

ORDINANCE NO. 083-025

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 ON LAND LOCATED AT THE SOUTHWEST CORNER OF ADDISON ROAD AND LINDBERG (THE SEASHELL RESTAURANT); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR NO SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. L -

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 1. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, be, and the same is hereby amended so as to grant a special use permit for a restaurant and the sale of alcoholic beverages for on-premises consumption on application from the Seashell Restaurant. Said special use permit shall be granted subject to special conditions on the following described land, to-wit:

BEING a tract or parcel of land in the Edward Cook Survey, Abstract No. 326, CITY OF ADDISON, DALLAS COUNTY, TEXAS; and being part of a 0.917 acre tract of land conveyed by Joseph W. Gallop and wife to Leroy Gallop, Effie Gallop Sams and Ida Mae Gallop Vick, as recorded in Volume 79146, Page 2874 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron pin, said pin being the southeasterly corner of Addison Municipal Airport property and lying in the north right of way line of the St. Louis and Southwestern Railroad;

THENCE S 66°13'18" East for a distance of 215.39 feet;

THENCE N 3°15'57" East for a distance of 121.74 feet;

THENCE North 57°16'20" West for a distance of 35.25 feet;

THENCE South 68°41'38" West for a distance of 49.44 feet to a point of curvature;

THENCE along the arc of the said curve to the left having a radius of 130 feet, and central angle of 39°41'00" for a distance of 90.03 feet to the point of tangent;

THENCE South 29°00'38" West for a distance of 40.20 feet to a point of curvature for a curve to the right;

THENCE along the arc of the said curve to the right having a radius of 443.5 feet, and central angle of 6°47'12" for a distance of 52.53 feet;

THENCE South 0°15'00" West for a distance of 71.95 feet to the point of beginning, containing 0.613 acres of land more or less (26,691 square feet).

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 4350 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 TOWN OF ADDISON,
TEXAS on this the 26 day of April, 1983.


MAYOR

ATTEST:


CITY SECRETARY

JK/rs

083-025

