ORDINANCE NO. 011-009

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, BY APPROVING A CHANGE OF ZONING FROM INDUSTRIAL-1 TO LOCAL RETAIL, AND APPROVING A SPECIAL USE PERMIT FOR THE SALE OF BEER AND WIN FOR OFF-PREMISES CONSUPMTION ONLY, LOCATED ON THE PROPERTY GENERALLY LOCATED AT 15196 MARSH LANE, ON APPLICATION FROM RACE TRAC PETROLEUM, PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A REPEAL CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR A PENALTY 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 ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, is hereby amended so as to change the zoning on the property generally located at 15196 Marsh Lane from Industrial-1 (I-1) to Local Retail (LR), said zoning amendment shall be noted on the official zoning map of the Town of Addison, Texas, and is situated on the following described land:

BEING a tract of land situated in the City of Addison, Dallas County, Texas and being a portion of Block 1, Belt Line/Marsh Business Park as recorded in Volume 81060, Page 170 of the Deed Records of Dallas County, Texas, said tract also being a portion of a parcel of land deeded to A. Lee Pfluger Children's Trust as recorded in Volume 95134, Page 2868, said tract of land being described by metes and bounds as follows:

BEGINNING at a set cotton spindle at the southwest corner of Pfluger Addition as recorded in Volume 94176, Page 1650 of said Deed Records, said set cotton spindle being on the East right-of-way line of Marsh Lane, a 100 foot right-of-way:

THENCE

SOUTH 77 degrees 47 minutes 59 seconds EAST, departing The east right-of-way line of said Marsh Lane and along the South Line of said Pfluger Addition, a distance of 222.67 feet to a set 5/8 inch capped iron rod ("BHB INC"), said set 5/8 inch capped iron rod ("BHB INC"), being on the North line of a 12 foot right-of-way dedication to the Town of Addison as recorded in Volume 94138, Page 4334 of said Deed Records, from said set 5/8 inch capped iron rod ("BHB INC"), a found ½ inch iron rod at the southeast corner of said A. Lee Pfluger Children's Trust parcel, bears SOUTH 77 degrees 47 minutes 59 seconds EAST, a distance of 233.27 feet;

THENCE

SOUTH 12 degrees 12 minutes 01 seconds WEST, departing the South line of said Pfluger Addition, a distance of 222.67 feet to a set 5/8 inch capped iron rod ("BHB INC"), said set 5/8 inch capped iron rod ("BHB INC"), being on the North line of a 12 foot right-of-way dedication to the Town of Addison as recorded in Volume 94138, Page 4334 of said Deed Records, from said set 5/8 inch capped iron rod ("BHB INC"), a found ½ inch iron rod at the southeast corner of said A/ Lee Pfluger Children's Trust parcel, bears SOUTH 77 degrees 47 minutes 59 seconds EAST, a distance of 233.27 feet;

THENCE

NORTH 77 degrees 47 minutes 59 seconds WEST, along the North line of said 12 foot right-of-way dedication, a distance of 22.40 feet to a point at the beginning of a curve, concave southerly, having a radius of 542.00 feet, a delta angle of 08 degrees 06 minutes 35 seconds, a chord bearing of NORTH 81 degrees 51 minutes 17 seconds WEST, and a chord distance of 76.65 feet, from said point a found 3/8 inch iron rod bears SOUTH 20 degrees 27 minutes 49 seconds WEST, a distance of 0.19

feet;

THENCE

Westerly along said curve, and along the North line of said 12 foot Right-of-way dedication, an arc length of 76.72 feet to a set 5/8 inch capped iron rod ("BHB INC") at the beginning of a reverse curve, concave northerly, having a radius 458.00 feet, a delta angle of 08 degrees 06 minutes 35 seconds, a chord bearing of NORTH 81 degrees 51 minutes 16 seconds WEST, and a chord distance of 64.77 feet;

THENCE

Westerly, along said reverse curve, and along the North line of Said 12-foot right-of-way dedication, an arc length of 64.83 feet to a set 5/8-inch capped iron rod ("BHB INC");

