

ORDINANCE NO. 085-007

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 EUROPEAN SANDWICHES LOCATED AT THE NORTHEAST CORNER OF ADDISON ROAD AND KELLER SPRINGS ROAD 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 European
Sandwiches. Said special use permit shall be granted, subject to
the special conditions, on the following described property to
wit:

TRACT I

BEGINNING at the point of intersection of the North line
of Keller Springs Road (a variable R.O.W.) and the East
R.O.W. line of Addison Road (a 60' R.O.W.) said point
being on a curve to the right, concave to the Northeast,
having a radius of 686.30 feet, a central angle of 23 deg.
23' 35" a tangent length of 142.08 feet (a chord bearing
North 11 deg. 54' 47" West, a chord distance of 278.76');

THENCE along said curve and said east line of Addison
Road, 280.21 feet to the point of tangency of said curve;

THENCE North 00 deg. 13' 00" West, 143.29 feet continuing
along said east line of Addison Road to a point for
corner;

THENCE North 89 deg. 47' 00" East, 385.37 feet to a point
for corner;

THENCE South 00 deg. 13' 00" East, 420.90 feet to the
North R.O.W. line of Keller Springs Road;

THENCE North 89 deg. 19' 25" West, along said R.O.W. for
329.00 feet to the POINT OF BEGINNING.

The above described parcel contains 3.5820 acres or
156,032 square feet of land, more or less.

EXHIBIT "A"

BEING TRACT I OF GATEWAY CENTRE, an Addition to the City
of Addison, Texas, according to the map thereof recorded

in Volume 79174, Page 351, Map Records, Dallas County, Texas, and certificate of correction or error recorded in Volume 79219, Page 881, Deed Records, Dallas County, Texas, and being a part of the WILLIAM LOMAX SURVEY, ABSTRACT NO. 792, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the north line of Keller Springs Road (a variable R.O.W.) and the east right-of-way of Addison Road (a 60 ft. R.O.W.), said point being on a curve to the right, concave to the northeast, having a radius of 686.30 feet, a central angle of 23 deg. 23 min. 35 sec., a tangent length of 142.08 feet, a chord bearing of N 11 deg. 54 min. 47 sec. W, and a chord distance of 278.76 feet;

THENCE along said curve and said east line of Addison Road, 280.21 feet to the point of tangency of said curve;

THENCE N 00 deg. 13 min. 00 sec. W, 143.29 feet continuing along said east line of Addison Road to a point for corner;

THENCE N 89 deg. 47 min. 00 sec. E, 385.37 feet to a point for corner;

THENCE S 00 deg. 19 min. 25 sec. W, along said right-of-way for 329.00 feet to the Point of Beginning and containing 3.5820 acres of 156,032 square feet of land, more or less.

BEING TRACT II OF GATEWAY CENTER, an Addition to the City of Addison, Texas, according to the map thereof recorded in Volume 79174 Page 351, Map Records, Dallas County, Texas, and certificate of correction or error recorded in Volume 79219, Page 881, Deed Records, Dallas County, Texas, and being a part of WILLIAM LOMAX SURVEY, ABSTRACT NO. 792, Dallas County, Texas, and being more particularly described as follows:

Commencing at the point of intersection of the east R.O.W. line of Addison Road (a 60-ft R.O.W.) and the north R.O.W. line of Keller Springs Road (a variable width R.O.W.); thence, S 89 deg. 19 min. 25 sec. E, along the north R.O.W. line of said Keller Springs Road for 329.00 feet to the POINT OF BEGINNING;

THENCE S 89 deg. 19 min. 25 sec. E, 148.31 feet along said north R.O.W. line of Said Keller Springs Road to a point;

THENCE S 89 deg. 37 min. 15 sec. E, 187.33 feet along said north R.O.W. line to a point for a corner, said point being in the west R.O.W. line of Ledgemont Lane (a 60-ft R.O.W.);

THENCE N 00 deg. 40 min. 35 sec. E, along the said R.O.W. line for 324.03 feet to the point of curvature of a curve to the right having a radius of 280.00 feet, a central angle of 11 deg. 51 min. 31 sec., a tangent length of 29.08 feet, a chord bearing of N 06 deg. 36 min. 21 sec. E, and a chord distance of 57.85 feet;

THENCE, along said curve to the right an arc length of 57.95 feet to the point of reverse curvature of a curve to the left having a radius of 220.00 feet, a central angle of 11 deg. 29 min. 41 sec., a tangent length of 22.14 feet, a chord bearing of N 06 deg. 47 min. 15 sec. E, and a chord length of 44.06 feet;

THENCE, along said curve for an arc length of 44.14 feet to a point on the curve;

THENCE, S 89 deg. 47 min. 00 sec. W, 352.91 feet;

THENCE, S 00 deg. 13 min. 00 sec. E, 420.90 feet to the north R.O.W. line of Keller Springs Road and the Point of Beginning and containing 3.3051 acres of 143,971 square feet of land, more or less.

