

**ORDINANCE NO. 003-016**

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 RESTAURANT IN AN INDUSTRIAL-1 (I-1) DISTRICT, ON APPLICATION FROM NEW YORK SUBS, LOCATED AT 16250 MIDWAY ROAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDIING 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 restaurant in an Industrial-1 (I-1) district. 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 George Syms Survey, Abstract No. 1344, City of Addison, Dallas County, Texas, and being more particularly described as follows:

Beginning at the intersection of the north line of Keller Springs Road (25-feet from the centerline of an original 50-foot right-of-way) and the east line of Midway Road (a 100-foot right-of-way) as recorded in Volume 75224, Page 0036 of the Map Records of Dallas County, Texas;

THENCE N 23° 38' 30" W, 596.15 feet along the east line of Midway Road to the beginning of a curve to the right having a central angle of 23° 48' 00", a radius of 943.97 feet and a tangent length of 198.92 feet;

THENCE along the curve 392.11 feet to the end of curve;

THENCE N 00° 09' 30" E, 586.36 feet along the east line of Midway Road;

THENCE N 89° 46' 00" E, 968.69 feet to a point for corner;

THENCE South, 369.74 feet to a point for corner;

THENCE East, 208.70 feet to a point for corner on the west line of Dooley Road;

THENCE South, 90.94 feet along Dooley Road to a point for corner;

THENCE West, 208.70 feet to a point for corner;

THENCE South, 313.10 feet to a point for corner;

THENCE West, 69.30 feet to a point for corner;

THENCE South, 156.00 feet to a point for corner;

THENCE West, 0.26 feet to a point for corner;

THENCE South, 585.43 feet to a point for corner on Keller Springs Road (50 foot right of way);

THENCE S 89° 46' 09" W, 84.58 feet along the north line of Keller Springs Road;

THENCE N 00° 13' 00", 257.5 feet to a point for corner;

THENCE S 89° 46' 09" W, 453.74 feet to a point for corner;

THENCE S 00° 13' 00" E, 257.50 feet to the north line of Keller Springs Road;

THENCE S 89° 46' 09" W, 44.15 feet to the Point of Beginning and Containing 27.583 acres of land.

SECTION 2. That the Special Use Permit is approved subject to the following special 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 1250 square feet.
3. No signs advertising the sale of alcoholic beverages shall be permitted other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the Town of Addison Texas. No terms such as "bar", "tavern" or any terms or graphic depictions that relate to the sale of alcoholic beverages shall be used in exterior signs.
4. That the sale of alcoholic beverages under this special use permit shall be Permitted in restaurants. Restaurants are hereby defined as establishments that receive at least sixty percent (60%) or their gross revenues from the sale of food.
5. Said establishment shall make available to the city or its agents, during reasonable hours its bookkeeping records for inspection, if required, by the city to insure that the conditions of Paragraph 4 are being met.
6. Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the Town of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
7. That if the property for which the special use permit is granted is not used

For the purposes for which said permit was granted within one (1) year after the adoption of this ordinance, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.


8. That if a license or permit to sell alcoholic beverages on property covered by this special use permit is revoked, terminated, or canceled by proper authorities, the City Council may authorize hearings to be held for the purpose for considering a change of zoning.
9. That if a license or permit to sell alcoholic beverages on property covered by this special use permit is revoked, terminated or canceled by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.

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 be 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 24<sup>th</sup> of June, 2003.

  
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MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

CASE NO.: 1431-SUP

APPROVED AS TO FORM:

  
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DIRECTOR OF DEVELOPMENT SERVICES

