

ORDINANCE NO. 083-042

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE 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 LOCATED AT THE SOUTHWEST CORNER OF BELT LINE ROAD AND BELTWAY DRIVE, ON APPLICATION FROM BENNIES; 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 granting a special use permit for a restaurant and the sale of alcoholic beverages for on-premises consumption on application from Beltway Joint Venture. Said Special Use Permit shall be granted on the following described land:

Being a tract of parcel of land situated in the City of Addison, Dallas County, Texas; and being part of the Elisha Fike Survey Abstract 478, and also being part of Beltway Office Park, Tract III; and addition to the City of Addison as recorded in Volume 77086, Page 0026 of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at an iron rod for corner at the intersection of the southerly line of Belt Line Road (100 feet wide) and the westerly of Beltway Drive (80 feet wide at this point), said point also being the most easterly northeast corner of said Beltway Office Park, Tract III;

THENCE South 0° 03' 00" East along the westerly line of said Beltway Drive a distance of 233.49 feet to an iron rod at an angle point;

THENCE South 5° 47' 21" East continuing along the westerly line of Beltway Drive a distance of 100.00 feet to an iron rod at an angle point;

THENCE South 0° 03' 00" East along the westerly line of said Beltway Drive a distance of 25.49 feet to an iron rod for corner;

THENCE South 89° 58' 36" West along the northerly line of a 10 foot Utility Easement a distance of 169.05 feet to an iron rod for corner at the southwest corner of a 1.153 acre tract conveyed to the City of Addison by deed dated October 4, 1971;

THENCE N 0° 01' 24" West along the east line of said City of Addison tract a distance of 358.26 feet to a cross cut for corner in the southerly line of said Belt Line Road;

THENCE North 89° 53' 51" East along the southerly line of said Belt Line Road a distance of 158.88 feet to the POINT OF BEGINNING, and containing 57,721 square feet, more or less, or 1.3251 acres.

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 5200 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

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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 28 day of June, 1983.


MAYOR

ATTEST:


CITY SECRETARY

JK/rs