

ORDINANCE NO. 659

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO GRANT SPECIAL USE ZONING TO ALLOW A RESTAURANT AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION LOCATED AT 5050 QUORUM DRIVE ON APPLICATION FROM QUORUM PARTNERS, BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; 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; PROVIDING FOR A REPEAL, 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 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 Special Use Zoning for a restaurant and 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:

A 4.441 acre tract of land out of the Josiah Pancoast Survey, Abstract No. 1146, and the G. W. Fisher Survey, Abstract No. 482, Dallas County, Texas, and being out of Quorum, a 71.90 acre addition to the City of Addison as recorded in Volume 79100, Page 1895, Plat Records, Dallas County, Texas said 4.441 acre tract being more particularly described as follows:

BEGINNING at a point; said point being the southeast corner at said 71.90 acre tract and also being located in the west R.O.W. of Dallas Parkway (120 foot R.O.W.)

THENCE S89°19'01" W along the south boundary line of said 71.90 acre tract, for a distance of 280.00 feet to a point for corner;

THENCE N1°39'54" W for a distance of 355.00 feet to a point for corner;

THENCE S89°10'01" W for a distance of 77.50 feet to a point for corner;

THENCE N1°39'54" W for a distance of 200.48 feet to the point of curvature of a curve whose chord bears N31°10'34" W for a distance of 334.28 feet, said curve having a central angle of 7°59'21", a radius of 334.28 feet and a tangent length of 23.34 feet;

THENCE Northeasterly, along said curve being the south right-of-way line of Quorum Drive (Variable R.O.W.); for an arc distance of 46.61 feet to a point of curvature of a curve to the right, said curve having an internal angle of 50°30'02", a radius of 257.38 feet, and a tangent of 121.39 feet.

THENCE Easterly along said curve for an arc distance of 226.86 feet to a point of curvature of a curve to the left, said curve having an internal angle of 12°59'57", radius of 462.49 feet, and a tangent of 52.69 feet.

THENCE Easterly along said curve for an arc distance of 104.93 feet to a point for corner; said point being at the intersection of the west right-of-way line of Dallas Parkway (120 foot R.O.W.) and the South right-of-way line of Quorum Drive, (Variable R.O.W.)

THENCE S01°39'54" E along Dallas Parkway (120 foot R.O.W.) for a distance of 622.05 feet, to a point said point being the POINT OF BEGINNING;

CONTAINING 193,462.91 square feet or 4.441 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 \_\_\_\_\_ 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 bookkeeping 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. 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.
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 to be held for the purpose of considering a change of zoning.
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 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 4. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

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 day of February, 1981.

  
MAYOR

ATTEST:

  
CITY SECRETARY