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 1925 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 12th day of February, 1985.

MAYOR



ATTEST:

Jacque Kuse
CITY SECRETARY

APPROVED AS TO FORM:

Mark Hill 4/26/85

Published
3-7-85

085-007

CASE FILE NO. 888-SUP
RECEIVED.





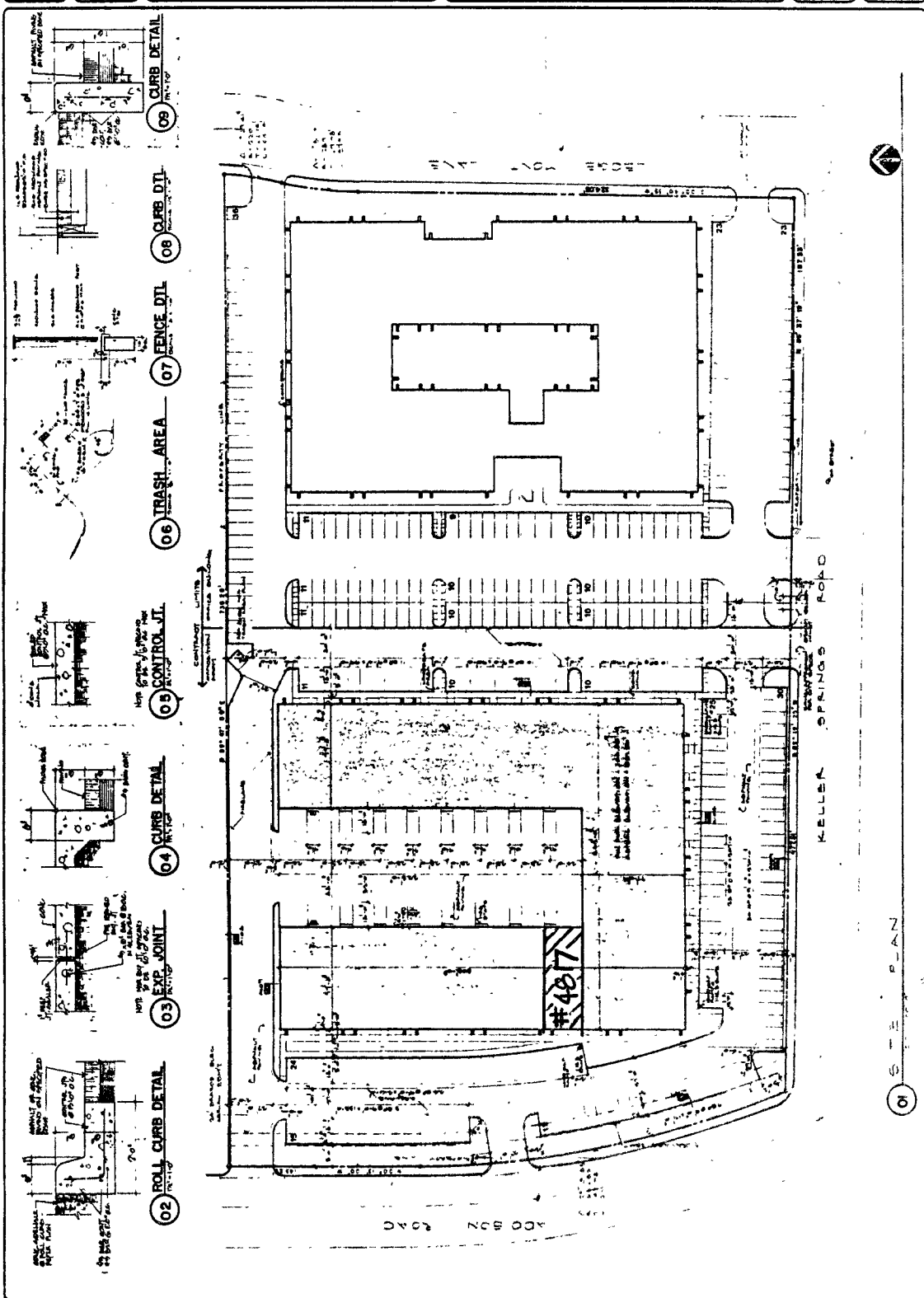








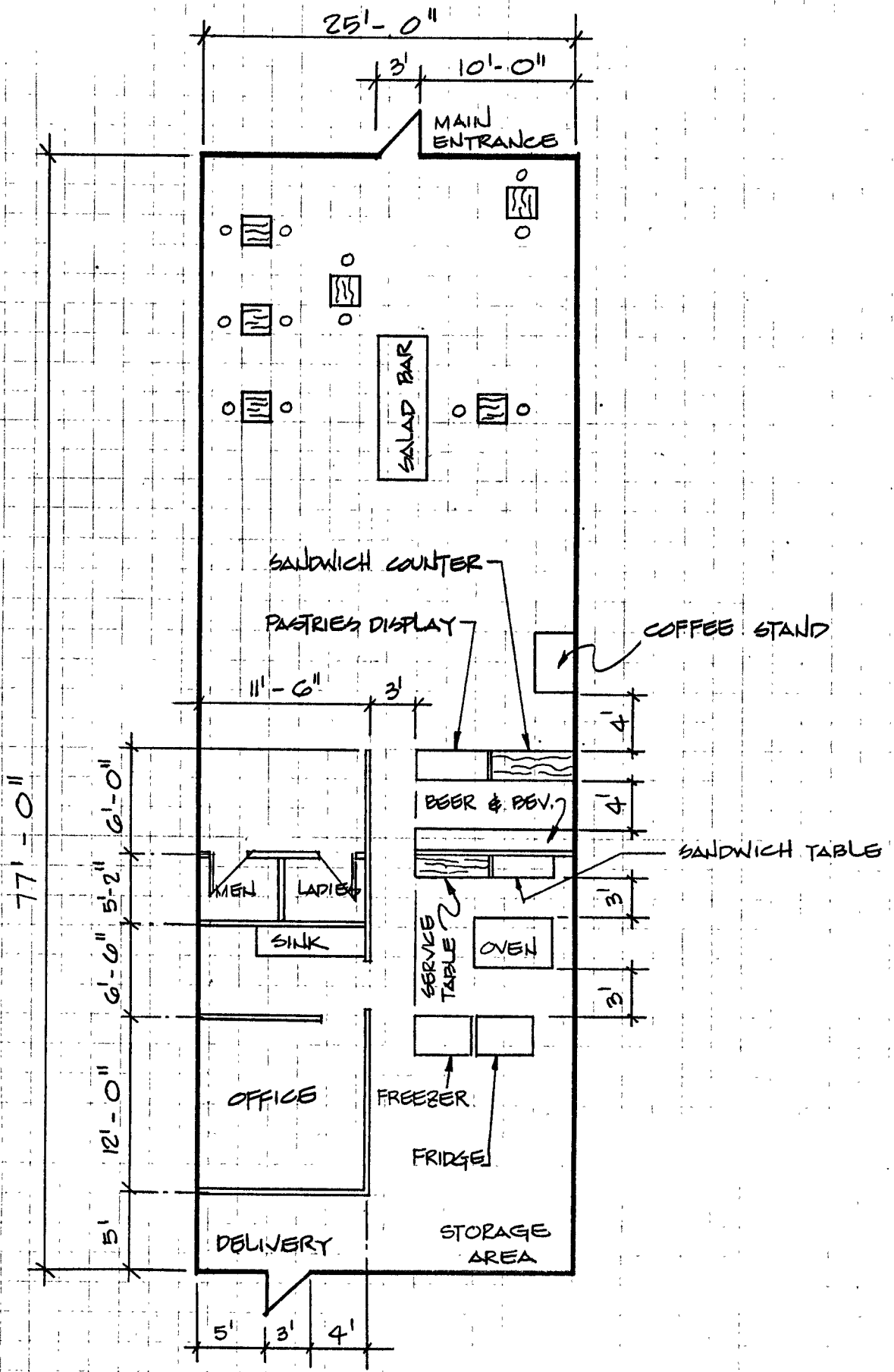


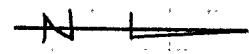
- 02 ROLL CURB DETAIL
- 03 EXP. JOINT
- 04 CURB DETAIL
- 05 CONTROL J.L.
- 06 TRASH AREA
- 07 FENCE DET.
- 08 CURB DET.
- 09 CURB DETAIL

