

ORDINANCE NO. 743

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 WITH THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION TO SERGIO'S RESTAURANT LOCATED SOUTH OF BELT LINE ROAD, WEST OF QUORUM DRIVE AND EAST OF INWOOD ROAD (QUORUM II) AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the City of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the City of Addison, Texas as required by State Statutes and the zoning ordinance of the City of Addison, Texas and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Addison, Texas does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the City of Addison, and helps

promote the general welfare and safety of this community, 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, 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 a restaurant and the sale of
alcoholic beverages to Sergio's Restaurant, Case #643, Tax
#1-25-0011. Said Special Use Permit shall be granted to special
conditions on the following described property, to-wit:

WHEREAS, CROW-FARRELL, A Texas Limited Partnership, is the Owner
of a tract of land situated in the Josiah Pancost Survey,
Abstract No. 1146, including part of QUORUM, an addition to the
City of Addison, Texas, as recorded in Vol. 79100, Page 1895, and
also part of Block 2 of QUORUM WEST, an addition to the City of
Addison, Texas, as recorded in Vol. 81005, Page 1454, all
recorded in the Deed Records of Dallas County, Texas, and being
more particularly described as follows:

BEGINNING at the intersection of the South line of Belt Line
Drive (a 100' R.O.W.) with the West line of Quorum Drive (a
variable width R.O.W.);

THENCE with said West line of Quorum Drive, S 0°13'13" E, a
distance of 97.60 feet to the beginning of a curve to the left
having a central angle of 15°58'29" and a radius of 408.00 feet;

THENCE continuing with said West line of Quorum Drive, and with
said curve, an arc distance of 113.767 feet to the end of said
curve and the beginning of a curve to the left having a central
angle of 4°53'55", a radius of 1726.75 feet and a tangent that
bears S 16°11'42" E;

THENCE continuing with said West line of Quorum Drive, and with
said curve, an arc distance of 147.63 feet to the end of said
curve and a point for corner;

THENCE S 89°46'47" W a distance of 339.49 feet to a point for
corner;

THENCE S 1°30'57" E a distance of 50.10 feet to a point for corner;

THENCE S 89°47'03" W a distance of 334.08 feet to a point for corner, said point being in the East line of Landmark Boulevard (an 80' R.O.W.), said point also being the beginning of a curve to the right having a central angle of 8°02'10", a radius of 1323.31 feet and a tangent that bears N 8°15'07" W;

THENCE with said East line of Landmark Boulevard, and with said curve, an arc distance of 185.60 feet to the end of said curve;

THENCE continuing with said East line of Landmark Boulevard, N 0°12'57" W a distance of 215.00 feet to a point for corner, said point being in the aforementioned South line of Belt Line Drive;

THENCE with said South line of Belt Line Drive, N 89°47'03" E, a distance of 338.00 feet to an angle point;

THENCE continuing with said South line of Belt Line Drive, N 89°46'47" E, a distance of 285.00 feet to the POINT OF BEGINNING and containing 5.520 acres of land, more or less.

SECTION 2. That the special use permit is granted subject to the following special 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 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 7349 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 or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist 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 if any part or portion of said ordinance should be held to be unconstitutional or void.

SECTION 5. Whereas, the above described property required that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City and creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON,
TEXAS this the 24 day of November, 1981.

MAYOR 

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:

