

ORDINANCE NO. 083-030

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 LOCATED ON THE WEST SIDE OF DALLAS NORTH PARKWAY, ABOUT 1000 FEET SOUTH OF ITS INTERSECTION WITH QUORUM DRIVE, ON APPLICATION FROM THE RUSTY PELICAN RESTAURANT; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; 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 1. That the Comprehensive Zoning Ordinance of the
Town of Addison, Texas, 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 on
application from The Rusty Pelican Restaurant. Said special use
permit shall be granted subject to special conditions on the
following described land:

Being a tract of land out of the Josiah Pancoast Survey,
Abstract No. 1146 of Dallas County, Texas, also being out
of the Anderson and White Addition to the City of Farmers
Branch, Texas, recorded in Volume 953, page 895, Deed
Records, Dallas County, Texas, and being part of that
certain tract heretofore conveyed to The Stewart Company
by Penteco, Inc. by Deed dated May 1, 1976, recorded in
Volume 76124, page 2181, Deed Records of Dallas County,
Texas, said tract being more particularly described as
follows:

BEGINNING at a point in the West R.O.W. line of Dallas
Parkway, 120 feet wide street, in the Northeast corner of
Tract 1 of the S. Finley Ewing, Jr. Addition, an addition
to the City of Farmers Branch, Texas, recorded in Volume
73093, page 1346, Map Records, Dallas County, Texas;

THENCE, S 88° 41' 19" W along the North line of said Tract
I passing through the Northwest corner of same at a
distance of 975.34 feet and continuing along this line for
a total distance of 1098.57 feet to an iron rod found for
a corner; said corner being in the East R.O.W. line of a
100 foot Dallas Power & Light Company R.O.W. recorded in
Volume 4617, page 375 of the Deed Records of Dallas
County, Texas;

THENCE, N 17° 01' W with said East line of Dallas Power &
Light Company R.O.W. for a distance of 490.33 feet to an
iron rod set for a corner;

THENCE N 88° 41' 19" E for a distance of 1089.01 feet to an iron rod set for a corner; said corner being in the West R.O.W. line of said Dallas Parkway;

THENCE, S 18° 05' 08" E, with said West R.O.W. line for a distance of 493.20 feet to the POINT OF BEGINNING AND CONTAINING 516,491 sq. ft. or 11.857 acres of land, more or less.

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 14,500 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 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 be 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 10 day of May, 1983.

MAYOR



ATTEST:


CITY SECRETARY

Case #769