

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 012 – 003

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, THE SAME BEING APPENDIX A-ZONING OF THE TOWN'S CODE OF ORDINANCES, BY APPROVING A SPECIAL USE PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION, LOCATED ON AN APPROXIMATELY 30.7141 ACRE TRACT OF LAND, GENERALLY LOCATED WITHIN THE TOWN AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BELT LINE ROAD AND DALLAS PARKWAY AND ADDRESSED AS 5301 BELT LINE ROAD (AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO); PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEAL CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a tract of land located within the Town of Addison, Texas (the "City"), containing approximately 30.717 acres and being generally located at the southeast corner of the intersection of Belt Line Road and Dallas Parkway and the address of which is 5301 Belt Line Road, and as more particularly described in this Ordinance (the "Property"), is zoned Planned Development District pursuant to and as set forth in Ordinance No. **012-BBB (needs number)**.

WHEREAS, the owner of the Property filed an application with the Planning and Zoning Commission of the City requesting a Special Use Permit be issued to the Whole Foods Store for the sale of beer and wine for off-premises consumption, in accordance with State law and the City's comprehensive Zoning Ordinance, the same being Appendix A-Zoning of the City's Code of Ordinances (the "Zoning Ordinance"); and

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with State law and the ordinances of the City, have given the required notices, have held the required public hearings, and have complied with all other legal requirements regarding the change in zoning of the Property; and

WHEREAS, all the legal requirements, conditions and prerequisites having been complied with, and after considering the information submitted at the public hearing and all other relevant information and materials, the Planning and Zoning Commission recommended to the City Council the approval of the special use permit for the sale of beer and wine for off-premises consumption, and thereafter the case came before the City Council; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas does find that there is a public necessity for the approval of the special use permit, that the public demands it, that the public interest clearly requires this 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 ("City"), the same being included with the Code of Ordinances of the City as Appendix A-Zoning, be, and the same is hereby amended by approving a special use permit for the sale of beer and wine for off-premises consumption,

The Property that is the subject of this Ordinance and the change in zoning hereby made is generally located within the City at the southeast corner of the intersection of Belt Line Road and Dallas Parkway and the address of which is 5301 Belt Line Road, and is more particularly described as follows:

BEING a 40,000 square foot retail store, addressed as 5301 Belt Line Road, Suite 1012, located on a tract of land situated in the G.W. Fisher Survey, Abstract. No. 482, J. Pancoast Survey, Abstract no. 1145 and the Allen Bledsoe Survey, Abstract no. 1145, City of Addison, Dallas County, Texas and being all of Lots 1A, 1B and 2A of the Village on the Parkway, a subdivision and addition to

the City (Town) of Addison, Texas as described and shown on the Amended Replat of Lot 1A, Lot 1B, & Lot 2A, Village on the Parkway recorded in Volume 2001019, Page 914 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at the north end of a right-of-way corner clip at the intersection of the southwest right-of-way line of Sakowitz Drive (65-foot wide right-of-way) with the south right-of-way line of Belt Line Road (100 foot wide right-of-way);

THENCE South $65^{\circ}51'30''$ East, a distance of 29.57 feet to a point for corner at the south end of said right-of-way corner clip in the said southwest right-of-way line of Sakowitz Drive;

THENCE with said southwest right-of-way line, South $41^{\circ}57'00''$ East, a distance of 757.56 feet to a point for corner in the west right-of-way line of Montfort Drive (80 foot wide right-of-way);

THENCE with said west right-of-way line, South $23^{\circ}24'00''$ East, a distance of 887.39 feet to a point for the southeast corner of said Village on the Parkway Addition;

THENCE departing said west right-of-way line and along the south line of said Parkway Village Addition, the following courses and distances:

South $85^{\circ}31'25''$ West, a distance of 691.03 feet to an angle point;

North $85^{\circ}30'06''$ West, a distance of 807.47 feet to a point for corner in the east right-of-way line of Dallas Parkway (a variable width right-of-way) at the beginning of a non-tangent curve to the right having a central angle of $06^{\circ}56'16''$, a radius of 668.20 feet, a chord bearing and distance of North $06^{\circ}43'06''$ East, 80.86 feet;

THENCE with the east right-of-way line of said Dallas Parkway, the following courses and distances:

In a northerly direction, with said curve to the right, an arc distance of 80.91 feet to a point at the end of said curve;

North $10^{\circ}11'14''$ East, a distance of 225.13 feet to a point for corner at the beginning of a tangent curve to the right having a central angle of $16^{\circ}08'42''$, a radius of 1,140.92 feet, a chord bearing and distance of North $18^{\circ}15'27''$ East, 320.43 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 321.49 feet to a point at the end of said curve;

North $26^{\circ}19'54''$ East, a distance of 252.26 feet to a point for corner at the beginning of a tangent curve to the left having a central angle of $01^{\circ}00'19''$, a radius of 1,262.92 feet, a chord bearing and distance of North $25^{\circ}49'46''$ East, 22.16 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 22.16 feet to a point at the beginning of a curve to the right having a central angle of $04^{\circ}59'52''$, a radius of 100.00 feet, a chord bearing and distance of North $27^{\circ}49'34''$ East, 8.72 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 8.72 feet to a point at the end of said curve;

North $30^{\circ}19'34''$ East, a distance of 89.93 feet to an angle point;

North $20^{\circ}38'23''$ East, a distance of 5.88 feet to a point for corner at the beginning of a tangent curve to the left having a central angle of $15^{\circ}43'45''$, a radius of 1,274.92 feet, a chord bearing and distance of North $12^{\circ}46'31''$ East, 348.90 feet;

In a northerly direction, with said curve to the left, an arc distance of 350.00 feet to a point at the end of said curve;

North $04^{\circ}54'38''$ East, a distance of 24.73 feet to a point for corner at the beginning of a tangent curve to the right having a central angle of $85^{\circ}05'19''$ a radius of 79.36 feet, a chord bearing and distance of North $47^{\circ}27'19''$ East, 107.32 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 117.86 feet to a point in the said south right-of-way line at the end of said curve;

THENCE along said south right-of-way line, North $90^{\circ}00'00''$ East, a distance of 126.98 feet to the POINT OF BEGINNING and containing 30.717 acres or 1,338,020 square feet of land.

SECTION 2. That the retail store for the sale of beer and wine for off-premises consumption shall be developed in accordance with the plans attached hereto and made a part hereof for all purposes.

SECTION 3. All paved areas, permanent drives, streets and drainage structures, and water and sanitary sewer facilities, shall be constructed in accordance with standard Town of Addison specifications adopted for such purpose.

SECTION 4. No building permit or certificate of occupancy for any use on or in the Property shall be issued until there has been full compliance with this Ordinance and all other applicable ordinances, rules, regulations, codes and standards of the City.

SECTION 5. The official Zoning Map of the City shall be modified to reflect the zoning change herein made.

SECTION 6. The amendment to zoning herein made has been made in accordance with the comprehensive plan of the City for the purpose of promoting the health, safety and welfare of the community, and with consideration of the reasonable suitability for the particular use and with a view of conserving the value of the buildings and encouraging the most appropriate use of land within the community.

