

ORDINANCE NO. 359

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, 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 #297, F.J. SPILLMAN; 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 for on-premises consumption." Said Special Use Permit shall be granted, subject to special conditions, on the following described property, to-wit:

Being a tract of land located in the City of Addison, Texas, being part of the Edward Cook Survey, Abstract 326, Dallas County, Texas, being known as the property conveyed to Howard Alexander by deeds recorded in Volume 6608, Page 6609, and Volume 6803, Page 1676 of the Deed Records of Dallas County, and being described more particularly as follows:

Beginning at a bolt in asphalt on the north line of Belt Line Road, 30.0 feet north of its center line, and 60.0 feet westerly from the original center line of Addison Road, formerly Noell Road, said beginning point being an inside corner, for an intersection cutoff, of the 0.230 acre tract conveyed to the County of Dallas by deed recorded in Volume 8495, Page 571 of said Deed Records;

Thence S 89° 53' W along said North line of Belt Line Road a distance of 65.81 feet to a steel rod for corner on the Northeasterly line of the St. Louis & Southwestern Railway (Cotton Belt) 100.0 feet wide right-of-way;

Thence N 17° 01' W along said Railway right-of-way line, being 50.0 feet perpendicularly distant Northeast of and parallel with the center line of the main track thereon, a distance of 245.1 feet to a nail in old wood post for corner;

Thence S 89° 58' E along the North line of the tract conveyed to Mary Odom by deed recorded in Vol. 2536, Pg. 169 of said Deed Records, a distance of 178.7 feet to a cross cut in concrete on the West line of Addison Road, 20.0 feet West of said original center line.

Thence S 00° 17' W along said West line of Addison Road, a distance of 204.06 feet to a pipe for corner on the most Northerly line of said County of Dallas tract, being 80.0 feet North of the center line of Belt Line Road;

Thence S 89° 53' W parallel with said line of Belt Line Road a distance of 10.0 feet to a pipe for corner;

Thence S 45° 05' W along said cutoff, a distance of 42.57 feet to the place of beginning; containing 32,570 square feet or 0.7477 acre of land.

SECTION 2. That the above Special Use Permit is granted subject to the following 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.
2. That the Special Use Permit granted herein shall be limited to:

Sale of alcoholic beverages for on-premises consumption only and to that particular area designated on the site plan attached hereto as being outlined in red and encompassing 3542 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 (1) year after the adoption of this ordinance, the City Council may authorize hearings.

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.
10. That the applicant will dedicate, by plat, 10 feet along the Addison Road frontage for possible future widening of Addison Road.
11. That the applicant will sign a document, which shall become part of this ordinance, which shall release the City of Addison from indemnifying the owner for any appurtenances which may be placed on the 10 feet mentioned above, should it be necessary to use the 12 feet for widening of Addison Road.

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.

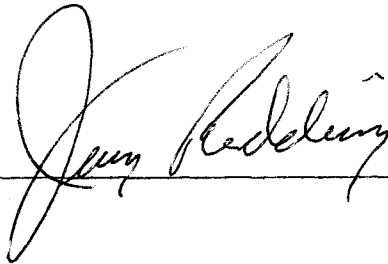
SECTION 4. That any person, firm or corporation violating any of the provisions of this ordinance shall, upon commission, be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each day said violation continues shall 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 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 AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, on this the 27 day of September, 1977.

MAYOR



ATTEST:


ACTING CITY SECRETARY

ALL DRAWINGS RELATING TO THIS
ORDINANCE ARE FILED IN THE OFFICIAL
ORDINANCE DRAWING BINDER, VOL. 1