

ORDINANCE NO. 095-061

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, SO AS TO GRANT A SPECIAL USE PERMIT FOR A GAMING ARCADE, ON APPLICATION WITH ICEOPLEX, LOCATED AT 15100 MIDWAY ROAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR A SEVERABILITY 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, and helps promote the general welfare and safety of this community, now, therefore,

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

SECTION 1. That Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, is hereby amended so as to grant a special use permit to a gaming arcade. Said zoning amendment shall be noted on the official zoning map of the Town of Addison, Texas, and is situated on the following described land:

BEING a tract of land located in the City of Addison, being part of the EDWARD COOK SURVEY, ABSTRACT NO. 326, and part of the W.H. WITT SURVEY, ABSTRACT NO. 1609, Dallas County, Texas being the same property conveyed to 8.8 Corporation by deed recorded in Volume 75042, Page 1347 of the Deed Records of Dallas, County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the intersection of the east line of Midway Road (100 feet wide), with the south line of 100.0 foot wide St. Louis and Southwestern Railroad right-of-way;

THENCE S 89°41'00" E, along the south line of said Railroad right-of-way, a distance of 195.00 feet to a 1/2" iron rod found for corner situated in the west line of Rodeway Inn Addition as recorded in Volume 81052, Page 775, Deed Records, Dallas County, Texas;

THENCE along the west line of said Rodeway Inn Addition and departing the south line of said Railroad right-of-way the following:

S 00°42'00" E, a distance of 60.00 feet to a 1/2" rod found for corner;

S 89°41'00" E, a parallel with said Railroad right-of-way, a distance of 76.00 feet to a 1/2" iron rod found for corner;

S 00°05'08" E, a distance or 437.28 feet to a chain link fence post found for corner;

THENCE N 89°48'16" W, departing the west line of said Rodeway Inn Addition and along the north line of Chili's Center Joint Venture tract as recorded in Volume 81005, page 259, Deed Records, Dallas County, Texas, a distance of 276.30 feet to a point for corner;

THENCE N 00°42'00" W, continuing with the north line of said Chili's Center Joint Venture tract a distance of 71.24 feet to a "X" cut in concrete situated in the curving easterly line of said Midway Road;

THENCE along the curving easterly line of said Midway Road, the following:

Northerly, along said curve to the right which has a radius of 904.93 feet, an arc distance of 26.08 feet, said arc having a central angle of 01°39'04" and a chord which bears N 10°42'48" E, to a 5/8" iron rod set at the end of said curve;

N 11°32'20" E a distance of 251.10 feet to a point at the base of a powerpole also being the beginning of a curve to the left;

Northerly, along said curve, having a radius of 1004.93 feet, and a central angle of 12°14'20", and an arc distance of 214.66 to a 1/2" iron rod found at the end of the curve;

THENCE N 00°42'00" W, a distance of 12.01 feet to the POINT OF BEGINNING and containing 3.330 acres of land, more or less.

SECTION 2. That the Special Use Permit for a gaming arcade shall be approved subject to the following special conditions:

1. The arcade shall be located in the space shown on the attached floor plan, and shall be limited to an area not to exceed 300 square feet.
2. There shall be no signs on the exterior of the building which advertise video games or an arcade.
3. A lighting plan for the parking lot shall be approved by the staff.

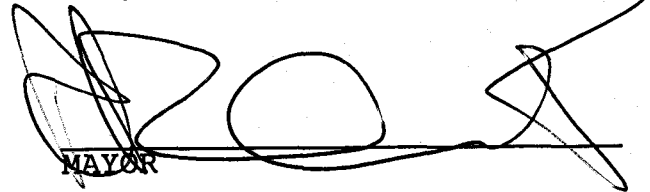
SECTION 3. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

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 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 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12th day of December, 1995.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO.

