

ORDINANCE NO. 823

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDMENT THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A SPECIAL USE PERMIT FOR A RESTAURANT AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION TO BACK WALL ATHLETIC CLUB LOCATED ON THE NORTH SIDE OF CENTURION WAY, AT ITS INTERSECTION WITH RUNYON ROAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR NO SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas as required by State Statutes and the zoning ordinance of the Town 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 Town 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 Town of Addison, and helps

promote the general welfare and safety of this community, now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 2. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, be, and the same is hereby amended by amending the zoning map of the Town of Addison, Texas, so as to grant a special use permit for a restaurant and the sale of alcoholic beverages for on-premises consumption to Back Wall Athletic Club, and being more particularly described as follows:

BEGINNING at a point for corner in the North Line of Addison West Drive; said point being South 89° 51' 55" East, a distance of 30.00 feet from the intersection of the West line of Runyon Road and the said North line of Addison West Drive as dedicated by plat recorded in Volume 78202, Page 0879, Deed Records, Dallas County, Texas;

THENCE, North 00° 08' 05" East, with the centerline of a 10 foot width drainage easement, a distance of 294.92 feet to a point for corner in the South right-of-way line of the St. Louis Southwestern Railway;

THENCE, East with the said South right-of-way line of the St. Louis Southwestern Railway, a distance of 162.84 feet to a point for corner;

THENCE, South 00° 08' 05" West, a distance of 295.30 feet to a point for corner in the said North line of Addison West drive;

THENCE North 89° 51' 55" West with said North line of Addison West Drive, a distance of 162.84 feet to the PLACE OF BEGINNING;

CONTAINING 48,055.13 square feet, or 1.103 acres of land.

SECTION 3. 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 _____ 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 4. 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 5. 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 6. 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 TOWN OF ADDISON, TEXAS,
this the 24 day of August, 1982.

MAYOR *Jim Ruddy*

ATTEST:

Jacquie Kuse
CITY SECRETARY