 1146, Dallas County, Texas and being more particularly described as follows:

Beginning at the point of intersection of the westerly line of Inwood Road with the north line of the Dallas Power & Light Company Transmission Line right of way described in deed dated 11-30-56 DRDCT; said beginning point also being 110.0 feet southwesterly from and at right angle to the center line of the St. Louis & Southwestern Railroad;

THENCE S. 89 degrees 49' 46" W, 200.40 feet along said north line of the D.P. & L. Co. tract to a point for corner;

THENCE N. 16 degrees 49' W, 345.23 feet to a point for corner;

THENCE N. 89 degrees 49' 46" E, 200.40 feet to a point for corner in said westerly line of Inwood Road

THENCE S. 16 degrees 49' E, 345.23 feet along said westerly line of Inwood Road to the PLACE OF BEGINNING and containing 66,284 square feet or 1.522 acres of land.

PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR NO SEVERABILITY; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the City Planning Commission of the City of Addison and the Governing Body of the City of Addison, in compliance with the laws of the State of Texas and the ordinance of the City of Addison, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that the Comprehensive Zoning Ordinance should be amended; 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, as heretofore amended, be, and the same is hereby amended by amending the Zoning Map of the City of Addison, so as to grant s Special Use Permit for the sale of alcoholic beverages, as follows:

"Sale of alcoholic beverages for off-premises consumption only"

Said Special Use Permit shall be granted, subject to special conditions, on the following described property, to-wit:

Being a portion of that certain tract of land conveyed to Francis D. Truman by deed filed on May 11, 1961 situated in the Josiah Pancoast Survey, Abstract No. 1146, Dallas County, Texas and being more particularly described as follows:

Beginning at a point of intersection of the westerly line of Inwood Road with the north line of the Dallas Power & Light Company Transmission Line right of way described in deed dated 11-30-56 DRDCT; said beginning point also being 110.0 feet southwesterly from and at right angle to the centerline of the St. Louis & Southwestern Railroad;

THENCE S. 89 degrees 49' 46" W, 200.40 feet along said north line of the D.P. & L. Co. tract to a point for corner;

THENCE N. 16 degrees 49' W, 345.23 feet to a point for corner;

THENCE N. 89 degrees 49' 46" E, 200.40 feet to a point for corner in said westerly line of Inwood Road;

THENCE S. 16 degrees 49' E, 345.23 feet along said westerly line of Inwood Road to the PLACE OF BEGINNING and containing 66,284 square feet or 1.522 acres of land.

SECTION 2. That the above Special Use Permit is granted subject to the following special conditions, to-wit:

- (1) That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the site plan including landscap plan and the elevation drawings showing four (4) exterior walls which are attached hereto and made a part hereof for all purposes.
- (2) That the Specific Use Permit granted herein shall be limited to:  
  
Sale of alcoholic beverages for off-premises consumption only and to that portion of the building designated on the site plan attached hereto as being outlined in red and encompassing 13,500 square feet, building "A".
- (3) No signs advertising sale of alcoholic beverages shall be permitted under other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the City of Addison, as well as the approved elevations of the building.
- (4) Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the City of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
- (5) That if the property for which the special use permit is granted herein is not used for the purposes for which said permit was granted within one year after the adoption of this ordinance, the City Council may authorize hearings to be held for the purpose of considering a change of zoning on such property.
- (6) That if a license or permit to sell alcoholic beverages on property covered by this special use permit is revoked, terminated or cancelled

by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.

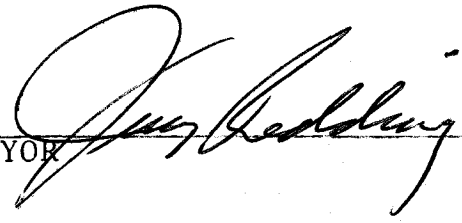
SECTION 3. That it is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

SECTION 4. That any person, firm or corporation violating any of the provisions of this ordinance shall, upon commission, be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each day said violation continues shall constitute a separate offense.

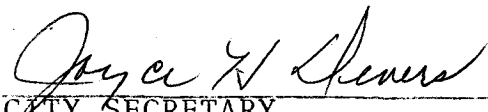
SECTION 5. The fact that the sale of alcoholic beverages in the City of Addison is authorized only under special use permits as provided for in the Comprehensive Zoning Ordinance of the City of Addison, and the City Council having found that the property described herein is suitable for such uses, and that a special permit for such use should be granted, this ordinance shall become effective from and after its adoption, and publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, on this the 8<sup>th</sup> day of February, 1977.

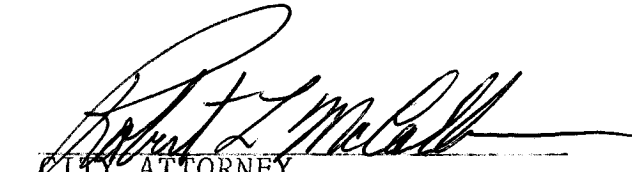
APPROVED:

  
MAYOR

ATTEST:

  
CITY SECRETARY

APPROVED AS TO FORM:

  
CITY ATTORNEY