

ORDINANCE NO. 453

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 GRANT A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION, CASE #401 - JIM MILLER, BEING LOCATED SOUTH OF BELT LINE ROAD AND WEST OF INWOOD ROAD; BEING 1.286 ACRES OF LAND OUT OF THE JOSIAH PANCOAST SURVEY, ABSTRACT NO. 1146; PROVIDING FOR A PENALTY 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 affected area and in the vicinity thereof, and in the exercise of its legislative direction, have concluded that the Comprehensive Zoning Ordinance should be amended.

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, as heretofore amended, be, and the same is hereby amended by amending the Zoning Map of the City of Addison, so as to grant a Special Use Permit for the "Sale of Alcoholic Beverages for Off-Premises Consumption." Said Special Use Permit shall be

granted subject to special conditions, on the following described property, to-wit:

All that certain lot, tract or parcel of land lying and being situated in the City of Addison, Dallas County, Texas, out of the Josiah Pancoast Survey, Abstract No. 1146 and being a part of the certain tract described in a deed to J. R. and Jack Maxfield, filed 8-18-59 and recorded in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Beginning at an iron stake for corner in the west line of Inwood Road (a 60 foot R.O.W.) said point being north 17 degrees 15 minutes west 644.51 feet from the southeast corner of said Maxfield tract and being south 17 degrees 15 minutes east 1041.99 feet from the southern most corner of the visibility clip in the south line of Belt Line Road (a 100 foot R.O.W.) point also being the southeast corner of the Rinehart Inwood Addition to the City of Addison;

THENCE S 17 degrees 15 minutes E. 190.00 feet along the west line of Inwood Road to an iron stake for corner;

THENCE West 336.98 feet to an iron stake for corner;

THENCE North 181.45 feet to an iron stake for corner in the southwest corner of said Rinehart Inwood Addition;

THENCE East 280.64 feet along the south line of said Rinehart Inwood Addition to the place of beginning and containing 56033.42 square feet or 1.286 acres of land.

SECTION 2. That the above Special Use Permit is granted subject to the following special conditions, to-wit:

1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the site plan, landscape plan, and the elevation drawings showing four executive walls which are attached hereto and made a part hereof for all purposes. All unfinished exterior walls shall be of a stucco finish and that all subsequent buildings to be constructed in the proposed retail shopping center shall be uniform in that all unfinished walls shall be of a stucco finish. The landscaping of such property will be maintained in such condition as approved prior to the certificate of occupancy.
2. That the Special Use Permit granted herein shall be limited to:

Sale of alcoholic beverages for off-premises consumption only and to that particular area designated on the site plan attached hereto as being outlined in red and encompassing 6000 square feet.

3. No signs advertising sale of alcoholic beverages shall be permitted other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the City of Addison, as well as the approved elevations of the building.
4. Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the City of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
5. That if the property for which the special use permit is granted herein is not used for the purposes for which said permit was granted within one (1) year after the adoption of this ordinance, the City Council may authorize hearings.
6. That is a license or permit to sell alcoholic beverages on property covered by this special use permit is revoked, terminated or cancelled by proper authorities the City Council may authorize hearings to be held for the purpose of considering a change of zoning.

SECTION 3. That it is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void or unconstitutional in its entirety, and the City Council would not have adopted said ordinance in any part or portion of said ordinance should it be held to be unconstitutional or void.

SECTION 4. That any person, firm or corporation violating any of the provisions of this ordinance shall, upon commission, be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each day said violation continues shall constitute a separate offense.

SECTION 5. The fact that the sale of alcoholic beverages in the City of Addison is authorized only under special use permits as provided for in the Comprehensive Zoning Ordinance of the City

of Addison, and the City Council having found that the property described herein is suitable for such use and should be granted, this ordinance shall become effective from and after its adoption, and publication of the caption of said ordinance, as the law in such cases provides.

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

MAYOR



ATTEST:

Jacque Sharp
CITY SECRETARY