

ORDINANCE NO. 087-008

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 085-057, PASSED BY THE CITY COUNCIL ON THE 27TH DAY OF AUGUST, 1985, BY AMENDING AN EXISTING SPECIAL USE PERMIT TO ADD AN ADDITIONAL PATIO DINING AREA, ON APPLICATION WITH ON THE BORDER CAFES, LOCATED ON THE SOUTH SIDE OF BELT LINE ROAD, APPROXIMATELY 465 FEET EAST OF ITS INTERSECTION WITH MIDWAY ROAD; PROVIDING FOR A REPEAL CLAUSE; 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, is hereby amended so as to grant a special use permit to On The Border Cafes, located on the south side of Belt Line Road, approximately 465 feet east of its intersection with Midway Road. Said zoning amendment shall be noted on the official zoning map in accordance with the drawings submitted to the City Council of the Town of Addison, Texas, and is situated on the following described land:

WHEREAS, BELTWAY DEVELOPMENT COMPANY, is the owner of a tract of land situated in the Town of Addison, Dallas County, Texas out of the Elisha Fike Survey, Abstract No. 478, and also being all of Lot 1 of Beltway Office Park, Tract III, an addition to the Town of Addison as recorded in Volume 77086, Page 26 of the Map Records of Dallas County; and also being part of Lot 2 of Beltway Office Park, Tract III, an addition to the Town of Addison as recorded in Volume 81087, Page 2713 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at an iron rod for corner in the southerly line of Belt Line Road (100 feet wide) at the northeasterly corner of Lot 1 of Beltway Office Park, Tract III;

THENCE South 0 deg 01' 24" East along the easterly line of said Lot 1 and along the westerly line of a 1.170 acre tract of land conveyed to the City of Addison by deed recorded in Volume 71193, Page 1455 of the Deed Records of Dallas County, Texas passing at 367.93 feet the southwesterly corner of said Town of Addison tract, a total distance of 479.26 feet to an iron rod for corner;

THENCE due West along the southerly line of said Lot 1 a distance of 204.76 feet to an iron rod for corner;

THENCE North 0 deg 01' 24" West along the westerly line of said Lot 1 and the easterly line of Lot 2 of Beltway Office Park, Tract III a distance of 216.70 feet to an iron rod for corner;

THENCE due West a distance of 192.46 feet to an iron rod for corner;

THENCE North 0 deg 00' 44" West a distance of 254.46 feet to a P-K nail for corner;

THENCE South 89 deg 59' 16" West a distance of 9.95 feet to a P-K nail at the beginning of a curve to the right;

THENCE in a westerly, northwesterly and northerly direction along said curve to the right having a radius of 32.50 feet, a central angle of 95 deg 09' 05", and an arc length of 53.97 feet to a P-K nail at the end of said curve to the right;

THENCE North 5 deg 08' 21" East a distance of 12.06 feet to a P-K nail for corner in the southerly line of Belt Line Road;

THENCE South 84 deg 51' 39" East along the southerly line of Belt Line Road a distance of 415.80 feet to an iron rod at the beginning of a curve to the left;

THENCE in an easterly direction continuing along said southerly line of Belt Line Road and along said curve to the left having a radius of 2,914.79 feet, a central angle of 0 deg 28' 45", and arc length of 24.38 feet to the POINT OF BEGINNING and containing 157,416 square feet, more or less, or 3.6138 acres.

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

1. The applicant submit revised plans for the new landscaping to Slade Strickland for his approval prior to this case going before City Council.
2. 100% of the landscaping be installed prior to the issuance of a building final for the patio.

SECTION 3. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. 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 (\$500.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 5. 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 6. 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 10th day of February, 1987.



