

ORDINANCE NO. 448

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 "PD" PLANNED DEVELOPMENT DISTRICT AT A PROPOSED RESTAURANT, PELICAN'S RESTAURANT, CASE #364 LOCATED SOUTH OF BELT LINE ROAD AND WEST OF MIDWAY ROAD AND BEING OUT OF THE THOMAS L. CHENOWETH SURVEY, ABSTRACT NO. 273 AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR NO SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning 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 area, the City of Addison, Texas, is of the opinion that the said variance on application of Case #364, should be granted and the Comprehensive Zoning Ordinance should be amended in the exercise of its legislative direction:

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 Planned Development Zoning on a proposed Pelican's Restaurant that will be located on 4830 square feet on the following described property:

Whereas, McCutchin Joint Venture #1, are the sole owners of a tract of land situated in the Thomas L. Chenoweth Survey, Abstract No. 273, City of Addison, Dallas County, Texas, and being particularly described as follows:

Beginning at a point in the south line of Belt Line Road, said point being N 89° 25' 00" W, 60.00 feet and south 50.00 feet from the intersection of the centerline of Belt Line Road with the centerline of Midway Road;

THENCE, S. 44° 42' 27" E, 42.64 feet to a point for a corner in the west line of Midway Road;

THENCE South with west line of Midway Road, 145.00 feet to the Point of Beginning;

THENCE South with west line of Midway Road, 659.53 feet to a point for a corner;

THENCE West 140.00 feet to the beginning of a curve to the left having a central angle of 13° 14' 01" and a radius of 945.00 feet;

THENCE along said curve 218.27 feet to a point for corner;

THENCE west 528.66 feet to a point for a corner;

THENCE north 868.63 feet to a point for a corner;

THENCE S 89° 25' 00" E., 740.00 feet to a point for a corner;

THENCE S 00° 35' 00" W, 176.48 feet to a point for a corner;

THENCE East 146.79 feet to the POINT OF BEGINNING and containing 16.80 acres of land, more or less.

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 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 20<sup>th</sup> day of November, 1978.

MAYOR

A handwritten signature in cursive script, appearing to read "Jim Redding", written over a horizontal line.

ATTEST:

Jacque Sharp  
CITY SECRETARY