

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 BEER AND WINE FOR OFF-PREMISES CONSUMPTION, UNDER SPECIAL CONDITIONS, ON THE FOLLOWING DESCRIBED PROPERTY TO-WIT:

Being a part of the Josiah Pancoast Survey, Abstract 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 degrees 15' W 411.11 feet from the southeast corner of said Maxfield Tract and S 17 degrees 15' E 1275.34 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, 1 100' right-of-way:

THENCE S. 17 degrees 15' E 15.00 feet along the said present west line of Inwood Road to an iron rod for corner, the northeast corner of the Barshell, Inc. 0.382 acre tract described in deed recorded in the Deed Records of said County:

THENCE N 89 degrees 59' 48" W 229.77 feet along the north line of said Barshell, Inc. tract to an iron rod for corner;

THENCE S 17 degrees 15' E 184.90 feet along the west-line of said Barshell, Inc. 0.382 and 0.453 acre tract to an iron rod for corner in the north line of the Tennis International Inc. 2.627 acre tract described in deed recorded in said Deed Records;

THENCE S 80 degrees 54' W 58.86 feet along the north line of said Tennis International Inc. tract to a point for corner;

THENCE 17 degrees 15' W 191.02 feet to a point for corner;

THENCE N 86 degrees 21' 56" E 285.78 feet passing through the northwest corner of said Barshell, Inc. Company 0.382 acre tract at 60.00 feet to the point of beginning and containing 0.2894 acres (12,606.22 square feet) 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 a Special Use Permit for the sale of alcoholic beverages, as follows:

"Sale of beer and wine 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 part of the Josiah Pancoast Survey, Abstract 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:

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THENCE S 80 degrees 54' W 58.86 feet along the north line of said Tennis International Inc. tract to a point for corner;

THENCE 17 degrees 15' W 191.02 feet to a point for corner;

THENCE N 86 degrees 21' 56" E 285.78 feet passing through the northwest corner of said Barshell, Inc. Company 0.382 acre tract at 60.00 feet to the point of beginning and containing 0.2894 acres (12,606.22 square feet) 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 landscape plan and the elevation drawings showing four 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 beer and wine 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 2000 square feet.
- (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 beer and wine 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 the 22nd day of March, 1977.

APPROVED:

MAYOR



Handwritten signature of Jim Redding in cursive script, written over a horizontal line.

ATTEST:



Handwritten signature of Joyce H. Lewis in cursive script, written over a horizontal line.

CITY SECRETARY

APPROVED AS TO FORM:



Handwritten signature of Robert H. McCall in cursive script, written over a horizontal line.

CITY ATTORNEY