

**TOWN OF ADDISON, TEXAS
ORDINANCE NO. 010-009**

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 SCHLOTZKY'S SANDWICHES, LOCATED AT 3740 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 to Schlotzky's Sandwiches. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 2,841 square foot lease space, addressed as 3740 Belt Line Road, and part of a certain lot, tract or parcel of land situated in the Town of Addison, Dallas County, Texas; and being out of the Thomas L. Chenowith Survey, Abstract No. 273; and being part of Les Lacs Plaza Subdivision, an addition to the Town of Addison as recorded in Volume 83064, Page 2724 of the map records of Dallas County, Texas; and also being part of Printemps Addition No. 1, an addition to the Town of Addison as recorded in Volume 89013, Page 0827 of the map records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the southerly right-of-way line of Belt Line Road (100.00 foot right-of-way), said iron being easterly along said southerly line a distance of 460.00 feet from its intersection with the southeasterly cutoff line between the easterly right-of-way line of Marsh Lane (100.00 foot right-of-way) and said southerly line of Belt Line Road;

THENCE: S 88°53'15" E, along said southerly line a distance of 48.54 feet to a 1/2 " iron rod found for an angle point;

THENCE: S 89°00'26" E, continuing along said southerly line a distance of 464.39 feet to a 5/8" iron rod set for corner in the new right-of-way take line of Belt Line Road;

THENCE: S 82°41'55" E, continuing along said new right-of-way line a distance of 100.11 feet to a 5/8" iron rod set for an angle point;

THENCE: S 89°00'26" E, continuing along the said new right-of-way line a distance of 156.50 feet to an "X" set in concrete for corner in the west line of a 20' x 260' quit claim tract from the Town of Addison, Texas as recorded in Volume 92205 at page 5407 of the Deed Records of Dallas County, Texas;

THENCE: N 00°59'34" E, a distance of 11.00 feet to the northwest corner of said quit claim tract, said point being in the south line of Belt Line Road (100.00 foot right-of-way at this point);

THENCE: S 89°00'26" E, along the south line of Belt Line Road a distance of 20.00 feet to an "X" set in concrete, said point being the northeast corner of the Printemps Addition No. 1;

THENCE: S 00°59'34" W, along the east line of said Printemps Addition No. 1 a distance of 260.00 feet to the southeast corner of same 1/2" iron rod found for corner;

THENCE: S 89°00'26" E, a distance of 20.00 feet to a 5/8" iron rod set for corner, said point being the southwest corner of Lot 2-R in Block A of Printemps Addition No. 2, an addition to the Town of Addison as recorded in Volume 92165 at Page 2251 of the map records of Dallas County, Texas;

THENCE: S 00°59'34" W, a distance of 32.25 feet to a 5/8" iron rod set for corner;

THENCE: N 89°00'26" W, a distance of 136.87 feet to a 5/8" iron rod set for corner;

THENCE: S 00°59'34" W, a distance of 857.82 feet to a 5/8" iron rod set for corner;

THENCE: S 85°27'35" W, a distance of 20.51 feet to a 5/8" iron rod set for corner;

THENCE: S 75°01'43" W, a distance of 202.33 feet to a 5/8" iron rod set for corner;

THENCE: N 81°28'21" W, a distance of 275.83 feet to a 5/8" iron rod set for corner;

THENCE: N 72°06'23" W, a distance of 572.16 feet to a 5/8" iron rod set for corner;

THENCE: N 43°29'15" W, a distance of 126.94 feet to a 5/8" iron rod set for corner;

THENCE: N 72°06'23" W, a distance of 27.55 feet to a 5/8" iron rod set for corner in the easterly line of aforesaid Marsh Lane;

THENCE: N 00°56'06" E, along said easterly line of Marsh Lane, a distance of 369.87 feet to a 1/2" iron rod found for corner;

THENCE: S 89°03'57" E, a distance of 248.50 feet to a 1/2" iron rod found for the southwest corner of aforesaid Printemps Addition No. 1;

THENCE: N 00°56'06" E, along the west line of said Printemps Addition No. 1, a distance of 284.73 feet to a 1/2" iron rod found for corner;

THENCE: S 88°53'11" E, along said west line a distance of 230.72 feet to a 1/2" iron rod for corner;

THENCE: N 01°06'45" E, Continuing along said west line a distance of 252.35 feet to the place of beginning and containing 25.9430 acres of land, more or less.

