

ORDINANCE NO. 084-022

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GRANT A SPECIAL USE PERMIT FOR A RESTAURANT AND THE SALE OF ALCOHOLIC BEVERAGES ON APPLICATION FROM PIZZERIA UNO LOCATED AT THE SOUTHWEST CORNER OF BELT LINE ROAD AND SURVEYOR BOULEVARD AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A REPEAL CLAUSE; 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, Texas, 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 so as to grant a special use permit for a restaurant and the sale of alcoholic beverages for on-premises consumption to Pizzeria Uno. Said special use permit shall be granted, subject to the special conditions, on the following described property to wit:

BEING a tract of land situated in the Thomas L. Chenoweth Survey, Abstract No. 273, City of Addison, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the Southerly line of Belt Line Road (a 100' R.O.W.), with the Westerly line of Surveyor Blvd. (a 60' R.O.W.), an iron stake for corner;

THENCE along the said Westerly line of Surveyor Blvd. the following:

S 24° 07' 30" E, a distance of 49.76 feet to the beginning of a curve to the left having a central angle of 14° 19' 26", and a radius of 630.0 feet, an iron stake for corner;

Southerly, around said curve, a distance of 157.50 feet to an iron stake for corner;

S 38° 26' 56" E, a distance of 60.86 feet, to the beginning of a curve to the right, having a central angle of 38° 38' 30", and a radius of 570.0 feet, an iron stake for corner;

Southerly around said curve, a distance of 384.42 feet to an iron stake for corner;

S 0° 11' 34" W, a distance of 321.34 feet to a point on the North line of Beltway Drive (a 60' R.O.W.), an iron stake for corner;

THENCE S 83° 52' 20" W, along the said North line of Beltway Drive, a distance of 470.0 feet to a point on East line of a 100' Texas Power & Light Co. R.O.W., an iron stake for corner;

THENCE N 0° 11' 34" E, leaving said North line of Beltway Drive, and along said East line of a 100' Texas Power & Light Co. R.O.W., a distance of 803.90 feet to a point on the above mentioned Southerly line of Belt Line Road, an iron stake for corner;

THENCE along the said Southerly line of Belt Line Road the following:

Easterly around a curve to the left, having a back tangent bearing of N 64° 36' 37" E, a central angle of 1° 30' 27", and a radius of 1960.08 feet, a distance of 51.57 feet to an iron stake for corner;

N 63° 06' 10" E, a distance of 117.50 feet to the beginning of a curve to the right, having a central angle of 1° 50' 54", and a radius of 1860.00 feet, an iron stake for corner;

Easterly around said curve, a distance of 60.0 feet to THE PLACE OF BEGINNING, and containing 354,747 square feet or 8.144 acres of land.

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 5,300 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 all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

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. 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 6. 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 10th day of April, 1984.

MAYOR



ATTEST:

Jacque Kuse
CITY SECRETARY

CASE # 828-SUP

TAX #

4-25-84