MAYOR


ATTEST:

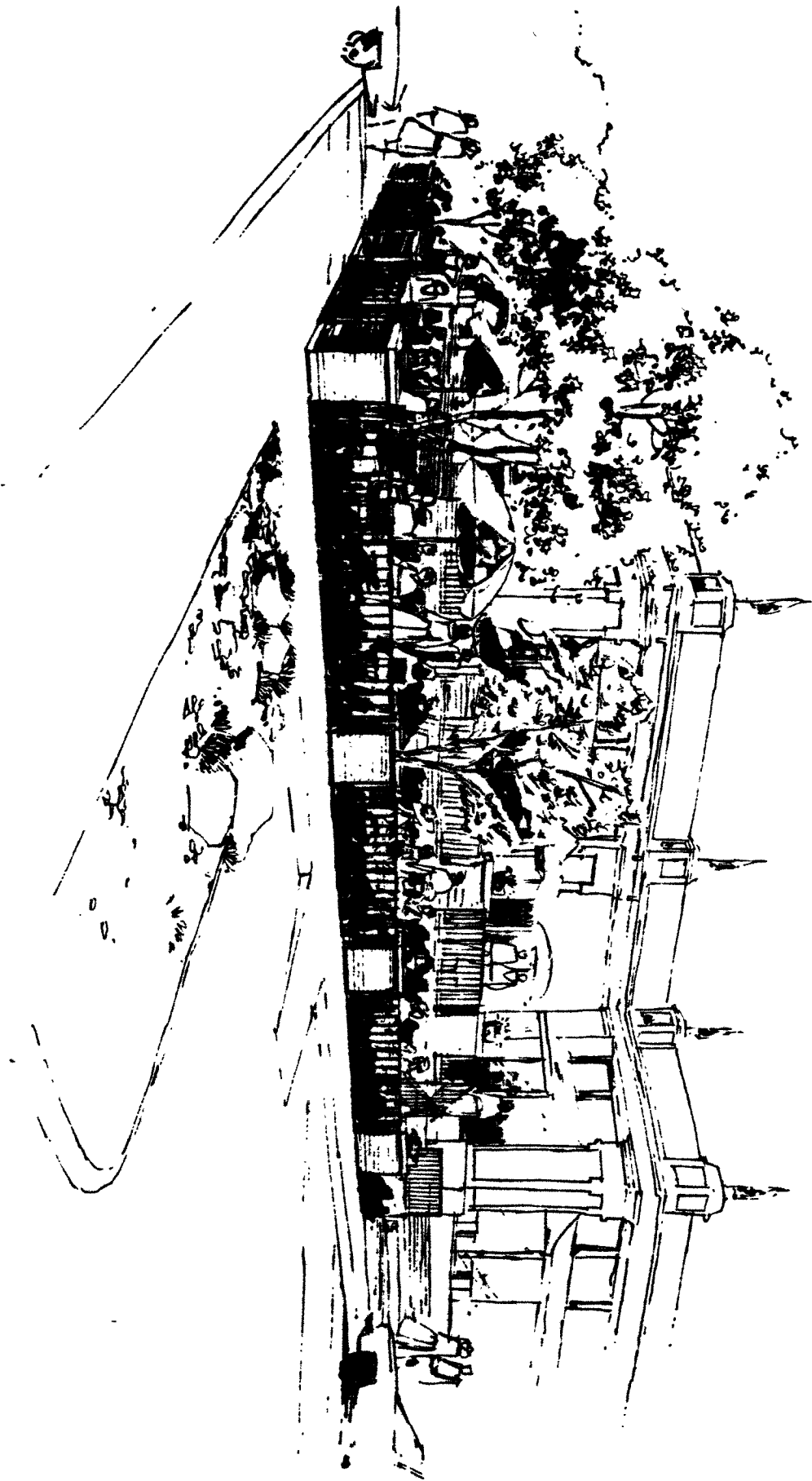


CITY SECRETARY

