

ORDINANCE NO. 749

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 A RESTAURANT TO KAISER'S ICE CREAM PARLOR LOCATED AT 5100 BELT LINE ROAD AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; 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 City of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the City of Addison, Texas as required by State Statutes and the zoning ordinance of the City 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 City 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 City of Addison, and helps promote the general welfare and safety of this community, 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 special use zoning for a restaurant to Kaiser's Ice Cream Parlor, Case #654, Tax #1-26-0021 and being more particularly described as follows:

BEING a tract of land out of the Allen Bledsoe Survey Abstract No. 157, the G. W. Fisher Survey Abstract No. 462 and the J. Pancoast Survey Abstract No. 1146, City of Addison, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point being the intersection of the east right-of-way line of Dallas Parkway and the south right-of-way line of Belt Line Road;

THENCE East along said south line, a distance of 251.34 feet to a point for a corner;

THENCE S 65°51'30" E, a distance of 54.24 feet to a point for a corner;

THENCE N 48°03'00" E, a distance of 5.0 feet to a point for a corner, said point lying on the west right-of-way line of Noell Road;

THENCE S 41°57'00" E along said west line, a distance of 737.45 feet to an angle point;

THENCE S 23°24'00" E continuing along said west line, a distance of 894.96 feet to a point for a corner;

THENCE S 85°31'25" W departing said west line, a distance of 706.89 feet to an angle point;

THENCE N 85°30'06" W a distance of 582.99 feet to a point for a corner said point lying on the east right-of-way of Dallas Parkway;

THENCE Northeasterly along said east line being a circular curve to the right having a central angle of 34°36'34" and whose center bears S 88°39'35" E, 1356.93 feet, an arc distance of 759.25 feet to the point of reverse curve to the left having a central angle of 38°13'00" and a radius of 1014.93 feet;

THENCE Northeasterly along said curve and continuing along said east line, an arc distance of 642.54 feet to the point of tangency;

THENCE N 00°16'01" W, a distance of 65.52 feet to the point of BEGINNING AND CONTAINING 33.0231 acres of land more or less.

SECTION 2. That the 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 exterior walls which are attached hereto and made a part hereof for all purposes. 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 a restaurant only and to that particular area designated on the final site plan as being outlined in red and encompassing a total area not to exceed 1159 sq. ft.
- 3) All permitted signs must be shown on elevation drawings.
- 4) The use of gaming devices, such as billiards (pool) tables, pinball machines, marble tables, and other coin operated amusement machines, other than machines for music are hereby prohibited.
- 5) Where the sale or serving of food is permitted, dancing is hereby prohibited.

SECTION 3. 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 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 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 5. 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.

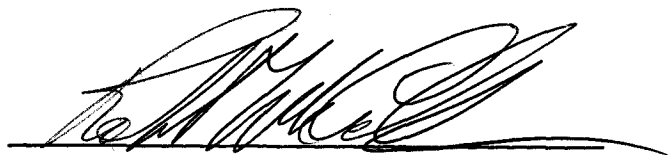
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON,  
TEXAS this the 24 day of November, 1981.

MAYOR 

ATTEST:

  
CITY SECRETARY

Approved as to form:



A handwritten signature in black ink, appearing to be 'R. M. C.', written over a horizontal line.

City Attorney

Effective Date:

12-2-81