

ORDINANCE NO. 431

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 "LR" LOCAL RETAIL ZONING AT A PROPOSED RESTAURANT, LUTHERS RESTAURANT, CASE #382; BEING SITUATED IN DALLAS COUNTY AND CONTAINING 54,000 SQUARE FEET 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 #382, 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:

BEING a tract of land situated in the Allen Bledsoe Survey, Abstract No. 157, City of Addison, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the South line of Belt Line Road (a 100' R.O.W.), with the West line of Montfort Drive, (an 80' R.O.W.), an iron stake for corner; Thence, S. $0^{\circ} 10' 10''$ E, along said Montfort Drive west line, a distance of 194.78 feet to the beginning of a curve to the right, having a central angle of $10^{\circ} 07' 54''$ and a radius of 460.00 feet, an iron stake for corner; Thence, around said curve, a distance of 81.34 feet to the end of said curve, an iron stake for corner at the PLACE OF BEGINNING;

THENCE, along the said Montfort Drive West line, the following:

Around a curve to the right, having a central angle of $19^{\circ} 52' 06''$, a radius of 460.00 feet, and a back tangent bearing S. $9^{\circ} 57' 44''$ W, an arc distance of 159.51 feet to the end of said curve, an iron stake for corner;

S. $29^{\circ} 49' 50''$ W, a distance of 6.65 feet to an iron stake for corner at the beginning of a curve to the left, having a central angle of $16^{\circ} 31' 50''$ and a radius of 540.00 feet;

Around said curve a distance of 155.80 feet to the end of said curve, said point being on the proposed Northeast line of Noel Road, an iron stake for corner;

THENCE, along the said proposed Noel Road Northeast line and around a curve to the right, having a central angle of $39^{\circ} 38' 12''$, a radius of 100.00 feet and a back tangent bearing N. $81^{\circ} 32' 12''$ W, an arc distance of 69.18 feet to the end of said curve on the Northeast line of Noel Road (a 50' R.O.W.), an iron stake for corner;

THENCE, N. $41^{\circ} 54'$ W, along the said Noel Road Northeast line, a distance of 207.17 feet to an iron stake for corner;

THENCE N. 48° 06' E, leaving said Noel Road Northeast line, a distance of 157.38 feet to an iron stake for corner;

THENCE N. 0° 10' 10" W, a distance of 7.38 feet to an iron stake for corner;

THENCE S. 89° 49' 50" W, a distance of 195.33 feet to the PLACE OF BEGINNING and containing 54,000 square feet 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, this the 12th day of September 1978.

MAYOR



ATTEST:

CITY SECRETARY

