

ORDINANCE NO. 379

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED TO ALLOW A VARIANCE FROM THE 80% MASONRY REQUIREMENT IN LOCAL RETAIL ZONING AT A PROPOSED RESTAURANT AT THE NORTHEAST CORNER OF BELT LINE ROAD AND MARCY DRIVE, CASE #320, SHAKEY'S, INC.; ON THE HEREINAFTER DESCRIBED PROPERTY; BEING SITUATED IN DALLAS COUNTY AND BEING OUT OF THE G.W. FISHER SURVEY, ABSTRACT NO. 482, AND CONTAINING 30,000 SQUARE FEET OR 0.6887 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 all persons interested and situated in the area, the City of Addison, Texas, is of the opinion that the said variance on application of Case #320, 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 from the 80% masonry requirement in Local Retail Zoning on the hereinafter described property. Such variance shall be noted on the official zoning map of the City of Addison. Said property being in the City of Addison, Dallas County, Texas, and described as follows:

WHEREAS, Restaurant Building and Equipment, Inc. is the owner of a certain lot, tract or parcel of land situated in Dallas County, Texas, out of the G.W. Fisher Survey, Abstract No. 482 and being a part of the same tract of land conveyed by the Dallas Independent School District to Julian Enterprises, Inc. as recorded in Volume 727, Page 2527 of the Dallas County Deed Records, said part being more particularly described as follows:

BEGINNING at the intersection of the north line of Belt Line Road (a 100 ft. R.O.W.) with the east line of Marcy Road (a 60 ft. R.O.W.);

THENCE, N 89° 56' E, 150.00 feet along the north line of said Belt Line Road to a point for corner, said point bears S 89° 56' W, 1014.58 feet from the intersection of the north line of said Belt Line Road with the west line of Dallas Parkway (a 200 ft. R.O.W.), said point also being S 89° 56' W. 350.00 feet from the southeast corner of the said Julian Enterprises, Inc. tract of land;

THENCE N 0° 25' W. 200.00 feet to a point for corner;

THENCE S 89° 56' W. 150.00 feet to a point for corner in the east line of said Marcy Road;

THENCE S 0° 25' E. 200.00 feet along the east line of said Marcy Road to the place of beginning and containing 30,000 square feet or 0.6887 acres of land.

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 for in the Comprehensive Zoning Ordinance of the city as amended herein by the granting of this zoning classification with variance.

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 the same 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 of Addison 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 this 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 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.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, on this the 28th day of March, 1978.

Jim Redding
MAYOR

ATTEST:

John W. Milligan
ACTING CITY SECRETARY