SECTION 7. That any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

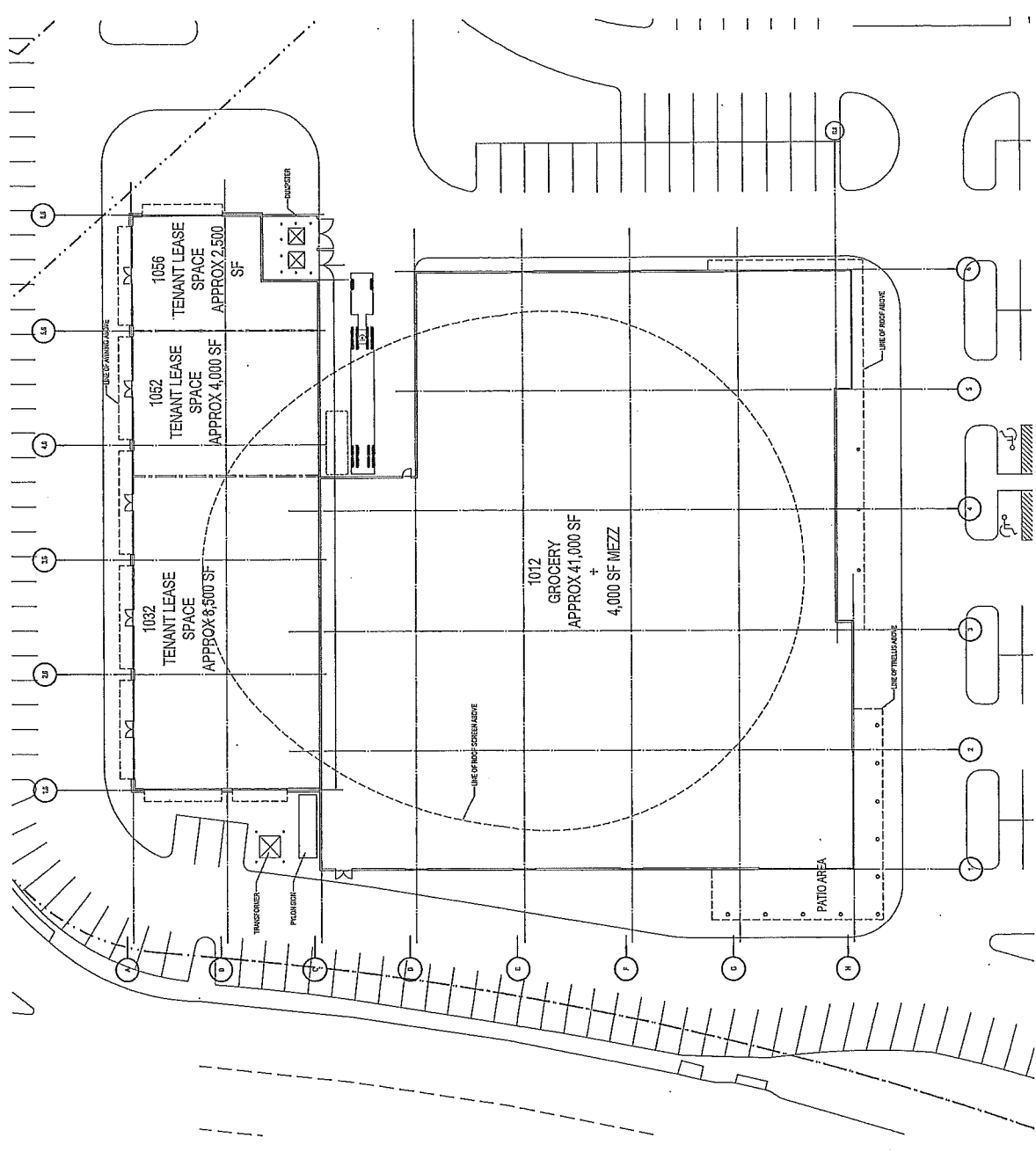
SECTION 8. The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

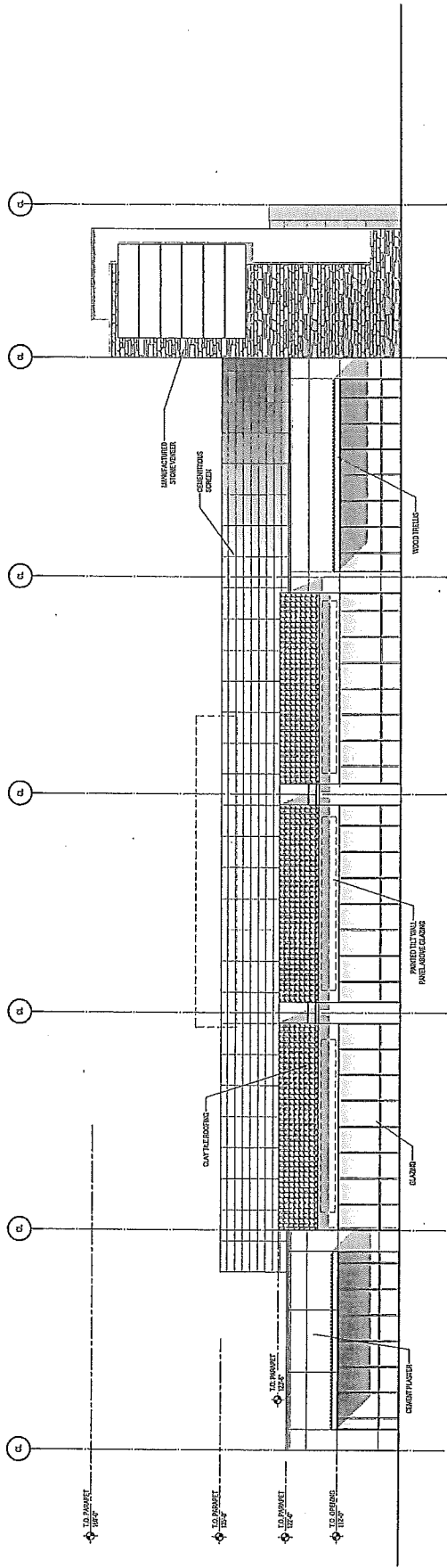
SECTION 9. That all ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 10. The above and foregoing recitals to this Ordinance are true and correct and are incorporated into this Ordinance and made a part hereof for all purposes.

