

ORDINANCE NO. 094-073

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 QUIZNO'S CLASSIC SUBS, LOCATED AT 14833 MIDWAY ROAD, SUITE 110; 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. Said Special Use Permit shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 1,500 square feet lease space, addressed as 14833 Midway Road, Suite 110, located in a shopping center known as Midway Square, located on Lot 1, Block 1, Midway Square Addition, a tract of land situated in the THOMAS L. CHENOWETH SURVEY, ABSTRACT NO. 273 in the Town of Addison, Dallas County, Texas and being a portion of a tract of land conveyed in deed recorded in Volume 408, Page 759 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an "X" found in concrete at the intersection of the westerly line of MIDWAY ROAD (a 100 foot right-of-way) and the southerly line of BELTWAY DRIVE (a 60 foot right-of-way);

THENCE South $00^{\circ}14'00''$ West, along the westerly line of said MIDWAY ROAD 985.14 feet to a 1/2" iron rod found;

THENCE North $89^{\circ}28'25''$ West, leaving the westerly line of said MIDWAY ROAD 192.00 feet to a 1/2" iron rod found;

THENCE North $00^{\circ}31'35''$ East, 217.36 feet to a 1/2" iron rod found;

THENCE North $89^{\circ}28'25''$ West, 679.42 feet to a 1/2" iron rod found;

THENCE North $00^{\circ}11'48''$ West, 640.87 feet to a 1/2" iron rod found in southerly line of said BELTWAY DRIVE;

THENCE South $89^{\circ}52'42''$ East, along the southerly line of said BELTWAY DRIVE, 63.08 feet to a 1/2" iron rod found, said iron rod also being the point of curvature of a tangent curve to the left having a radius of 1,005.00 feet and a chord which bears North $83^{\circ}31'34''$ East, a chord distance of 230.87 feet;

THENCE northeasterly along the said curve to the left and the southerly line of said BELTWAY DRIVE through a central angle of $13^{\circ}11'28''$, and arc distance of 231.88 feet to a 120d nail found;

THENCE South, leaving the southerly line of said BELTWAY DRIVE, 151.29 feet to a 60d nail found;

THENCE South 89°57'52" East, 385.01 feet to an "X" found in concrete;

THENCE North 242.62 feet to a 120d nail found in the southerly line of said BELTWAY DRIVE, said nail also being the point of curvature of a non-tangent curve to the right having a radius of 945.00 feet and a chord which bears North 88°05'28" East, a chord distance of 68.15 feet;

THENCE northeasterly along the said non-tangent curve and the southerly line of BELTWAY DRIVE to the right through a central angle of 04°07'59", a distance of 68.17 feet to a 1/2" iron rod found;

THENCE South 89°52'23" East, along the southerly line of said BELTWAY DRIVE, 120.00 feet to the POINT OF BEGINNING and containing 13.124 acres or 571,665 square feet of land, more or less.

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 floor plan, and the elevation drawings showing the exterior wall, which are attached hereto and made a part hereof for all purposes.
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 outlined and encompassing a total area not to exceed 1,500 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 set in accordance with Chapter 1,

General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

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 and 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 8th day of November, 1994.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1199-SUP

