

ORDINANCE NO. 633

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 A RESTAURANT AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION TO BE LOCATED AT PLAZA AT THE QUORUM ON APPLICATION BY NINFAS; PROVIDING FOR SPECIAL CONDITIONS, PROVIDING FOR A PENALTY; 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 by amending the zoning map of the City of Addison, Texas, so as to grant a special use permit for a restaurant and the sale of alcoholic beverages for on-premises consumption on application by Ninfas. Said special use permit shall be granted, subject to special conditions, on the following described property, to-wit:

The description of Site 4, Block 1, an 8.000 acre tract of land situated in the Josiah Pancoast Survey Abstract No. 1146, and the G. W. Fisher Survey Abstract No. 482, included in a 70 acre tract conveyed to Fannie Noell by deed filed October 14, 1926 in volume 1358, page 20, and all of the land conveyed to Carroll N. Rather by Fannie Noell Rather in two deeds recorded in volume 70244, page 1529, and volume 70244, page 1533 together with the Gifford Touchstone tract recorded in volume 759, page 1992, all recorded in the deed records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the South right-of-way line of Belt Line Road (100 foot R.O.W.), said point being N 89° 46' 47" E, a distance of 400.00 feet from the Northwest corner of said 70 acre tract.

THENCE N 89° 46' 47" E along the South line of said Belt Line Road for a distance of 755.10 feet to a point for corner;

THENCE S 89° 24' 30" E, continuing with said South line of Belt Line Road for a distance of 203.19 feet to a point for corner;

THENCE S 00° 10' 14" E for a distance of 175.00 feet to a point for corner;

THENCE S 89° 58' 48" E for a distance of 208.35 feet to a point in the West right-of-way line of Dallas Parkway (120 foot R.O.W.), said point being in a curve to the right whose center bears N 83° 01' 59" W, said curve having a radius of 894.93 feet a tangent of 78.33 feet, and an internal angle of 10° 00' 14";

THENCE Southwesterly along said curve to the right and along said West line of Dallas Parkway for an arc distance of 156.26 feet to a point for corner;

THENCE S 89° 56' 47" W for a distance of 1117.79 feet to a point in a curve to the right whose center bears N 72° 06' 50" E, said curve having a radius of 590.88, a tangent of 123.39 feet, and an internal angle of 23° 35' 26";

THENCE along said curve to the right for an arc distance of 243.48 feet to the point of tangency thereof;

THENCE N 05° 42' 16" E for a distance of 91.47 feet to the POINT OF BEGINNING,

Containing 348,476.28 square feet or 8.000 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 8800 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, 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.
5. Said establishment shall make available to the city of 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.

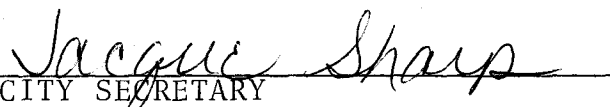
SECTION 5. The fact that the sale of alcoholic beverages in the City of Addison is authorized only under special use permits as provided for in the Comprehensive Zoning Ordinance of the City of Addison, and the City Council having found that the property described herein is suitable for such use should 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 11 day of November, 1980.

MAYOR



ATTEST:


CITY SECRETARY