

ORDINANCE NO. 084-079

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 B. T. NICKEL'S RESTAURANT, LOCATED ON THE SOUTHWEST CORNER OF SURVEYOR AND BELT LINE ROAD; 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 B.T. Nickel's
Restaurant. 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 630.00 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" #, a distance of 60.86 feet, to the begin-
ning 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 89° 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 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 ±° 50' 54", and a radius of 1860.0 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 3,861 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) 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 Town 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. 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 9th day of October, 1984.


MAYOR

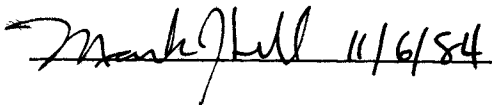
ATTEST:


ASSISTANT CITY SECRETARY

TAX #

CASE #

APPROVED AS TO FORM:


11/6/84