

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, AS HERETOFORE AMENDED TO AS TO GRANT A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION; UNDER SPECIAL CONDITIONS; TO CASE #284, BEING KNOWN AS PATSY ANN'S OF ADDISON; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Being a part of the W.H. WITT SURVEY, ABSTRACT NO. 1609, and the EDWARD COOK SURVEY, ABSTRACT NO. 326, and all of the J. R. Maxfield 0.660 acre tract and also being part of the original Dooley Road R.O.W. abandoned by City Ordinance NO. 138, Volume 73247, Page 1028, and being described in one tract by metes and bounds as follows:

BEGINNING at the point of intersection of the present North line of Belt Line Road, a 100 foot right-of-way, and the present East line of Dooley Road (as relocated) visibility clip, said point being N 89 degrees 49' 00" W 27.07 feet from the original center line of Dooley Road, a 60 foot right-of-way, said center line being the common line between said WITT & COOK SURVEYS:

THENCE N 45 degrees 00' 00" W 42.56 feet along the East line of said Dooley Road visibility clip to a point for corner, said point being 30 feet perpendicular distance from the relocated center line of Dooley Road;

THENCE N 00 degrees 11' 00" W 22.15 feet along the said present East R.O. W. of Dooley Road, (as relocated) to a point, the beginning of a curve to the right;

THENCE Along a circular curve to the right having a central angle of 10 degrees 2' 22", and a radius of 904.93 feet, an arc distance of 158.55 feet to a point for corner.

THENCE S 89 degrees 49' 00" E 210.32 feet to an iron rod for corner, the Northeast corner of the said Maxfield tract;

THENCE S 00 degrees 42' 00" E 210.00 feet along the East line of said Maxfield tract to an iron rod for corner in the said present North line of Belt Line Road;

THENCE N 89 degrees 49' 00" W 196.07 feet along the said present North line of Belt Line Road to the point of beginning, and containing 1.0582 acres (46,093.16 sq. ft.) of land, more or less.

PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR NO SEVERABILITY; AND PROVIDING FOR THE EFFECTIVE DATE;

WHEREAS, the City Planning Commission of the City of Addison and the governing body of the City of Addison, in compliance with the laws of the State of Texas and the ordinance of the City of Addison, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that the Comprehensive Zoning Ordinance should be amended; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Addison, Texas, as heretofore amended, be, and the same is hereby amended by amending the Zoning Map of the City of Addison, so as to grant a Special Use Permit for the sale of alcoholic beverages, as follows:

"Sale of alcoholic beverages for on-premises consumption"

Said Special Use Permit shall be granted, subject to special conditions, on the following described property, to-wit:

Being a part of the W.H. WITT SURVEY, ABSTRACT NO. 1609, and the EDWARD COOK SURVEY, ABSTRACT NO. 326, and all of the J.R. MAXFIELD 0.660 acre tract and also being part of the original Dooley Road right-of-way abandoned by the City Ordinance No. 138, Vol. 73247, page 1028, and being described in one tract by metes and bounds as follows:

BEGINNING at the point of intersection of the present North line of Belt Line Road, a 100 foot right-of-way, and the present East line of Dooley Road (as relocated) visibility clip, said point being N 89 degrees 49' 00" W 27.07 feet from the original center line of Dooley Road, a 60 foot right-of-way, said center line being the common line between said WITT & COOK SURVEYS:

THENCE N 45 degrees 00' 00" W 42.56 feet along the East line of said Dooley Road visibility clip to, a point for corner, said point being 30 feet perpendicular distance from the re-located center line of Dooley Road;

THENCE N 00 degrees 11' 00" W 22.15 feet along the said present East R.O. W. of Dooley Road, (as relocated) to a point, the beginning of a curve to the right;

THENCE Along a circular curve to the right having a central angle of 10 degrees 2' 22", and a radius of 904.93 feet, an arc distance of 158.55 feet to a point for corner.

THENCE S 89 degrees 49' 00" E 210.32 feet to an iron rod for corner, the Northeast corner of the said Maxfield tract;

THENCE S 00 degrees 42' 00" E 210.00 feet along the East line of said Maxfield tract to an iron rod for corner in the said present North line of Belt Line Road;

THENCE N 89 degrees 49' 00" W 196.07 feet along the said present North line of Belt Line Road to the point of beginning and containing 1.0582 acres (46,093.16 sq. ft.) of land, more or less.

SECTION 2. That the above Special Use Permit is granted subject to the following special conditions, to-wit:

(1) That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the site plan, landscape plan, and the elevation drawings showing four exterior walls which are attached hereto and made a part hereof for all purposes;

(2) That the Specific Use Permit granted herein shall be limited to:

Sale of alcoholic beverages for on-premises consumption only and to that particular area designated on site plan attached hereto as being outlined in red and encompassing 3420 square feet.

(3) No signs advertising sale of alcoholic beverages shall be permitted under other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the City of Addison, as well as the approved elevations of the building.

(4) That the sale of alcoholic beverages under this specific use permit shall be permitted in restaurant only. Restaurant is hereby defined as an establishment which receives at least sixty percent (60%) of its gross revenue from the sale of food, except that wine sales shall not be included in the calculation of gross revenues.

(5) Said establishment shall make available to the city or its agents, during reasonable hours its book-keeping records for inspection, if required by the city to insure that the conditions of Section 4 are being met.

(6) Dancing and the use of gaming devices, such as billiards (pool) tables, pinball machines, marble tables, and other coin operated amusement machines, other than machines for music, are hereby prohibited.

(7) Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the City of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.

(8) That if the property for which the special use permit is granted herein is not used for the purposes for which said permit was granted within one 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 on such property.

(9) 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 it is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

SECTION 4. That any person, firm or corporation violating any of the provisions of this ordinance shall, upon commission, be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each day said violation continues shall

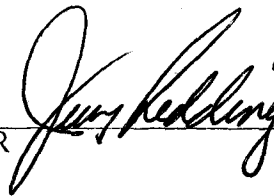
constitute a separate offense

SECTION 5. The fact that the sale of alcoholic beverages in the City of Addison is authorized only under special use permits as provided for in the Comprehensive Zoning Ordinance of the City of Addison, and the City Council having found that the property described herein is suitable for such uses, and that a special use permit for such use should be granted, this ordinance shall become effective from and after its adoption, and publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS,
on this the 19th day of April, 1977.

APPROVED:

MAYOR



ATTESTED:

CITY SECRETARY



APPROVED AS TO FORM:

CITY ATTORNEY