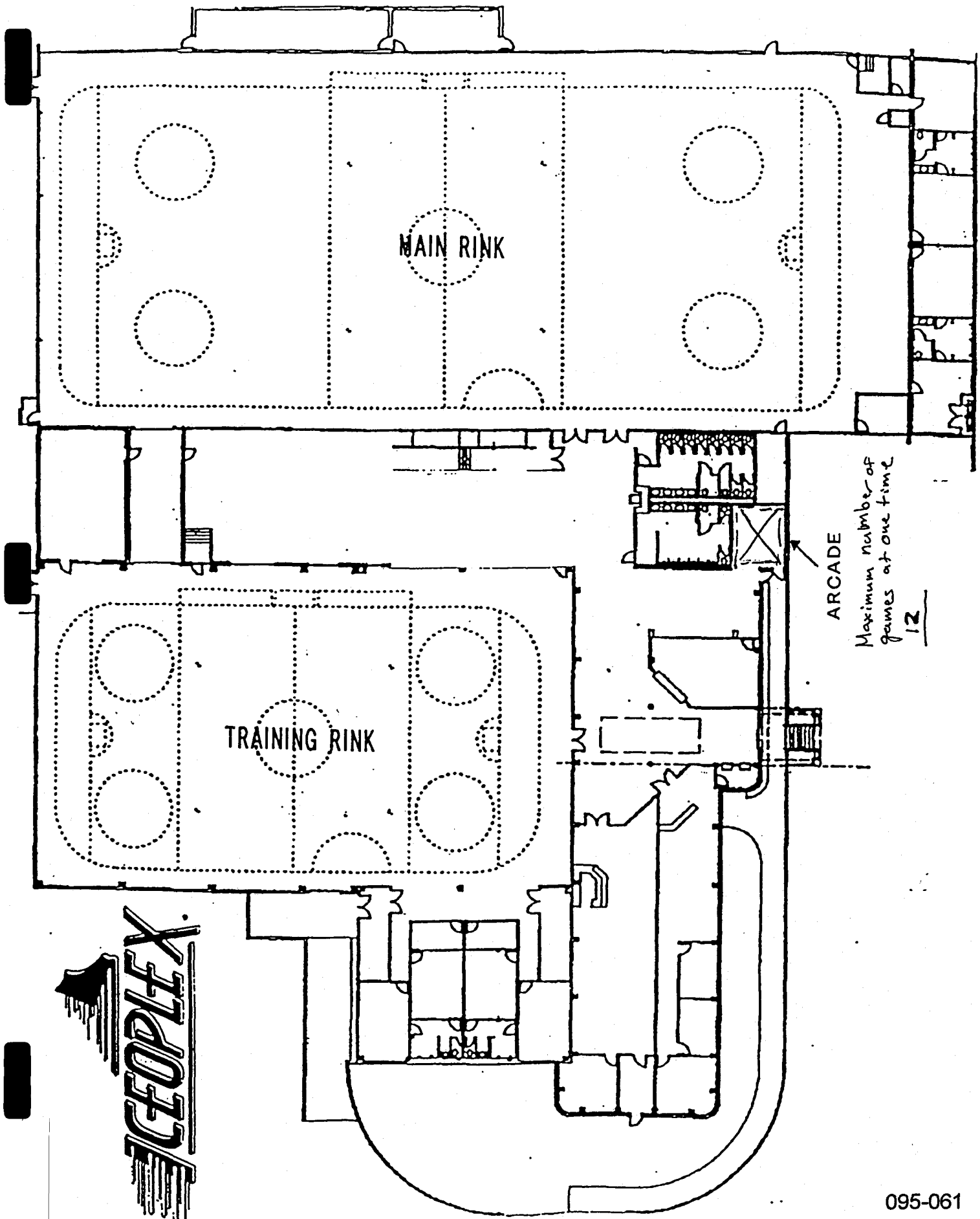
APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

