

ORDINANCE NO. 550

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 FOR RODEWAY INN AND JOJO'S RESTAURANT, LOCATED AT 4301 BELT LINE ROAD, 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 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 E. Cook Survey, Abstract No. 326, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point of reference being at the intersection of the East line of Dooley Road (100' R.O.W.) and the South R.O.W. line of the St. Louis & Southwestern Railroad (100' R.O.W.); Thence South $89^{\circ} 41'$ East along the South R.O.W. line of St. Louis & Southwestern Railroad a distance of 195.0 feet to an iron rod found for the Point of Beginning of this tract;

THENCE South $88^{\circ} 51' 59''$ East, a distance of 76.23 feet to an iron rod found for a corner;

THENCE South $89^{\circ} 11' 14''$ East, a distance of 216.99' to an iron rod found for a corner;

THENCE North $84^{\circ} 35' 23''$ East, a distance of 79.73 feet to an iron rod found for a corner;

THENCE departing from the South R.O.W. line of said St. Louis & Southwestern Railroad South $0^{\circ} 27' 09''$ East, a distance of 734.87 feet to an iron rod for a corner in the North line of Belt Line Road (100' R.O.W.);

THENCE North $84^{\circ} 58' 45''$ West along the North line of said Belt Line Road, a distance of 149.21 feet to a point of curvature of a circular curve to the left having a central angle of $2^{\circ} 54' 31''$, a radius of 2914.79 feet, a tangent of 74.0 feet, and an arc length of 147.97 feet to an iron rod found for a corner;

THENCE North $0^{\circ} 28' 23''$ West, a distance of 648.09 feet to a point for a corner;

THENCE North $88^{\circ} 51' 59''$ West, a distance of 75.60 feet to an iron rod found for a corner;

THENCE North $1^{\circ} 04' 54''$ West, a distance of 60.10 feet to the Point of Beginning and containing 4.9814 acres (216,991 sq. ft.) 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 70,000 sq. feet for Rodeway Inn, and encompassing 7,000 sq. ft. for Jo Jo's Restaurant.

3. No signs advertising sale of alcoholic beverage 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, Texas, 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 and hospitality suite only. Restaurant is hereby defined as an establishment which receives at least sixty percent (60%) of its gross revenues from the sale of food, except that wine sales shall not be included in the calculation of gross revenues. Hospitality Suite is hereby defined as a room within the Rodeway Hotel that will serve a complimentary breakfast and cocktails.
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. 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. This also includes dancing.
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 re-

voked, 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 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 BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, this the 11th day of December, 1979.

MAYOR



ATTEST:

Jacque Sharp
CITY SECRETARY