

ORDINANCE NO. 007-009

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 PHO QUO HUONG, LOCATED AT 4826 BELT LINE ROAD 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 Pho Quo Huong. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 2,160 square foot lease space, located in a shopping center, and addressed as 4826 Belt Line Road, and being on a tract or parcel of land situated in the Town of Addison, Texas and being out of the Josiah Pancoast Survey, Abstract 1146; and being Site 6, Block 1, Quorum West, an addition recorded in Volume 82053, Page 1316 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner at the intersection of the southerly line of Belt Line Road (110 feet wide) and the westerly line of Landmark Boulevard (80 feet wide);

THENCE South 0 degrees 12'57" East along said southerly line of Belt Line Road (110 feet wide) and the westerly line of Landmark Boulevard a distance of 205.00 feet to the beginning of a curve to the left;

THENCE in a southerly, southeasterly direction continuing along said westerly line of Landmark Boulevard and along said curve to the left having a radius of 1403.31 feet, a central angle of 7 degrees 59'15" and an arc length of 195.63 feet to a point for corner and to the end of said curve to the left;

THENCE South 89 degrees 47'03" West a distance of 364.98 feet to a point for corner in the easterly line of a St. Louis and Southwestern Railroad right-of-way (100 feet wide);

THENCE North 17 degrees 06'17" West along said easterly line of the railroad right-of-way a distance of 162.11 feet to a point for corner;

THENCE North 27 degrees 09'19" East along the easterly line of a tract of land dedicated for Inwood Road (variable width) a distance of 25.92 feet to the beginning of a curve to the left;

THENCE in a northeasterly, northerly direction along said eastern line of Inwood Road Dedication and along said curve to the left having a radius of 470.00 feet; a central angle of 28 degrees 04'33" and an arc length of 230.31 feet to a point for corner and to the end of said curve to the left;

THENCE North 89 degrees 47'03" East along the said southerly line of Belt Line Road a distance of 333.96 feet to the POINT OF BEGINNING and containing 145,861 square feet more or less or 3.3485 acres.

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 2,160 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.
4. The parking requirement for the restaurant shall be set at fifteen (15) spaces.

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 13th day of March, 2007.


MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 1536-SUP/Pho Quo Huong

APPROVED AS TO FORM:

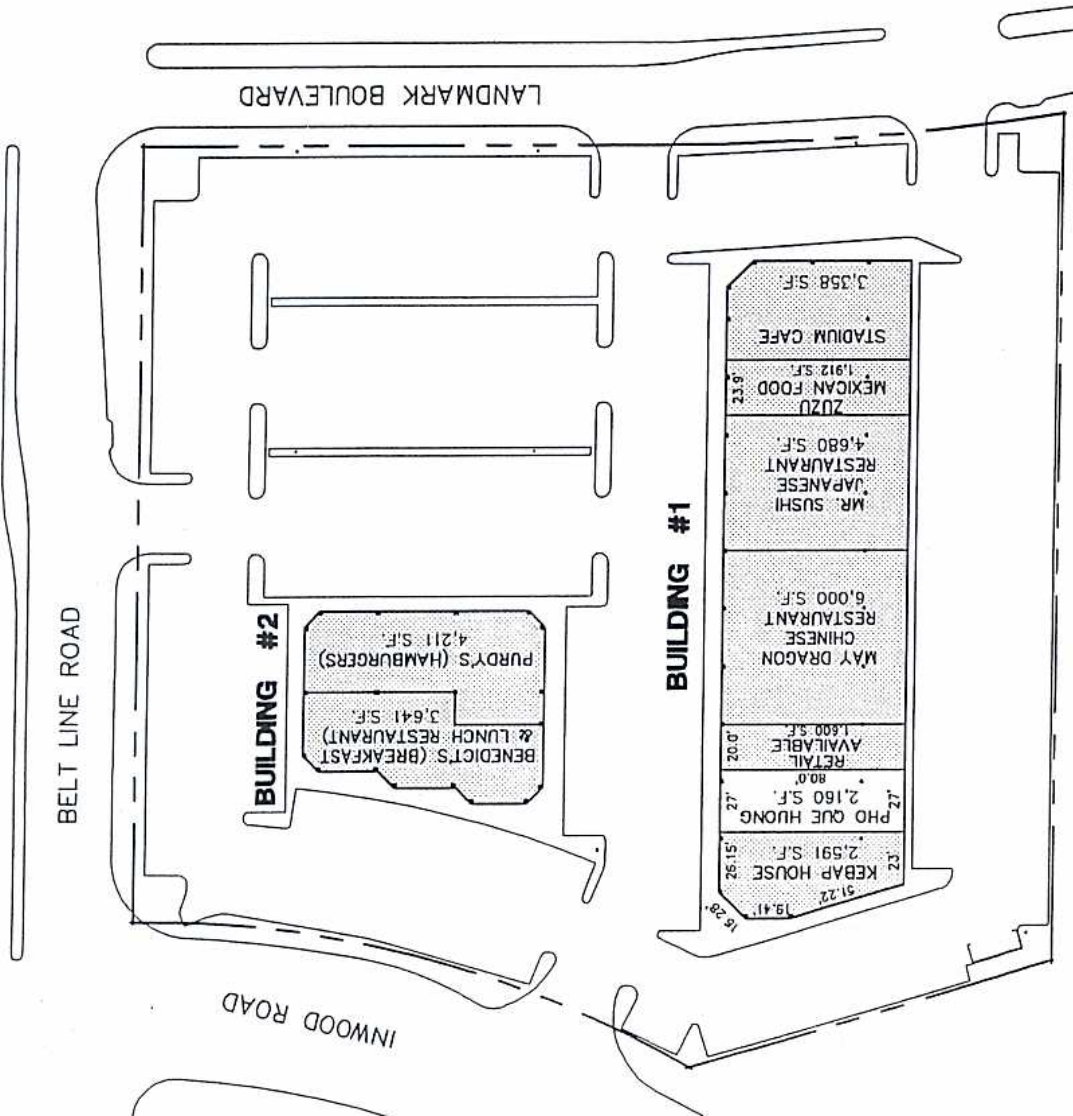

DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: 4/6/2007

INWOOD QUORUM VILLAGE

ADDISON, TEXAS

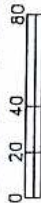
PESKIND DEVELOPMENT COMPANY
P.O. BOX 835183
RICHARDSON, TEXAS 75083-5183
PHONE: (972) 980-0080



GENERAL AREA MAP ADDISON, TEXAS



SITE PLAN

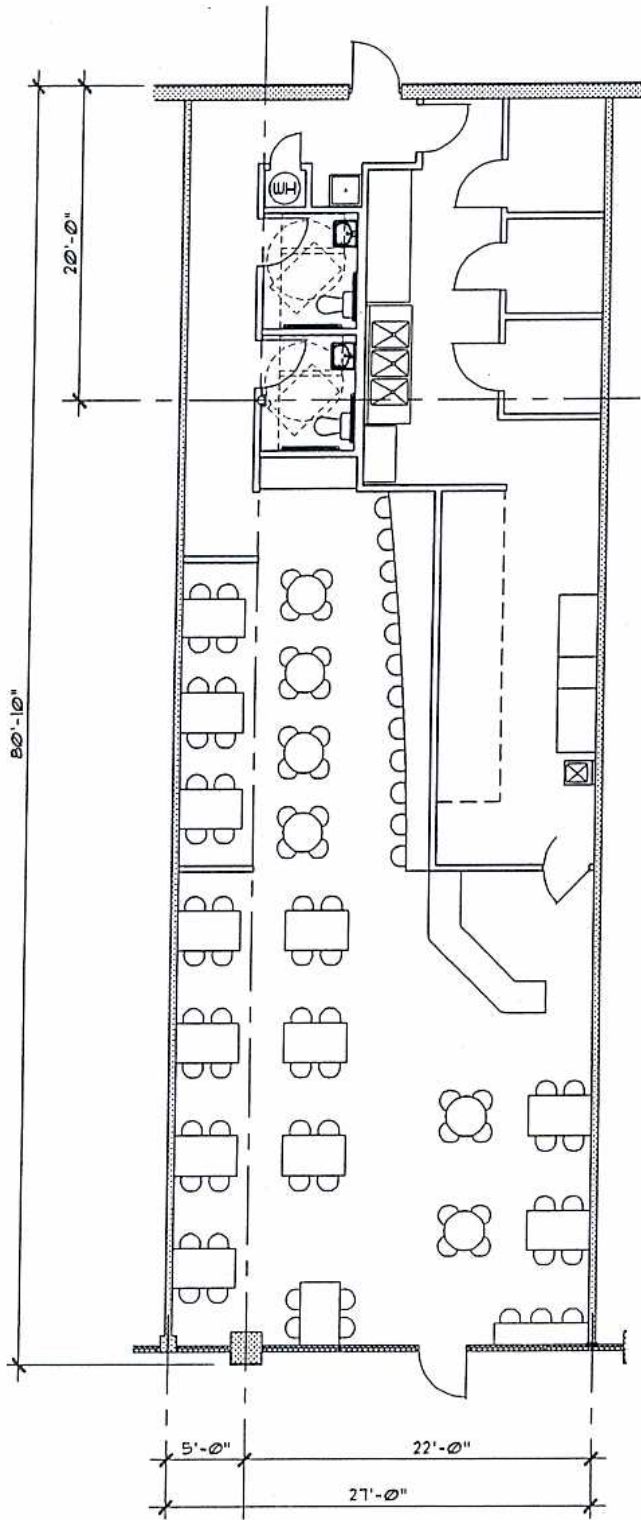


TABULATION

SITE AREA:	145,861 SQ FT
GROSS BLDG. AREA: BLDG. #1	22,301 SQ FT
BLDG. #2	7,852 SQ FT
TOTAL GROSS BLDG. AREA:	30,153 SQ FT

EXISTING TENANTS AS SHOWN MAY CHANGE. DUMPSTER ENCLOSURE AREAS, TXU TRANSFORMERS, OUTSIDE MAT WASHING AREA, ETC. ARE NOT SHOWN.

EXHIBIT "A"



NOTE: SHADED WALLS ARE EXISTING

PRELIMINARY FLOOR PLAN

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

2,160 S.F.

4826 BELTLINE ROAD