

**TOWN OF ADDISON, TEXAS
ORDINANCE NO. 007-037**

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 MARBLE SLAB CREAMERY, LOCATED AT 4937 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 on application from Marble Slab Creamery. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

Being a 1,393' lease space, addressed as 4937 Belt Line Road and located on a tract of land situated in the G.W. FISHER SURVEY ABSTRACT NO. 482, Dallas County, Texas and being all of LOT 1, BLOCK A OF BELTWAY-CENTRE ADDITION, an addition to the Town of Addison according to the plat as recorded in Volume 2003101, page 21 of the Deed Records of Dallas County, Texas (DRDCT) and being all of LOT 3 OF BELT LINE – QUORUM ADDITION, an addition to the Town of Addison according to the plat as recorded in Volume 91077, Page 4068 (DRDCT) and being more particularly described as follows:

Beginning at a 5/8 inch iron rod set in the easterly right-of-way line of ADDISON ROAD (a variable width right-of-way) and in the northerly line of a tract of land described in a deed to MARK A. ALBERT as recorded in Volume 97002, Page 3045 (DRDCT), said point being located North 00°17'00" East, a distance of 180.02 feet and South 89°57'30" East from the northerly corner of a corner clip at the intersection of the easterly right-of-way line of said ADDISON ROAD and the northerly right-of-way line of Belt Line Road (variable width right-of-way);

THENCE along the easterly right-of-way line of said ADDISON ROAD, North 00°17'00" East, a distance of 307.93 feet to a 5/8 inch iron rod set for corner in the southwesterly corner of LOT 1 of ADDISON ROAD-QUORUM ADDITION, an addition to the Town of Addison according to the plat as recorded in Volume 93041, Page 2824 (DRDCT);

THENCE departing the easterly right-of-way line of said ADDISON ROAD, South 89°43'00" East, a distance of 271.50 feet to a 5/8 inch iron rod found at the southeasterly corner of said LOT 1;

THENCE North 00°17'00" East, a distance of 238.51 feet to a 5/8 inch iron rod set for corner at the southwesterly corner of LOT 1, BLOCK A OF SUMMERFIELDRAPAHODDISON ADDITION, an addition to the Town of Addison according to the plat as recorded in Volume 95119, page 4232 (DRDCT);

THENCE South 89°43'00" East, a distance of 354.91 feet to a 5/8 inch iron rod set at the southeasterly corner of said LOT 1, BLOCK A;

THENCE North 00°17'00" East, a distance of 31.20 feet to a 5/8 inch rod found at the southwesterly corner of QUORUM CENTRE-EAST NO. 2 ADDITION, an addition to the Town of Addison according to the plat as recorded in Volume 96187, Page 1867 (DRDCT);

THENCE South 89°57'28" East, a distance of 52.76 feet to a 5/8 inch iron rod found at the northwesterly corner of QUORUM CENTRE-EAST NO. 1

ADDITION, an addition to the Town of Addison according to the plat as recorded in Volume 95100, Page 3266 (DRDCT);

THENCE South 00°15'00" East, a distance of 175.00 feet to a 5/8 inch rod set at the southwesterly corner of said QUORUM CENTRE-EAST NO. 1 ADDITION;

THENCE South 89°57'28" East, a distance of 9.91 feet to an "X" cut set for corner;

THENCE South 00°15'05" East, a distance of 137.67 feet to a 5/8 inch iron rod set for corner;

THENCE North 89°57'28" West, a distance of 30.00 feet to a 5/8 inch iron rod found for corner;

THENCE South 00°15'05" East, a distance of 105.00 feet to an "X" cut found at the southwesterly corner of aforementioned QUORUM CENTRE-EAST NO. 1 ADDITION;

THENCE South 89°57'28" East, a distance of 56.92 feet to a 5/8 inch iron rod set at the northeasterly corner of LOT 3 of aforementioned BELT LINE-QUORUM ADDITION;

THENCE South 00°14'01" East, a distance of 124.60 feet to a 5/8 inch iron rod set for corner;

THENCE South 89°57'28" East, a distance of 123.25 feet to a 5/8 inch iron rod set for corner;

THENCE South 00°14'01" East, a distance of 232.73 feet to a 5/8 inch iron rod set for corner in the northerly right-of-way line of aforementioned BELT LINE ROAD;

THENCE along the northerly right-of-way line of said BELT LINE ROAD, North 89°57'28" West, a distance of 211.00 feet to a 5/8 inch iron rod found for corner;

THENCE departing the northerly right-of-way line of said BELT LINE ROAD, North 00°14'01" West, a distance of 357.33 feet to a 5/8 inch iron rod found for corner;

THENCE North 00°02'32" East, a distance of 23.31 feet to a 5/8 inch iron rod set for corner;

THENCE West, a distance of 220.64 feet to a 5/8 inch iron rod set for corner;

