

**TOWN OF ADDISON, TEXAS
ORDINANCE NO. 011-016**

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, BY AMENDING PLANNED DEVELOPMENT ORDINANCE 001-002, SECTION 2. IN ORDER TO ALLOW THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION ONLY, WITH A SPECIAL USE PERMIT, AND APPROVING A SPECIAL USE PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION ONLY, LOCATED ON THE PROPERTY GENERALLY LOCATED AT 4900 BELT LINE ROAD, SUITE 125, ON APPLICATION FROM 7-ELEVEN CONVENIENCE STORES #34676, 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 the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Ordinance, 001-002, Section 2, in order to read as follows:

SECTION 2. In the hereinabove described land, no land or building shall be used, erected or converted to any use other than:

- Antique shop
- Aquarium
- Art gallery
- Automotive goods, retail sales only
- Automotive service, limited to the K-Mart store only
- Bakery, retail sales only
- Bank, office, wholesale sales office or sample room
- Barber and beauty shops
- Bird and pet shops, retail
- Book or stationery store
- Camera shop
- Candy, cigars and tobaccos, retail sales only
- Caterer and wedding service, offices only
- Cleaning, dyeing and laundry pick-up station for receiving and delivery of articles to be cleaned
- Cleaning and pressing shops having an area of not more than 6,000 square feet
- Curtain cleaning shop having an area of not more than 6,000 square feet
- Department store, novelty or variety shop, retail sales only
- Drug store, retail sales only
- Florist, retail sales only
- Furniture store, retail only
- Grocery store, retail sales only
- Hardware, sporting goods, toys, paints, wallpaper, clothing, retail sales only
- Household and office furniture, furnishings, and appliances, retail only
- Job printing
- Jewelry, optical goods, photographic supplies, retail sales only
- Library, rental
- Meat market, retail sales only
- Office building
- Photographers or artists studio
- Parking lot without public garage or automobile facilities for the parking of passenger cars and trucks of less than one (1) ton capacity only
- Professional offices for architect, attorney, engineer, and real estate
- Piano and musical instruments, retail sales only
- Restaurant with or without sale of alcohol for on-premises consumption (subject to Special Use Permit approval)

Retail store/shop for custom work or the making of articles to be sold for retail on the premises
Sale of beer and wine for off-premises consumption only (subject to Special Use Permit approval)
Seamstress, dressmaker or tailor
Shoe repair shop, retail sales only
Studios, dance, music, drama, health, reducing
Studio for the display and sale of glass, china, art objects, cloth and draperies
Taxi stand
Video stores, sales and rental of video cassettes and players
Washateria, equipped with automatic washing machines of the type customarily found in a home and where the customers may personally supervise the washing and handling of their laundry
Wearing apparel, including clothing, shoes, hats, millinery and accessories
Accessory buildings and uses customarily incident to the above uses.

SECTION 2. 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 1,350 square-foot lease space, addressed as 4900 Belt Line Road, Suite 125, located on the property described as follows:

TRACT 1

BEING a 1,350 square-foot lease space, addressed as 4900 Belt Line Road, Suite 125, located on a 2.127-acre tract of land out of the Josiah Pancoast Survey, A-1146 in Dallas, County, Texas and being a part of a tract conveyed by deeds, recorded in Volume 67226, page -969, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at the northwest corner of Quorum, as recorded in Volume 79100, Page 1895; Plat Records, Dallas County, Texas, said point also being on the south right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE S 01 degrees 30'57" East along the west line of said Quorum Addition for a distance of 400.20 feet to a point for corner;

THENCE S 89 degrees 47'03" West for a distance of 334.08 feet to a point of curvature of a non-radial curve to the left which has a delta of 8 degrees 02'11", a radius of 1323.31 feet and a tangent of 92.96 feet;

THENCE along said curve to the left for a distance of 185.62 feet to the point of tangency;

THENCE N 0 degrees 12'57" West for a distance of 215.00 feet to a point for corner; said point being on the south right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE N 89 degrees 47'03" East along said south R.O.W. of Belt Line Road for a distance of 338.00 feet to a point for corner; said point being the POINT OF BEGINNING

CONTAINING 136,215.47 square feet or 3.127 acres of land.

TRACT 2

SITUATED in Dallas County, Texas being a tract of land out of the JOSIAH PANCOAST SURVEY< ABSTRACT NO> 1146, and also being out of Block 2 of Quorum, an Addition to the City of Addison, Texas, as recorded in Volume 79100, Page 1895, Plat Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the northwestern corner of Quorum, as recorded in Volume 79100, Page 1895, May 21, 1070, Plat Records, Dallas County, Texas. Said point being on the south right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE N 89 degrees 46'47" East along said Belt Line Road for a distance of 285.00 feet to a point for corner; said point being on the southwest corner of the intersection of Belt Lin Road (100 foot R.O.W.) and Quorum Drive (115.00 foot R.O.W.) at that point;

THENCE N 89 degrees 46'47" East along said Belt Line Road for a distance of 285.00 feet to a point for corner; said point being on the southwest corner of the intersection of Belt Line Road (100 foot R.O.W.) and Quorum Drive (115.00 foot R.O.W.) at that point;

THENCE S 00 degreeeg 13'13" East along the west right-of-way line of said Quorum Drive, for a distance of 97.60 feet to a point of curvature of a curve to the left, whose delta is 15 degrees 58'29", a radius of 408.00 feet, and a tangent of 57.25.

THENCE southerly along said curve for a distance of 113.76 feet to a point of curvature of a curve to the left whose delta is 43 degrees 53'55" a radius of 1726.75 feet, and a tangent of 73.86 feet;

THENCE southeasterly along said curve for a distance of 147.63 feet to a point for a corner;

THENCE S 89 degrees 46'47" West for a distance of 339.49 feet to a point for a corner; said point being on the west boundary line of Quorum;

THENCE N 01 degrees 30'57" West along said boundary line for a distance of 350.00 feet to a point for corner; said point being the POINT OF BEGINNING;

CONTAINING 104,241.82 square feet or 2.393 acres of land.

SECTION 3. 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 1,350 square feet.

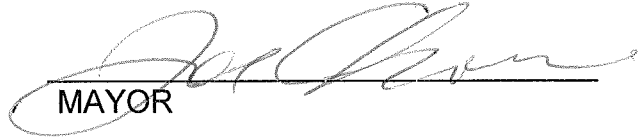
2. No signs advertising sale of alcoholic beverages shall be permitted other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the Town of Addison, Texas.
3. Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance 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 March, 2011


MAYOR

ATTEST:


CITY SECRETARY

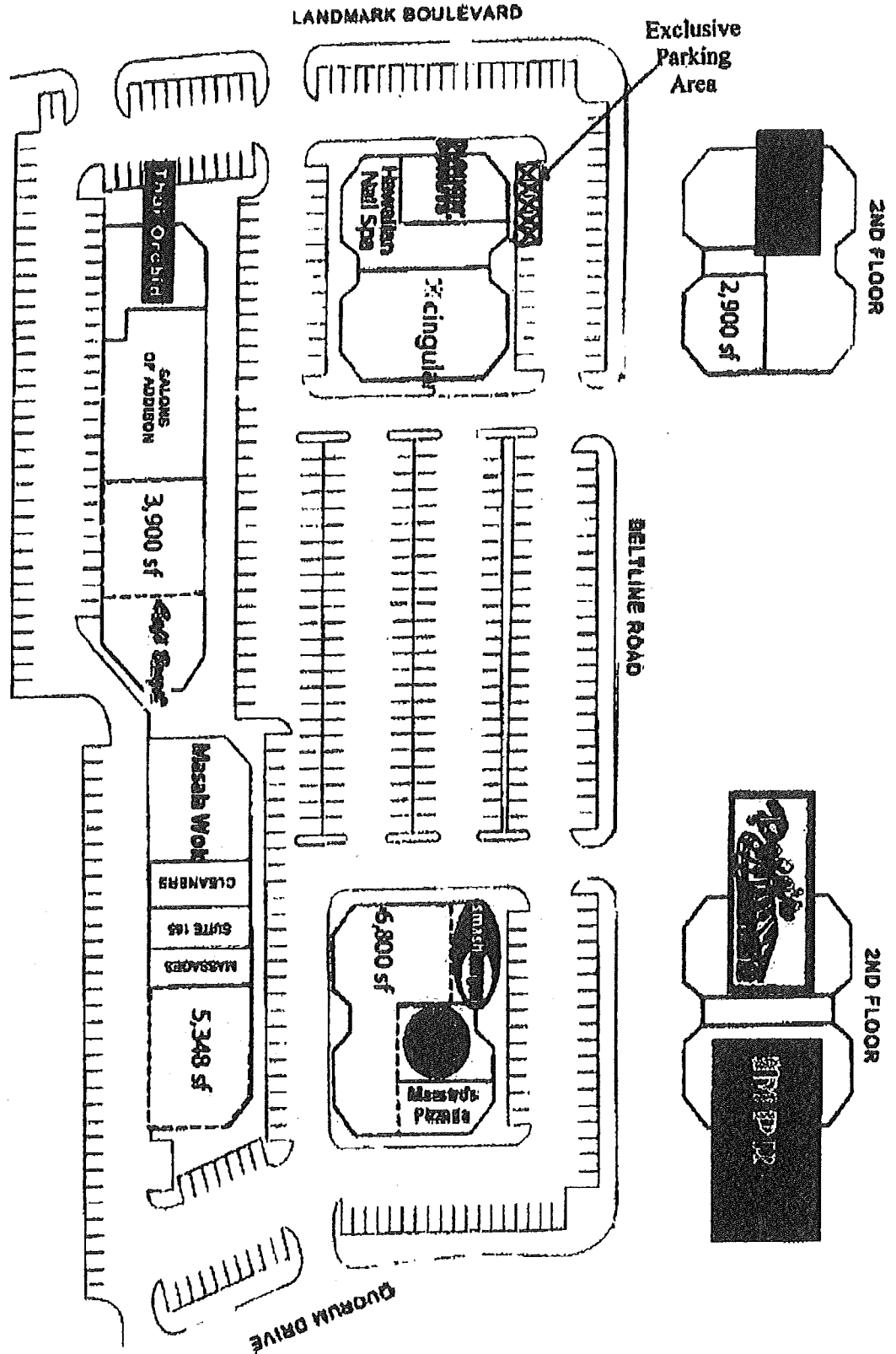
CASE NO.: 1623-SUP/7-Eleven Convenience Store #34676

APPROVED AS TO FORM:


DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: 4/6

EXHIBIT D - SHOPPING CENTER SITE PLAN



#P5

AMM *ent* #15

