

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, UNDER SPECIAL CONDITIONS, TO CASE #282, BEING KNOWN AS CLIFF HARRIS STEAK HOUSE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Being a tract of land out of the William Lomax Survey, Abstract Number 792, County of Dallas, Texas, and in the City of Dallas Block Nos. 8234, 8235, and a part of 8236, and being more particularly described as follows:

BEGINNING at a point for a corner in the North right-of-way of Keller Springs Road (50' wide) said point being S. 29 degrees 26' 06" E, 941.15 feet from the Easterly right-of-way line of Addison Road (60' wide);

THENCE N 0 degrees 33' 54" E, 397.53 feet to a point for corner;

THENCE S. 89 degrees 26' 06" E, 435.61 feet to a point for corner;

THENCE S. 0 degrees 12' 43" E, 397.58 feet to a point for a corner in the above referenced North line of Keller Springs Road;

THENCE N 89 degrees 26' 06" W, along the said North line of Keller Springs Road, 441.00 feet to the POINT OF BEGINNING AND CONTAINING 174,239.6 square feet or 4.0000 acres of land.

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 Zoning Commission of the City of Addison, and the Governing Body of the City of Addison, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning changes under the zoning ordinance and zoning map, 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 area, the City of Addison, Texas, is of the opinion that the said change of zoning on application of JIM MILLER, CASE 282, should be granted and the Comprehensive Zoning Ordinance should be amended in the exercise of its legislative direction:

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, be, and the same is hereby amended by amending the Zoning Map of the City of Addison so as to give the hereinafter described property the following zoning district classification, to-wit "LR" Local Retail District Classification. Said property being in the City of Addison, Dallas County, Texas, and being described as follows:

Being a tract of land out of the William Lomax Survey, Abstract Number 792, County of Dallas, Texas, and in the City of Dallas Block Nos. 8234, 8235, and a part of 8236, and being more particularly described as follows:

BEGINNING at a point for a corner in the North right-of-way of Keller Springs Road (50' wide) said point being S. 29 degrees 26' 06" E, 941.15 feet from the Easterly right-of-way line of Addison Road (60' wide);

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THENCE N 89 degrees 26' 06" W, along the said North line of Keller Springs Road, 441.00 feet to the POINT OF BEGINNING AND CONTAINING 174,239.6 square feet or 4.0000 acres of land.

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 (4) exterior walls which are attached hereto and made a part hereof for all purposes; that the existing structure known as the "Windmill Dinner Theatre" and to be known as "Cliff Harris Steak House", shall be brought into conformance with the Comprehensive Zoning Ordinance, with the Uniform Building Code, 1973 as adopted and amended by Ordinance #191, with the City's Electrical, Plumbing and Mechanical Codes, and with the Uniform Fire Code as adopted and amended by Ordinance #220. A letter of Certification of the said buildings structural soundness will be submitted to the City by the owner's architect, bearing that architect's seal.

(2) That the existing 4" temporary sewer line and lift station serving the described property will be kept in a state of repair satisfactory to the City until such time as a permanent sewer line is extended to the property by the city, and at such time the said temporary sewer line and lift station will be inactivated in a manner satisfactory to the City and the aforementioned Cliff Harris Steak House building will be connected to the permanent sewer within seven (7) days after the said permanent line is extended.

(3) 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 11,700 sq. ft.

(4) 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.

(5) 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.

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

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) That the site plan may be amended to allow the erection of a small attached building in which steaks are to be cooked. This building will be approved by the Building Inspector and must conform to City Codes and Zoning Ordinance.

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.

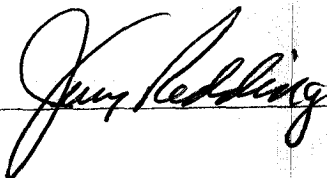
SECTION 4. That any person, firm or corporation violating any of the provisions of this ordinance shall, upon commission, be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each day said violation continues shall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



Handwritten signature of Jim Redding in cursive script, written over a horizontal line.

ATTEST:



Handwritten signature of Joyce H. Stevens in cursive script, written over a horizontal line.

CITY SECRETARY

APPROVED AS TO FORM:



Handwritten signature of Robert F. [unclear] in cursive script, written over a horizontal line.

CITY ATTORNEY