

ORDINANCE NO. 086-102

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 WELLINGTON SANDWICH SHOP, LOCATED AT 14643 DALLAS PARKWAY; 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,

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

BEING a 5 foot wide underground utility easement situated in
the Town of Addison, Dallas County, Texas, out of the Josiah
Pancoast Survey, Abstract Number 1146, being a portion of
the tract of land recorded by plat as Wellington Square in
Volume 79220, Page 2203, Deed Records of Dallas County,
Texas, said 5 foot wide underground utility easement being
more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found in the westerly
right-of-way line of Dallas Parkway (120' right-of-way) for
the southeast corner of a 12.535 acre tract of land
described in deed to Vantage Properties Inc. recorded in
Volume 80180, Page 0374, Deed Records of Dallas County,
Texas;

THENCE with the southerly line of said Vantage tract, South
88 deg 38' 44" West a distance of 93.46 feet to a 1/2 inch
iron rod set in a curve to the left for the POINT OF
BEGINNING, the radius point of said curve being situated
North 74 deg 17' 55" East a distance of 959.93 feet from
said iron rod;

THENCE departing the northerly line of said Wellington
Square, Southeasterly along said curve through a central
angle of 6 deg 29' 10" an arc distance of 108.67 feet to a
1/2 inch iron rod set for point of tangency of said curve;

THENCE South 22 deg 11' 15" East a distance of 323.31 feet
to a 1/2 inch iron rod set for the point of curvature of a
curve to the right having a radius of 1632.02 feet;

THENCE Southeasterly along said curve through a central angle of 2 deg 28' 40" an arc distance of 70.58 feet to a 1/2 inch iron rod set in the northerly line of the tract of land recorded by plat as S. Finley Ewing Jr. Addition in Volume 73093, Page 1346, Deed Records of Dallas County, Texas;

THENCE with the northerly line of said Ewing Addition, South 88 deg 38' 44" West a distance of 5.27 feet to a point in a curve to the left, the radius point of said curve being situated South 70 deg 13' 55" West a distance of 1627.02 feet from said point;

THENCE departing the northerly line of said Ewing Addition, Northwesterly along said curve through a central angle of 2 deg 25' 10" an arc distance of 68.71 feet to the point of tangency of said curve;

THENCE North 22 deg 11' 15" West a distance of 323.31 feet to the point of curvature of a curve to the right having a radius of 964.93 feet;

THENCE Northwesterly along said curve through a central angle of 6 deg 33' 43" an arc distance of 110.51 feet to a point in the southerly line of the aforementioned Vantage Properties tract;

THENCE with the southerly line of said Vantage Properties tract, North 88 deg 38' 44" East a distance of 5.16 feet to the POINT OF BEGINNING;

CONTAINING an area of 2,514 square feet or 0.058 acres of land.

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 785 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 9th day of December, 1986.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 998-SUP

APPROVED AS TO FORM:



