

ORDINANCE NO. 579

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL USE PERMIT FOR A RESTAURANT WITH THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION (THE WINE PRESS) LOCATED IN PRESTONWOOD JUNCTION SHOPPING CENTER, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A 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, Texas, and the Governing Body of the City of Addison, Texas, in compliance with the Zoning Ordinance of the City of Addison and the laws of the State of Texas with reference to the granting of change of zoning under existing zoning regulations, 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 persons interested in and situated in the affected area and in the vicinity thereof, the City Council of the City of Addison is of the opinion that a special use permit authorizing the location of a restaurant and the sale of alcoholic beverages for on-premises consumption should be granted, 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, 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 restaurant with 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:

Tract 1

BEING a tract of 5.000 acres of land in the Allen Bledsoe Survey, Abstract No. 157, Dallas County, Texas; and being more particularly described as follows:

COMMENCING at the point of intersection of the Northwest line of Celestial Road with the present Northeast line of Montfort Street (25.0 feet from the centerline); THENCE Northwesterly, along the present Northeast line of Montfort (parallel to and 25.0 feet northeast of the centerline of same), as follows: 1st N 23° 24' 00" W, 825.16 feet to its intersection with the northwest line of a proposed road, this being the POINT OF BEGINNING of the 5.000 acre tract described herein:

THENCE northwesterly, continuing along the northeast line of Montfort Street (parallel to and 25.0 feet northeast of the centerline of same), as follows: 1st N 23° 24' 00" W, 119.00 feet; 2nd N 41° 54' 00" W, 692.17 feet;

THENCE N 28° 44' 55" E, along a cut back corner with Belt Line Road, 29.59 feet to a point in the South line of Belt Line Road;

THENCE N 89° 49' 50" E, along the South line of Belt Line Road, 628.48 feet to its intersection with the West line of said proposed road;

THENCE Southerly, along the westerly lines of said road, as follows: 1st, S 00° 10" E, 194.78 feet to the beginning of a curve to the right that has a Central Angle of 30° 00' 00", a radius of 460.00 feet and a tangent of 123.26 feet; 2nd, Southwesterly, around said curve 240.85 feet; 3rd, S. 29° 49' 50" W, 6.65 feet to the beginning of a curve to the left that has a Central Angle of 24° 49' 43", a radius of 540.00 feet and a tangent of 118.87 feet; 4th, Southwesterly, around said curve, 234.0 feet to the POINT OF BEGINNING and containing 5.000 acres of land.

Tract 2

BEING a tract of 16.097 acres of land in the Allen Bledsoe Survey, Abstract No. 157, Dallas County, Texas; and being more particularly described as follows:

COMMENCING at the point of intersection of the Northwest line of Celestial Road, with the present Northeast line of Montfort St. (25.0 feet from centerline); Thence N 73° 22' 00" E, along the Northwest line of Celestial Road, 15.13 feet to its intersection with the proposed Northeast line of Montfort St.; Thence N 23° 49' 41" W, along the proposed Northeast line of Montfort St., 1115.23 feet to the POINT OF BEGINNING of the 16.097 acre tract described herein: THENCE northerly, along the proposed Northeast line of Montfort Street and along the Easterly line of a proposed road, as follows: 1st N 23° 24' 00" W, 568.31 feet to the beginning of a curve to the right that has a Central Angle of 53° 13' 50", a Radius of 460.0 feet and a Tangent of 230.5 feet; 2nd Northeasterly, around said curve, 427.36 feet; 3rd, N 29° 50" E, 6.65 feet to the beginning of a curve to the left that has a Central Angle of 30° 00' 00" a radius of 540.0 feet and a tangent of 144.69 feet; 4th northerly, around said curve, 282.74 feet; 5th N 00° 10' 10" W, 194.78 feet to its intersection with the South line of Belt Line Road; THENCE N 89° 49' 50" E, along the South line of Belt Line Road, 569.11 feet;

THENCE S 00° 10' 10" E. 665.13 feet;

THENCE S 75° 13' 25" E, 12.84 feet;

THENCE S 00° 10' 10" E, 116.56 feet;

THENCE S 48° 00' 00" W, 335.0 feet;

THENCE S 20° 35' 30" W. 391.63 feet;

THENCE S 66° 36' 00" W, 75.0 feet to the POINT OF BEGINNING and Containing 16.097 acres 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 2440 sq. ft. for The Wine Press.

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, 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 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.
5. 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.
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 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 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 8 day of April, 1980.

MAYOR



ATTEST:


CITY SECRETARY