

ORDINANCE NO. 083-073

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL USE PERMIT FOR A RESTAURANT ON APPLICATION FROM THE ATRIUM CONVENIENCE SHOP; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A NO 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 to the Atrium Conve-
nience Shop. Said special use permit shall be granted, subject
to special conditions, on the following described property,
to-wit:

BEING a tract of land out of the Josiah Pancoast Survey,
Abstract 1145, Dallas County, Texas and being all of Lot
1, and a 60-foot Fire Lane, Access and Utility Easement
"Wellington Square" as recorded in Volume 79220, Page
2210, Plat Records Dallas County, Texas, and being all of
Lot 4 "Wellington Square" as recorded in Volume 79206,
Page 0350, Plat Records, Dallas County, Texas, and being
more particularly described as follows:

BEGINNING at a point in the west line of Dallas Parkway
(120 Feet wide) said point being the southeast corner of
said 60-foot Fire Lane, Access and Utility Easement;

THENCE S $71^{\circ}54'52''$ W, departing said west line, a distance
of 70.12 feet to the point of tangency of a circular curve
to the right having a radius of 200.0 feet, whose chord
bears S $80^{\circ}18'06''$ W, a distance of 58.34 feet;

THENCE Southwesterly, along said curve thru a central
angle of $16^{\circ}46'27''$ an arc distance of 58.55 feet to its
point of tangency;

THENCE S $88^{\circ}41'19''$ W, a distance of 364.22 feet to a point
for a corner;

THENCE S $1^{\circ}18'41''$ E, a distance of 292.0 feet to a point
for a corner;

THENCE S $88^{\circ}41'19''$ W, a distance of 512.81 feet to a point
for a corner;

THENCE N $17^{\circ}01'00''$ W, a distance of 490.53 feet to a point
for a corner;

THENCE N 88°41'19" E, a distance of 645.59 feet to a point for a corner;

THENCE S 1°18'41" E, a distance of 120.22 feet to a point for a corner;

THENCE N 88°41'19" E, a distance of 364.22 feet to a point of tangency of a circular curve to the left having a radius of 140.0 feet, whose chord bears N 80°18'06" E, a distance of 40.84 feet;

THENCE Northeasterly, along said curve thru a central angle of 16°46'27" an arc distance of 40.99 feet to its point of tangency;

THENCE N 71°54'52" E, a distance of 70.12 feet to a point for a corner in the said west line of Dallas Parkway;

THENCE S 18°05'08" E, along said west line, a distance of 60.0 feet to the POINT OF BEGINNING AND CONTAINING 302,554 square feet or 6.946 acres of land more or less.

SECTION 2. That the Special Use Permit is granted subject to the following special use conditions:

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 786 square feet.
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 it is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

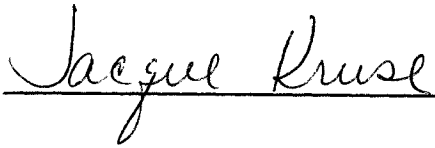
SECTION 5. Whereas, the above described property required that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City and creates an urgency and an emergency for the preservation of the 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 22nd day of November, 1983.

MAYOR



ATTEST:



TAX # 1-27-0007

CASE # 800

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