

ORDINANCE NO. 099- 023

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, SO AS TO GRANT A SPECIAL USE PERMIT FOR THE SALE OF GASOLINE, ON APPLICATION WITH SAM'S CLUB, LOCATED AT 4150 BELT LINE ROAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE.

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, 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 Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, is hereby amended so as to grant a special use permit

for the sale of gasoline, 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:

TRACT 1

WHEREAS Wal-Mart Stores, Inc. is the owner of a tract of land situated in the THOMAS L. CHENOWETH SURVEY ABSTRACT NO. 273 in the City of Addison, Dallas County, Texas, and being part of ADDISON PLAZA II, an Addition to the City of Addison according to the Plat recorded in Volume 79069 at Page 1416 of the Map Records of Dallas County, Texas, and part of the REPLAT OF ADDISON PLAZA, an Addition to the City of Addison, Texas, according to the Plat recorded in Volume 79069 at Page 1424 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rod set at the intersection of the north line of Beltway Drive (a 60-foot wide right-of-way) with the west line of Midway Road as established by General Warranty Deed recorded in Volume 86090 at Page 1285 of the Deed Records of Dallas County, Texas;

THENCE West along the said north line of Beltway Drive for a distance of 90.00 feet to a ½-inch rod set at the beginning of a curve to the left having a radius of 1005.00 feet, a central angle of 17 deg. 30 min. 00 sec., a tangent of 154.68 feet, a chord of 305.77 feet, and a chord bearing of South 81 deg. 15 min. 00 sec. West;

THENCE in a westerly direction along the said north line of Beltway Drive and said curve to the left for an arc distance of 306.96 feet to a ½-inch iron rod set at the end of said curve;

THENCE South 72 deg. 30 min. 00 sec. West along the said north line of Beltway Drive for a distance of 100.00 feet to a ½-inch iron rod set for corner at the beginning of a curve to the right having a radius of 945.00 feet, a central angle of 17 deg. 30 min. 00 sec., a tangent of 145.45 feet, a chord of 287.51 feet, and a chord bearing of South 81 deg. 15 min. 00 sec. West;

THENCE in a westerly direction along the said north line of Beltway Drive and said curve to the right for an arc distance of 288.63 feet to a ½-inch iron rod found at the end of said curve;

THENCE West along the said north line of Beltway Drive for a distance of 63.25 feet to the east line of the above mentioned ADDISON PLAZA II ADDITION and continuing for a total distance of 113.25 feet to a ½-inch iron rod found for corner at the beginning of a curve to the left having a radius of 1080.00

feet, a central angle of 18 deg. 53 min. 36 sec., a tangent of 179.70 feet, a chord of 354.52 feet, and a chord bearing of South 80 deg. 33 min. 12 sec. West;

THENCE in a westerly direction along the said north line of Beltway Drive and said curve to the left for an arc distance of 356.13 feet to a 3/8-inch iron rod found for corner in the west line of said REPLAT OF ADDISON PLAZA II ADDITION:

THENCE North 00 deg. 01 min. 18 sec. East along the said west line of the REPLAT OF ADDISON PLAZA II ADDITION for a distance of 721.11 feet to a 1/2-inch iron rod set for a corner;

THENCE South 89 deg. 25 min. 00 sec. East for a distance of 175.00 feet to a 1/2-inch iron rod set for corner;

THENCE North 00 deg. 01 min. 18 sec. East for a distance of 245.00 feet to a 1/2-inch iron rod set on the south line of Belt Line Road (a 120-foot wide right-of-way);

THENCE South 89 deg. 25 min. 00 sec. East along the said south line of Belt Line Road for a distance of 944.42 feet to a 1/2-inch iron rod set for corner;

THENCE South 01 deg. 18 min. 15 sec. East for a distance of 476.80 feet to a point for corner;

THENCE East for a distance of 134.13 feet to a point for corner in the said west line of Midway Road (a 100-foot wide right-of-way at this point);

THENCE South along the said west line of Midway Road for a distance of 99.53 feet to a 1/2-inch iron rod set for corner;

THENCE South 07 deg. 07 min. 30 sec. East along the said west line of Midway Road for a distance of 80.62 feet to a 1/2-inch iron rod set for corner;

THENCE South along the said west line of Midway Road for a distance of 100.00 feet to a 1/2-inch iron rod set for corner;

THENCE South 45 deg. 00 min. 00 sec. West along the said west line of Midway Road for a distance of 28.28 feet to the POINT OF BEGINNING;

CONTAINING 22.49 acres more or less.

TRACT II

WHEREAS McCutchin Brothers, JVI are the owners of a tract of land situated in the THOMAS L. CHENOWETH SURVEY, ABSTRACT NO. 273, in the Town of Addison, Dallas County, Texas, and being a portion of Addison Plaza II, an

Addition to the Town of Addison according to the Map thereof recorded in Volume 79096 at Page 1424 of the Map Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rod set for the northwest corner of the above mentioned ADDISON PLAZA II, said point also being on the south line of Belt Line Road (a 120-foot right-of-way);

THENCE South 89 deg. 25 min. 00 sec. East, along the north line of said Addison Plaza II and the south line of said Belt Line Road, for a distance of 175.00 feet to a ½-inch iron rod set for corner;

THENCE South 00 deg. 01 min. 18 sec. West, departing the south line of said Belt Line Road and the north line of said Addison Plaza II, for a distance of 245.00 feet to a ½-inch iron rod set for corner;

THENCE North 89 deg. 25 min. 00 sec. West, for a distance of 175.00 feet to a ½-inch iron rod set on the west line of said Addison Plaza II;

THENCE North 00 deg. 01 min. 18 sec. East, along said west line for a distance of 245.00 feet to the POINT OF BEGINNING;

CONTAINING 0.984 acres of land, more or less.

SECTION 2. That the Special Use Permit is approved subject to the following special conditions:

-the applicant shall cleanup and restore the detention ponds on the site to their original design capacity.

-the applicant shall redesign and reconstruct the west entrance to the Sam's Club parking lot to reduce confusion for entering and departing traffic.

SECTION 3. 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 be remain in full force and effect.

SECTION 4. 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 set in accordance with Chapter 1, General Provisions, section 1.10, General Penalty for Violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

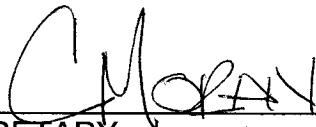
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 8th day of June, 1999.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO.: 1346-SUP

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: _____

Published
2/18/00