Revised
1/11/96





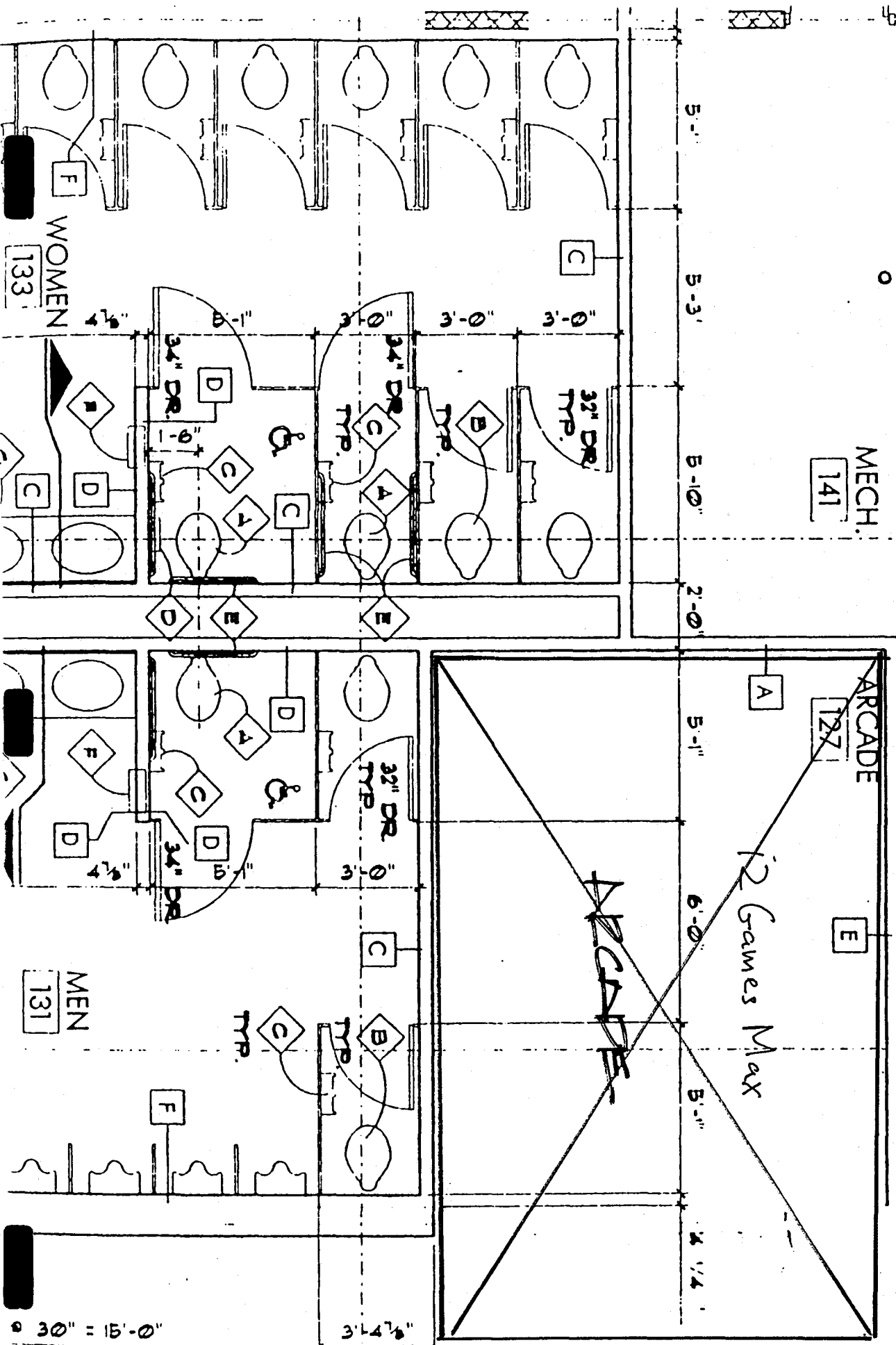
MAIN RINK

TRAINING RINK

ARCADE

Maximum number of
games at one time
12

CEOPLEX



Scale = 1/4"