

ORDINANCE NO. 257

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, BY GRANTING A SPECIAL USE PERMIT TO ALLOW A RESTAURANT (REFRESHMENT CENTER, USA) WITHIN THE COMMERCE PARKWAY BANK BUILDING LOCATED AT 14901 QUORUM DRIVE; 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, be, and the same is hereby amended by amending the zoning map of the City of Addison, Texas, on application from Commerce Parkway Bank Building/Refreshment Center USA, Case #647, so as to grant a special use permit for a restaurant on the hereinafter described land.

BEING a tract of land situated in the Allen Bledsoe Survey Abstract No. 157, City of Addison, Dallas County, Texas and being all of Oaks North-East No.1 an addition to the City of Addison, as recorded in Volume 79121, Page 0603 of the Map Records of Dallas County, Texas, and all of Oaks North-East No. 2 an addition to the City of Addison, as recorded in Volume 79121, Page 0595 of the Map Records of Dallas County, Texas, and all of Oaks North-East No. 3 an addition to the City of Addison, as recorded in Volume 79121, Page 0587 of the Map Records of Dallas County, Texas, and part of Oaks North-East No. 4 an addition to the City of Addison as recorded in Volume 79121, Page 0555 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the South line of Belt Line Road (a 100' R.O.W.) with the East line of Montfort Drive (a 80' R.O.W.) an iron stake for corner;

THENCE N 89°49'50" E along said South line of Belt Line Road a distance of 609.11 feet to an iron stake for corner;

THENCE S 0°10'10" E leaving said South line of Belt Line Road a distance of 665.13 feet to an iron stake for corner;

THENCE S 75°13'25" E a distance of 12.84 feet to an iron stake for corner;

THENCE S 0°10'10" E a distance of 19.0 feet to an iron stake for corner;

THENCE S 0°10'10" E a distance of 19.0 feet to an iron stake for corner;

THENCE S 89°49'50" W a distance of 485.0 feet to an iron stake for corner;

THENCE S 0°10'10" E a distance of 197.0 feet to an iron stake for corner;

THENCE S 89°49'50" W a distance of 195.47 feet to a point on the said East line of Montfort Drive, an iron stake for corner;

THENCE Northerly along the said East line of Montfort Drive the following:

N 23°24'W a distance of 2.67 feet to the beginning of a curve to the right having a central angle of 51°50'50" and a radius of 460.0 feet, an iron stake for corner;

Northerly around said curve a distance of 416.26 feet to the beginning of a curve to the left having a central angle of 41°25'08" and a radius of 540.0 feet, an iron stake for corner;

Northerly around said curve a distance of 390.36 feet to the beginning of a curve to the right having a central angle of 12°48'08" and a radius of 460.0 feet, an iron stake for corner;

Northerly around said curve a distance of 102.78 feet to the PLACE OF BEGINNING and containing 475,161 square feet or 10.908 acres of land;

BEING a tract of land situated in the Allen Bledsoe Survey, Abstract No. 157, City of Addison, Dallas County, Texas, and further being part of Lot "D", Block 2 of Oaks North-East No. 4, an addition to the City of Addison, Texas, as recorded in Volume 79121, Page 0555 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the Easterly line of Montfort Drive (a variable width R.O.W.), said point also being the South corner of said Lot "D", Block 2 of Oaks North-East No. 4, an iron stake for corner;

THENCE N 23°24' W, along said Easterly line of Montfort Drive, a distance of 285.80 to an iron stake for corner;

THENCE N 89°49'50" E, leaving said Easterly line of Montfort Drive, a distance of 195.47 feet to an iron stake for corner;

THENCE N 0°10'10" W, a distance of 197.0 feet to an iron stake for corner;

THENCE N 89°49'50" E, a distance of 485.0 feet to a point on the Easterly line of said Lot "D", Block 2, an iron stake for corner;

THENCE along said Easterly and Southerly lines of said Lot "D", Block 2, the following:

S 0°10'10" E, a distance of 97.56 feet to an iron stake for corner;

S 47°39'12" W, a distance of 335.0 feet to an iron stake for corner;

S 66°36" W, a distance of 347.66 feet to the PLACE OF BEGINNING and containing 175,578 square feet or 4.03 acres of land.

SECTION 2.

- 1) 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 1264 sq. ft.
- 2) All permitted signs must be shown on elevation drawings.
- 3) 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.
- 4) 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. The importance of this ordinance creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS this the 22 day of December, 1981.

MAYOR



ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:


EFFECTIVE DATE:
