

**ORDINANCE NO. 004-012**

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, ON APPLICATION FROM COLD STONE CREAMERY, LOCATED AT 3713 BELT LINE 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 Cold Stone Creamery. 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 1,200 square-foot lease space in a shell building addressed at 3713 Belt Line Road, located on Lots 3 and 4 of a plat named Marsh-Belt Line Shopping Center, and described as follows:

COMMENCING at a 5/8" iron rod found for corner being the most southerly point on a corner clip situated at the intersection of the north line of Belt Line Road (a 100' R.O.W.) and the west line of Business Avenue (a 60' R.O.W.);

THENCE N89 degrees 54'31" West, along the north line of Belt Line Road, a distance of 407.00 feet to an "x" cut found for the POINT OF BEGINNING and being the southwest corner of CHICK-FIL-A ADDITION, an addition to the City of Addison recorded in Volume 94249, Page 03638;

THENCE continuing along the north line of said Belt Line Road the following:

N 89 degrees 54'31" West, a distance of 233.05 feet to a 1/2" iron rod found for corner;

N 89 degrees 52'23" West, a distance of 119.98 feet to a 1/2" iron rod found for corner;

N 89 degrees 49'34" West, a distance of 150.76 feet to a 5/8" iron rod set for corner;

N 85 degrees 56'04" West, a distance of 67.19 feet to a 5/8" iron rod set for corner;

N 89 degrees 49'34" West, a distance of 230.84 feet to a 5/8" iron rod set For corner at the southeast corner of a corner clip at the intersection.

THENCE N 46 degrees 06'57" West, departing said north line of Belt Line Road and along said corner clip, a distance of 22.32 feet to a 5/8" iron rod set for corner in the said east line of Marsh Lane;

THENCE along the east line of said Marsh Lane the following;

N 00 degrees 07'01 West, a distance of 130.02 feet to an iron rod found for corner;

N 89 degrees 49'34" West, a distance of 3.94 feet to an iron rod found for corner;

N 00 degrees 06'34" West, a distance of 50.25 feet to an iron rod found for corner being the point of curvature to the right having a central angle of 14

degrees 48'56", a radius of 1223.24, a tangent of 159.04 feet and a chord that bears N 07 degrees 17'58" East, 315.42;

Along said curve a distance of 316.31 feet to an "x" found for corner;

THENCE S 89 degrees 55'22" East, departing the east line of said Marsh Lane a distance of 1199.66 feet to an "x" found for corner, said "x" being in the west line of said Business Avenue;

THENCE S 00 degrees 04'38" West, along the west line of said Business Avenue a distance of 249.23 feet to a 5/8" iron rod found for corner;

THENCE N 89 degrees 54'31" West, departing the west line of said Business Avenue, a distance of 416.93 feet to an "x" cut found for corner being the northwest corner of said CHICK-FIL-A ADDITION;

THENCE S 00 degrees 05'29" West, along the west line of said CHICK-FIL-A ADDITION, a distance of 265.00 feet to the POINT OF BEGINNING and containing 520,289 square feet or 11.9441 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, 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 1,200 square feet.
3. 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 purposed of considering a change of zoning.
4. The applicant shall install a second, handicap-accessible restroom in the space.


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 10<sup>th</sup> of February, 2004.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO.: 1449-SUP

APPROVED AS TO FORM:

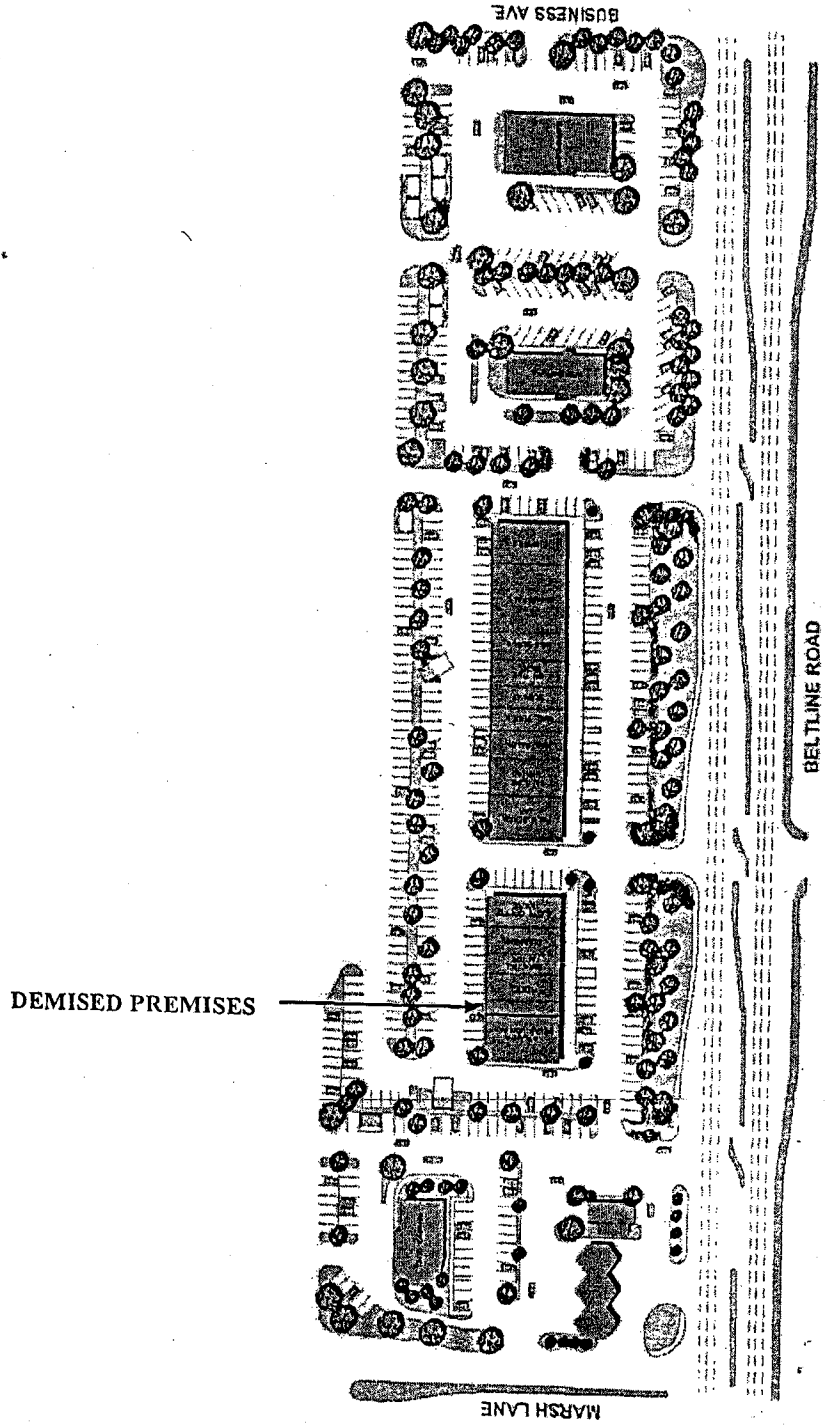


DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: N. W. Morning 4-2-04

EXHIBIT A  
ADDISON PLAZA SHOPPING CENTER LEASE

SITE PLAN



T-448 P.001/001 P-152

4603481718

Dec-11-03 08:28am From

CREAMERY:  APPROVED

FRANCHISEE:  APPROVED

AREA DEV:  APPROVED

APPROVED AS NOTED

APPROVED AS NOTED

APPROVED AS NOTED

SIGNATURE: *[Signature]*

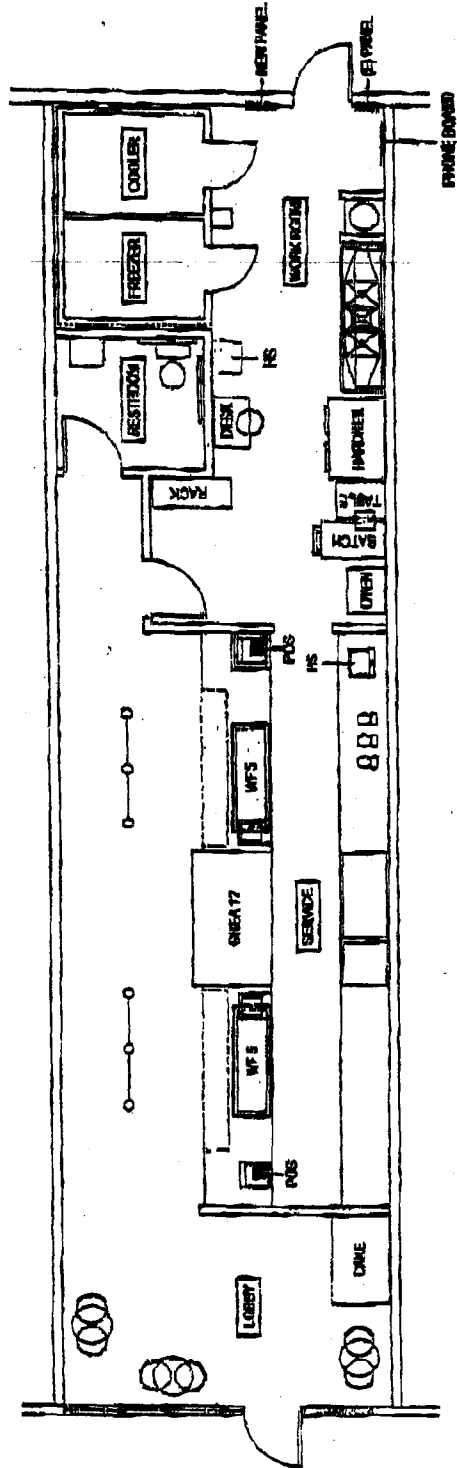
SIGNATURE: *[Signature]*

SIGNATURE: *[Signature]*

DATE: 12/11/03

DATE: 12/11/03

DATE: 12/11/03



LAYOUT PLAN - COLD STONE #1065 ADDISON, TEXAS

FM GROUP INC  
 2944 N. 44TH STREET, SUITE 150  
 PHOENIX, AZ 85016



SCALE: 1/8" = 1'-0"

JOB NUMBER: 03602

DATE: 12/10/03

PLAN NO: 1

