

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 011- 013**

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, SO AS TO GRANT A SPECIAL USE PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION ONLY, ON APPLICATION WITH ADDISON MARKET, LOCATED AT 5049 ADDISON CIRCLE, IN AN URBAN CENTER ZONING DISTRICT; PROVIDING FOR SPECIAL CONDITIONS; PROVIDIING FOR A REPEAL CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR A SEVERABILITY 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, 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 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 following described land:

Being a 1,500 square foot lease space, addressed as 5049 Addison Circle, located on a tract described as follows:

BEING a tract of land situated in the G.W. Fisher Survey, Abstract No. 482, in the Town of Addison, Dallas County, Texas, and being a portion of three tracts of land deeded to OPUBCO Properties, Inc. as evidenced by three instruments recorded in Volume 82020, page 0684 and Volume 84151, page 3619, and Volume 85147, page 4305 all of the Deed Records of Dallas County, Texas, and all of the 1,413 acre tract and the 11.285 acre tract, save and except 0-2299 of an acre described in instrument to Addison Circle Two, Ltd. Texas. As recorded in Volume 97210, Page 1156 of the Deed Records, Dallas County, Texas and all of those lots described in instrument to Addison Townhomes One, Ltd., as recorded in Volume 99182, Page 03527 and all of that lot described in instrument to Champion Addison One Limited Partnership as recorded in Volume 978224, Page 00007, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a one-half inch iron rod found with "Huitt-Zollars" cap at the intersection of the north right-of-way line of the Dallas Area Rapid Transit Property Acquisition Corporation, (formerly St. Louis Southwestern Railroad) a 100 foot wide right-of-way, as evidenced by instrument recorded in Volume 91008, Page 1390 of the Deed Records of Dallas County, Texas, with the east right-of-way line of Quorum Drive as established by instrument to the Town of Addison, Texas as recorded in Volume 82093, Page 1077 of the Deed Records of Dallas County, Texas;

THENCE, North 00 degrees 08 minutes 00 seconds East along the east right-of-way line of Quorum Drive a distance of 96.69 feet to a one-half inch iron rod found with "Huitt-Zollars" cap at the beginning of a curve to the right having a radius of 1,392.39 feet;

THENCE, continuing along said east right-of-way line of Quorum Drive and along said curve to the right through a central angle of 06°52'23", an arc distance of 167.03 feet, being subtended by a chord which bears North 03°34'12" East, and is 166.93 feet in length to a one-half inch iron rod found with "Huitt-Zollars" cap;

THENCE, North 07°00'23" East continuing along the east right-of-way line of Quorum Drive a distance of 143.16 feet to a one-half inch iron rod found with "Huitt-Zollars" cap at the most southerly corner of a street right-of-way dedication as shown on final plat of Addison Circle Phase I as recorded in Volume 97101, Page 5801 of the Deed Records of Dallas County, Texas, and refilled in Volume 97189, Page 1039, Deed Records, Dallas County, Texas, said point being the beginning of a non-tangent curve to the left having a radius of 130.00 feet;

THENCE, along said street right-of-way dedication and along said curve to the left through a central angle of 144°58'13", an arc distance of 328.93 feet, being subtended by a chord which bears North 06°36'04" East, and is 247.95 feet in length to a one-half inch iron rod found with "Huitt-Zollars" cap on said east right-of-way line of Quorum Drive, said

point being the beginning of a non-tangent curve to the left having a radius of 1,472.39 feet;

THENCE, continuing along said east right-of-way line of Quorum Drive and along said curve to the left through a central angle of  $03^{\circ}17'22''$ , an arc distance of 84.53 feet, being subtended by a chord which bears North  $02^{\circ}33'54''$  East and is 84.52 feet in length to a one-half inch iron rod found with "Huitt-Zollars" cap for the point of tangency of said curve;

