

ORDINANCE NO. 083-051

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, 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 AT THE SOUTHWEST CORNER OF BELT LINE ROAD AND QUORUM DRIVE AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; ON APPLICATION FROM QUORUM II SHOPPING CENTER; 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, as heretofore amended, is hereby amended
by granting a special use permit for a restaurant and the sale of
alcoholic beverages for on-premises consumption to Raphael's
Restaurant. Said special use permit shall be granted, subject to
special conditions, on the following described property, to-wit:

SITUATED in Dallas County, Texas, being a tract of land out of
the JOSIAH PANCOAST SURVEY, ABSTRACT NO. 1146, and also being out
of Block 2 of Quorum, an addition to the City of Addison, Texas,
as recorded in Volume 79100, Page 1895, Plat Records of Dallas
County, Texas, and being more particularly described as follows:

BEGINNING at the Northwestern corner of said Quorum, being a
point in the South right-of-way line of Belt Line Road (100 foot
R.O.W.);

THENCE North 89 degrees 46 minutes 47 seconds East along said
Belt Line Road for a distance of 285.00 feet to a point for
corner, said point being on the Southwest corner of the inter-
section of Belt Line Road (100 foot R.O.W.) and Quorum Drive
(115.00 foot R.O.W. at this point);

THENCE South 00 degrees 13 minutes 13 seconds East along the West
R.O.W. line of said Quorum Drive, for a distance of 97.60 feet to
a point of curvature of a curve to the left whose delta is 15
degrees 58 minutes 29 seconds, a radius of 408.00 feet, and a
tangent of 57.25 feet;

THENCE Southerly along said curve for a distance of 113.76 feet
to a point of curvature of a curve to the left whose delta is 4
degrees 53 minutes 55 seconds, a radius of 1726.7 feet, and a
tangent of 73.86 feet;

THENCE Southeasterly along said curve for a distance of 147.63
feet to a point for corner;

THENCE South 89 degrees 46 minutes 47 seconds West for a distance of 339.49 feet to a point for corner, said point being on the West boundary line of Quorum;

THENCE North 01 degrees 30 minutes 54 seconds West along said boundary line for a distance of 350.00 feet to the POINT OF BEGINNING and CONTAINING 104,241.82 square feet or 2.393 acres of land.

TRACT II:

BEING 3.127 acre tract of land out of the Josiah Pancoast Survey, A-1146 in Dallas County, Texas, and being a part of a tract conveyed by deeds, recorded in Volume 67226, Page 0969, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at the Northwest corner of Quorum, as recorded in Volume 79100, Page 1895; Plat Records, Dallas County, Texas, said point also being on the South right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE South 01 degrees 30 minutes 57 seconds East along the West line of said Quorum Addition for a distance of 400.10 feet to a point for corner;

THENCE South 89 degrees 47 minutes 03 seconds West for a distance of 334.08 feet to a point of curvature of a non-radial curve to the left which has a delta of 8 degrees 02 minutes 11 seconds, a radius of 1323.31 feet and a tangent of 92.96 feet;

THENCE along said curve to the left for a distance of 185.61 feet to the point of tangency;

THENCE North 0 degrees 12 minutes 57 seconds West for a distance of 215.00 feet to a point for corner; said point being on the South right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE North 89 degrees 47 minutes 03 seconds East along said South R.O.W. of Belt Line Road for a distance of 338.00 feet to a point for corner; said point being the POINT OF BEGINNING;

CONTAINING 136,215.47 square feet or 3.127 acres of land.

BEING a portion of Block 2 of Quorum West, an Addition to the City of Addison, Texas, according to the Map thereof recorded in Volume 81005, Page 1454, Map Records of Dallas County, Texas.

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 ~~212~~ 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 9th day of August, 1983.

Jim Redding
MAYOR

ATTEST:

Jacqueline Keuse
CITY SECRETARY

CASE # 783-SUP
TAX # 1-25-0016