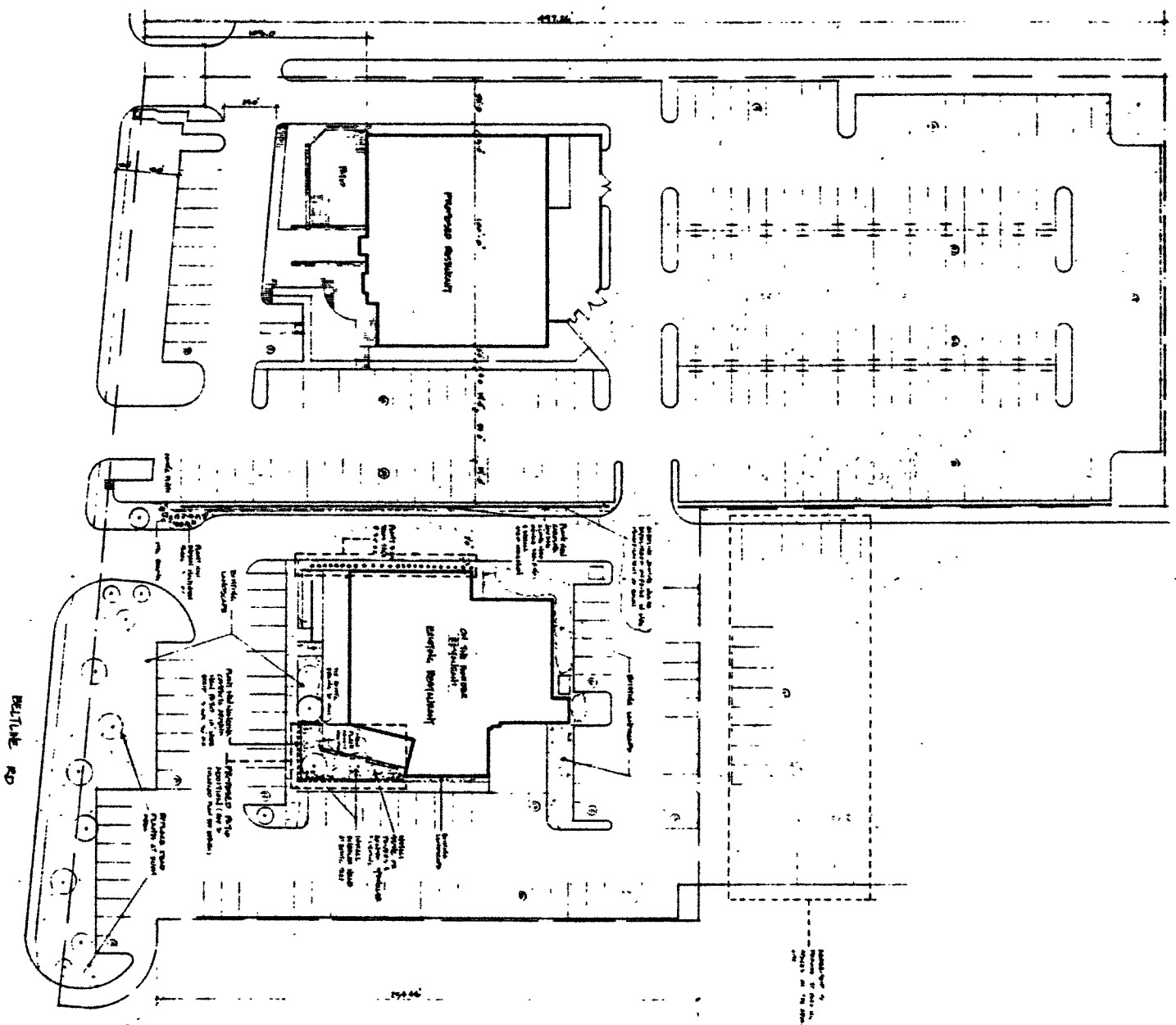
CASE NO. 925-SUP 2

APPROVED AS TO FORM:



