

ORDINANCE NO. 096-059

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 MARBLE SLAB CREAMERY, LOCATED AT 5000 BELT LINE ROAD, SUITE 260; 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

OFFICE OF THE CITY SECRETARY ORDINANCE NO. 096-059

Use Permit shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 1,462 square-foot lease space, addressed as 5000 Belt Line Road, Suite 260, located on a tract which is located as follows:

The description of Site 4, Block 1, an 8,000 acre tract of land situated in the Josiah Pancoast Survey Abstract No. 1146, and the G.W. Fisher Survey Abstract No. 482, included in a 70 acre tract conveyed to Fannie Noell by deed filed October 14, 1926 in volume 1358, page 20, and all of the land conveyed to Carroll N. Rather by Fannie Noell Rather in two deeds recorded in volume 70244, page 1539, and volume 70244, page 1533 together with the Gifford Touchstone tract recorded in volume 759, page 1992, all recorded in the deed records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the South right-of-way line of Belt Line Road (100 foot R.O.W.), said point being N 89 degrees 46'47" East, a distance of 400.00 feet from the Northwest corner of said 70 acre tract.

THENCE N 89 degrees 46'47" East along the South line of said Belt Line Road for a distance of 755.10 feet to a point for corner;

THENCE S 89 degrees 24'30" East, continuing with said South line of Belt Line Road for a distance of 203.19 feet to a point for corner;

THENCE S 00 degrees 10'14" East for a distance of 175.00 feet to a point for corner;

THENCE S 89 degrees 58'48" East for a distance of 208.35 feet to a point in the West right-of-way line of Dallas Parkway (120 foot R.O.W.), said point being in a curve to the right whose center bears N 83 degrees 01'59" West, said curve having a radius of 894.93 feet a tangent of 78.33 feet, and an internal angle of 10 degrees 00'14";

THENCE Southwesterly along said curve to the right and along said West line of Dallas Parkway for an arc distance of 156.26 feet to a point for corner;

THENCE S 89 degrees 56'47" West for a distance of 1117.79 feet to a point in a curve to the right whose center bears N 72 degrees 06'50" East, said curve having a radius of 590.88, a tangent of 123.39 feet, and an internal angle of 23 degrees 35'26";

THENCE along said curve to the right for an arc distance of 243.48 feet to the point of tangency thereof;

THENCE N 05 degrees 42'16" East for a distance of 91.47 feet to the POINT OF BEGINNING,

Containing 348,476.28 square feet or 8.000 acres of land.

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

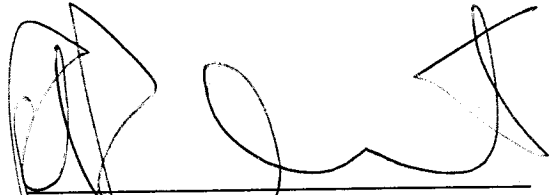
1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the floor plan which is attached hereto and made a part hereof for all purposes.
2. That the Special Use Permit granted herein shall be limited to a restaurant only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 1,462 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 11th day of November, 1996.


MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 1282-SUP

APPROVED AS TO FORM:


DIRECTOR OF DEVELOPMENT SERVICES

P. W. W. W.
2/13/97



