

ORDINANCE NO. 430

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; BEING KNOWN AS LUTHERS RESTAURANT, CASE #382, BEING LOCATED SOUTH OF BELT LINE ROAD AND BOUNDED ON THE EAST BY PROPOSED MONTFORT DRIVE AND ON THE WEST BY NOEL ROAD; BEING 54,000 SQUARE FEET AND MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR NO SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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 direction, 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 situated in the Allen Bledsoe Survey, Abstract No. 157, City of Addison, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the South line of Belt Line Road (a 100' R.O.W.), with the West line of Montfort Drive, (an 80' R.O.W.), an iron stake for corner; Thence, S.  $0^{\circ} 10' 10''$  E, along said Montfort Drive west line, a distance of 194.78 feet to the beginning of a curve to the right, having a central angle of  $10^{\circ} 07' 54''$  and a radius of 460.00 feet, an iron stake for corner; Thence, around said curve, a distance of 81.34 feet to the end of said curve, an iron stake for corner at the PLACE OF BEGINNING;

THENCE, along the said Montfort Drive West line, the following:

Around a curve to the right, having a central angle of  $19^{\circ} 52' 06''$ , a radius of 460.00 feet, and a back tangent bearing S.  $9^{\circ} 57' 44''$  W, an arc distance of 159.51 feet to the end of said curve, an iron stake for corner;

S.  $29^{\circ} 49' 50''$  W, a distance of 6.65 feet to an iron stake for corner at the beginning of a curve to the left, having a central angle of  $16^{\circ} 31' 50''$  and a radius of 540.00 feet;

Around said curve a distance of 155.80 feet to the end of said curve, said point being on the proposed North-east line of Noel Road, an iron stake for corner;

THENCE, along the said proposed Noel Road Northeast line and around a curve to the right, having a central angle of  $39^{\circ} 38' 12''$ , a radius of 100.00 feet and a back tangent bearing N.  $81^{\circ} 32' 12''$  W, an arc distance of 69.18 feet to the end of said curve on the Northeast line of Noel Road (a 50' R.O.W.), an iron stake for corner;

THENCE, N  $41^{\circ} 54'$  W, along the said Noel Road Northeast line, a distance of 207.17 feet to an iron stake for corner;

THENCE N. 48° 06' E, leaving said Noel Road Northeast line, a distance of 157.38 feet to an iron stake for corner;

THENCE N. 0° 10' 10" W, a distance of 7.38 feet to an iron stake for corner;

THENCE S. 89° 49' 50" W, a distance of 195.33 feet to the PLACE OF BEGINNING and containing 54,000 square feet 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 exterior walls which are attached hereto and made a part hereof for all purposes. The landscaping of such property will be maintained in such condition as approved prior to the certificate of occupancy.
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 9500 sq. ft.
3. 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 City of Addison, as well as the approved elevations of the building.
4. That the sale of alcoholic beverages under this special 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. 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 to be held for the purpose of considering a change of zoning.
8. Any use of property considered as 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 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 in any part or portion of said ordinance should it be held to be unconstitutional, then said 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 it 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 10<sup>th</sup> day of September, 1978.

  
MAYOR

ATTEST:

  
CITY SECRETARY

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