

**ORDINANCE NO. 005-014**

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM COMMERCIAL-1 TO PLANNED DEVELOPMENT DISTRICT WITH RESTAURANT, AND SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION AS ALLOWED USES, SUBJECT TO THE APPROVAL OF A SPECIAL USE PERMIT, ON APPLICATION FROM BELTWAY COMMERCIAL REAL ESTATE COMPANY, LOCATED ON 1.760 ACRES 300 FEET EAST OF THE NORTHEAST CORNER OF ADDISON ROAD AND BELT LINE ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEAL CLAUSE; AND DECLARING AN EMERGENCY.

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 ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, be, and the same is hereby amended by amending the zoning map of the Town of Addison, Texas, so as to give the hereinafter described property the zoning district classification, to-wit: Planned Development. Said property being in the Town of Addison, Texas, and being described as follows:

WHEREAS ADDISON SOUTHWEST, LTD., acting by and through the undersigned, its duly authorized agent is the owner of a tract of land located in the G.W. FISHER SURVEY, Abstract No. 482, in the Town of Addison, Dallas County, Texas, and being all of Lot 1, Block A of the Final Plat of BELTWAY-QUORUM ADDITION, an addition to the Town of Addison, Dallas County, Texas, as thereof recorded in Volume 2004014, Page 00009 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows (bearing system based on the said Final Plat of BELTWAY-QUORUM ADDITION):

BEGINNING at an "X" cut in concrete found in the northerly right-of-way line of Belt Line Road (100-foot wide public right-of-way) for the most southerly southeast corner of Lot 1, Block A of the beforementioned BELTWAY-QUORUM ADDITION, same being the southwesterly corner of Lot 2, Block A of BELTWAY-CENTRE ADDITION, an addition to the Town of Addison, Dallas County, Texas according to the plat thereof recorded in Volume 2003101, Page 00021 of the Deed Records of Dallas County, Texas;

THENCE with the northerly right-of-way line of Belt Line Road and the southerly line of Lot 1, Block A, the following courses and distances to wit:

--North 89°57'28" West, a distance of 15.16 feet to an "X" cut in concrete set for corner;

--South 45°02'23" West, a distance of 14.14 feet to a 5/8-inch rod with a plastic "KHA" cap set for corner;

--North 89°57'28" West, a distance of 155.90 feet to a point for the most southerly southwest corner of Lot 1, block A, from which a 3/4-inch iron rod found bears South 33°57' East, a distance of 0.30 feet, said corner being the southeast corner of a tract of land described in deed to Mark A. Albert, recorded in Volume 97002, Page 3045 of the Deed Records of Dallas County, Texas;

THENCE leaving the northerly right-of-way line of Belt Line Road, with the east line of the Albert tract, North 00°02'30" East, a distance of 200.14 feet a 5/8-inch iron rod found for the northeast corner of the Albert tract;

THENCE with the north line of the Albert tract, North 89°57'30" West, a distance of 187.99 feet to a 1/2-inch iron rod found in the easterly right-of-way line of Addison Road (variable width public right-of-way);

THENCE with the easterly right-of-way line of Addison Road, North 00°17'00" East, a distance of 307.80 feet to a 1/2-inch iron rod found for the southwest corner of Lot 1 of ADDISON ROAD-QUORUM ADDITION, an addition to the Town of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 93041, Page 2824 of the Deed Records of Dallas County, Texas;

THENCE leaving the easterly right-of-way line of Addison Road, with the south line of Lot 1 of ADDISON ROAD-QUORUM ADDITION, South 89°43'00" East, a distance of 271.46 feet to a 1/2-inch iron rod found for the southeast corner of said Lot 1;

THENCE with the westerly line of Lot 1, Block A of BELTWAY-QUORUM ADDITION, North 00°17'00" East, a distance of 238.29 feet to a 1/2-inch iron rod found for corner in the easterly line of Lot 1, Block A of MAINSTAY SUITES OF ADDISON ADDITION, an addition to the Town of Addison, Dallas County, Texas, according to the revised plat thereof recorded in Volume 98237, Page 37 of the Plat Records of Dallas County, Texas, same being the southwest corner of Lot 1, Block A of SUMMERFIELD/ARAPAHO/ADDISON ADDITION, an addition to the Town of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 95119, Page 4232 of the Deed Records of Dallas County, Texas;