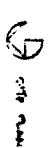


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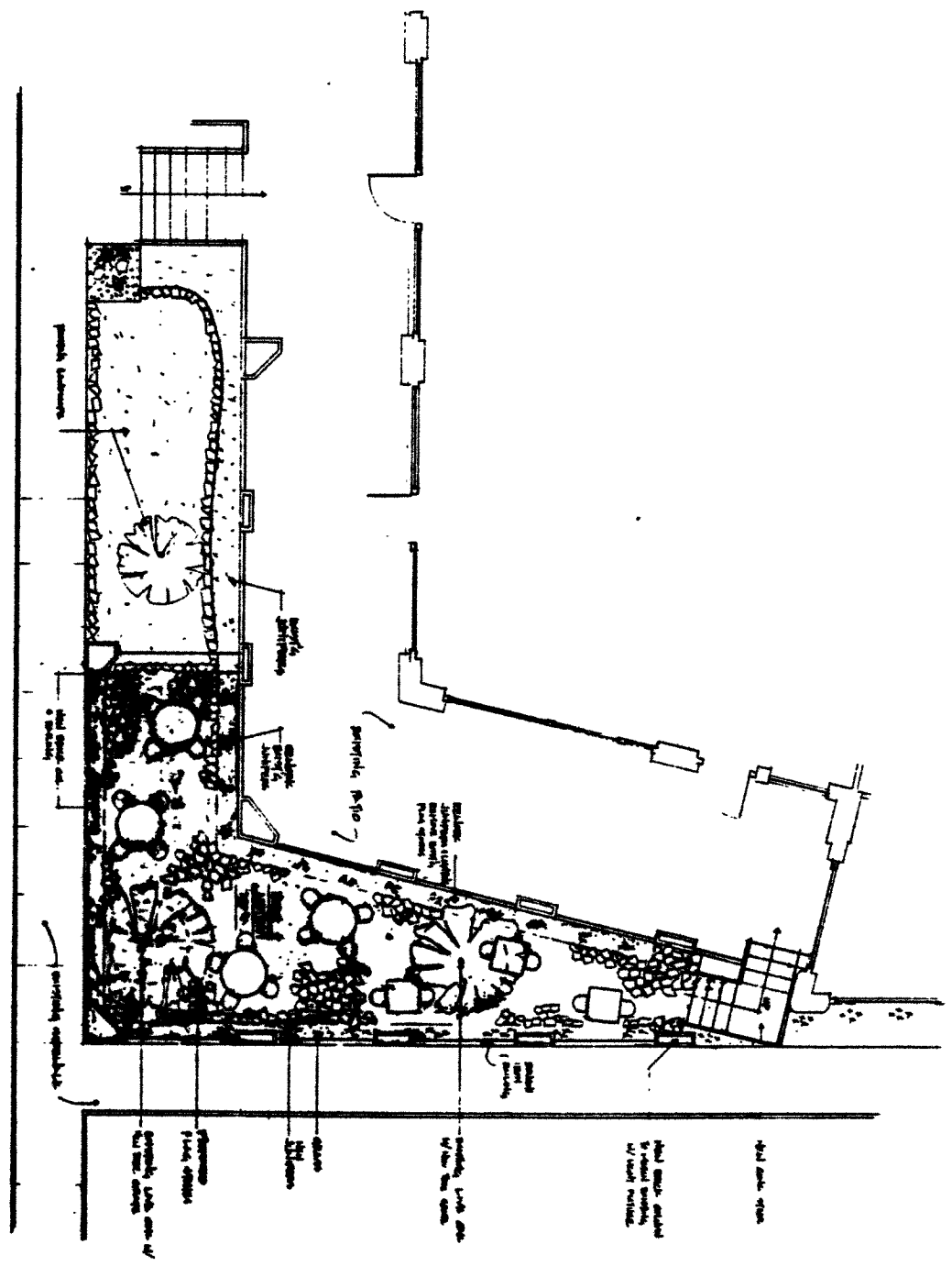


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Proposed Patio Plan



ON THE BORDER
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 - 1990 - 1991

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