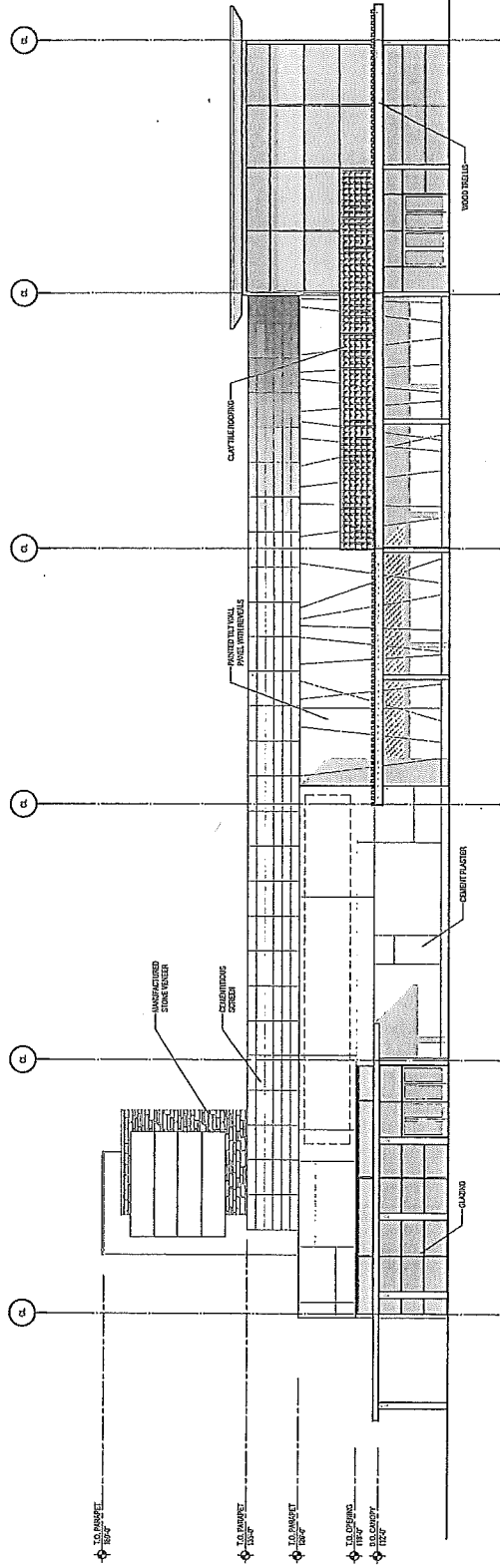
SECTION 11. This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 24th day of January, 2012.



