

ORDINANCE NO. 352

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED TO ALLOW THREE VARIANCES FROM "LR" LOCAL RETAIL ZONING DISTRICT CLASSIFICATION, TO-WIT: (1) WAREHOUSE-STORAGE EXCLUDING COMMERCIAL STORAGE (2) WHOLESALE HOUSE (3) 50% BUILDING TO AREA COVERAGE, ON PROPERTY DESCRIBED HEREIN AS BEING IN DALLAS COUNTY, AND BEING TRACT A AND TRACT B OF BELTWAY OFFICE PARK, TRACT III IN THE ELISHA FIKE SURVEY, ABSTRACT 478 AND CONTAINING 15.8801 ACRES OF LAND; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Zoning Commission of the City of Addison, and the Governing Body of the City of Addison, Texas in compliance with the laws of the State of Texas with reference to the granting of zoning changes under the zoning ordinance and zoning map, have given 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 the persons interested and situated in the area, the City of Addison, Texas, is of the opinion that the said change of zoning on application of Daryl Snadon, Beltway Office Park, Tract 3 should be granted and the comprehensive zoning ordinance should be amended in the exercise of its legislative direction:

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 grant a variance on the hereinafter described property to allow warehouse storage (excluding commercial warehousing: commercial warehousing shall be defined for purposes of this ordinance as warehousing which is not incidental to the nature of the business being conducted, such as a freight terminal, a moving company, or a warehouse purely for storage and having no significant office space), 2) wholesale house and 3) fifty percent lot coverage in Local Retail District Classification. Such variance shall not repeal any other provisions in said Local Retail District Classification. Said property being in the City of Addison, Dallas County, Texas, and described as follows:

TRACT A

Being a tract or parcel of land situated in the City of Addison, Dallas County, Texas, and being part of Beltway Office Park, Tract III, an addition to the City of Addison, Texas, as recorded in Volume 77086, Page 0026, of the Map and Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner at the intersection of the easterly line of Midway Road (as widened) and the northerly line of Beltway Drive (60 feet wide);

THENCE North 0° 18' 13" West along the easterly line of Midway Road a distance of 240.00 feet to a point for corner;

THENCE due East a distance of 959.08 feet to a point for corner;

THENCE North 0° 01' 24" West a distance of 111.33 feet to a point for corner, said point being the south-westerly corner of a 1.170 acre tract of land conveyed to the City of Addison by deed recorded October 4, 1971, in the Deed Records of Dallas County, Texas;

THENCE North $89^{\circ} 58' 36''$ East along the southerly line of said City of Addison tract a distance of 449.04 feet to a point for corner in the westerly line of Beltway Drive (60 feet wide at this point);

THENCE South $0^{\circ} 03'$ East along said westerly line of said Beltway Drive a distance of 301.51 feet to a point for corner at the intersection of said westerly line of Beltway Drive and the northerly line of Beltway Drive;

THENCE due West along the northerly line of Beltway Drive a distance of 449.17 feet to the beginning of a curve to the left;

THENCE in a southwesterly direction continuing along said northerly line of Beltway Drive and along said curve to the left having a radius of 602.96 feet, a central angle of $16^{\circ} 59' 16''$, and an arc length of 178.77 feet to the end of said curve to the left and the beginning of a curve to the right;

THENCE in a southwesterly and westerly direction continuing along said northerly line of Beltway Drive and along said curve to the right having a radius of 542.96 feet, a central angle of $16^{\circ} 59' 16''$, and an arc length of 160.98 feet to the end of said curve to the right;

THENCE due West continuing along said northerly line of Beltway Drive a distance of 623.09 feet to the POINT OF BEGINNING and containing 8.1929 acres.

Save and except a tract or parcel of land:

BEGINNING at a point for corner at the intersection of the easterly line of Midway Road (as widened), and the northerly line of Beltway Drive (as widened);

THENCE North $0^{\circ} 18' 13''$ West along the easterly line of Midway Road a distance of 240.00 feet to a point for corner;

THENCE due West along the centerline of a 20.00 foot wide utility easement a distance of 201.05 feet to a point for corner;

THENCE due South a distance of 240.00 feet to a point for corner in the northerly line of Beltway Drive;

THENCE due West along the northerly line of Beltway Drive a distance of 199.78 feet to the POINT OF BEGINNING and containing 48,100 square feet, more or less, or 1.1042 acres.

TRACT B

Being a tract or parcel of land situated in the City of Addison, Dallas, County, Texas; and being part of Beltway Office Park, Tract III, an addition to the City of Addison, Texas, as recorded in Volume 77086, Page 0026, of the Map and Deed Records of Dallas County, Texas; and being more particularly described as follows:

Beginning at a point for corner at the intersection of the easterly line of Midway Road (as widened) and the southerly line of Beltway Drive (60 feet wide);

THENCE due East along the southerly line of Beltway Drive a distance of 622.77 feet to the beginning of a curve to the left;

THENCE in a northeasterly direction continuing along said southerly line of Beltway Drive and along said curve to the left having a radius of 602.96 feet, a central angle of $16^{\circ} 59' 16''$, and an arc length of 178.77 feet to the end of said curve to the left and the beginning of a curve to the right;

THENCE in a northeasterly and easterly direction continuing along said southerly line of Beltway Drive and along said curve to the right having a radius of 542.96 feet, a central angle of $16^{\circ} 59' 16''$, and an arc length of 160.98 feet to the end of said curve to the right;

THENCE due East continuing along said southerly line of Beltway Drive a distance of 449.22 feet to a point for corner;

THENCE South $0^{\circ} 03'$ East along the common line between the easterly line of Beltway Office Park, Tract III and the westerly line of Beltway Office park, Tract II as recorded in Volume 74095, Page 0502, of the Map and Deed Records of Dallas County, Texas, a distance of 300.50 feet to a point for corner;

THENCE due West along the common line between the southerly line of Beltway Office Park, Tract III, and the northerly line of Beltwood Business Park, Second Installment, as recorded in Volume 72054, Page 0515, of the Map and Deed Records of Dallas County, Texas, a distance of 1405.73 feet to a point for corner in the easterly line of Midway Road;

THENCE North $0^{\circ} 18' 13''$ West along said easterly line of Midway Road a distance of 250.50 feet to the POINT OF BEGINNING and containing 8.7914 acres.

SECTION 2. 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 3. 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 the granting of this zoning classification.

SECTION 4. 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 or 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 5. 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 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 6. Whereas, the above described property requires that it be given the above zoning classification 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 caption as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, this the 13th day of September, 1977.

ATTEST:

John W. Milligan
ACTING CITY SECRETARY

Jimmy Redding
MAYOR