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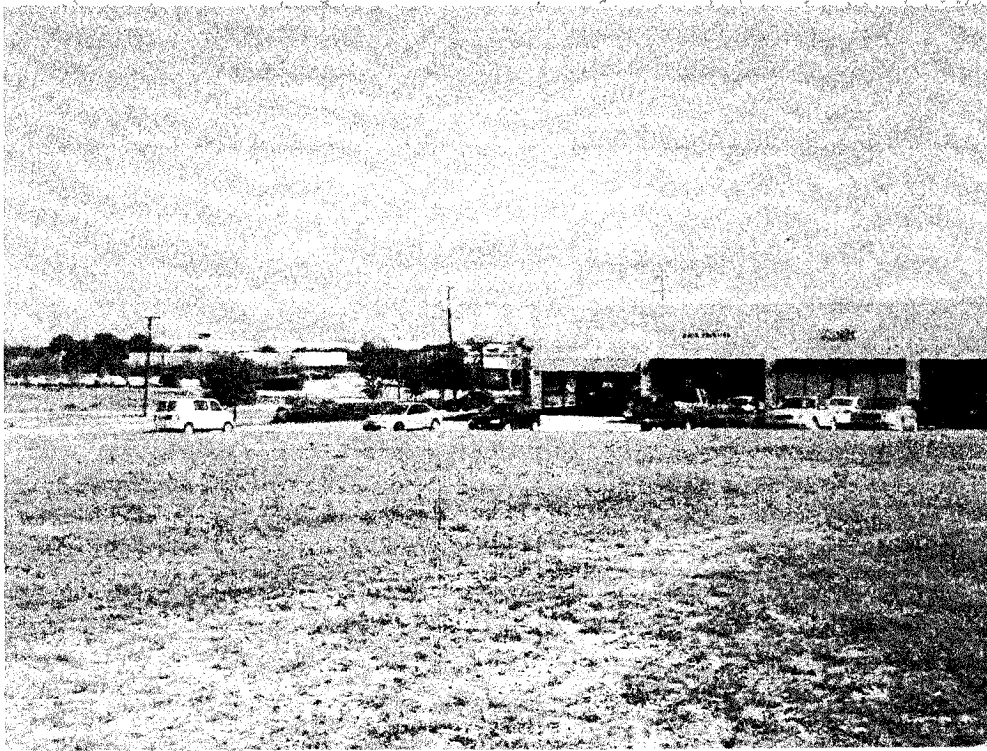
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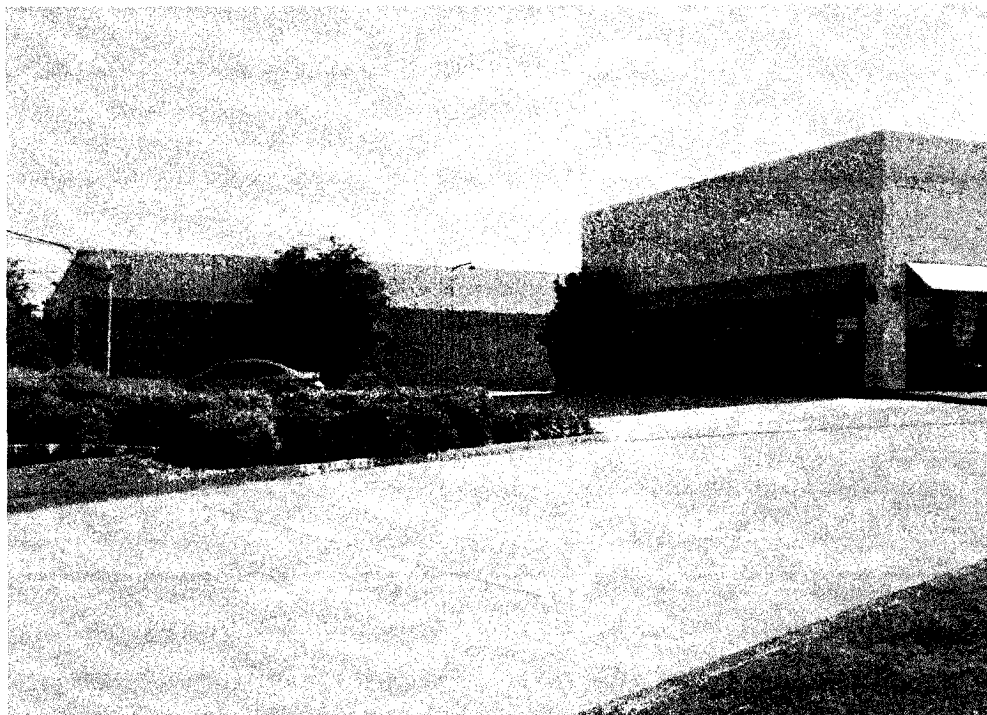








**ELEVATION - 16250 Midway - Addison TX 75001**



**LANDSCAPING - 16250 Midway - Addison, TX 75001**