

ORDINANCE NO. 492

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED SO AS TO ALLOW A VARIANCE FROM THE SIX STORY HEIGHT RESTRICTION IN INDUSTRIAL DISTRICT ZONING TO ALLOW A MAXIMUM OF TWEEVE (12) STORIES SUBJECT TO FAA APPROVAL TO QUORUM-CASE #436 ON 71.90 ACRES OF LAND 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, Texas, 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 Comprehensive Zoning Ordinance should be amended to grant this variance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

SECTION 1. That Ordinance No. 66, the Comprehensive Zoning Ordinance of the City of Addison, Texas, is hereby amended to grant a variance from the six story requirement in Commercial District

Classification to allow a maximum of twelve (12) stories subject to FAA approval 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 in the Josiah Pancoast Survey, Abstract No. 1146 and the G.W. Fisher Survey, Abstract No. 482, including a 70 acre tract conveyed to Fannie Noell by deed filed October 14, 1926 in Volume 1358, Page 20, and all of the land conveyed to Carroll N. Rather by Fannie Noell Rather in two deeds recorded in Volume 70244, Page 1539 and Volume 70244, Page 1533 together with the Gifford Touchstone tract recorded in Volume 759, Page 1992, all recorded in the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING AT A POINT, said point being the Northeast corner of the Anderson and White Addition to Farmers Branch as recorded in Volume 953, Page 895, Deed Records, Dallas County, Texas;

THENCE N 89° 31' 54" W along the North line of said Anderson and White Addition for a distance of 31.01 feet to a point; said point being the common South corner of the Carroll N. Rather Tract and the Fannie Noell Rather Tract;

THENCE N 89° 31' 54" W a distance of 335.13 feet to a point for a corner;

THENCE N 01° 30' 57" W a distance of 2596.18 feet to a point; said point being located in the South right-of-way line of Belt Line Road;

THENCE N 89° 46' 47" E along the South Right-of-way line of Belt Line Road a distance of 1155.10 feet to a point;

THENCE S 89° 24' 30" E a distance of 203.19 feet to a point for corner;

THENCE S 0° 01' 14" E a distance of 175.00 feet to a point for corner;

THENCE S 89° 58' 48" E a distance of 208.35 feet to a point; said point being located in the west right-of-way line of Dallas Parkway; and also being the P.C. of a curve to the right, whose delta is 29° 12' 05", a radius is 894.93, tangent is 347.82;

THENCE Southerly along said curve a distance of 456.11 feet to a point, said point being the P.T. of said curve;

THENCE S 36° 10' 06" W a distance of 123.94 feet to a point said point being the P.C. on a curve to the left, whose delta is 37° 50' 00", a radius is 1014.93 feet, and whose tangent is 347.82 feet;

THENCE Southerly along said curve a distance of 670.18 feet to a point; said point being the P.T. of said curve;

THENCE S 01° 39' 54" E a distance of 1.269.20 feet to a point for corner;

THENCE S 89° 19' 01" W a distance of 734.65 feet to a point; said point being the Point of Beginning;

CONTAINING 3,131,905.94 square feet or 71.90 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 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 10th day of April, 1979.



MAYOR

ATTEST:



CITY SECRETARY