TRACT II

BEING a tract of land situated in the Town of Addison, Dallas County, Texas and being part of the Thomas L. Chenoweth Survey, Abstract No. 273 and also being part of Les Lacs Plaza Subdivision, an addition to the Town of Addison, as recorded in Volume 83064, Page 2724 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod for corner in the southerly right-of-way line of Belt Line Road (100 feet wide), said point being easterly along said southerly line 1,248.93 feet from its intersection with the southeasterly cutoff line between the easterly right-of-way line of Marsh Lane (100 feet wide) and said southerly line of Belt Line Road;

THENCE: S 89°00'26" E continuing along the said southerly line a distance of 358.77 feet to an iron rod and the beginning of a curve to the left;

THENCE: northeasterly continuing along the said southerly line and along said curve to the left having a radius of 1,960.00 feet, a central angle of 9°58'40" and an arc length of 341.32 feet to an iron rod for corner;

THENCE: S 25°08'43" E along the southwesterly line of a tract of land conveyed to First Interstate Bank of Texas by deed as recorded in Volume 88192, Page 2509 of the Deed Records of Dallas County, Texas a distance of 498.12 feet to an iron rod for corner;

THENCE: S 79°49'35" W along a northerly line of a tract of land conveyed to Les Lacs Plaza Joint Venture by deed as recorded in Volume 88125, Page 0467 of the Deed Records of Dallas County, Texas a distance of 535.35 feet to an iron rod for corner;

THENCE: N 14°58'28" W along the northeasterly line of a tract of land conveyed to Co-Tenancy et.al. by deed as recorded in Volume 88125, Page 0467 of the Deed Records of Dallas County, Texas a distance of 535.35 feet to an iron rod for corner;

THENCE: in a northwesterly direction continuing along said northeasterly line and along said curve to the left having a radius of 260.50 feet, a central angle of 38°46'04" and an arc length of 176.26 feet to an iron rod and the end of said curve and the beginning of a curve to the left;

THENCE: continuing in a northwesterly direction along said northeasterly line and along said curve to the left having a radius of 377.27 feet, a central angle of 35°15'54" and an arc length of 232.21 feet to a point for corner;

THENCE: N 89°00'26" W along the northerly line of said co-tenency et. al. tract a distance of 60.15 feet to an iron rod for corner;

THENCE: N 00°59'34" East along the easterly line of a tract of land conveyed to Pacwes LTD. by deed as recorded in Volume 88159, Page 4525 of the Deed Records of Dallas County, Texas a distance of 260.00 feet to the POINT OF BEGINNING and containing 329,917 square feet or 7,5739 acres of land, more or less.

TRACT III

BEING all that certain lot, tract or parcel of land situated in the Town of Addison, Dallas County, Texas; and being out of the Thomas L. Chenoweth Survey, Abstract No. 273; and being part of Les Lacs Plaza subdivision, an addition to the Town of Addison as recorded in Volume 83064, Page 2724 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at the most westerly southwest corner of the replat of Printemps Addition No. 2, an addition to the Town of Addison as recorded in Volume 92162, page 2251 of the Map Records of Dallas County, Texas; 1/2" iron rod found for corner;

THENCE S 89°00'26" E, along the southwesterly line of said addition, a distance of 40.15 feet to a 1/2" iron rod found at the beginning of a curve to the right having a central angle of 35°15'54" and a radius of 377.27 feet whose center bears S 00°59'32" W;

THENCE Southeasterly along said curve to the right and said addition line an arc distance of 232.21 feet to a 1/2" iron rod found for corner at the end of said curve to the right; and the beginning of a curve to the right having a central angel of 38°46'06" and a radius of 260.50 feet whose center bears S 36°15'26" W;

THENCE southeasterly along said curve to the right and continuing along said addition line an arc distance of 176.26 feet to a 1/2" iron rod found for corner at the end of said curve to the right;

THENCE S 14°58'28" E, passing at 52.99 feet the most southerly southwest corner of said Printemps Addition No. 2, for a total distance of

127.99 feet to a 1/2" iron rod found for corner at the beginning of a curve to the right having a central angle of 29°37'16" and a radius of 308.05 feet whose center bears S 75°01'32" W;

THENCE Southerly along said curve to the right an arc distance of 159.26 feet to a 1/2" iron rod found for corner at the end of said curve to the right; and the beginning of a curve to the right having a central angle of 31°20'46" and a radius of 458.50 feet whose center bears N 75°21'12" W;

THENCE Southwesterly along said curve to the right an arc distance of 250.84 feet to a 1/2" iron rod found for corner at the end of said curve to the right;

THENCE S 45°59'34" W, a distance of 224.57 feet to a 5/8" iron rod set for corner;

THENCE S 85°27'35" W, a distance of 254.33 feet to a 5/8" iron rod set for corner;

THENCE N 00°59'34" E, a distance of 857.82 feet to a 5/8" iron rod set for corner;

THENCE S 89°00'26" W, a distance of 136.87 feet to a 5/8" iron rod set for corner;

THENCE N 00°59'34" E, a distance of 32.25 feet to the PLACE OF BEGINNING and containing 8.9812 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, landscaping plan, and elevation drawings, 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 and to that particular area designated on the final site plan as encompassing a total area not to exceed 2,841 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 April, 2010.


MAYOR-Joe Chow

ATTEST:


CITY SECRETARY-Lea Dunn

CASE NO. 1580-SUP/Schlitzky's Sandwiches

APPROVED AS TO FORM:


DIRECTOR OF DEVELOPMENT SERVICES-
Carmen Moran

Published 7/30/2010

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 010-009

