

ORDINANCE NO. 086-022

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 JODELE ENTERPRISES; LOCATED AT BROOKHAVEN VILLAGE SHOPPING CENTER; PROVIDING FOR SPECIAL CONDITIONS; 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, Texas, and helps promote the general welfare and safety of this community, now, therefore,

pub. 3/21/86



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 Jodele
Enterprises. Said special use permit shall be granted, subject
to special conditions, on the following described property,
to-wit:

Being 3 tracts of land situated in the Noah Good Survey,
Abstract No. 520 of Dallas County, Texas, and also being situated
in the City of Addison, Dallas County, Texas and being more
particularly described as follows:

TRACT 1

Commencing at a point formed by the intersection of the
South right of way line of Spring Valley Road and the East right
of way line of Marsh Lane, thence South along the East right of
way line of Marsh Lane a distance of 345.00 ft. to the place of
beginning of this tract:

Thence departing from the East right of way line of Marsh
Lane South 89 deg 43' 26" East a distance of 180.00 ft. to a
point for a corner;

Thence North 45 deg 23' 34" East a distance of 189.75 ft. to
a corner point for a corner;

Thence South 44 deg 36' 26" East a distance of 61.95 ft. to
a point for a corner;

Thence South 89 deg 41' 02" East a distance of 140.00 ft. to
a point for a corner;

Thence North 0 deg 18' 58" East a distnace of 255.00 ft. to
a point for a corner in the South right of way line of
Spring Valley Rd.;

Thence South 89 deg 41' 02" East along the South right of
way line of Spring Valley Rd., a distance of 303.77 ft. to a
point for a corner;

Thence departing from the South right of way line of Spring Valley Rd. South 0 deg 16' 34" West a distance of 708.05 ft. to a point for a corner;

Thence North 89 deg 48' 09" West a distance of 226.25 ft. to a point for corner;

Thence North a distance of 131.00 ft. to a point for a corner;

Thence North 89 deg 48' 09" West a distance of 204.10 ft. to a point for corner;

Thence North a distance of 158.46 ft. to a point for a corner;

Thence North 89 deg 48' 09" West a distance of 370.00 ft. to a point for a corner in the East right of way line of Marsh Lane;

Thence North along the East right of way line of Marsh Lane a distance of 75.00 ft. to the place of beginning and containing 6.63 acres of land which is 289,001 square feet.

TRACT 2

Commencing at a point formed by the intersection of the South right of way line of Spring Valley Rd. and the East right of way line of Marsh Lane, thence South 89 deg 43' 16" East along the South right of way line of Spring Valley Rd. a distance of 360.00 ft. to the place of beginning of this tract:

Thence continuing along the South right of way line of Spring Valley Rd. 89 deg 41' 02" East a distance of 140.00 ft. to a point for a corner;

Thence South 0 deg 18' 58" West a distance of 255.00 ft. to a point for a corner;

Thence North 89 deg 41' 02" West a distance of 140.00 ft. to a point for a corner;

Thence North 44 deg 36' 26" West a distance of 61.95 ft. to a point for a corner;

Thence North 45 deg 23' 34" East a distance of 63.08 ft. to a point for a corner;

Thence North a distance of 166.59 ft. to the place of beginning and containing 0.86 acres of land which is 37,537 square feet.

TRACT 3

Commencing at a point formed by the intersection of the South right of way line of Spring Valley Rd. and the East right of way line of Marsh Lane, thence South along the East right of way line of Marsh Lane a distance of 420.00 ft. to the point of beginning of this tract;

Thence departing the East right of way line of Marsh Lane South 89 deg 48' 09" East a distance of 370.00 ft. to a corner;

Thence South a distance of 158.46 ft. to a corner;

Thence South 89 deg 48' 09" East a distance of 204.10 ft. to a corner;

Thence South a distance of 131.00 ft. to a corner;

Thence North 89 deg 48' 09" West a distance of 574.10 ft. to a corner in the East right of way line of Marsh Lane;

Thence North along the East right of way line of Marsh Lane a distance of 30.00 ft. to a corner;

Thence departing the West right of way line of Marsh Lane South 89 deg 48' 09" East a distance of 209.00 ft. to a corner;

Thence North a distance of 120.00 ft. to a corner;

Thence North 89 deg 48' 09" West a distance of 209.00 ft. to a corner in the east right of way line of Marsh Lane;

Thence along the East right of way line of Marsh Lane a distance of 139.46 ft. to the place of beginning of this tract and containing 2.496 acres of land which is 108,726 square feet.