THENCE, North  $00^{\circ}55'13''$  East continuing along the east right-of-way line of Quorum Drive a distance of 339.66 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South  $89^{\circ}04'47''$  East departing said east right-of-way line of Quorum Drive a distance of 13.00 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South  $00^{\circ}55'13''$  West a distance of 34.50 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South  $89^{\circ}04'47''$  East a distance of 496.03 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, North  $00^{\circ}55'13''$  East a distance of 21.00 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE South  $89^{\circ}04'47''$  East a distance of 69.00 feet to a five-eighths inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE South  $00^{\circ}55'13''$  West a distance of 218.98 feet to a cut "X" set in concrete for a corner;

THENCE, North  $72^{\circ}58'59''$  East a distance of 427.05 feet to a cut "X" set in concrete on the east line of said OPUBCO tract recorded in Volume 85147, Page 4305 and the west right-of-way line of Dallas North Tollway, said point being the beginning of a non-tangent curve to the left having a radius of 1,997.84 feet;

THENCE, continuing along the east line of said OPUBCO tract and the west right-of-way line of Dallas North Tollway and along said curve to the left through a central angle of  $01^{\circ}54'29''$ , an arc distance of 98.74 feet and being subtended by a chord bearing South  $12^{\circ}05'47''$  East a distance of 98.73 feet to an "X" cut found in concrete;

THENCE, South  $13^{\circ}03'-2''$  East continuing along the east line of the OPUBCO tract and along the west right-of-way line of Dallas North Tollway a distance of 118.29 feet to the northwesterly right-of-way line of said Dallas Area Rapid Transit tract;

THENCE, South  $66^{\circ}45'01''$  West along the northwesterly right-of-way line of the Dallas Area Rapid Transit tract a distance of 1,411.55 feet to the POINT OF BEGINNING and CONTAINING 18.849 acres of land, more or less, SAVE and EXCEPT street rights-of-ways, alleys, and public open spaces dedicated by plat recorded in Volume 97217, Page 3056 of the Deed Records of Dallas County, Texas.

**SECTION 2.** That the Special Use Permit for the sale of beer and wine for off-premises 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 1,500 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.

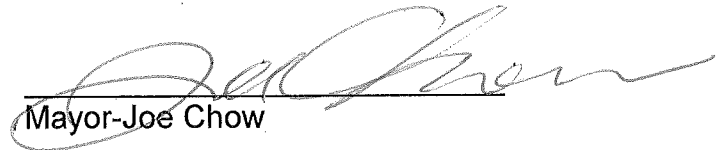
SECTION 3. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall be remain in full force and effect.

SECTION 4. 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.

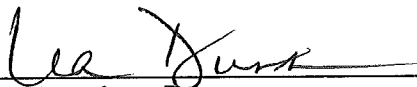
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or

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.

**DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 8<sup>th</sup> day of February 2011.**

  
Mayor-Joe Chow

ATTEST:

  
City Secretary-Lea Dunn

CASE NO.: 1622-SUP Addison Market

APPROVED AS TO FORM:

  
Director of Development Services-Carmen Moran

PUBLISHED ON: 4/6

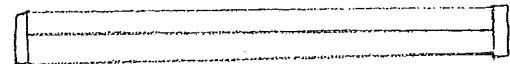
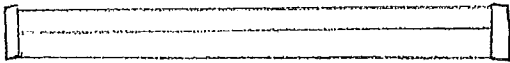
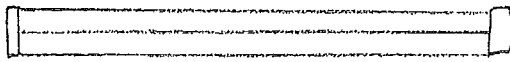
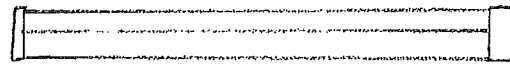


ADDISON MARKET  
5049, ADDISON CIRCLE  
ADDISON TX = 75001.

BEER & WINE DEPT.

WALK IN COOLER

DRINK COUNTER



CHECK OUT COUNTER

SPECTRUM DR

ENTRANCE

