

ORDINANCE NO. 085-008

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 SANDWICH CHEF, INC., LOCATED AT THE SOUTHWEST CORNER OF DALLAS NORTH PARKWAY AND ARAPAHO 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 Sandwich
Chef, Inc. Said special use permit shall be granted, subject to
the special conditions, on the following described property to
wit:

A 12.969 acre tract of land out of the G.W. Fisher Survey,
Abstract No. 482 and the R. Wilburn Survey, Abstract No.
1580, said tract of land being a part of Site 3, Block 2
of Quorum North, an Addition to the City of Addison,
Dallas County, Texas, as recorded in Volume 80005, Page
1768 of the Map Records of Dallas County, Texas, and being
more particularly described as follows:

BEGINNING at a point, said point being the intersection
point of the most northerly south right-of-way line of
Arapaho Road (115' R.O.W. at this point) and the west
right-of-way line of Dallas Parkway (200' R.O.W.), said
point also being the point of curvature of a curve to the
right whose delta is 10 deg. 15' 28" and whose radius is
2191.83 feet;

THENCE Southerly, along said curve, for a distance of
392.40 feet to the point of tangency of said curve;

THENCE S 10 deg. 56' 00" W for a distance of 288.39 feet
to a point for a corner;

THENCE S 85 deg. 50' 54" W for a distance of 884.52 feet
to a point for a corner, said point being located in the
east right-of-way of Arapaho Road (80' R.O.W.);

THENCE N 00 deg 25' 00" W along the east right-of-way line
of Arapaho Road for a distance of 317.82 feet, to the
point of curvature of a curve to the right whose delta is
64 deg. 21' 46" and whose radius is 190.43 feet;

THENCE along said curve to the right for a distance of
213.92 feet to the point of tangency of said curve;

THENCE N 63 deg. 56' 46" E for a distance of 368.91 feet
to a point, said point being the point of curvature of a

curve to the right whose delta is 21 deg. 28' 35" and whose radius is 750.97 feet;

THENCE along said curve to the right for a distance of 281.49 feet to the point of tangency of said curve;

THENCE N 85 deg. 25' 21" E for a distance of 171.80 feet to a point for a corner;

THENCE 88 deg. 21' 05" E for a distance of 99.51 feet to the POINT OF BEGINNING:

CONTAINING, 564,941.83 square feet of 12.969 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 3138 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.

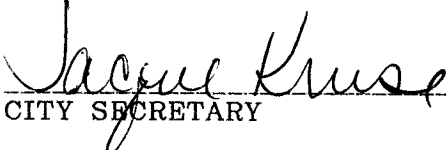
SECTION 6. Whereas, the above described property required that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City and creates an urgency and an emergency for the preservation of the 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 February, 1983.



MAYOR

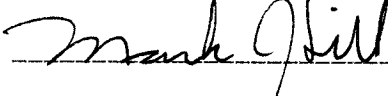
ATTEST:



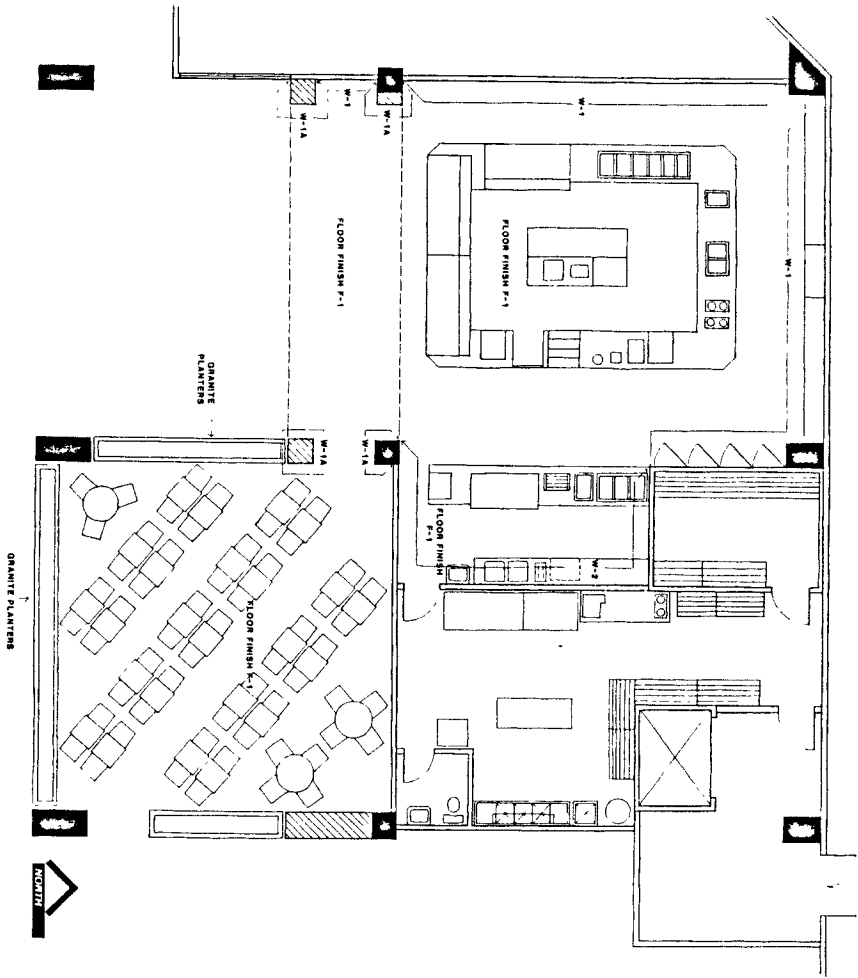
CITY SECRETARY

CASE # 886-SUP

APPROVED AS TO FORM:



