

ORDINANCE NO. 811

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A SPECIAL USE PERMIT FOR A RESTAURANT (KEBE'S ICE CREAM AND DESSERTS) TO BE LOCATED AT THE SOUTHWEST CORNER OF MIDWAY ROAD AND BELTWAY DRIVE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY; 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 Kebe's Ice Cream and Desserts, so as to grant a special use permit for a restaurant on the hereinafter described land:

TRACT I

Beginning at a point, said point being the southeast corner of Addison Plaza Addition, an addition to the City of Addison, Texas, as recorded in volume 78187, page 1307 of the map records of Dallas County, Texas, and being more particularly described as follows:

THENCE, South, 3142' along the west ROW line of Midway Road to a point for a corner;

THENCE, N 89°35'00" W, 371.22' to a point for a corner in the south ROW line of Beltway Drive (a 60' ROW), said corner being on a circular curve to the right having a central angle of 14°09'43", and radius of 945.00 feet;

THENCE, in a northeasterly direction with said curve along the south ROW of Beltway Drive, 233.58 feet to a point for a corner;

THENCE, East, 140.00' along the south ROW of Beltway to the Point of Beginning and containing .206 acres (8973.36 square feet) of land, more or less.

TRACT II

Commencing at a point, said point being the southeast corner of the Addison Plaza Addition, an addition to the City of Addison as recorded in Volume 78187, Page 1307 of the Map Records of Dallas County, Texas, thence, South along the west ROW of Midway Road, 31.42 feet to the Point of Beginning;

THENCE, South 1011.50 feet along the west ROW of Midway Road to a point for a corner;

THENCE, N 89°35'00" W, 884.94 feet to a point for a corner;

THENCE, North, 885.74 feet to a point for a corner in the south ROW of Beltway Drive (a 60' ROW);

THENCE, East 63.12 feet along the south ROW of Beltway Drive to a point for a corner, said corner being in a circular curve to the left having a central angle of 17°30'00", and a radius of 1005.00 feet;

THENCE, in a northeasterly direction with said curve along the south ROW of Beltway Drive, 306.96 feet to a point for a corner;

THENCE, N 72°30'00" W, 100.00 feet along the south ROW of Beltway Drive to a point for a corner, said corner being in a circular curve to the right having a central angle of 03°20'11", and a radius of 945.00 feet;

THENCE, in a northeasterly direction with said curve along the south ROW of Beltway Drive, 55.56 feet to a point for a corner;

THENCE, S 89°35'00" E, 371.22 feet to the Point of Beginning and containing 19.172 acres (835,132.32 square feet) 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 2300 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 22 day of June, 1982.

MAYOR



ATTEST:

Jacque Sharp  
CITY SECRETARY

APPROVED AS TO FORM:

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CITY ATTORNEY

EFFECTIVE DATE:

July 7, 1982