

ORDINANCE NO. 718

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL USE PERMIT FOR A RESTAURANT AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION FOR KELIHER ENTERPRISES LOCATED AT THE SOUTHWEST CORNER OF QUORUM DRIVE AND BELT LINE ROAD, CASE #628; 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 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, the City of Addison, Texas, is of the opinion that the said special use permit of Case #628, Tax #1-25-0011, should be granted and 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, Texas, 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 described property:

TRACT I

Being 2.127 acre tract of land out of the Josiah Pancoast Survey, A-1146 in Dallas County, Texas and being a part of a tract conveyed by deeds, recorded in Volume 67226, Page 0969, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at the northwest corner of Quorum, as recorded in Volume 79100, Page 1895; Plat Records, Dallas County, Texas, said point also being on the south right-of-way line of Belt Line Road (100 foot R.O.W.)

THENCE S 01°30'57" E along the west line of said Quorum Addition for a distance of 400.10 feet to a point for corner;

THENCE S 89°47'03" W for a distance of 334.08 feet to a point of curvature of a non-radial curve to the left which has a delta of 8°02'11", a radius of 1323.31 feet and a tangent of 92.96 feet;

THENCE along said curve to the left for a distance of 185.61 feet to the point of tangency;

THENCE N 0°12'57" W for a distance of 215.00 feet to a point for corner; said point being on the south right-of-way line of Belt Line Road (100 foot R.O.W.)

THENCE N 89°47'03" E along said south R.O.W. of Belt Line Road for a distance of 338.00 feet to a point for corner; said point being the POINT OF BEGINNING

CONTAINING 136,215.47 square feet or 3.127 acres of land.

TRACT II

SITUATED in Dallas County, Texas being a tract of land out of the JOSIAH PANCOAST SURVEY, ABSTRACT NO. 1146, and also being out of Block 2 of Quorum, an Addition to the City of Addison, Texas, as recorded in Volume 79100, Page 1895, Plat Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the northwestern corner of Quorum, as recorded in Volume 79100, Page 1895, May 21, 1979, Plat Records, Dallas County, Texas. Said point being on the south right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE N 89°46'47" E along said Belt Line Road for a distance of 285.00 feet to a point for corner; said point being on the southwest corner of the intersection of Belt Line Road (100 foot R.O.W.) and Quorum Drive (115.00 foot R.O.W.) at that point;

THENCE S 00°13'13" E along the west right-of-way line of said Quorum Drive, for a distance of 97.60 feet to a point of curvature of a curve to the left, whose delta is 15°58'29", a radius of 408.00 feet, and a tangent of 57.25.

THENCE southerly along said curve for a distance of 113.76 feet to a point of curvature of a curve to the left whose delta is 4°53'55" a radius of 1726.75 feet, and a tangent of 73.86 feet.

THENCE southeasterly along said curve for a distance of 147.63 feet to a point for a corner;

THENCE S 89°46'47" W for a distance of 339.49 feet to a point for corner, said point being on the west boundary line of Quorum;

THENCE N 01°30'57" W along said boundary line for a distance of 350.00 feet to a point for corner; said point being THE POINT OF BEGINNING;

CONTAINING 104,241.82 square feet or 2.393 acres of land.

SECTION 2. That the 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 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 5854 square feet.

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 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 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 29 day of September, 1981.

  
MAYOR

ATTEST:

  
CITY SECRETARY