

ORDINANCE NO. 085-038

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 FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM PRESTONWOOD JUNCTION SHOPPING CENTER, 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 Addison Cafe. 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 Allen Bledsoe Survey, Abstract No. 157, City of Addison, Dallas County, Texas, and further being part of Lot "D", Block of Oaks North-East No. 4, an addition to the City of Addison, Texas, as recorded in Volume 79121, Page 0555 of the Map Records of Dallas, Texas, and being more particularly described as follows:

BEGINNING at the point along the Easterly line of Montfort Drive (a variable width of R.O.W.), said point also being the Northwest corner of above-mentioned Lot "D", Block 2, an iron stake for corner;

THENCE N 89 deg., 49 ft., 50 in. E, along the North line of said Lot "D", Block 2, a distance of 604.08 feet to the Northeast corner of said tract, an iron stake for corner;

THENCE Southerly along the Easterly line of said Lot "D", Block 2, the following:

S 0 deg., 10 ft., 10 in. E, a distance of 298.55 feet to an iron stake for corner;

S 75 deg., 13 ft., 25 in. E, a distance of 12.84 feet to an iron stake for corner;

S 0 deg., 10 ft., 10 in. E, a distance of 19.0 feet to an iron stake for corner;

THENCE S 89 deg., 49 ft., 50 in. W, leaving the Easterly line of Lot "D", Block 2, a distance of 485.0 feet to an iron stake for corner;

THENCE S 0 deg., 10 ft., 10 in. E, a distance of 197.0 feet to an iron stake for corner;

THENCE S 89 deg., 49 ft., 50 in. W, a distance of 195.47 feet to a point along the Easterly line of above-mentioned Montfort Drive, the following:

N 23 deg., 24 ft. W, a distance of 2.67 feet to the beginning of a curve to the right, having a central angle of 51 deg., 50 ft., 50 in. and a radius of 460.0 feet, an iron stake for corner;

Around said curve, a distance of 416.26 feet to the beginning of a curve to the left, having a central angle of 13 deg., 2 ft., 34 in., and a radius of 540.0 feet, an iron stake for corner;

Around said curve, a distance of 122.92 feet to the PLACE OF BEGINNING and containing 257,355 square feet or 5.91 acres of land.

BEGINNING at the intersection of the South line of Belt Line Road (a 100' R.O.W.), with the East line of Montfort Drive (a proposed 80' R.O.W.), an iron stake for corner;

THENCE, N. 89 deg., 49 ft., 50 in. E, along said Belt Line Road South line, a distance of 609.11 feet to an iron stake for corner;

THENCE, S. 0 deg., 10 ft., 10 in. E, leaving said Belt Line Road South line, a distance of 366.58 feet to an iron stake for corner;

THENCE, S. 89 deg., 49 ft., 50 in. W, a distance of 604.08 feet to a point on the said Montfort Drive East line, an iron stake for corner;

THENCE, along the said Montfort Drive East line, the following:

Around a curve to the Left, having a central angle of 28 deg., 22 ft., 34 in., and a radius of 540.0 feet, a distance of 267.44 feet to the end of said curve and the beginning of a curve to the right, having a central angle of 12 deg., 48 ft., 8 in., and a radius of 460.00 feet, an iron stake for corner;

Around said curve, a distance of 102.78 feet to the PLACE OF BEGINNING and containing 5.00 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 1200 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 25th day of June, 1985.

  
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MAYOR

ATTEST:

  
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CITY SECRETARY

CASE #

TAX #

APPROVED AS TO FORM:

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Par. 68. 9/15