THENCE with the common line of Lot 1, Block A of BELTWAY-QUORUM ADDITION and Lot 1, Block A of SUMMERFIELD/ARAPAHO/ADDISON ADDITION, South 89°43'00" East, a distance of 346.07 feet to a 5/8-inch iron rod with plastic "KHA" cap set for the most northeasterly corner of Lot 1, Block A and the most westerly northwest corner of Lot 2, Block A, both of BELTWAY-QUORUM ADDITION;

THENCE leaving the southerly line of Lot 1, Block A of SUMMERFIELD/ARAPAHO/ADDISON ADDITION, with the common line of said Lots 1 and 2, Block A of BELTWAY-QUORUM ADDITION, the following courses and distances to wit;

--South 00°11'24" East, a distance of 132.40 feet to a 5/8-inch iron rod with plastic "KHA" cap set for corner;

--Due East, a distance of 8.66 feet to a 5/8-inch iron with plastic "KHA" cap set for corner;

--South 00°17'34" East, a distance of 230.61 feet to a 5/8-inch iron rod with plastic "KHA" cap set for the most southerly common corner of said Lots 1 and 2, Block A of BELTWAY-QUORUM ADDITION, and being in the northerly line of Lot 2, Block A of BELTWAY-CENTRE ADDITION;

THENCE with the common line of Lots 1 and 2, Block A of BELTWAY-CENTRE ADDITION, the following courses and distances to wit;

--Due West, a distance of 218.19 feet to an "X" cut in concrete set for corner;  
--South 00°14'17" East, a distance of 242.61 feet to an "X" cut in concrete found for corner and being the beginning of a tangent curve to the right;  
--Southwesterly with said curve to the right, through a central angle of 37°45'26", having a radius of 115.00 feet, a chord bearing and distance of South 18°38'23" West, 74.42 feet, an arc distance of 75.78 feet to an "X" cut in concrete found for corner and the beginning of a reverse curve to the left;  
--Southwesterly with said curve to the left, through a central angle of 35°27'53", having a radius of 100.00 feet, a chord bearing and distance of South 19°47'02" West, 60.90 feet, an arc distance of 61.90 feet to the POINT OF BEGINNING and containing 6.407 acres (279069 square feet) of land, more or less.

SECTION 2. As provided in Planned Development District Article of the Comprehensive Zoning Ordinance, said property shall be improved in accordance with the development plans which are attached hereto and made a part hereof for all purposes.

SECTION 3. The following special conditions are placed on the above described property:

1. The property zoning to a Planned Development District allows all current Commercial-1 usages and restrictions but adds the uses of "sale of alcoholic beverages for on-premises consumption" and "brewpub", subject to the approval of a Special Use Permit.

SECTION 4. All paved areas, permanent drives, streets and drainage structure shall be constructed in accordance with standard Town of Addison specifications adopted for such purpose.

SECTION 5. 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.

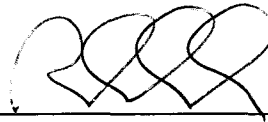
SECTION 6. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid,

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.

SECTION 7. 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.

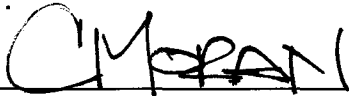
SECTION 8. The importance of this ordinance creates an emergency and an imperative public necessity and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12th day of April, 2005.



MAYOR

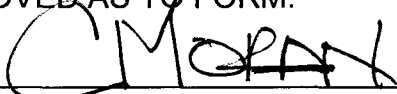
ATTEST:



CITY SECRETARY

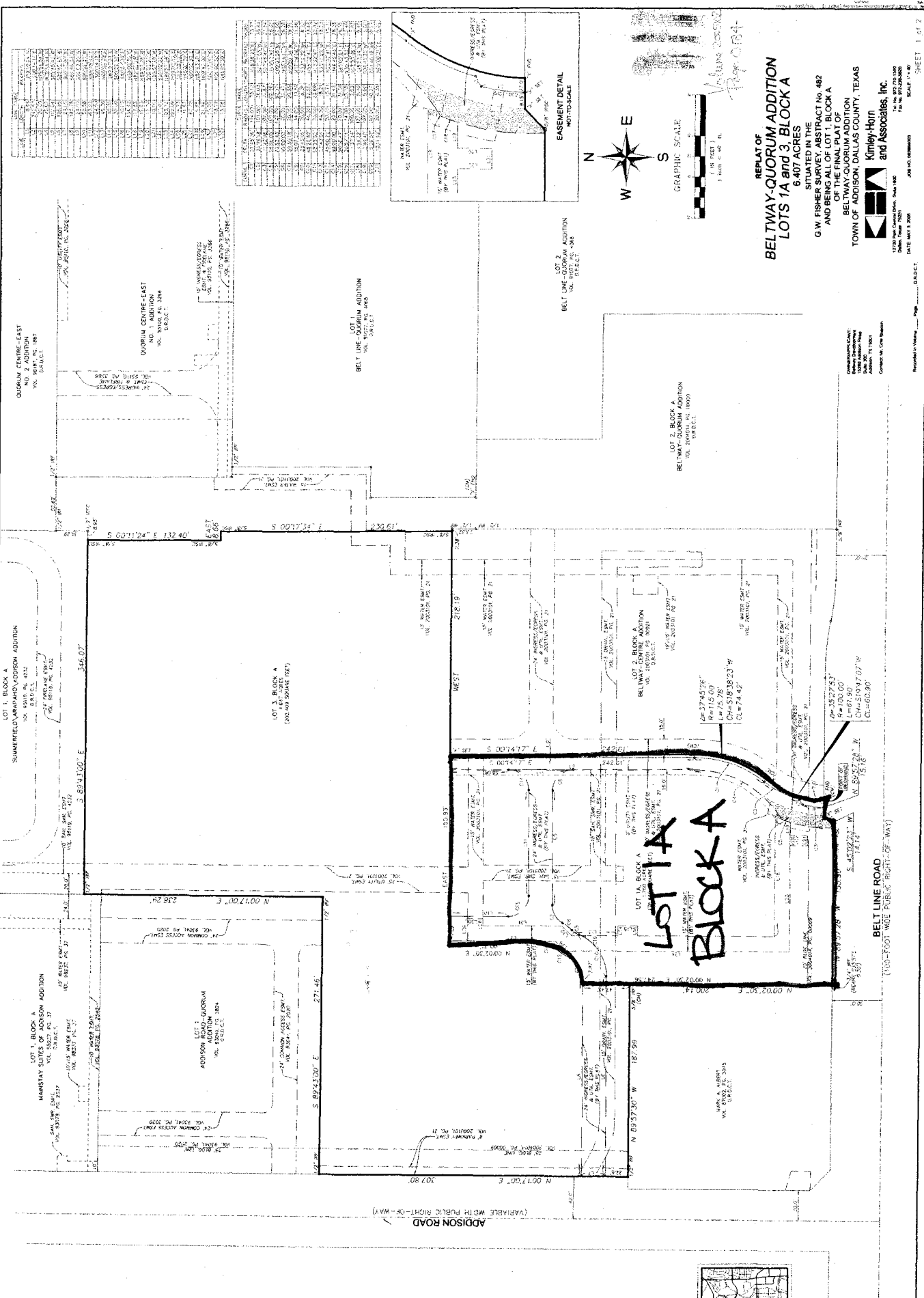
CASE NO. 1487-Z/Beltway Commercial Real Estate

APPROVED AS TO FORM:

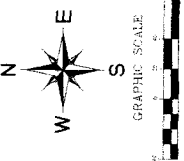
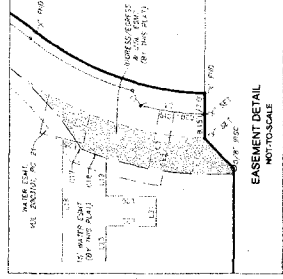


DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: 6/17/05



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**REPLAT OF  
BELTWAY-QUORUM ADDITION  
LOTS 1A and 3, BLOCK A  
6.407 ACRES**

SITUATED IN THE  
G. W. FISHER SURVEY, ABSTRACT NO. 482  
AND BEING ALL OF LOT 1, BLOCK A  
OF THE FINAL PLAT OF  
THE BELTWAY-QUORUM ADDITION  
TOWN OF ADDISON, DALLAS COUNTY, TEXAS



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DATE: MAY 1, 2006



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