

ORDINANCE NO. 007-013

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 RISE AND DINE RESTAURANT, LOCATED AT 4135 BELT LINE ROAD, SUITE 100, 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 Rise and Dine Restaurant. Said

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

Rise and Dine Restaurant, being a 2,628 square foot lease space, addressed at 4135 Belt Line Road, Suite 100, located in a retail center that is beginning at an "X" cut set for corner at the southeast corner of said Lot 3A and the southwest corner of Goff Addition as recorded in Volume 80005, Page 3044, D.R.D.C.T., said "X" cut being in the north Right of Way line of Belt Line Road (100' ROW);

THENCE North 89 degrees 51 minutes 55 seconds West following the north ROW line of said Belt Line Road a distance of 30.00 feet to a ½ inch iron rod set for corner;

THENCE North 83 degrees 33 minutes 22 seconds West following the north ROW line of said Belt Line Road a distance of 100.12 feet to a ½ inch iron rod set for corner;

THENCE North 89 degrees 51 minutes 55 seconds West following the north ROW line of said Belt Line Road a distance of 152.00 feet to a ½ inch iron rod set for corner;

THENCE South 00 degrees 08 minutes 05 seconds West following the north ROW line of said Belt Line Road a distance of 11.00 feet to a ½ inch iron rod set for corner;

THENCE North 89 degrees 51 minutes 55 seconds West following the north ROW line of said Belt Line Road a distance of 464.64 feet to a 1 inch iron pipe found for corner;

THENCE North 00 degrees 03 minutes 55 seconds West a distance of 350.00 feet to a ½ inch iron rod found for corner in the south Right of Way line of Centurion Way (60' ROW);

THENCE South 89 degrees 51 minutes 55 seconds East following the north ROW line of said Centurion Way a distance of 747.36 feet to a 3/8 inch iron rod found for corner at the northwest corner of said Goff Addition;

THENCE South 00 degrees 08 minutes 05 seconds West a distance of 350.00 feet to the POINT OF BEGINNING and containing 259,142 square feet pr 5.949 acres of land.

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 2,628 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 8th day of May, 2007.

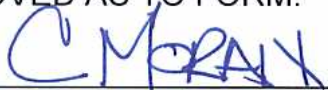

MAYOR

ATTEST:

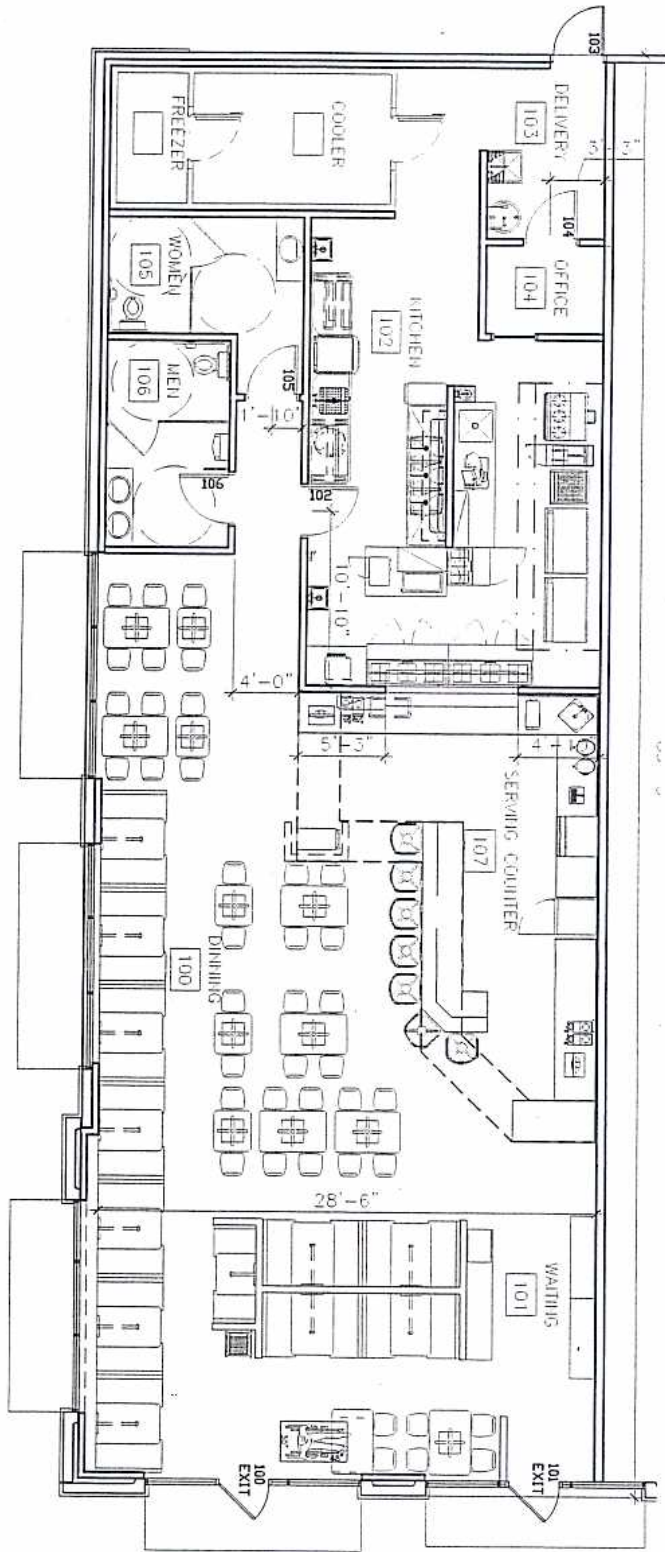

CITY SECRETARY

CASE NO. 1539-SUP/RISE AND DINE RESTAURANT

APPROVED AS TO FORM:


Director of Development Services

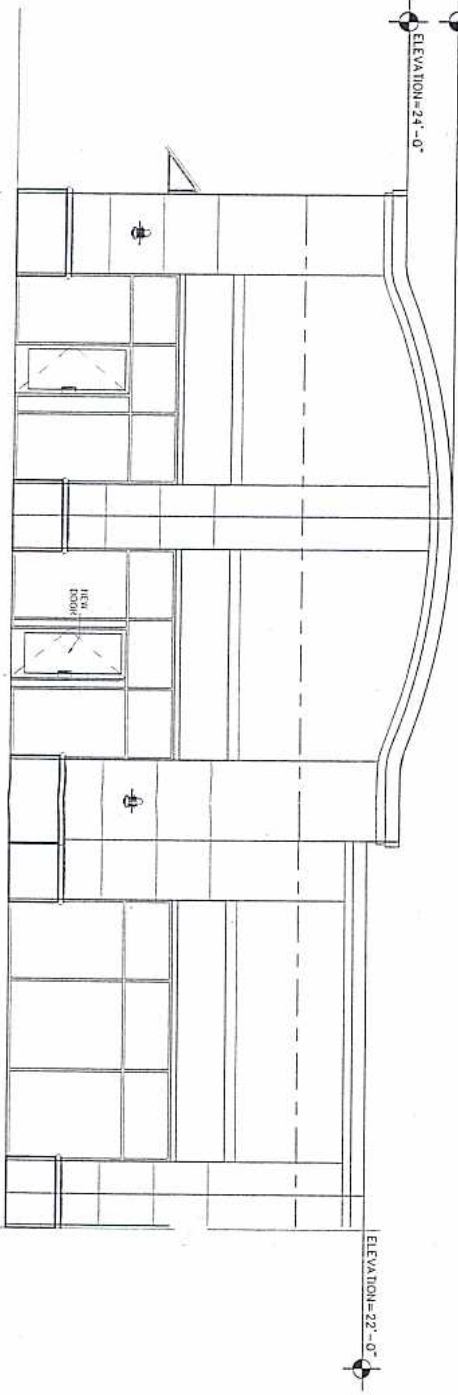
PUBLISHED ON: 6/29/2007



A FLOOR PLAN
SCALE 1/8"=1'-0"

GROSS AREA, GROSS SOFT SEATING, WAITING & STANDING AREAS = 100 SEATING/STDC.

