

ORDINANCE NO. 285

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, BY GRANTING A SPECIAL USE PERMIT TO ALLOW A RESTAURANT (THE JIMMY DEAN RESTAURANT) TO BE LOCATED AT THE NORTHEAST CORNER OF BELT LINE ROAD AND RUNYON ROAD; 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, 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, be, and the same is hereby amended by amending the zoning map of the Town of Addison, Texas, on application from The Jimmy Dean Company so as to grant a special use permit for a restaurant on the hereinafter described land.

BEING situated in the David Myers Survey, Abstract No. 923, Dallas County, Texas; said tract being part of a tract conveyed to Central Park Ltd., by deed recorded in Volume 73078, Page 3461, Volume 75253, Page 1710, and Volume 79138 Page 2123, Deed Records of Dallas County, Texas, and a part of tract conveyed to 2230 Corporation by deed recorded in Volume 78227, Page 2607, Deed Records of Dallas County, Texas, and also being all of Duncan's Addition, and Addition to the Town of Addison, and being more particularly described as follows:

BEGINNING at the intersection of the North line of Belt Line Road, (a 100 foot ROW) and the East line of Runyon Road, (a 60 foot ROW);

THENCE North 00°08'05" East a distance of 350.00 feet along the East line of Runyon Road to a point for corner in the South line of Centurion Drive, (a 60 foot ROW);

THENCE South 89°51'55" East a distance of 398.78 feet along the South line of Centurion Drive;

THENCE South 00°03'54" East a distance of 350.00 feet to a point for corner in the North line of Belt Line Road;

THENCE North 89°51'55" West along the North line of Belt Line Road a distance of 400.00 feet to the place of BEGINNING; and containing approximately 139,787 square feet of land or 3.209 acres of land.

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 5700 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 TOWN OF ADDISON, TEXAS, this the 27 day of April, 1982.

MAYOR *[Signature]*

ATTEST:

Jacque Sharp
CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

EFFECTIVE DATE:

5-6-82