

ORDINANCE NO. 667

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 SPECIAL USE ZONING FOR THREE (3) RESTAURANTS WITH THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION LOCATED WITHIN THE MARRIOTT HOTEL AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; 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 with reference to the granting of zoning changes under the zoning ordinance and zoning map, 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 area, the City of Addison, Texas, is of the opinion that the Special Use Zoning (25c) and (25e) on application from the Marriott Hotel, Case #576, tax description 1-25-0003 should be amended in the exercise of its legislative direction, 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 special use zoning for three (3) restaurants with the sale of alcoholic beverages to be

located within the Marriott Hotel. Said special use zoning shall be granted, subject to special conditions, on the following described property, to-wit:

A 7.000 acre tract of land out of the Josiah Panacoast Survey, Abstract No. 1146, and the G. W. Fisher Survey, Abstract No. 482, and being out of Quorum, a 71.90 acre addition to the City of Addison, Dallas County, Texas, said 7.0000 acre tract, being more particularly described as follows:

COMMENCING at the Southeast corner of said 71.90 acre tract, said point being in the West line of Dallas Parkway (120 foot R.O.W.);

THENCE N 01°39'54" W along the West line of said Dallas Parkway a distance of 1233.98 feet to the POINT OF BEGINNING.

THENCE S 89°46'47" W a distance of 499.95 feet to a 1/2 inch iron rod for corner, said point being in the East line of Quorum Drive; (variable R.O.W.)

THENCE N 14°18'18" E along the East line of Quorum Drive a distance of 189.51 feet to the point of curvature of a curve to the left whose delta is 39°45'48", radius is 662.11 feet, and tangent is 239.44;

THENCE along the arc of said curve and with the East line of Quorum Drive a distance of 459.51 feet to a 1/2 inch iron rod for corner;

THENCE N 89°46'47" E a distance of 440.02 feet to an "x" on the top of a sani. manhole;

THENCE S 50°57'53" E a distance of 200.79 feet to a 1/2 inch iron rod for corner; said point being in the West right-of-way line of Dallas Parkway, said point being in a curve to the South whose delta is 27°23'07", radius is 1014.93 feet, tangent is 247.28 feet, and radius bearing is S 64°16'47" E;

THENCE along with the West line of Dallas Parkway and along the arc of said curve a distance of 485.10 feet to a 1/2 inch iron rod, said point being the point of tangency of said curve;

THENCE S 01°39'54" E with the West line of Dallas Parkway a distance 35.22 feet to a 1/2 inch iron rod, said point being the POINT OF BEGINNING;

CONTAINING 304,907.84 square feet or 7.000 acres of land.

The plat is a true and accurate representation of the property as determined by survey. The lines and dimensions of said property being as indicated on the plat. There are no visible easements, encroachments, conflicts, or protrusions except as shown.

SECTION 2. That the Special Use Permit is granted subject to the following conditions:

- 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 shall be maintained in the condition as set forth in such drawings.
- 2) That the Special Use Permit granted herein shall be limited to a restaurant and the sale of alcoholic beverages for on-premises consumption only and to that particular area designated on the final site plan as being outlined in red and encompassing a total area not to exceed 265,000 sq. ft.
- 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, and all permitted signs must be shown on elevation drawings.
- 4) That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. Restaurants is hereby defined as establishments which receive at least sixty percent (60%) of their 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 Paragraph 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.
- 7) Where the sale or serving of alcoholic beverages is permitted, dancing is hereby prohibited.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) The sale of alcoholic beverages is prohibited in drive-in restaurants where food and beverages are served to customers for consumption on the premises but outside of the building. Such drive-in restaurants shall not be considered to be restaurants under the provisions of this ordinance.

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 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 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 14 day of April, 1981.

MAYOR



ATTEST:

  
CITY SECRETARY