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 094-073

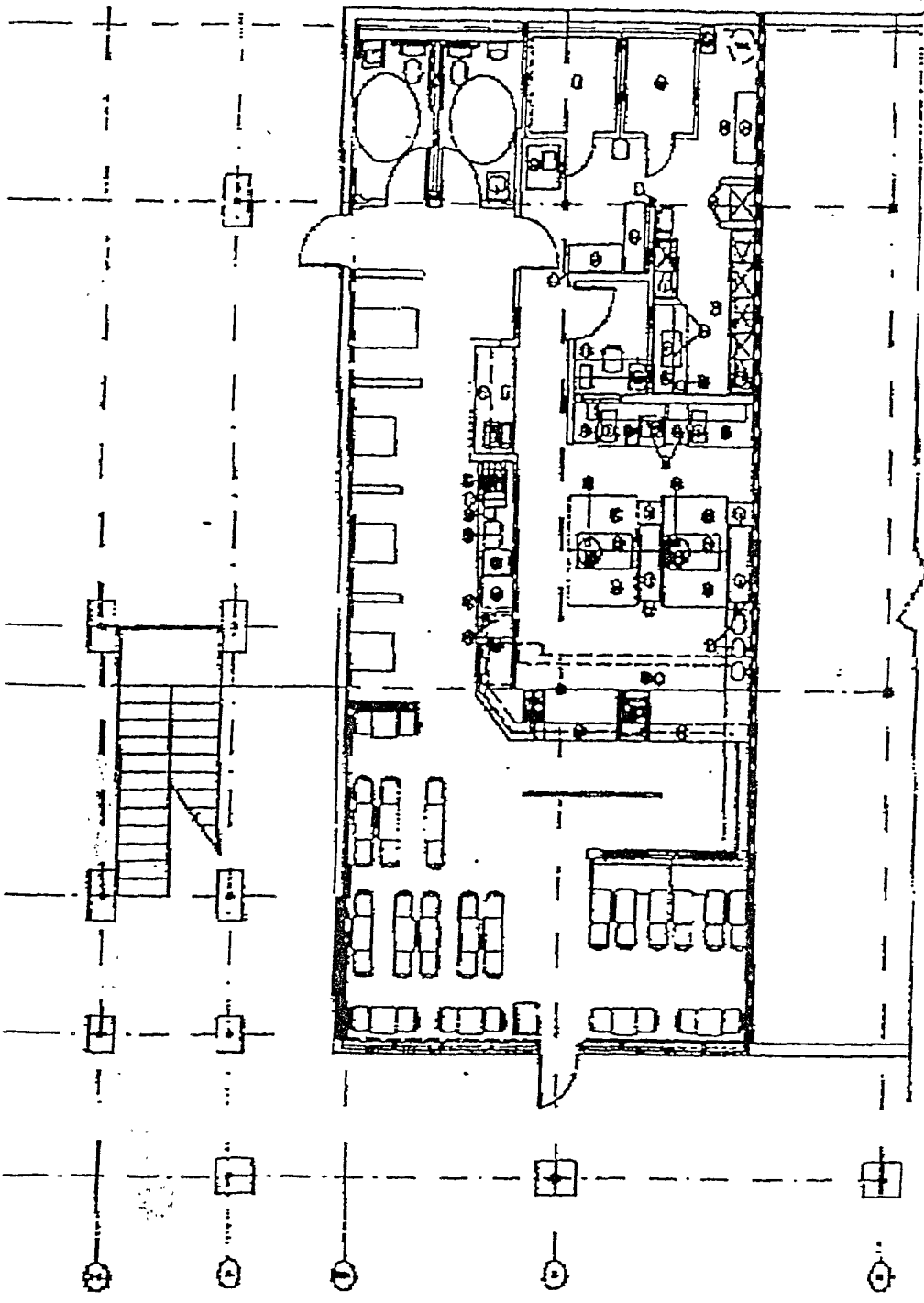
Published
2/10/94



PLAN
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BUILDING 197.5 SQ FT



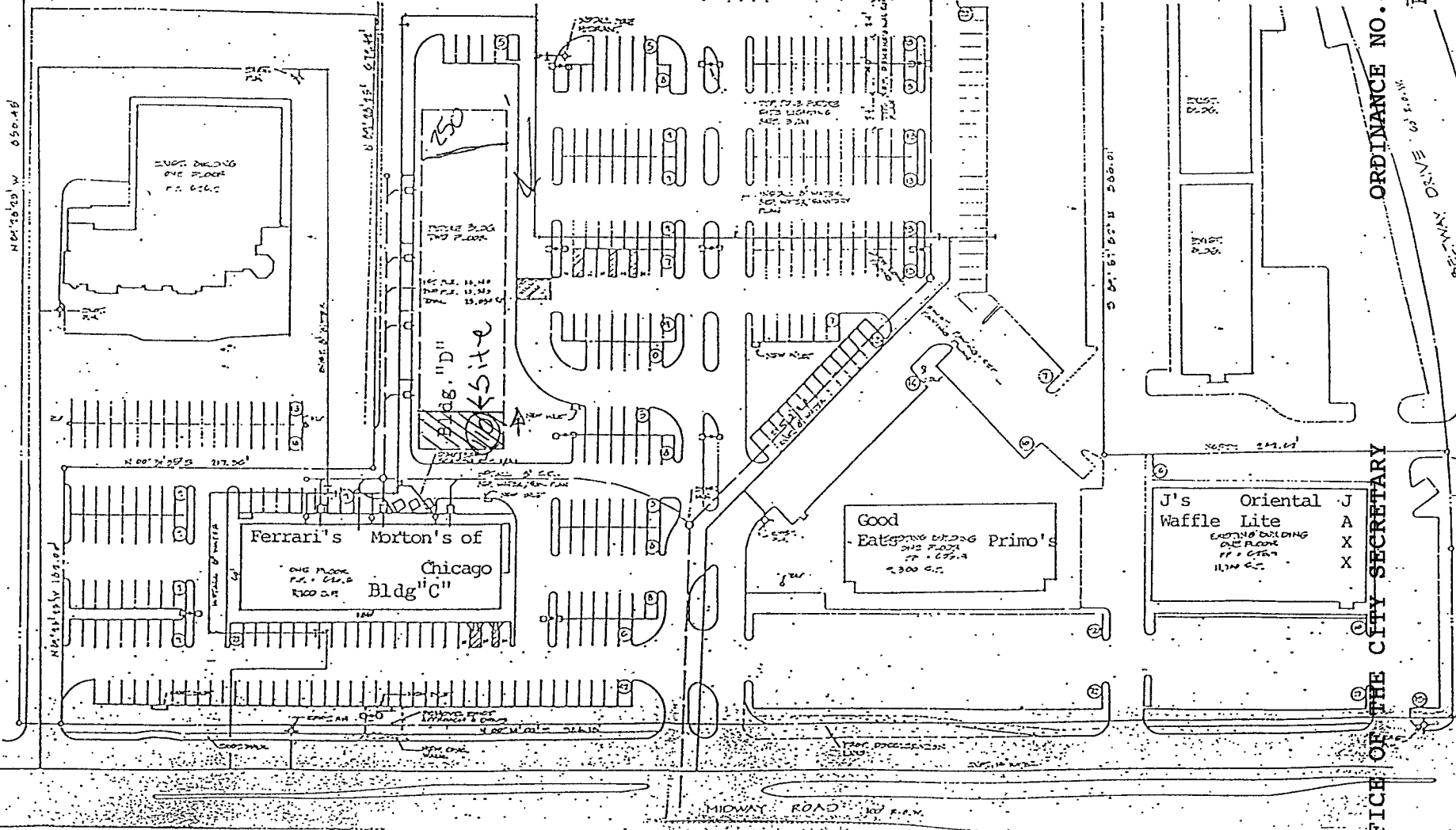
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17 OCT 1973

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 094-073

OFFICE IN THE PARK ADDITION



ORDINANCE NO. 094-073

OFFICE OF THE CITY SECRETARY

NORTH

BELMONT AVENUE

MIDWAY ROAD