ELEVATION=27'-0"
ELEVATION=24'-0"



B ELEVATION
SCALE 1/8"=1'-0"

RISE AND DINE

ELEVATION=22'-0"

LEASEHOLD IMPROVEMENTS FOR:

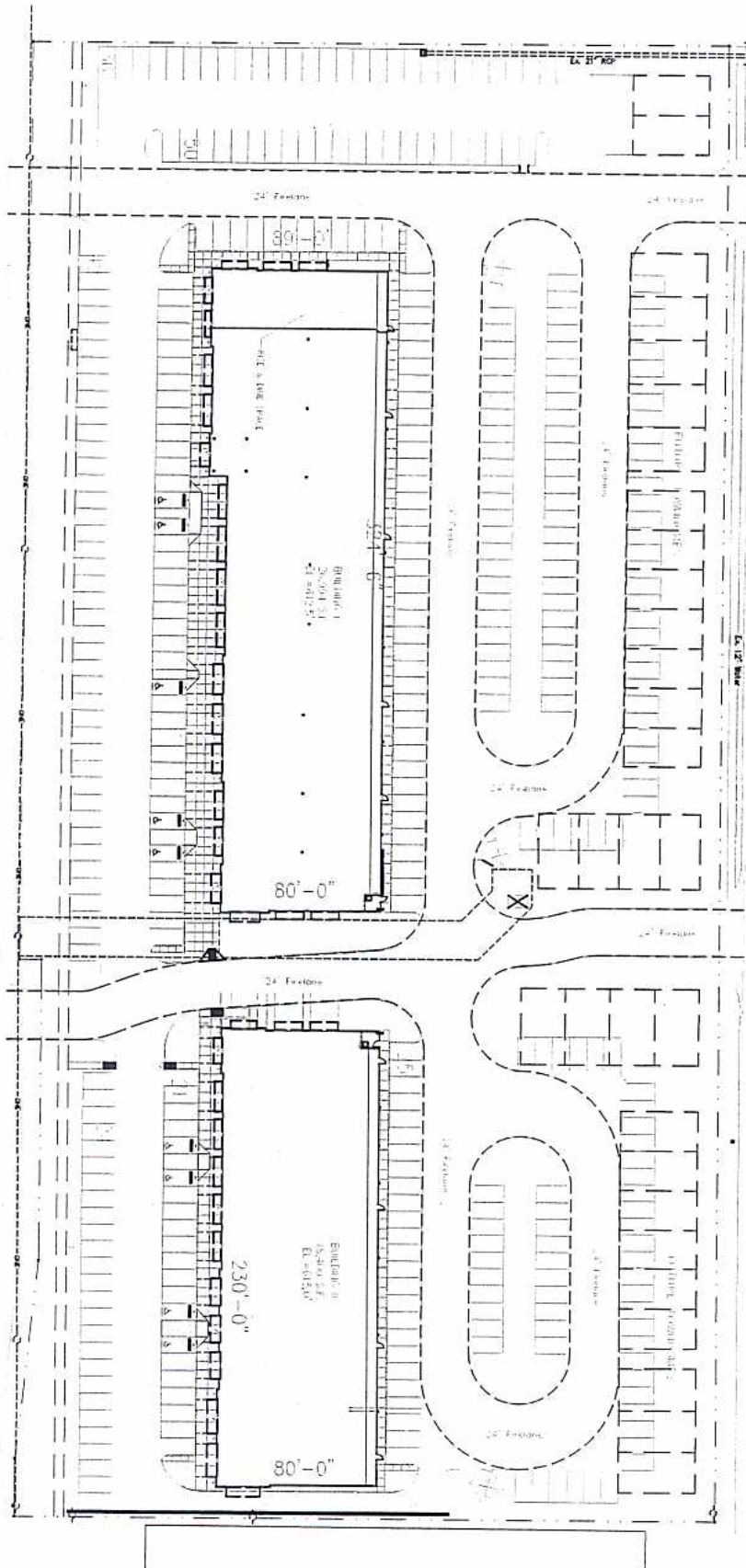
RESTAURANT

BUILDING ONE (WEST)
SUITE 100
ADDISON, TEXAS

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PERMITS AND LICENSING NO. 007-013



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Tenant Improvement:
RISE & DINE RESTAURANT
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