

ORDINANCE NO. 084-061

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GRANT A SPECIAL USE PERMIT TO ALLOW A GASOLINE/CONVENIENCE STORE LOCATED AT THE NORTHEAST CORNER OF MARSH LANE AND BELT LINE ROAD ON APPLICATION FROM SHELL OIL COMPANY; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas, as required by State Statutes and the zoning ordinance of the Town of Addison, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the Town of Addison, Texas, does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the Town of Addison, Texas, and helps promote the general welfare and safety of this community, now, therefore,

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

SECTION 1. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, is hereby amended so as to grant a special use permit to allow a gasoline/convenience store on application from Shell Oil Company. Said zoning amendment shall be noted on the official zoning map of the Town of Addison, Texas, and is situated on the following described land:

BEING a tract of land situated in the T.L. Chenoweth Survey, Abstract No. 273, and being a part of Tract 2, Block 2, Belt Line-Marsh Business Park, an addition to the City of Addison, Texas, as filed in Dallas County Records, and being more particularly described as follows:

BEGINNING at an iron stake set for corner at the most easterly corner clip on the east line of Marsh Lane, said point also being in the north line of Belt Line Road (a 100' R.O.W.);

THENCE N 44 deg. 58 min. 03 sec. W for a distance of 21.27 feet to an iron stake set for corner, in the east line of Marsh Lane (a 100' R.O.W. at this point);

THENCE N 0 deg. 06 min. 34 sec. W along said east line of Marsh Lane, for a distance of 135.00 feet to an iron stake set for corner;

THENCE S 89 deg. 49 min. 34 sec. E for a distance of 175.00 feet to an iron stake set for corner;

THENCE S 0 deg. 06 min. 34 sec. W along the said north line of Belt Line Road, for a distance of 160.00 feet to the PLACE OF BEGINNING, and

CONTAINING 26,137 square feet (0.60 acres) of land, more or less.

TOGETHER WITH two TRIANGULAR EASEMENTS for the purposes of INGRESS AND EGRESS over and across the property adjoining the north and the east, more fully described as follows:

EASEMENT I

BEGINNING at the Southeasterly corner of the first described tract of land;

THENCE S 89 deg. 49 sec. 34 min. E along the north line of Belt Line Road, a distance of 25.0 feet to a point for corner;

THENCE Northwesterly to a point on the east boundary line of the first described tract of land, 40.0 feet north of Belt Line Road, a point for corner;

THENCE S 0 deg. 06 min. 34 sec. E along the east boundary line of the first described tract of land 40.00 to the PLACE OF BEGINNING.

EASEMENT 2

BEGINNING at the Northwesterly corner of the first described tract of land;

THENCE N 0 deg. 06 sec. 34 min. W along the east line of Marsh Lane a distance of 25.0 feet to a point for corner;

THENCE Southeasterly to a point on the north boundary line of the first described tract of land, 40.0 feet east of Marsh Lane, a point for corner;

THENCE N 89 deg. 49 min. 34 sec. W along the north boundary line of first described tract of land, a distance of 40.0 feet to the PLACE OF BEGINNING.

SECTION 2. In the hereinabove described land or building no land shall be used, erected or converted to any use other than:

1. As provided in Special Use Article of the Comprehensive Zoning Ordinance, said property shall be improved in accordance with the development plans which are attached hereto and made a part hereof for all purposes.

SECTION 3. The above described property is required to be developed according to the approved site plan with the following condition: All signage shall be in compliance with the Addison Sign Ordinance, Section 14-135 (Monument Signs).

SECTION 4. 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 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 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. 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 provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

SECTION 7. Whereas, the above described property required that it be given the above zoning classification 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 the 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 BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 28th day of August, 1984.

MAYOR *Frank Reddy*

ATTEST:

Greg Dunham
ASSISTANT CITY SECRETARY

CASE # 841-SUP

APPROVED AS TO FORM:

Mark Gul 10-4-84

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9/12/84