

ORDINANCE NO. 005-052

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 PACUIGO ICE CREAM, LOCATED AT 5100 BELT LINE ROAD, SUITE 704, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; 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 and a special use permit for the sale of alcoholic beverages for on-premises consumption to Pacuigo Ice

Cream. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

Being a 1,252 square foot lease space, addressed as 5100 Belt Line Road, Suite 704, in a shopping center known as the Village on the Parkway, located on a tract of land out of the Allen Bledsoe Survey, Abstract No. 157, the G.W. Fisher Survey, Abstract No. 482 and the J. Pancoast Survey, Abstract No. 1146, City of Addison, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point being the intersection of the east right-of-way line of Dallas Parkway and the south right-of-way line of Belt Line Road;

THENCE East along said south line, a distance of 241.34 feet to a point for a corner;

THENCE S 65°51'30" E, a distance of 54.24 feet to a point for corner;

THENCE N 48°03'00" E, a distance of 30.0 feet to a point for a corner, said point lying on the centerline of Noell Road;

THENCE S 41°57'00" E along a centerline, a distance of 741.67 feet to an angle point;

THENCE S 23°24'00" E continuing along said centerline, a distance of 907.45 feet to a point for a corner;

THENCE S 85°31'25" W departing said centerline, a distance of 733.4 feet to an angle point;

THENCE N 85°30'06" W a distance of 882.99 feet to a point for a corner said point lying on the east right-of-way of Dallas Parkway;

THENCE Northeasterly along said east line being a circular curve to the right having a central angle of 34°35'34" and whose center bears S 88°39'35" E, 1256.93 feet, an arc distance of 759.25 feet to the point of reverse curve to the left having a central angle of 36°13'00" and a radius of 1014.93 feet;

THENCE Northeasterly along said curve and continuing along said east line, an arc distance of 641.54 feet to its point of tangency;

THENCE N 00°16'01" W, a distance of 65.52 feet to the POINT OF BEGINNING AND CONTAINING 33.967 acres of land more or less.

SECTION 2. That the Special Use Permits are 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 site plan, floor plan, and elevation drawing, 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 encompassing a total area not to exceed 1,252 square feet.
3. That if the property for which the special use permit is granted and 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.

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. 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 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 October, 2005.



MAYOR


ATTEST:



CITY SECRETARY

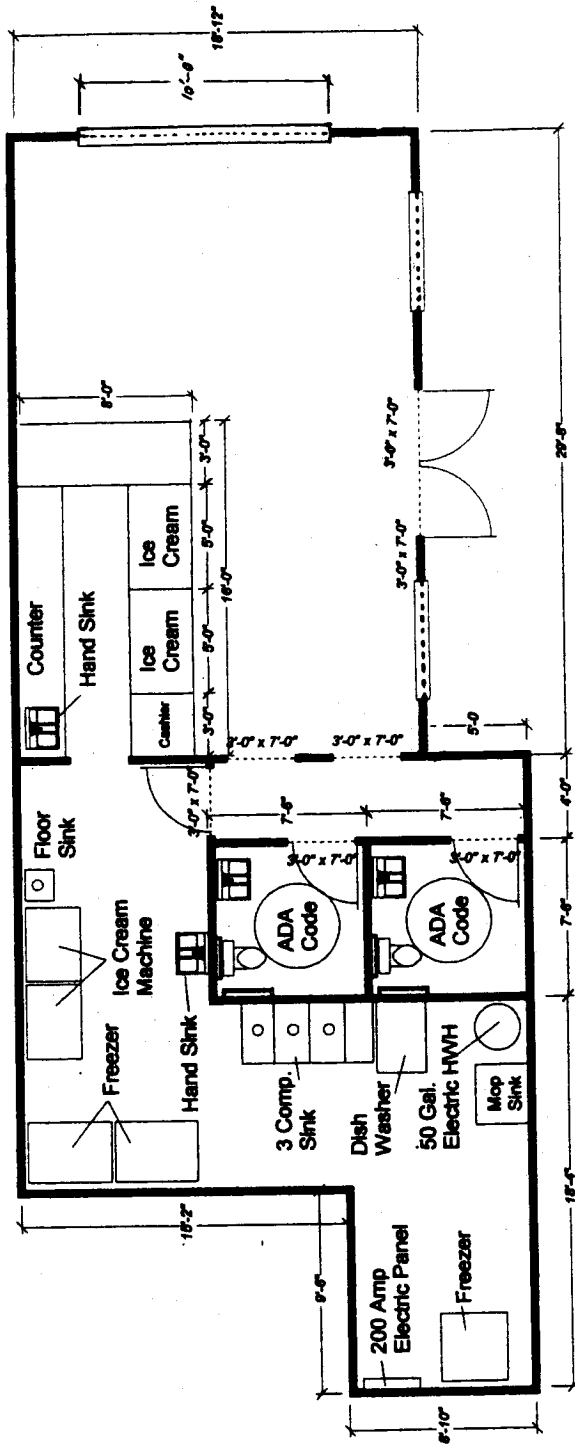
CASE NO. 1506-SUP/Pacuigo Ice Cream

APPROVED AS TO FORM:



Director of Development Services

PUBLISHED ON: 10-20-05



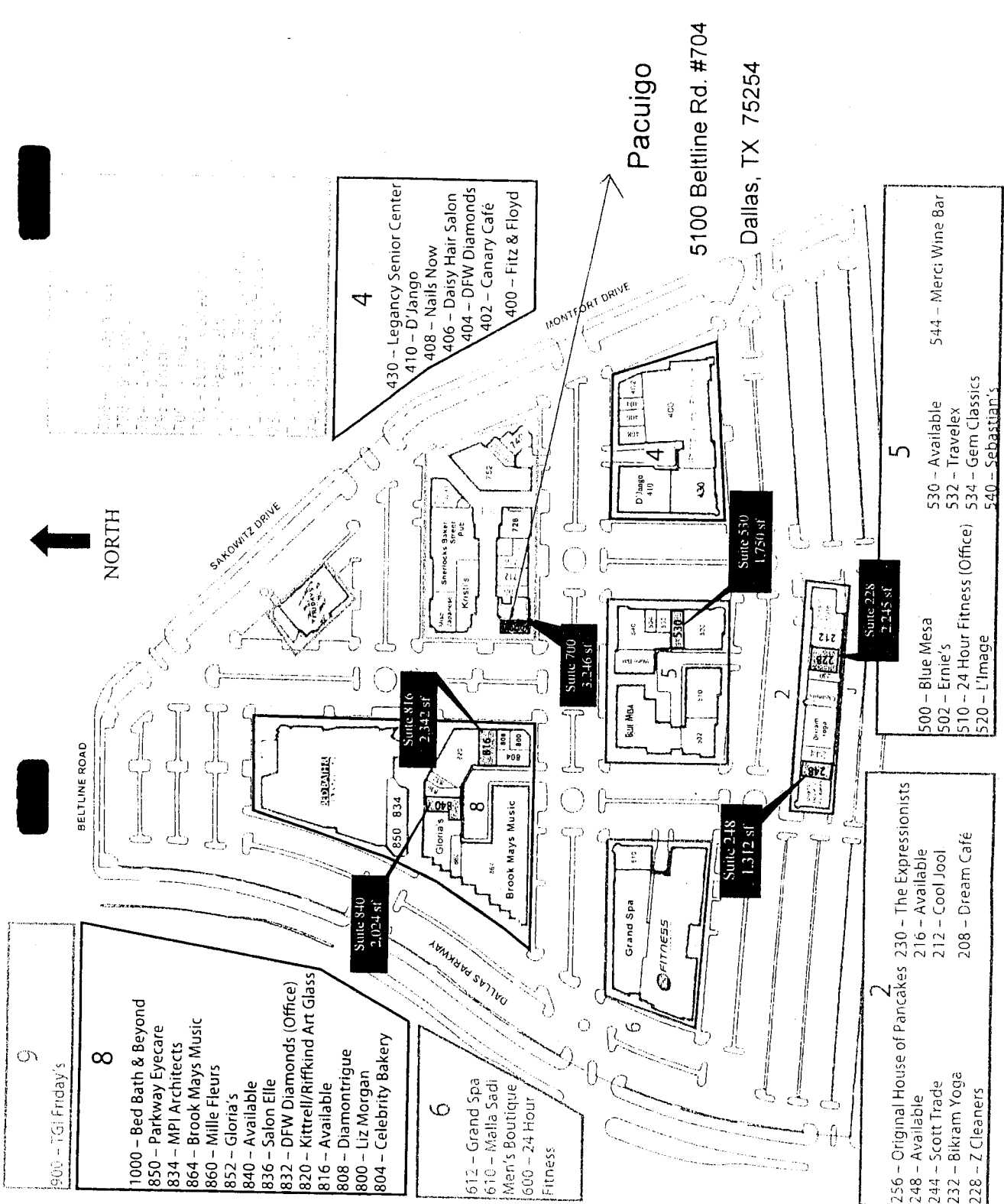
SCALE : 1'-0" = 3/16"

Flooring	Wall
Kitchen - Quarry Tile	Kitchen - FRP
Dining - Stain	Dining - Paint
Restroom - Ceramic Tile	Restroom - Half Ceramic & Half Paint

FLOOR PLAN

Job Site: Pacuigo
5100 Beltline Rd. #704
Dallas, TX 75254

Lee's Construction Company
3711 Everton Dr.
Flower Mound, TX 75022
Bus. 214-837-5000
Fax. 972-874-9389