THENCE South 00°14'17" East, a distance of 242.61 feet to a 5/8 inch iron rod set for the beginning of a curve to the right having a radius of 115.00 feet, a chord bearing of South 18°38'23" West and a chord length of 74.42 feet;

THENCE along said curve to the right through a central angle of 37°45'20" for an arc length of 75.78 feet to a 5/8 inch iron rod set for the beginning of a curve to the left having a radius of 100.00 feet, a chord bearing of South 19°47'01" West and a chord length of 60.92 feet;

THENCE along said curve to the left through a central angle of 35°28'03" for an arc length of 61.90 feet to a 5/8 inch iron rod set for corner in the northerly right-of-way line of aforementioned BELT LINE ROAD;

THENCE along the northerly right-of-way line of said BELT LINE ROAD as follows:

North 89°57'28" West, a distance of 15.16 feet to a 5/8 inch iron rod set for corner;

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

North 89°57'28" West, a distance of 155.90 feet to a 3/4 inch iron rod found at the southeasterly corner of aforementioned MARK A. ALBERT tract;

THENCE departing the northerly right-of-way line of said BELT LINE ROAD, North 00°02'30" East, a distance of 200.00 feet to a 5/8 inch iron rod set for corner;

THENCE North 89°57'30" West, a distance of 188.00 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 8.306 acres or 361.800 square feet 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 floor plan which is attached hereto and made a part hereof for all purposes.

2. That the Special Use Permit granted herein shall be limited to a restaurant and the sale of alcoholic beverages for on-premises consumption only and to that particular area designated on the final site plan as encompassing a total area not to exceed 1,393 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.

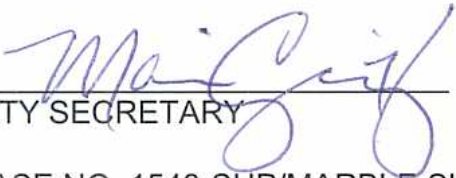
SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 13th day of November 2007.

MAYOR



ATTEST:



CITY SECRETARY

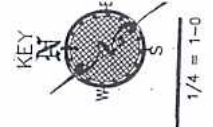
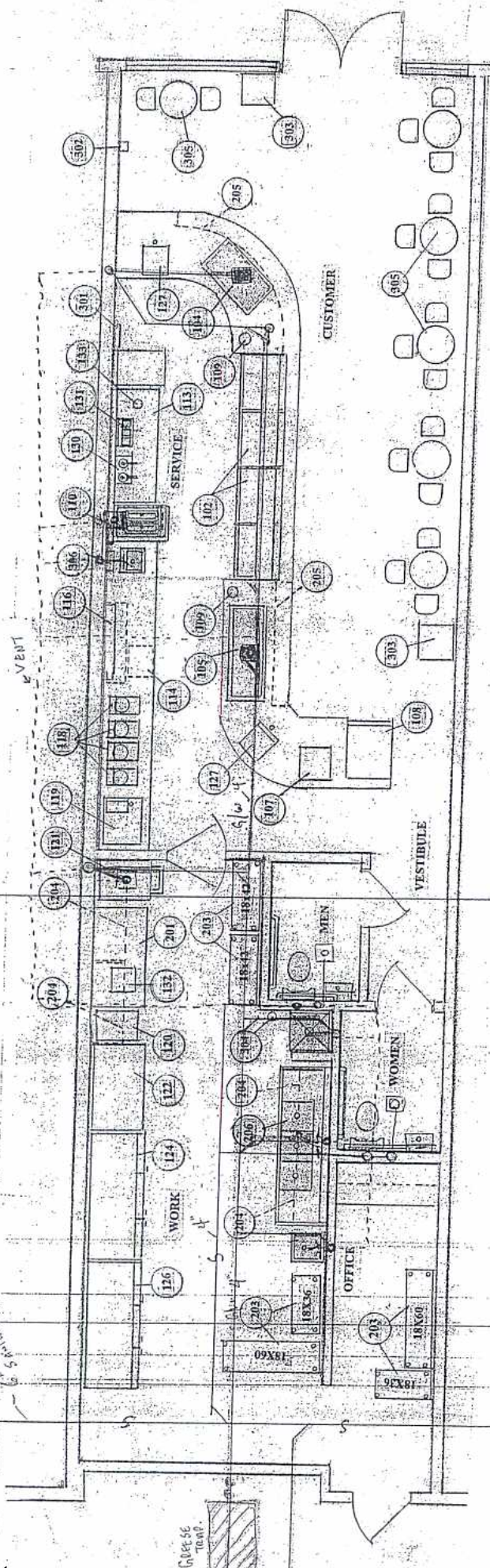
CASE NO. 1548-SUP/MARBLE SLAB CREAMERY

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: 12/15/2007



4937 Beltline Road
Addison, Texas

2 Plumbing Plan

Case File # 1548-SUP