

ORDINANCE NO. 085-082

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, 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 VICKERY FEED STORE, LOCATED AT THE EAST SIDE OF MIDWAY ROAD AND SOUTH OF BELTWAY 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. 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 Vickery Feed Store. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

Whereas, Gerald C. Oliverie, is the owner of a tract or parcel of land situated in the Town of Addison, Dallas County, Texas, and being a part of the Elisha Fike Survey, Abstract 478, and also being a part of Beltway Office Park, Tract III, an addition to the Town of Addison as recorded in Volume 77086, Page 0026 in the Dallas County Deed Records, and being the same as that tract of land conveyed to Gerald Oliverie by deed dated December 30, 1978 and recorded in Volume 79004, Page 1893 in the Dallas County Deed Records, and being more particularly described as follows:

Beginning at an iron rod on the East line of Midway Road, 100 foot right-of-way, said iron rod being south 00 degrees , 18' 13" east 124.98 feet from the intersection of said east line of Midway Road and the south line of Beltway Drive, 60 feet right-of-way;

Thence, north 90 degrees 00' 00" east 239.34 feet to an iron rod;

Thence, south 00 degrees 00' 00" east 125.52 feet to an iron rod on the south line of said Beltway Office Park, Tract III;

Thence, north 90 degrees 00' 00" west 238.67 feet along the south line of said Beltway Office Park, Tract III to an iron rod on said east line of Midway Road;

Thence, north 00 degrees 18' 13" west 125.52 feet along said east line of Midway Road to the point of beginning and containing 30,000 square feet or 0.6887 acres 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 3,516 sq. ft.
3. No signs advertising sale of alcoholic beverages 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 the 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 table, 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 and 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 One Thousand Dollars (\$1,000.00) and not less than Five Hundred Dollars (\$500.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 4. 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

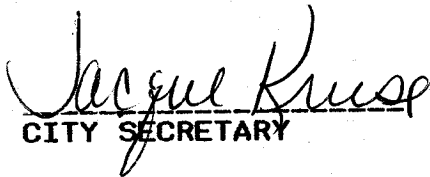
entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

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.

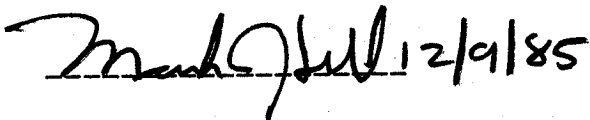
DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 5 day of November, 1985.

  
MAYOR

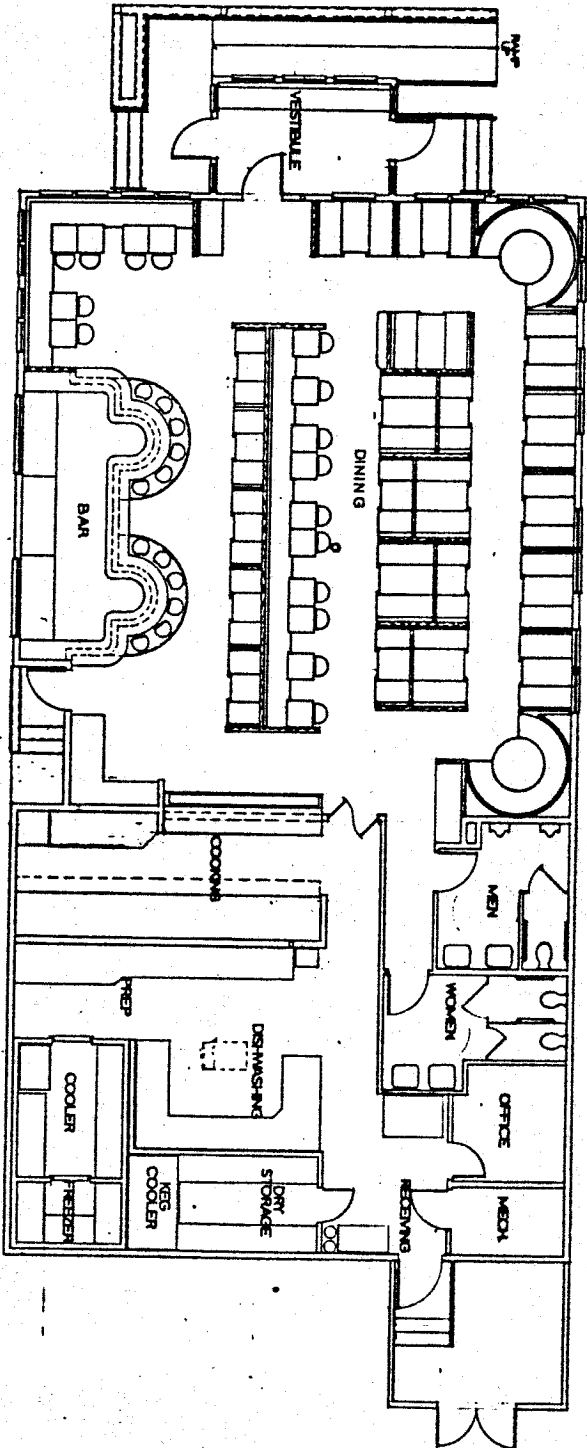
ATTEST:

