

ORDINANCE NO. 083-032

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 66 OF THE TOWN OF ADDISON, TEXAS, AS HERETOFORE AMENDED SO AS TO CHANGE THE HEREINAFTER DESCRIBED PROPERTY BEING SITUATED IN DALLAS COUNTY, TEXAS, AND GENERALLY LOCATED AT 14901 QUORUM DRIVE (BANC TEXAS OFFICE BUILDING) WHICH IS PRESENTLY ZONED PLANNED DEVELOPMENT TO GRANT A SPECIAL USE PERMIT FOR A RESTAURANT ON APPLICATION FROM THE SOUPERIE, SUBJECT TO SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED IN THE BODY OF THIS ORDINANCE; 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, as heretofore amended, be amended by amending the Zoning Map of the Town of Addison, Texas, so as to grant a special use permit for a restaurant on application from the Souperie. Said special use permit shall be granted, subject to the special conditions on the following described property, to-wit:

Those two (2) certain contiguous tracts of land located in Dallas County, Texas containing approximately 5.401 acres of land in the aggregate and being more particularly described as follows:

TRACT 1

Being a 3.541 acre tract of land out of the Josiah Pancoast Survey, abstract No. 1146, being an addition to the City of Addison, Dallas County, Texas, said tract being out of Quorum, a 71.90 acre tract of land, as recorded in Volume 79100, Page 1895, Plat records, Dallas County, Texas, said 3.541 acre tract being more particularly described as follows:

COMMENCING at a point, said point being the northwest corner of said Quorum and also being located in the south R.O.W. line of Belt Line Road;

THENCE S 01°30'57" E along the west property line of said Quorum, for a distance of 1,155.15 feet to the POINT OF BEGINNING;

THENCE N 88° 29'03" E for a distants of 570.11 feet to a point for a corner, said point being located in the west R.O.W. line of Quorum Drive and also being located in a curve whose central angle is 7° 08' 55" and whose radius is 777.43 feet;

THENCE Southerly along said curve for a distance of 97.00 feet to the point of tangency of said curve;

THENCE S14°18'18" W for a distance of 207.07 feet to a point for a corner
THENCE S89°46'47" W for a distance of 493.22 feet to a point for a corner
THENCE N01°30'57" W for a distance of 282.80 feet to the POINT OF BEGINNING
Said tract of land containing 154,239.77 square feet of land or 3.541 acres.

TRACT II

a 1.861 acre tract of land out of the Josiah Pancoast Survey, Abstract No. 1146, and the G.W. Fisher Survey Abstract No. 482, Dallas County, Texas, and being out of Quorum, a 71.90 acre addition to the City of Addison, as recorded in Volume 79100, Page 1895, Plat Records, Dallas County, Texas; said 1.861 acre tract being more particularly described as follows:

COMMENCING at a point, said point being the northwest corner of Block 2, of said Quorum Addition, also being the intersection of the south right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE S01°30'57" E for a distance of 1155.15 feet to the POINT OF BEGINNING;

THENCE N 88°29'03" E for a distance of 570.11 feet to a ½ inch iron rod for corner; said point being the point of curvature of a curve to the left; said curve having a radius of 777.43 feet, a tangent of 70.71 feet, and an internal angle of 10°23'38"; said point being the west R.O.W. line of Quorum Drive (variable R.O.W.);

THENCE 88°29'03" W for a distance of 578.64 feet, to a ½ inch iron rod for corner;

THENCE S 01°30'57" E for a distance of 140.58 feet to a ½ inch iron rod for corner; said point being POINT OF BEGINNING;

Containing 81,045.83 square feet or 1,861 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 772 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, on this the 24 day of May, 1983.


MAYOR

ATTEST:


CITY SECRETARY

Case #764

Tax # 1-25-0002

JK/rs