THENCE

NORTH 77 degrees 47 minutes 59 seconds WEST, along the North Line of said 12-foot right-of-way dedication, a distance of 119.61 feet to a set 5/8-inch capped iron rod ("BHB INC");

THENCE

NORTH 22 degrees 57 minutes 16 seconds WEST, along the North Line of said 12 foot right-of-way dedication, a distance of 14.15 feet to a set 5/8 inch capped iron rod ("BHB INC") on the East right-of-way line of said Marsh Lane, said set 5/8 inch capped iron rod ("BHB INC") also being at the beginning of a curve, concave westerly, having a radius of 1323.24 feet, a delta angle of 09 degrees 53 minutes 35

seconds, a chord bearing of NORTH 26 degrees 31 minutes 25 seconds EAST, and a chord distance of 228.20 feet;

THENCE

Northerly, along said curve and along the East right-of-way line of said Marsh Lane, an arc length of 228.48 feet to the POINT OF BEGINNING, containing 59,773 square feet or 1.372 acres, more or less.

SECTION 2. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, is also hereby amended so as to grant a special use permit for the sale of beer and wine for off-premises consumption only, said zoning amendment shall be noted on the official zoning map of the Town of Addison, Texas, and is situated on the land described in Section 1, above.

SECTION 3. That the Special Use Permit for the sale of beer and wine for offpremises consumption only is granted subject to the following conditions:

- 1. That the Special Use Permit granted herein shall be limited to sale of alcoholic beverages for off-premises consumption only and to that particular area designated on the final site plan as encompassing a total area not to exceed 3,420 square feet.
- 2. No signs advertising sale of alcoholic beverages shall be permitted other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the Town of Addison, Texas.
- 3. Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the Town of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
- 4. 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.
- 5. That if a license or permit to sell alcoholic beverages on property covered by this special use permit is revoked, terminated or cancelled by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.

SECTION 4. 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.

SECTION 5. 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 6. 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 8th day of February, 2011

MAYOR

ATTEST:

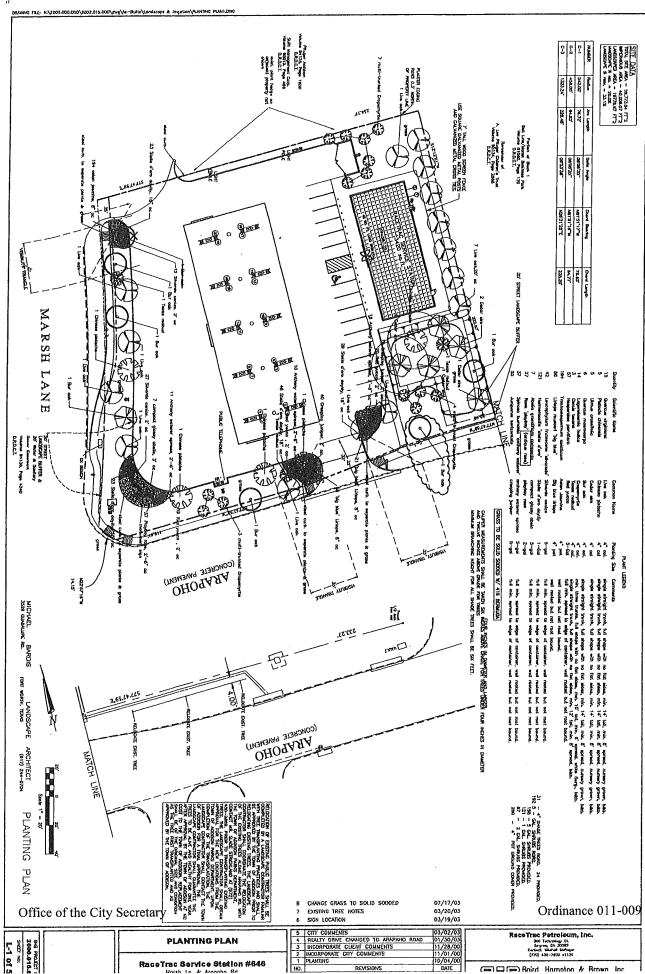
CITY SECRETARY

CASE NO.: 1618-SUP Race Trac Petroleum

APPROVED AS TO FORM:

DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: _____



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