

ORDINANCE NO. 428

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED SO AS TO ALLOW A THREE (3) STORY BUILDING IN "LR" LOCAL RETAIL DISTRICT CLASSIFICATION LOCATED BETWEEN ADDISON ROAD AND DALLAS PARKWAY; BEING 1.961 ACRES OF LAND OUT OF THE ELI SHEPPARD SURVEY, ABSTRACT NO. 1361 AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF 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, in compliance with the laws of the State of Texas and the ordinance of the City of Addison, 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 affected area and in the vicinity thereof, and in the exercise of its legislative direction, is of the opinion that the said variance on application of Case #375, should be granted and 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, be, and the same is hereby amended, to grant

a variance to Case #375, to be allowed a three (3) story building in "LR" Local Retail District Classification 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, FOLSOM INVESTMENTS, INC., is the owner of a tract of land out of the Eli Sheppard Survey, Abstract No. 1361 situated in the City of Addison, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point on the east line of Addison Road (a 60 foot right-of-way), said point being S. 89° 35' 11" W., 10.00 feet; Thence N. 0° 22' 17" W., 1446.25 feet; Thence N. 2° 01' 34" E., 1772.69 feet from the northwest corner of Lot 1, Block 1 of Bent Tree Oaks, an addition to the City of Dallas as recorded in Volume 78004 at Page 0007 of the Deed Records of Dallas County, Texas;

THENCE N. 2° 01' 34" E., 244.00 feet along the said east line of Addison Road to a point for corner;

THENCE S. 89° 56' 59" E., 350.21 feet to a point for corner on the west line of Dallas Parkway (a 200 foot right-of-way);

THENCE S. 2° 01' 34" W., 244.00 feet along the said west line of Dallas Parkway to a point for corner;

THENCE N. 89° 56' 59" W., 350.21 feet to the Point of Beginning and containing 1.961 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 variance.

SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to

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 BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, on this the 12<sup>th</sup> day of September, 1978.

ATTEST:

Jacque Sharp  
CITY SECRETARY

MAYOR

Jim Redding