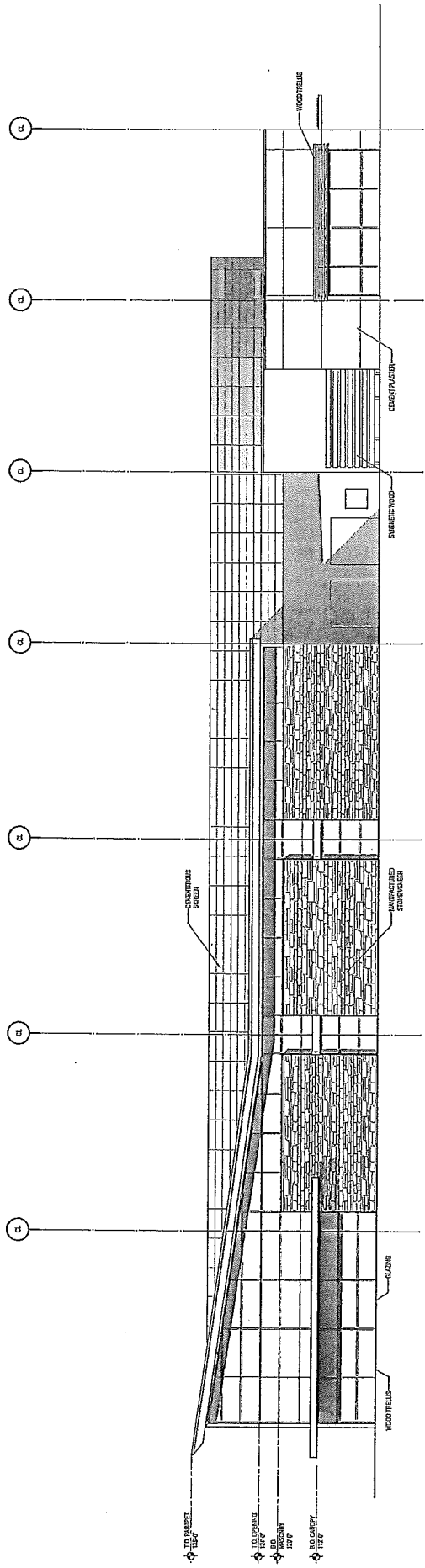


NORTH ELEVATION

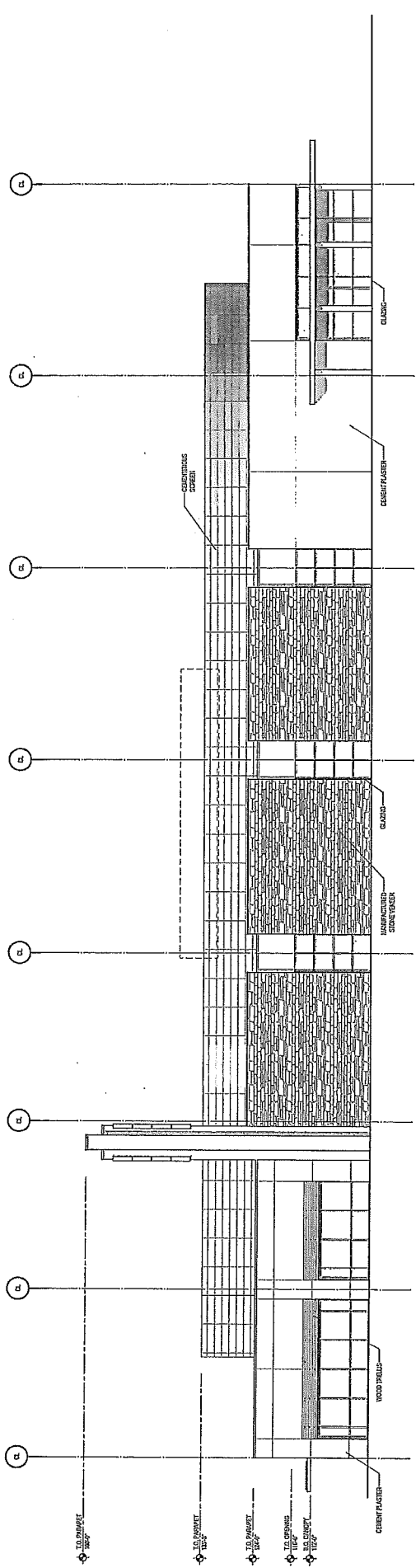


SOUTH ELEVATION





EAST ELEVATION



WEST ELEVATION

