

ORDINANCE NO. 084-034

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, 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 APPLICATION FROM THE HARVEY HOUSE HOTEL - ADDISON LOCATED ON THE SOUTHWEST CORNER OF MIDWAY ROAD AND PROTON DRIVE, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; 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, 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, be 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 for on-premises consumption to the Harvey
House - Addison. 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 in the City of Addison, Dallas
County, Texas and being more particularly described as
follows:

BEGINNING at a point of intersection of the west line of
Midway Road (a 100 foot right-of-way) with the south line
of Proton Drive (a 60 foot right-of-way);

THENCE S 0°49'25" W, 514.42 feet along the said west line
of Midway Road to a point for corner;

THENCE N 89°21'22" W, 571.00 feet to a point for corner;

THENCE N 0°49'25" E, 533.79 feet to a point for corner on
the said south line of Proton Drive;

THENCE along the said south line of Proton Drive the
following courses and distances: S 89°23'17" E, 344.37
feet to the beginning of a curve to the right having a
central angle of 12°44'18" and a radius of 370.00 feet;

THENCE 82.26 feet to the end of said curve, and to the
beginning of another curve to the left having a central
angle of 12°44'18" and a radius of 430.00 feet;

THENCE 95.60 feet to the end of said curve;

THENCE S 89°23'17" E, 50.16 feet to the Point of Beginning and containing 6.936 acres (302,112 square feet) 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 40,662 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 Town 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 or 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 Town 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. The importance of this ordinance creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 22nd day of May, 1984.


MAYOR

ATTEST:


CITY SECRETARY

TAX #

CASE # 833

APPROVED AS TO FORM:

