

ORDINANCE NO. 507

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 AND BEER AND WINE FOR OFF-PREMISES CONSUMPTION, UNDER SPECIAL CONDITIONS, ON PROPERTY LOCATED IN THE ELISHA FIKE SURVEY, ABSTRACT NO. 478, BEING LOCATED SOUTH OF BELT LINE ROAD AND WEST OF INWOOD ROAD 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; PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the City Planning 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 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 discretion, have concluded that 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, as heretofore amended, be, and the same is hereby amended by amending the Zoning Map of the City of Addison, Texas, so as to grant a Special Use Permit on the property described in Exhibit "A" (Jim Miller) for the sale of beer, wine and alcoholic beverages, to-wit:

"Sale of beer and wine for off-premises consumption only"

"Sale of alcoholic beverages for off-premises consumption only"

SECTION 2. That the above special use permit is granted subject to the following 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 including landscape plan and the elevation drawings showing six (6) exterior walls which are attached hereto and made a part hereof for all purposes.
- 2) That the Special Use Permit granted herein shall be limited to the sale of alcoholic beverages to that portion of the building designated on the site plan attached hereto as being outlined in red and encompassing 10035 square feet; The sale of beer and wine to that portion of the building designated on the site plan attached hereto as being outlined in red and encompassing 3500 square feet. The remaining portion of said building or said property shall not be used for selling any kind of alcoholic beverages or beer and wine.
- 3) No signs advertising sale of alcoholic beverages or beer and wine shall be permitted under those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the City of Addison, as well as 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 or beer and wine.

- 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 to be held for the purpose of considering a change of zoning on such property.
- 6) That if a license or permit to sell alcoholic beverages or beer and wine 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 all ordinances and provisions contained therein of the City of Addison in conflict with the provisions of this ordinance, be, and the same are hereby repealed, specifically Ordinance Nos. 292, 317, 427 and 452; and all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. 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 in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

SECTION 5. 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 such violation continues shall constitute a separate offense.

SECTION 6. The fact that the sale of alcoholic beverages and beer and wine in the City of Addison is authorized only under Special Uses 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 uses, and that a special use permit for such use 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, this the 12th day of June, 1979.

MAYOR



ATTEST:

Jacquie Shays
CITY SECRETARY

EXHIBIT "A"

TRACT ONE

Beginning at an x cut in concrete for corner in the present West line of Inwood Road, a 60 foot right-of-way, said point being North 17 deg. 15 min. West 332.55 feet from the Southeast corner of said Maxfield tract and South 17 deg. 15 min. East 1353.95 feet from the Southernmost corner of the visibility clip on the South line of Belt Line Road, a 100 foot right-of-way;

THENCE South 17 deg. 15 min. East, 302.27 feet along the said present West line of Inwood Road to an existing iron stake for a corner;

THENCE South 80 deg. 34 min. West 221.49 feet to an existing x marked in red on concrete for corner;

THENCE North 17 deg. 15 min. West 218.96 feet along East line of Tennis International, Inc. 2.627 acre tract to an iron stake for corner;

THENCE South 80 deg. 34 min. West 181.81 feet along North line of Tennis International, Inc. to an iron stake for corner;

THENCE North 84.75 feet to an iron stake for corner;

THENCE North 80 deg. 43 min. 43 sec. East 378.10 feet to the place of beginning and containing 80503.81 square feet or 1.848 acres of land.

TRACT TWO

Beginning at an iron stake for corner in the present West line of Inwood Road, a 60 foot right-of-way, said point being North 17 deg. 15 min. West 411.11 feet from the Southeast corner of said Maxfield Tract and South 17 degrees 15 min. East 1275.39 feet from the Southernmost corner of the visibility clip on the South line of Belt Line Road, a 100 foot right-of-way;

THENCE South 17 degrees 15 min. East 78.56 feet along the West line of Inwood Road to an x cut in concrete for corner. The Northeast corner of Tract one;

THENCE South 80 deg. 43 min. 43 sec. West 378.10 feet along the North line of Tract One to an iron stake for corner;

THENCE North 113.72 feet to an iron stake for corner;

THENCE North 86 deg. 21 min. 56 sec. East 350.56 feet to the place of beginning and containing 34600.17 square feet or 0.794 acres of land.

TRACT THREE

Being a part of the FLISHA FIKE SURVEY, ABSTRACT NO. 478 and the JOSIAH PANCOAST SURVEY ABSTRACT NO. 1146 and a part of that certain tract of and described in deed to J. R. and Jack Maxfield, file 8-18-59 and

recorded in the Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows;

BEGINNING at an iron stake for corner in the present West line of Inwood Road a 60 foot right-of-way, said point being North 17 deg. 15 min. West, 454.51 feet from the South corner of said Maxfield Tract;

THENCE South 17 deg. 15 min. East, with the West line of said Inwood Road a distance of 43.4 feet to an iron rod for corner;

THENCE South 86. deg. 21 min. 56 sec. West, a distance of 350.56 feet to an iron rod for corner;

THENCE South a distance of 198.47 feet to an iron rod for corner in the North line of that certain 2.627 acres tract conveyed to Tennis International, Inc., by deed record;

THENCE South 80 deg. 34 min. West with the North line of said Tennis International, Inc. tract a distance of 218.18 feet to an iron rod for corner in the West line of said Maxfield tract;

THENCE North 00 deg. 26 min. West with the West line of said Maxfield tract a distance of 574.87 feet to an iron rod for corner in the South line of the O'DWYER INWOOD ADDITION;

THENCE East 219.57 feet with the South line of said O'Dwyer Inwood Addition to an iron rod for corner in the West line of the Rinehart Inwood Addition;

THENCE South 276.95 feet to an iron rod for corner;

THENCE East a distance of 336.98 feet to the PLACE OF BEGINNING and containing 3.197 acres of land or 139,246.94 square feet of land.

TRACT FOUR

Being a tract of land situated in Flisha-Fike Survey, Abstract No. 478 and being a part of Block E, Beltwood Business Park - Second Installment, an addition to the City of Farmers Branch, and recorded in Vol. 72054, page 0515 of the Map Records of Dallas County, Texas said tract of land being more particularly described by meets and bounds as follows:

BEGINNING at a point for corner in the east right-of-way line of Beltwood Parkway East, 90.80 feet to the P.C. of a curve to the right having a Radius of 240.50 feet, and a Tangent of 44.56 feet.

THENCE along said curve 87.92 feet through a central angle of 20 deg. 56 min. 43 sec. to the end of curve;

THENCE North 20 deg. 32 min. 43 sec. East, 9.66 feet to a point for a corner;

THENCE North 89 deg. 36 min. West, 280.62 feet to a point for corner in the East boundary line of Block E, Beltwood Business Park - Second Installment;

THENCE South 0 deg. 24 min. East, 186.0 feet, along said east boundary line of Block E, to a point for corner;

THENCE South 89 deg. 36 min. West, 300.0 feet to the POINT OF BEGINNING and containing 1.267 acres or 55205 square feet of land.

TRACT FIVE

Being a tract of land situated in the Flisha Fike Survey, Abstract No. 478, and being part of Block E, Beltwood Business Park-Second Installment, an addition to the City of Farmers Branch, and recorded in Volume 72054, page 0515 of the Map Records of Dallas County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner in the East right-of-way line of Beltwood Parkway East, a 60 foot right-of-way said corner being the Northwest corner of Tract Four as described above;

THENCE North 20 deg. 32 min. 43 sec. East 10.71 feet, along the east right-of-way line of Beltwood Parkway East to a point for corner;

THENCE North 89 deg. 36 min. East 276.79 feet to a point for corner in the East boundary line of Block E, Beltwood Business Park-Second Installment;

THENCE, South 00 deg. 24 min. East, 10.0 feet, along said east boundary line of Block E to the Northeast corner of Tract Four as described above;

THENCE South 89 deg. 36 min. West, 280.62 feet, along the north line of said Tract Four to the Place of Beginning and containing 0.064 acres of land or 2787 square feet.