

ORDINANCE NO. 387

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 66 OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED SO AS TO CHANGE THE HEREINAFTER DESCRIBED PROPERTY BEING SITUATED IN DALLAS COUNTY, TEXAS, AND GENERALLY LOCATED WEST OF MIDWAY ROAD AND SOUTH OF BELT LINE ROAD, BEING IN THE THOMAS L. CHENOWETH SURVEY, ABSTRACT NO. 273, AND CONTAINING 434,570 SQUARE FEET OF LAND, WHICH IS PRESENTLY ZONED "C" COMMERCIAL DISTRICT TO BE USED UNDER PLANNED DEVELOPMENT DISTRICT NO. 2, ALLOWING LOCAL RETAIL USES; AND, THAT PLANNED DEVELOPMENT DISTRICT NO. 2 SHALL BE GRANTED WITH REFERENCE TO THE HEREIN DESCRIBED PROPERTY, SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Zoning Commission of the City of Addison, Texas, and the City Council 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 change of zoning on application of James H.

Coker, Case #327, 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 No. 66 of the City of Addison, Texas, be, and the same is hereby amended to give the hereinafter described property the following zoning district classification, to-wit: Planned Development District #2, allowing local retail uses. Said property being in the City of Addison, Dallas County, Texas, and being described as follows:

WHEREAS, James H. Coker, is the sole owner of a tract of land out of the Thomas L. Chenoweth Survey, Abst. No. 273, and being in the City of Addison, Dallas County, Texas, said tract being more particularly described as follows:

BEGINNING at a point for corner in the westerly right-of-way line of Midway Road (80 feet wide), said point being southerly 1903.20 feet from the centerline of Belt Line Road, said point also being in the southerly line of a tract of land as conveyed to Gene McCutchin by deed dated September 24, 1964;

THENCE S 0° 16' 00" E, along the said westerly line of Midway Road, 430.71 feet to a point for corner, said point being the northeasterly corner of a tract of land as conveyed to T.G.I. Fridays, by deed dated April 4, 1977;

THENCE S 89° 26' 54" W, along the said northerly line of T.G.I. Fridays, 436.00 feet to a point for a corner, said point being the northwesterly corner of the Fridays tract;

THENCE S 0° 16' 00" E, along the westerly line of the said Fridays tract, 275.00 feet to a point for a corner in the north right-of-way line of Dallas Power & Light Company (100 feet wide);

THENCE N 89° 26' 54" W, along the said Dallas Power & Light Companys north line, 429.72 feet to a point for a corner, said point being the most southeasterly corner of a tract of land as conveyed to the McCutchin Brothers

J/V No. 1, by deed dated January 17, 1977;

THENCE N 0° 08' 39" W, along the said line of the Mc Cutchin Brothers tract, 715.17 feet to a point for corner; said point being the southwesterly corner of a tract of land as conveyed to Gene McCutchin by deed dated October 12, 1964;

THENCE S 89° 55' 31" E, along the southerly line of the above referenced McCutchin tracts, 864.19 feet to THE POINT OF BEGINNING AND CONTAINING 494,594 square feet or 11.3542 acres of land.

SAVE AND EXCEPT-commencing at a point for a corner in the westerly right-of-way line of Midway Road (80.0 feet wide) said point being Southerly 1903.20 feet from the centerline of Belt Line Road, said point also being in the Southerly line corner of a tract of land as conveyed to Gene McCutchin by deed dated September 24, 1964;

THENCE N. 89° 55' 31" W., 320.00 feet;

THENCE S. 0° 16' E., 170.00 feet to the POINT OF BEGINNING:

THENCE S. 0° 16' E., 244.00 feet to a point for a corner;

THENCE S. 89° 44' W., 246.00 feet to a point for a corner;

THENCE N. 0° 16' W., 244.00 feet to a point for a corner;

THENCE N. 89° 44' E., 246.00 feet to the POINT OF BEGINNING AND CONTAINING 60,024 square feet or 1.378 acres of land.

SECTION 2. That all uses on the property herein above described shall conform in operation, location and construction to the "LR" Local Retail District Classification in the Comprehensive Zoning Ordinance of the City of Addison.

SECTION 3. That the following special conditions are placed upon the above described property:

(a) That the following Local Retail uses set forth in the Comprehensive Zoning Ordinance shall not be allowed on the property hereinabove described:

1. Auto seat covers, covering
2. Bowling alley
3. Cleaning, dyeing and laundry pickup station

4. Cleaning and pressing shops
5. Curtain cleaning shops
6. Electrical repairing
7. Fix it shops, bicycle repairs, saw filing, lawn mower sharpening
8. Frozen food lockers
9. Gasoline Filling station
10. Public garage
11. Washateria

(b) No structure of any kind or any part thereof, shall be constructed on the property which is more than two (2) floors above grade level and no building shall exceed thirty-five (35) feet in height to the top of the mechanical penthouse above the grade level of the ground upon which it is placed.

(c) The property, save and except the proportions designated on the attached preliminary site plan as non-restricted area (c) and restricted area (a), shall be used for general office purposes only and for no other use. In the restricted area (d), the additional use of local retail as provided in the City of Addison's Comprehensive Zoning Ordinance shall be permitted, but not elsewhere.

(d) The portion of the Property designated non-restricted area (c) shall be used for a clubhouse and/or restaurant and/or office only and for no other use.

(e) No building or structure shall be constructed on that portion of the Property designated restricted area (a), and such area shall be restricted to the following uses:

- (1) Recreational uses and facilities;
- (2) Parking facilities; and
- (3) Landscaping, parks, gardens and arboretums.

SECTION 4. All paved areas, permanent drives, streets and drainage structures shall be constructed in accordance with standard City of Addison specifications adopted for such purpose, and the same shall be done to the satisfaction of the director of public works.

SECTION 5. This Planned Development District is established pursuant to the Comprehensive Zoning Ordinance of the City of Addi-

son as amended, and the provisions thereof unless directly conflict herewith, shall be applicable to the Planned Development District No. 2.

SECTION: 6. 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 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 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 8. 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 9. 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, on this the 9th day of May,
1978.

MAYOR

Jerry Redding

ATTEST:

Jacque Sharp
ACTING CITY SECRETARY