

ORDINANCE NO. 447

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 PELICAN'S RESTAURANT, CASE #364 LOCATED SOUTH OF BELT LINE ROAD AND WEST OF MIDWAY ROAD AND BEING OUT OF THE THOMAS L. CHENOWETH SURVEY, ABSTRACT NO. 273 AND BEING 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.

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:

Whereas, McCutchin Joint Venture #1, are the sole owners of a tract of land situated in the Thomas L. Chenoweth Survey, Abstract No. 273, City of Addison, Dallas County, Texas, and being particularly described as follows:

Beginning at a point in the south line of Belt Line Road, said point being N 89° 25' 00" W, 60.00 feet and south 50.00 feet from the intersection of the centerline of Belt Line Road with the centerline of Midway Road;

THENCE, S. 44° 42' 27" E, 42.64 feet to a point for a corner in the west line of Midway Road;

THENCE, South with west line of Midway Road, 145.00 feet to the Point of Beginning;

THENCE South with west line of Midway Road, 659.53 feet to a point for a corner;

THENCE West 140.00 feet to the beginning of a curve to the left having a central angle of 13° 14' 01" and a radius of 945.00 feet;

THENCE along said curve 218.27 feet to a point for a corner;

THENCE west 528.66 feet to a point for a corner;

THENCE north 868.63 feet to a point for a corner;

THENCE S 89° 25' 00" E., 740.00 feet to a point for a corner;

THENCE S 00° 35' 00" W, 176.48 feet to a point for a corner;

THENCE East 146.79 feet to the POINT OF BEGINNING and containing 16.80 acres of land, more or less.

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 4830 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 revenue.
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, tables, and other 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.

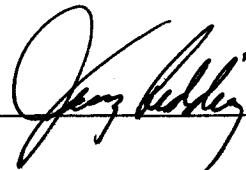
SECTION 3. That it is the intention of the City Council that this Ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance in any part or portion of said ordinance should 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 AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, this the 28th day of November, 1978.

MAYOR



ATTEST:

Jacque Sharp
CITY SECRETARY