

ORDINANCE NO. 096-039

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 DIEDRICH COFFEES, LOCATED AT 5100 BELT LINE ROAD, SUITE 890; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A NO 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:

OFFICE OF THE CITY SECRETARY

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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 2,005 square-foot portion of a lease space addressed as 5100 Belt Line Road, Suite 890, in a shopping center known as the Village on the Parkway, located on a tract of land out of the Allen Bledsoe Survey, Abstract No. 157, the G.W. Fisher Survey, Abstract No. 482 and the J. Pancoast Survey, Abstract No. 1146, City of Addison, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point being the intersection of the east right-of-way line of Dallas Parkway and the south right-of-way line of Belt Line Road;

THENCE East along said south line, a distance of 241.34 feet to a point for a corner;

THENCE S 65°51'30" E, a distance of 54.24 feet to a point for corner;

THENCE N 48°03'00" E, a distance of 30.0 feet to a point for a corner, said point lying on the centerline of Noell Road;

THENCE S 41°57'00" E along said centerline, a distance of 741.67 feet to an angle point;

THENCE S 23°24'00" E continuing along said centerline, a distance of 907.45 feet to a point for a corner;

THENCE S ⁸⁵o31'25" W departing said centerline, a distance of 733.4 feet to an angle point;

THENCE N 85°30'06" W a distance of 882.99 feet to a point for a corner said point lying on the east right-of-way of Dallas Parkway;

THENCE Northeasterly along said east line being a circular curve to the right having a central angle of 34°35'34" and whose center bears S 88°39'35" E, 1256.93 feet, an arc distance of 759.25 feet to the point of reverse curve to the left having a central angle of 36°13'00" and a radius of 1014.93 feet;

THENCE Northeasterly along said curve and continuing along said east line, an arc distance of 641.54 feet to its point of tangency;

THENCE N 00°16'01" W, a distance of 65.52 feet to the POINT OF BEGINNING AND CONTAINING 33.967 acres 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 site plan, floor plan, landscape plan, irrigation plan, and the elevation drawings showing four exterior walls, 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 2,005 square feet.

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.

OFFICE OF THE CITY SECRETARY


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DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 13th day of August, 1996.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1268-SUP

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

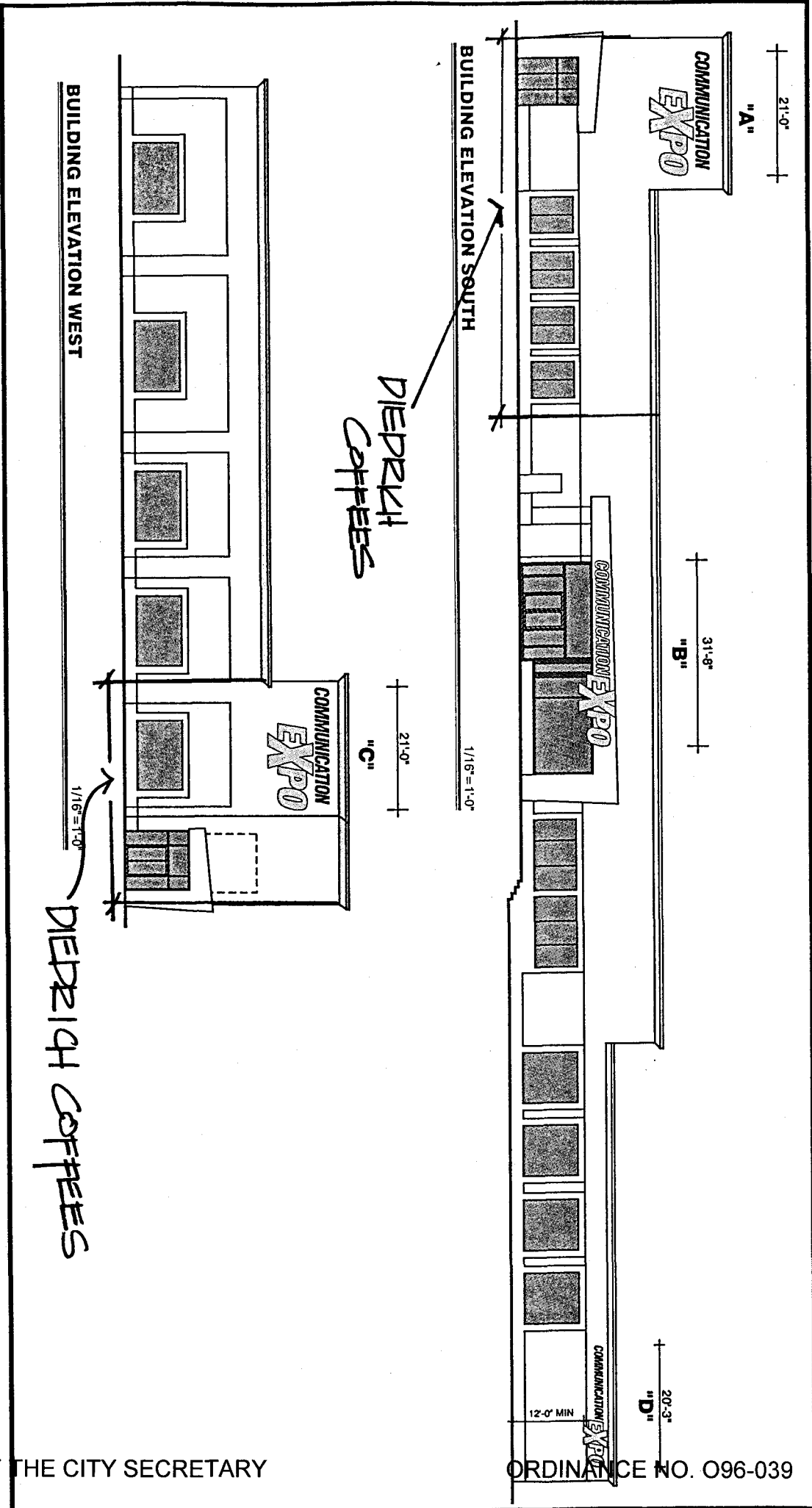
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DESIGNER	T SCHULTZ	SHEET	1 OF

OFFICE OF THE CITY SECRETARY

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