

ORDINANCE 083-011

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL USE PERMIT FOR A RESTAURANT AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION TO DIANA CHENG & ASSOCIATES TO BE LOCATED NORTHEAST CORNER OF BELT LINE ROAD AND RUNYON ROAD; AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A SPECIAL CONDITIONS; PROVIDING FOR A PENALTY; 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 the 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 1: That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore 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 Diana Cheng & Associates. Said special use permit shall be granted, subject to special conditions, on the following described property, to-wit:

Tract #1

BEING a tract of land situated in the David Myers Survey, Abstract No. 923, in the City of Addison, Dallas County, Texas, and being part of those tracts of land conveyed to Central Park Ltd. by deed recorded in Volume 75253, at page 1710 of the Deed Records at Dallas County, Texas; and also being part of those tracts of land conveyed to the 2230 Corporation by deed recorded in Volume 78227 at page 2607 of the Deed Records of Dallas County, Texas; said tract of land being more particularly described as follows:

COMMENCING, for reference, at the intersection of the north line of Belt Line Road (a 100 foot right-of-way), and the east line of Runyon Road (a 60 foot right-of-way);

THENCE N00°08'05"E along the east line of said Runyon Road a distance of 175.00 feet to the POINT OF BEGINNING of this description;

THENCE N00°08'05"E along the east line of said Runyon Road a distance of 175.00 feet to a found 3/4" iron pipe for corner in the south line of Centurion Drive (a 60 foot right-of-way);

THENCE S89°51'55"E along the south line of said Centurion Drive a distance of 230.00 feet to a point for corner;

THENCE S00°08'05"W a distance of 175.00 feet to a point for corner;

THENCE N89°51'55"W a distance of 230.00 feet to the point of beginning, containing 40,250 square feet of 0.9240 acres of land and being subject to any easements and rights-of-ways of record.

Tract #2

BEING a tract of land situated in the David Myers Survey, Abstract No. 923, in the City of Addison, Dallas County, Texas, and being part of those tracts of land conveyed to Central Park Ltd. by deed recorded in Volume 75253, at page 1710 of the Deed Records at Dallas County, Texas; and also being part of those tracts of land conveyed to the 2230 Corporation by deed recorded in Volume 78227 at page 2607 of the Deed Records of Dallas County, Texas; said tract of land also being all of Duncan's Addition, an addition to the City of Addison according to the map thereof as recorded in Volume 79058 at page 1912 of the Deed Records of Dallas County, Texas; said tract of land being more particularly described as follows:

BEGINNING at the intersection of the north line of Belt Line Road (a 100 foot right-of-way) and the east line of Runyon Road (a 60 foot right-of-way), a found 3/4" pipe for corner;

THENCE N00°08'05"E along the east line of said Runyon Road a distance of 175.00 feet to a point for corner in the north line of said Duncan's Addition;

THENCE S89°51'55"E along the north line of said Duncan's Addition a distance of 230.00 feet to a point for corner;

THENCE N00°08'05"E a distance of 175.00 feet to a point for corner in the south line of Centurion Drive (a 60 foot wide right-of-way);

THENCE S89°51'55"E along the south line of said Centurion Drive a distance of 168.78 feet to a found 1/2" iron rod for corner at the northwest corner of Lot 3 of Surveyor Addition in Addison West Industrial Park, an addition to the City of Addison, according to the Map thereof recorded in Volume 77173 at page 0135 of the Deed Records of Dallas County, Texas;

THENCE S00°03'54"E along the west line of said Lot 3 a distance of 350.00 feet to a found 3/4" pipe for corner in the north line of Belt Line Road (a 100 foot right-of-way)'

THENCE N89°51'55"W along the north line of said Belt Line Road, passing at 170.00 feet the southeast corner of said Duncan's Addition, in all 400.00 feet to the POINT OF BEGINNING of this description, containing 99,536 square feet or 2,2850 acres of land, and being subject to easements and rights-of-way of record.

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 5625 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) 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.

10) 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 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 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. 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 15 day of March, 1983.

[Signature]
MAYOR

ATTEST:

[Signature]
CITY SECRETARY

EFFECTIVE DATE:

CASE 751-SUP

Oct 22 83

