

ORDINANCE NO. 098- 042

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 MC CALISTER'S GOURMET DELI, LOCATED AT 4100 BELT LINE ROAD; PROVIDING FOR SPECIAL CONDITIONS; 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:

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 all of Lot 4, Block A of SAM'S CLUB ADDITION, an Addition to the Town of Addison, according to the Plat recorded in Volume 92109, page 3687, map

Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod found for corner in the South line of Belt Line Road (having a 100.0 foot wide right-of-way), at the Northwest corner of said Lot 4, Block A, the same point being the Northeast corner of Lot 1, Block 1 of BELT LINE CENTRE, an addition to the Town of Addison according to the Plat recorded in Volume 92109, Page 3687, Map Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod found for corner in the South line of Belt Line Road (having a 100.00 foot wide right-of-way), at the Northwest corner of said Lot 4, Block A, the same point being the Northeast corner of Lot 1, Block 1 of BELT LINE CENTRE, an Addition to the Town of Addison according to the Plat recorded in Volume 92145, Page 3641, map Records, Dallas County, Texas;

THENCE South 89 degrees 25 minutes 00 seconds East along the South line of Belt Line Road and the North line of said Lot 4, Block A to a 1/2 inch iron rod set for corner at the Northeast corner of said Lot 4, Block A at the same point being the Northwest corner of Lot 1 of said Block A of SAM'S CLUB ADDITION;

THENCE South 00 degrees 01 minutes 18 seconds West along the common line between said Lot 4 and Lot 1, Block A for a distance of 245.00 feet to a 1/2 inch iron rod set for corner at the Southeast corner of Lot 4, Block A;

THENCE North 89 degrees 25 minutes 00 seconds West along the South line of said Lot 4, Block A for a distance of 175.00 feet to a 1/2 inch iron rod set for corner at the Southwest corner of said Lot 4, Block A, the same point lying in the East line of said Lot 1, Block 1;

THENCE North 00 degrees 01 minutes 18 seconds East along the common line between said Lot 4, Block A and Lot 1, Block 1 for a distance of 245.00 feet to the POINT OF BEGINNING; and

CONTAINING 42,873 square feet or 0.9842 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 floor plan, and the elevation drawings which are attached hereto and made a part hereof for all purposes.

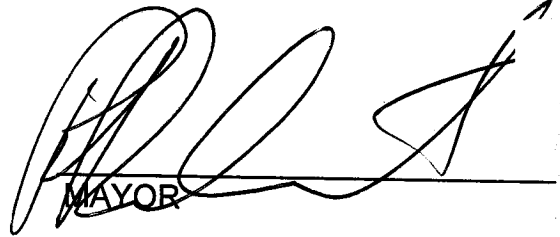
2. That the Special Use Permit granted herein shall be limited to a restaurant only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 4,730 square feet.
3. All mechanical equipment shall be completely screened from view by either a parapet wall or screening wall.
4. A revised landscaping plan, which contains additional planting information and an irrigation plan, shall be submitted prior to the issuance of a building permit.
5. The building and parking lot must meet all NFPA code requirements.

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 September, 1998.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1332-SUP

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: 1/15/99

VARIABLE WIDTH CONCRETE PAVEMENT

BELT LINE ROAD

24' WATER

KEY DESCRIPTION
PT. OF BEGINNING

3/8" IRON ROD FOUND

CONCRETE WALK

6" WATER

1/2" IRON ROD SET

1.07844' TO
MIDWAY BE

N89°25'00" E
175.00'

175.00'

POWER POLE

CONCRETE WALK

54" HD

6" SEWER

13

20' DRAINAGE EASEMENT
VOL. 82108, PG. 3887 ORDCT

20' DRAINAGE, UTILITY & SIDEWALK EASEMENT
VOL. 82108, PG. 3887 ORDCT

25' BUILDING LINE
VOL. 92108, PG. 3887 ORDCT

18" MANHOLE
F.L. 568.04

20' BUFFER

APPARENT 18' UTILITY EASEMENT
(SHOWN ON SAME CLUB PLANS)

20'

8.5x17' HC HC

PATIO

LINE OF COVER

PATIO

PROPOSED McALISTER'S

PATIO

15'

COOLER

DUMPSTER

15' LINE

LOT 1, BLOCK A
SAM'S CLUB ADDITION
VOL. 82108, PG. 3887 ORDCT

8.5x17' (T.P.)

77 PARKING SPACES

10x20'

1/2" IRON ROD SET

N89°25'00" W

175.00'

6' BUFFER

1/2" IRON ROD SET