6





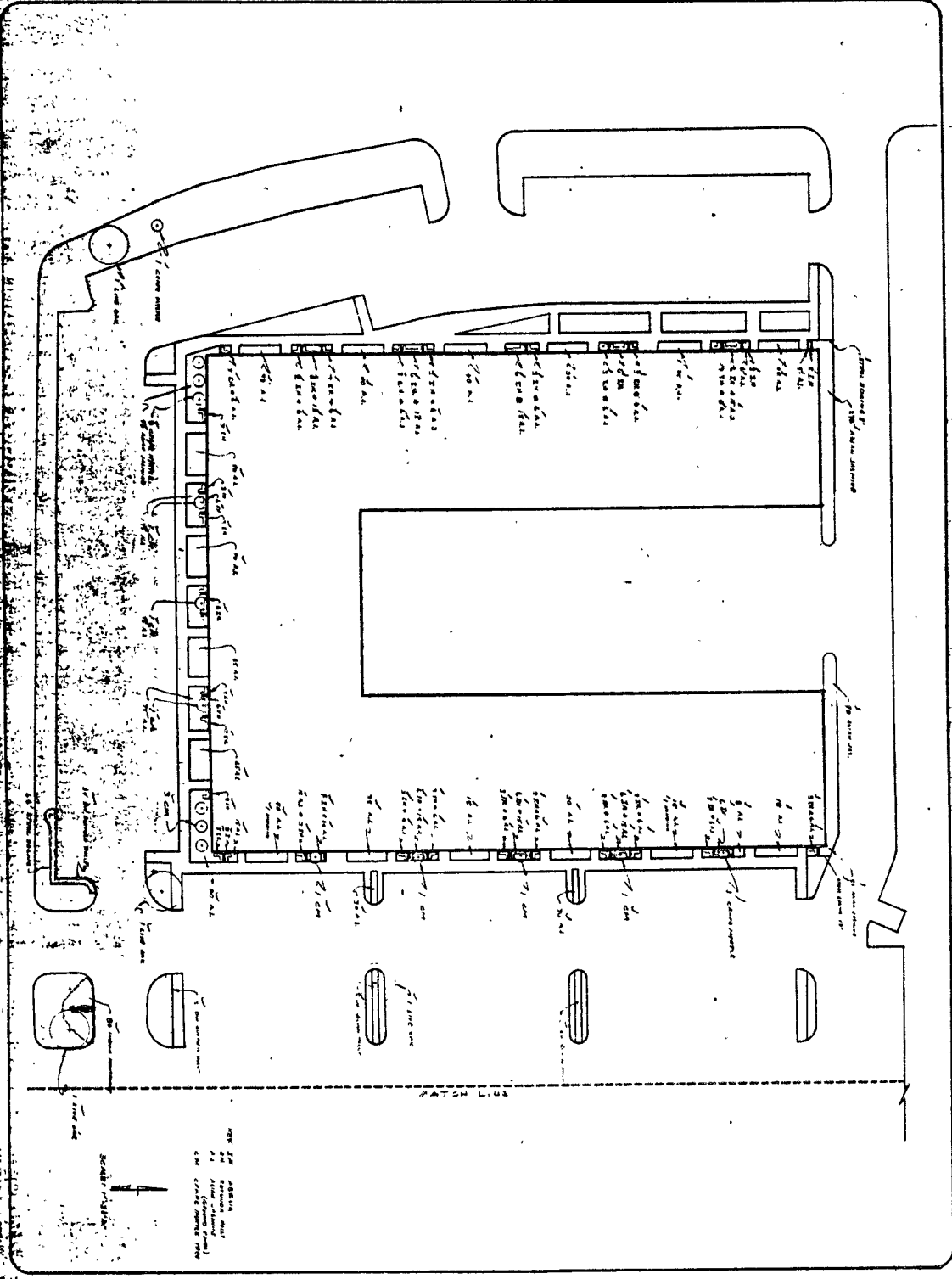
FLOOR PLAN



SCALE : 1/10" = 1 FT

SHEET 1 OF 1

085-007



11205 Sherman Ave., Dallas, TX 75229

John F. ROSS
COMPANY INC.