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

1. 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. 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 900 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 One Thousand Dollars (\$1,000.00) and not less than Five Hundred Dollars (\$500.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

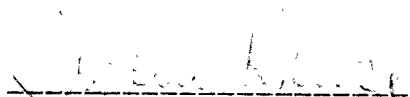
SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided 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 requires 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 case provides.

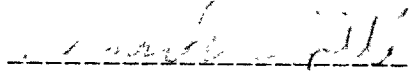
DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 11th day of March, 1986.


MAYOR

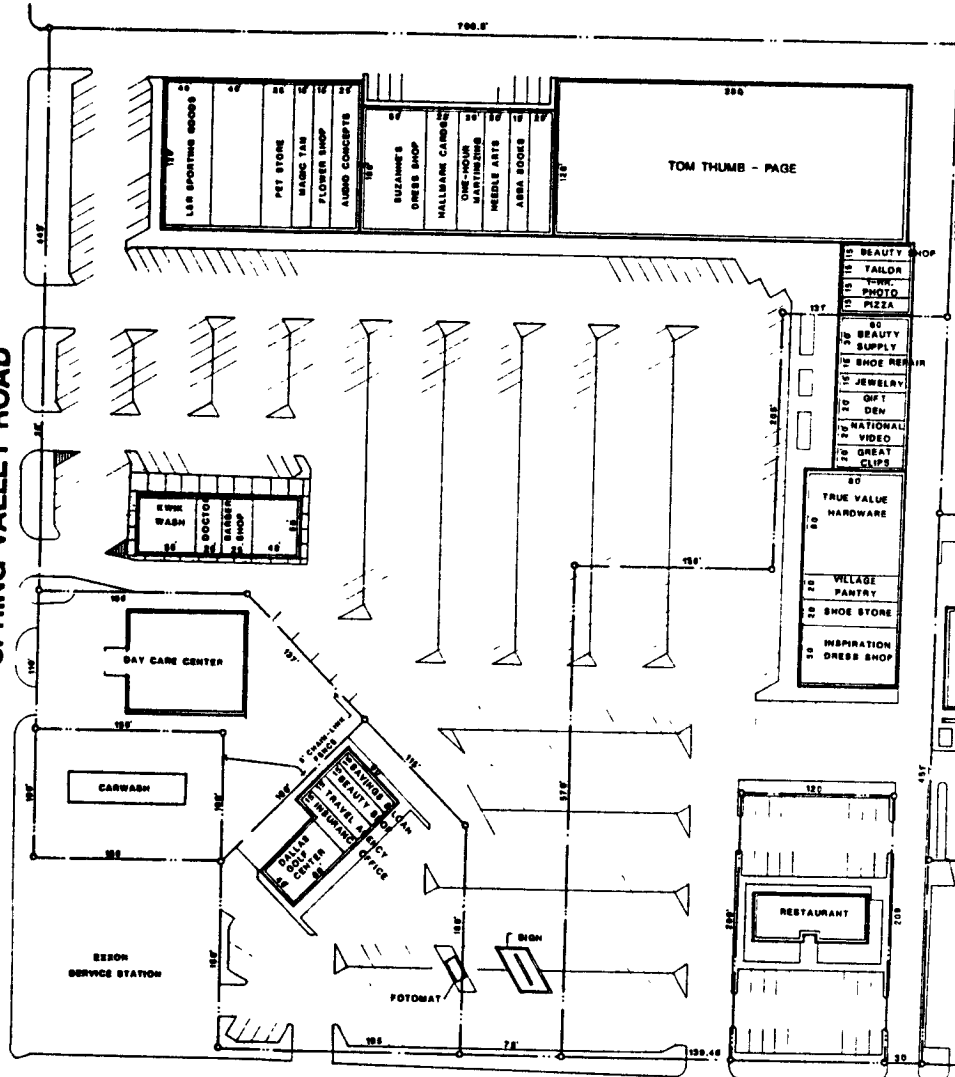
ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:



SPRING VALLEY ROAD



**BROOKHAVEN VILLAGE
SHOPPING CENTER**

ADDISON, TEXAS

FOLSOM INVESTMENTS INC.
LEASING & MANAGEMENT 214/931-7400

MICHAEL F. TWICHELL, INC. / ARCHITECT

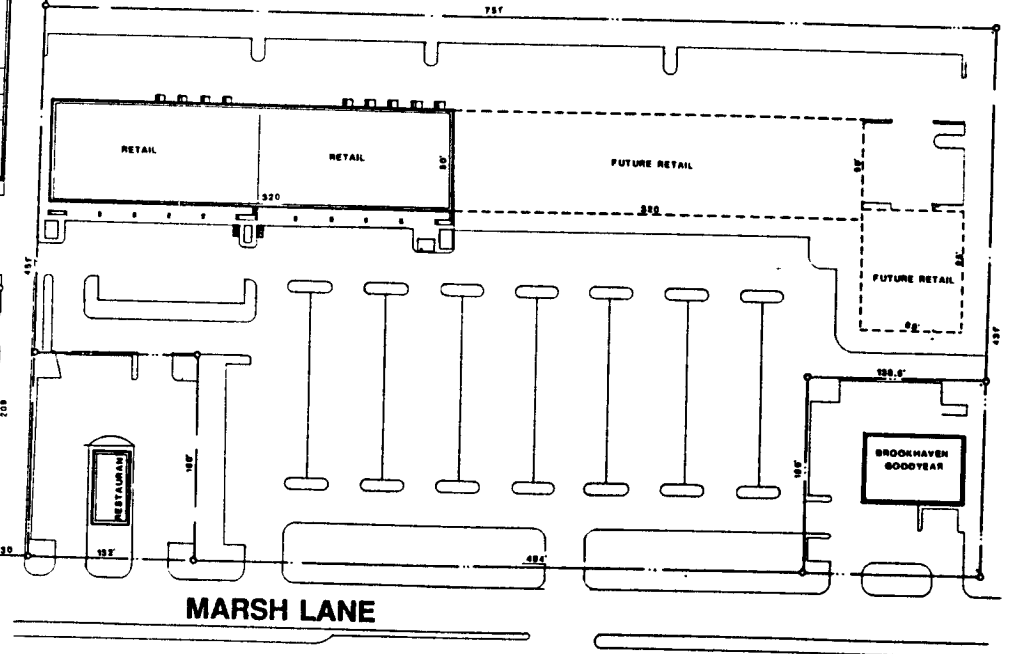
SITE PLAN

1"=50'-0"



CASE FILE NO. 9168 SUP
RECEIVED. 2/5/86

| TABULATIONS | |
|-------------------|---------------|
| TOTAL LAND AREA | -19.786 ACRES |
| EXISTING BUILDING | -13,090 S.F. |
| EXISTING PARKING | 4813 SPACES |
| FUTURE BUILDING | -63,800 S.F. |
| FUTURE PARKING | -308 SPACES |