Published
3-7-85



085

**INTER STAFFING
(COMMERCIAL)
DESIGNS
AND ASSOCIATES**

**DESIGNERS
PLANNERS
CONSULTANTS**

3115 CARLISLE
DALLAS TEXAS 75201
214/277-2311

R.C. COOPER'S

COLONNADE

13001 DALLAS PARKWAY
DALLAS, TEXAS 75248

PROJECT NO. 88-001

SCALE 1/4" = 1'-0"

DATE 11/11/88

PROJECT LOCATION

OWNER

ARCHITECT

DATE

DESCRIPTION

REVISIONS

NO. DATE

BY

DATE

DESCRIPTION

NO. DATE

BY

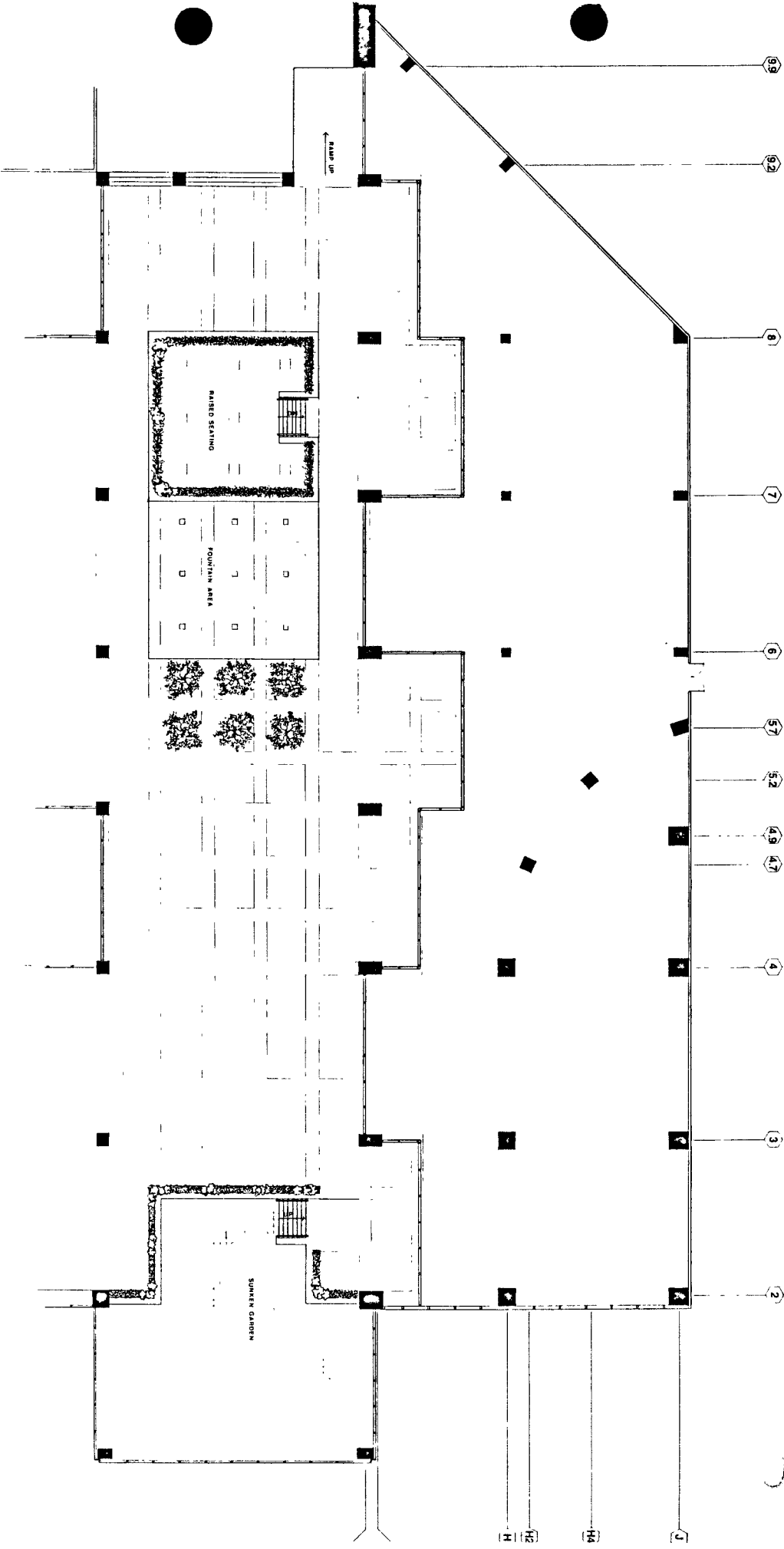
DATE

DESCRIPTION

CLIENT PROJECT NO. 88-001

CLIENT PROJECT NO. 88-001-01

DATE



J30 00X

1st Floor Plan