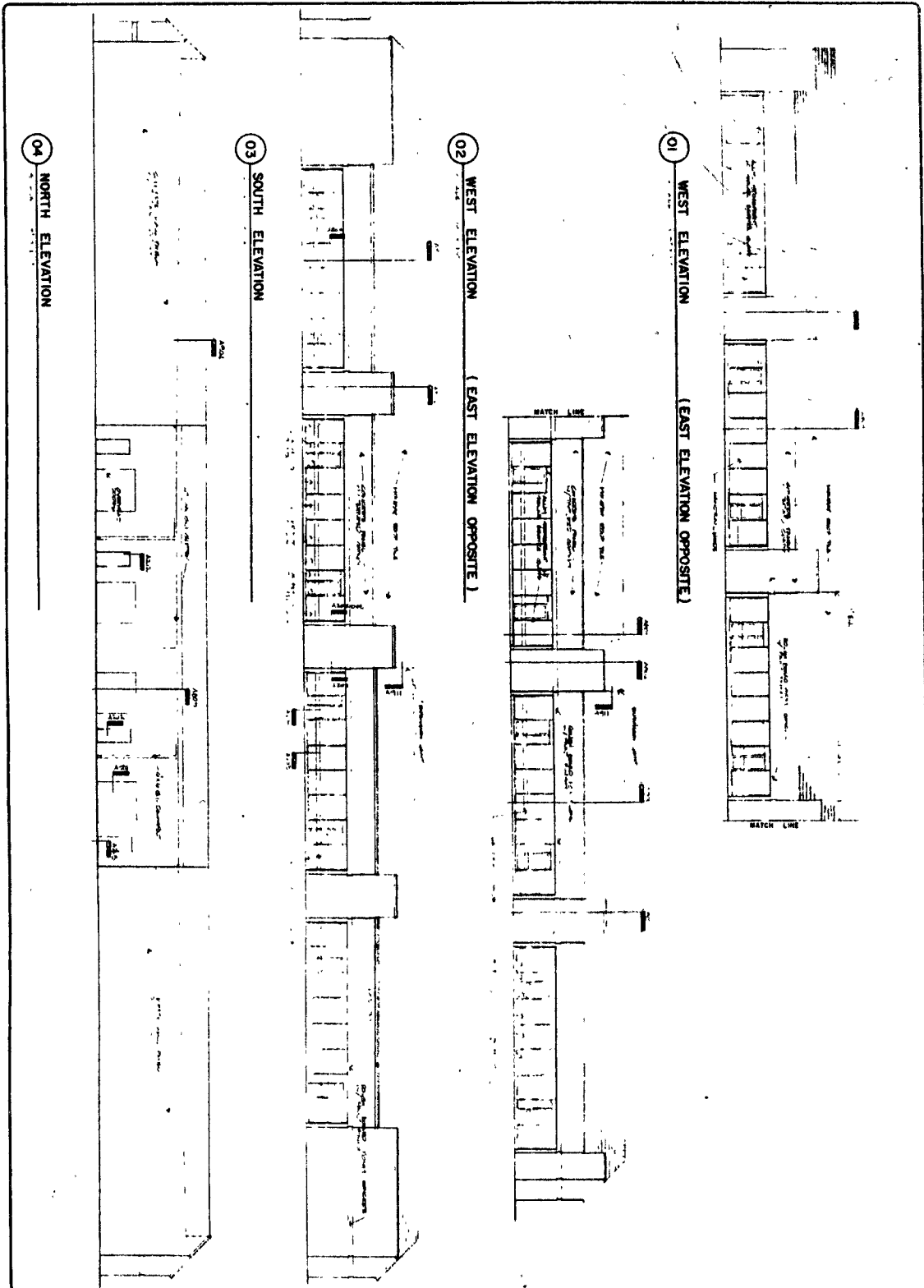
214-291-2848

Architectural details and notes, including a section labeled 'SECTION' and 'DETAIL'.

GATEWAY CENTRE
DALLAS, TEXAS

EQUITY MANAGEMENT
DALLAS, TEXAS

085-007



A6

DATE: 11/11/00
 DRAWN BY: J. L. ...
 CHECKED BY: ...

Gateway Centre
 Office / Showrooms
 lakeview properties, inc.
 keller springs road at addison road
 addison, texas

EDI CAPE HORN & CLEMENT
 ARCHITECTURE PLANNING URBAN DESIGN
 110 HORNUM ROAD SUITE 100 COLLEGE STATION, TX 77840
 TEL: 767-233-1100 FAX: 767-233-1101
 WWW.EDIARCHITECTS.COM



085-007