MARSH LANE

**BROOKHAVEN VILLAGE
SHOPPING CENTER**
ADDISON, TEXAS

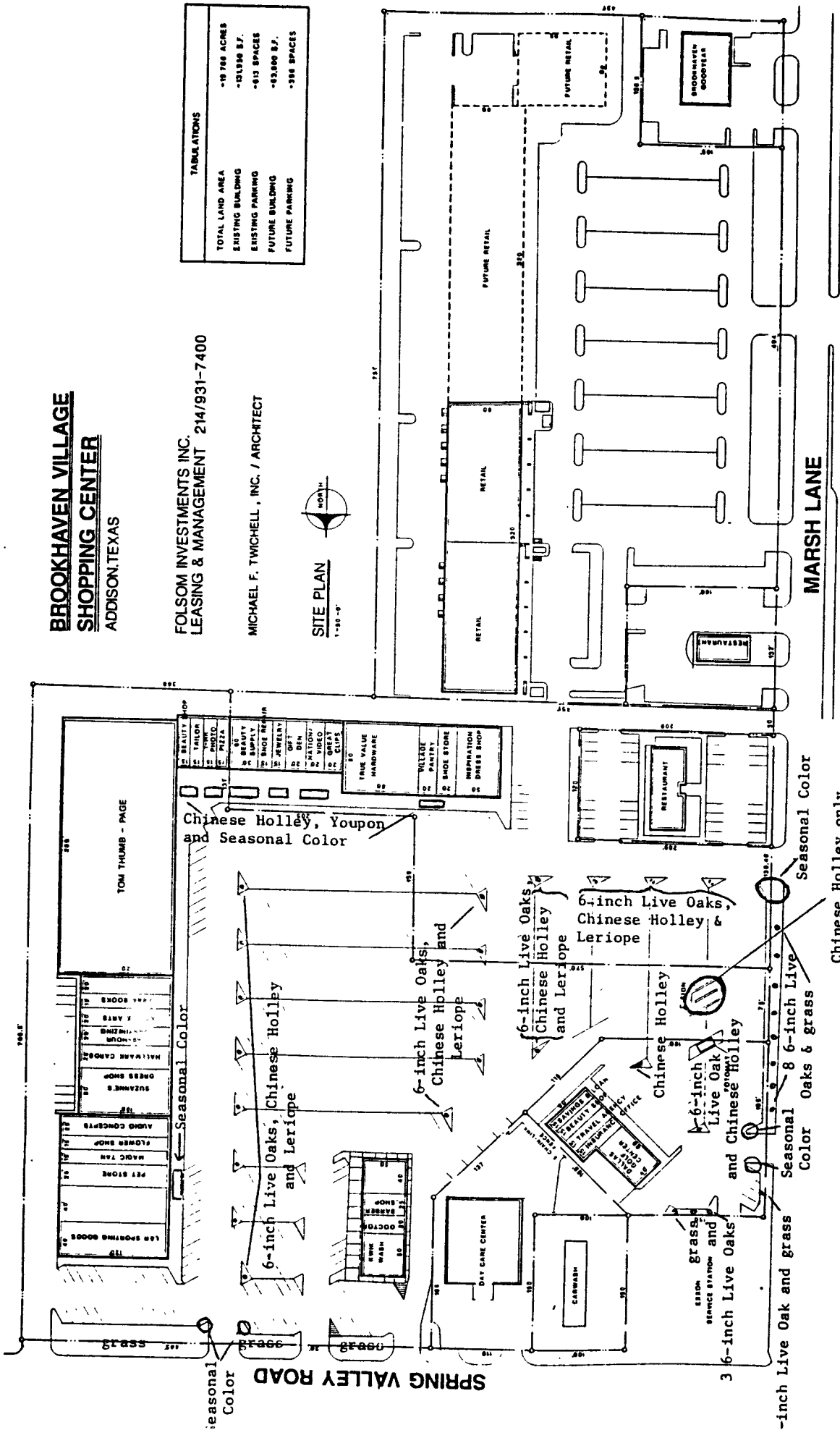
FOLSOM INVESTMENTS INC.
LEASING & MANAGEMENT 214/931-7400

MICHAEL F. TWICHELL, INC. / ARCHITECT

SITE PLAN
1"=10'-0"



| TABULATIONS | |
|-------------------|---------------|
| TOTAL LAND AREA | -18,766 ACRES |
| EXISTING BUILDING | -13,950 S.F. |
| EXISTING PARKING | -613 SPACES |
| FUTURE BUILDING | -92,800 S.F. |
| FUTURE PARKING | -386 SPACES |



MARSH LANE

Seasonal Color
Chinese Holley only

3 6-inch Live Oaks and grass
Seasonal Color
8 6-inch Live Oaks & grass
Seasonal Color