Pacuigo
5100 Beltline Rd. #704
Dallas, TX 75254

- 4**
- 430 – Legacy Senior Center
 - 410 – D'Jango
 - 408 – Nails Now
 - 406 – Daisy Hair Salon
 - 404 – DFW Diamonds
 - 402 – Canary Cafe
 - 400 – Fitz & Floyd

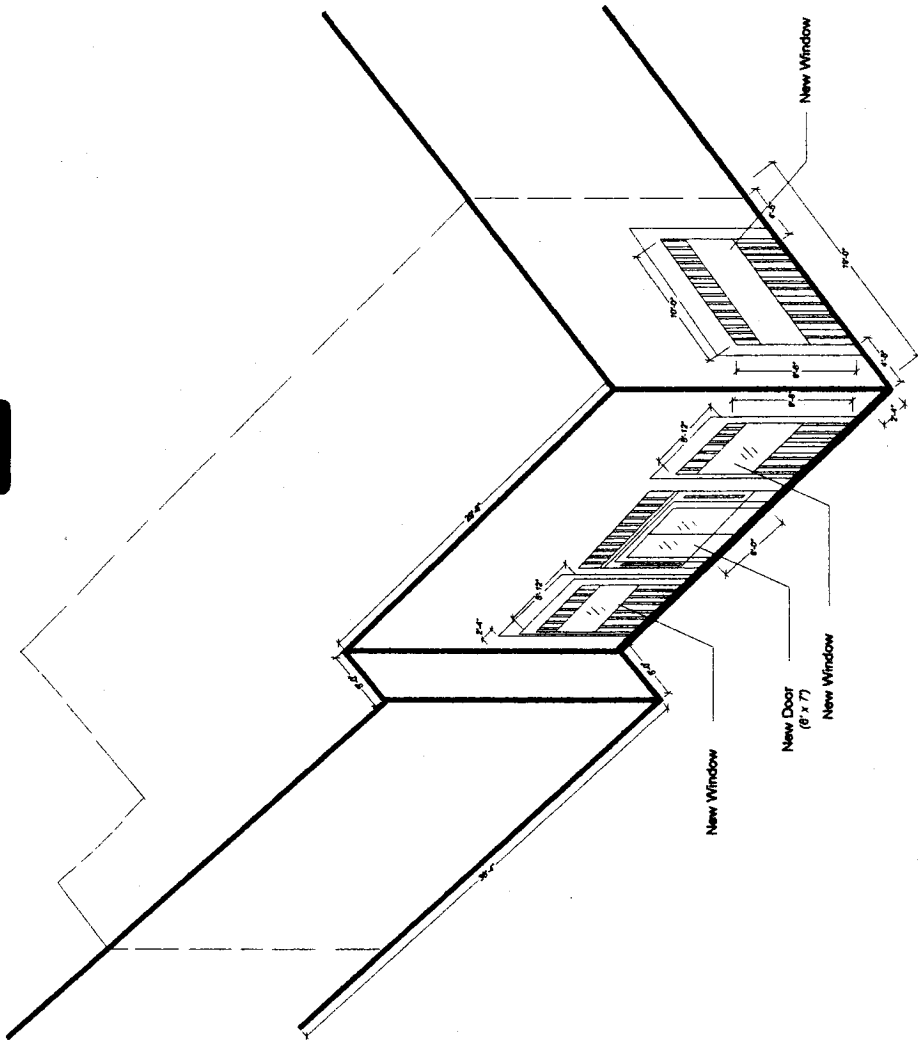
- 5**
- 530 – Available
 - 532 – Travelex
 - 534 – Gem Classics
 - 540 – Sebastian's
 - 544 – Mercier Wine Bar

- 9**
- 900 – TGI Friday's

- 8**
- 1000 – Bed Bath & Beyond
 - 850 – Parkway Eyecare
 - 834 – MPI Architects
 - 864 – Brook Mays Music
 - 860 – Mille Fleurs
 - 852 – Gloria's
 - 840 – Available
 - 836 – Salon Elle
 - 832 – DFW Diamonds (Office)
 - 820 – Kittrell/Riffkind Art Glass
 - 816 – Available
 - 808 – Diamontrigue
 - 800 – Liz Morgan
 - 804 – Celebrity Bakery

- 6**
- 612 – Grand Spa
 - 610 – Mella Sadi Men's Boutique
 - 600 – 24 Hour Fitness

- 2**
- 256 – Original House of Pancakes
 - 230 – The Expressionists
 - 216 – Available
 - 244 – Scott Trade
 - 232 – Bikram Yoga
 - 228 – Z Cleaners
 - 212 – Cool Jool
 - 208 – Dream Cafe



Scale: 3/16" = 1'-0"

Lee's Construction Co.
 3711 Everton Dr.
 Flower Mound, TX 75022
 Bus. 214-837-5000
 Fax. 972-874-9389

Pacuigo New Elevation
 5100 Beltline Rd. #704
 Dallas, TX 75254