

ORDINANCE NO. 091-041

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/YOGURT SHOP, ON APPLICATION FROM ZAK'S FAMOUS FROZEN YOGURT, LOCATED AT 5290 BELT LINE ROAD, SUITE 375; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

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,

BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. 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/yogurt shop to Zack's Famous Frozen Yogurt. Said Special Use Permit shall be granted subject to the special conditions on the following described property, to-wit:

TRACT A

Being a 1,433 square foot lease space addressed as 5290 Belt Line, Suite 375 on a tract of land situated in the Allen Blesoe Survey, Abstract No. 157, City of Addison, Dallas, County, Texas, and further being part of Lot "D", Block 2 of Oaks North-East No. 4, an addition to the City of Addison, Texas, as recorded in Volume 79121, Page 0555 of the Map records of Dallas County, Texas, and being moree particularly described as follows:

BEGINNING at a point along the Easterly line of Montfort Drive (a variable width of R.O.W.), said point also being the Northwest corner of above-mentioned Lot "D", Block 2, an iron stake for corner;

THENCE N 89°49'50" e, along the North line of said Lot "D", Block 2, a distance of 604.08 feet to the Northeast corner of said tract, an iron stake for corner;

THENCE Southerly along the Easterly line of said Lot "D", Block 2, the following:

S 0°10'10"E a distance of 19.0 feet to an iron stake for corner;

S 75°13'25"E, a distance of 12.84 feet to an iron stake for corner;

S 0°10'10"E, a distance of 19.0 feet to an iron stake for corner;

THENCE S 89°49'50"W, leaving said Easterly line of Lot "D", Block 2, a distance of 485.0 feet to an iron stake for corner;

THENCE S 0°10'10"E, a distance of 197.0 feet to an iron stake for corner;

THENCE S 89°49'50"W, a distance of 195.47 feet to a point along the Easterly line of above-mentioned Montfort Drive, an iron stake for corner;

THENCE Northerly along said Easterly line of Montfort Drive, the following:

N 23° 24'W, a distance of 2.67 feet to the beginning of a curve to the right, having a central angle of 51° 50' 50" and a radius of 460.0 feet, an iron stake for corner;

Around said curve, a distance of 416.26 feet to the beginning of a curve to the left, having a central angle of 13° 02' 35", and a radius of 540.0 feet, an iron stake for corner;

Around said curve, a distance of 122.92 feet to the PLACE OF BEGINNING and containing 257,355 square feet or 5.91 acres of land.

TRACT B

BEGINNING at the intersection of the South line of Belt Line Road (a 100' R.O.W.), with the East line of Montfort Drive (a proposed 80' R.O.W.), an iron stake for corner;

THENCE, N. 89° 49' 50E, along said Belt Line Road South line, a distance of 609.11 feet to an iron stake for corner;

THENCE, S. 0° 10' 10"E, leaving said Belt Line Road South line, a distance of 366.58 feet to an iron stake for corner;

THENCE, along the said Montfort Drive East line, the following:

Around a curve to the Left, having a central angle of 28° 22' 34" and a radius of 540.00 feet, a distance of 267.44 feet to the end of said curve and the beginning of a curve to the right, having a central angle of 12° 48' 08" and a radius of 460.00 feet, an iron stake for corner;

Around said curve, a distance of 102.78 feet to the PLACE OF BEGINNING and containing 5.00 acres of Land.

SECTION 2. That the Special Use Permit is granted subject to the following 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, floor plan, and the elevation drawings, which are attached hereto and made a part hereof for all purposes. The landscaping shall be maintained in the condition as set forth in such drawings.

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 and encompassing a total area not to exceed 1,433 square feet.
3. 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.

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 Thousand Dollars (\$2,000.00) 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. 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. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed, except that Ordinances 524, 544, 579, 795, 796, 083-008, 083-050, and 087-001 are not repealed. All other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 13th day of August, 1991.


MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 1070-SUP

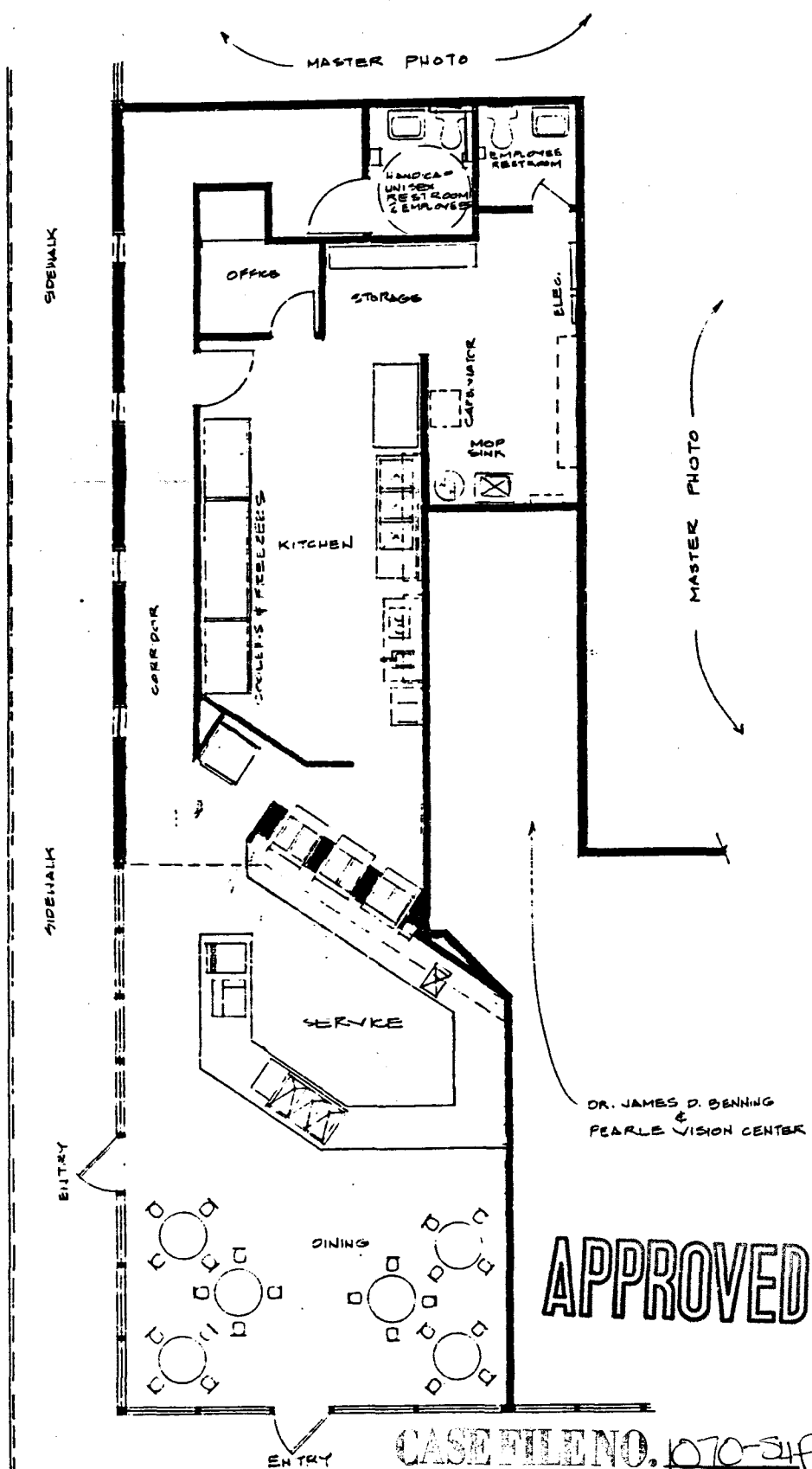
APPROVED AS TO FORM:


CITY SECRETARY

Published
2/6/92



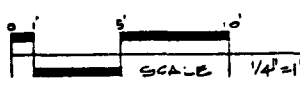
SHOPPING CENTER PARKING



APPROVED

CASE FILE NO. 1070-34P

THESE PLANS ARE REDUCTIONS OF THE ORIGINAL ARCHITECTURAL
 "RECORD SET" OF PLANS WHICH ARE FILED IN
 ZONING CASE FILE 1070-34P PARKING



FLOOR PLAN



091-041

Date	6/21/91
Issued for	REVIEW
Drawn	RK

ZACK'S
 YOGURT
 5290 BELTLINE ROAD #102B
 ADDISON, TEXAS

DR. JAMES D. BENNING
 PEARLE VISION CENTER

RK PLANNING
 Architecture
 Project Mgmt.
 Planning
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 Dallas, Texas 75243
 (214)-644-8166

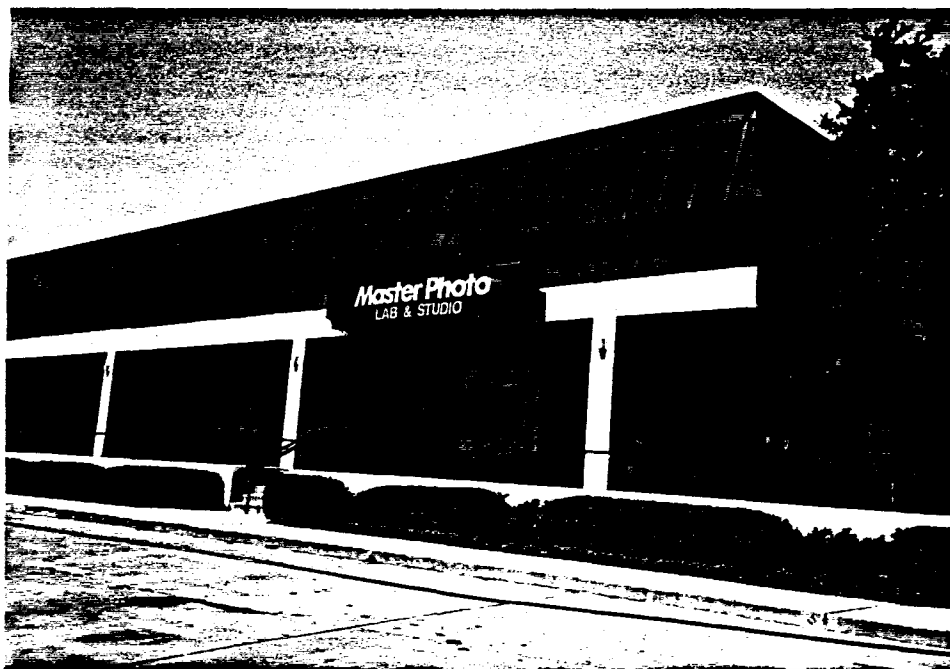


Project
201.01

Sheet
A



North Elevation



East Elevation

THESE PLANS ARE REDUCTIONS OF THE ACTUAL
"RECORD SET" OF PLANS WHICH ARE FILED IN
ZONING CASE FILE 1070-54P.

CASH FILE NO. 1070-54P
RECEIVED. 7-1-91