  
CITY SECRETARY

APPROVED AS TO FORM:

 12/9/85

Rec'd.  
11-14-85



TOTAL GROSS AREA - 3016 SQ. FT.  
 TABLES - 30  
 SEATS - 122

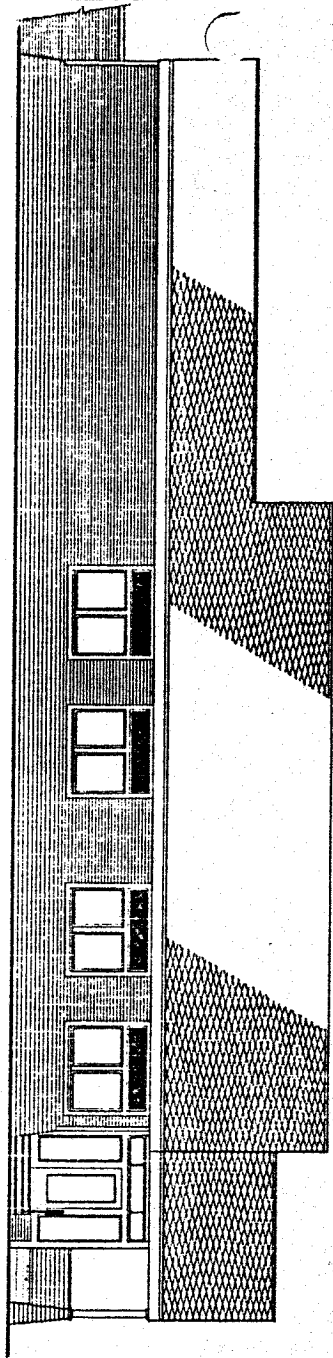
SEATING PLAN

VICKER  
 ADDISON, TEXAS

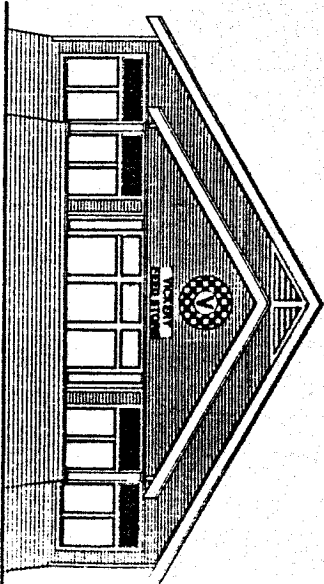
Melvin R. Folin Architects  
 200 Chisholm Place Suite 214  
 Ft. Worth, Texas 76102 (214) 422-4706



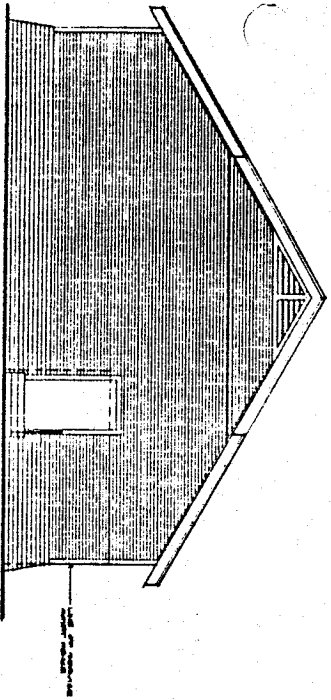
Sheet no



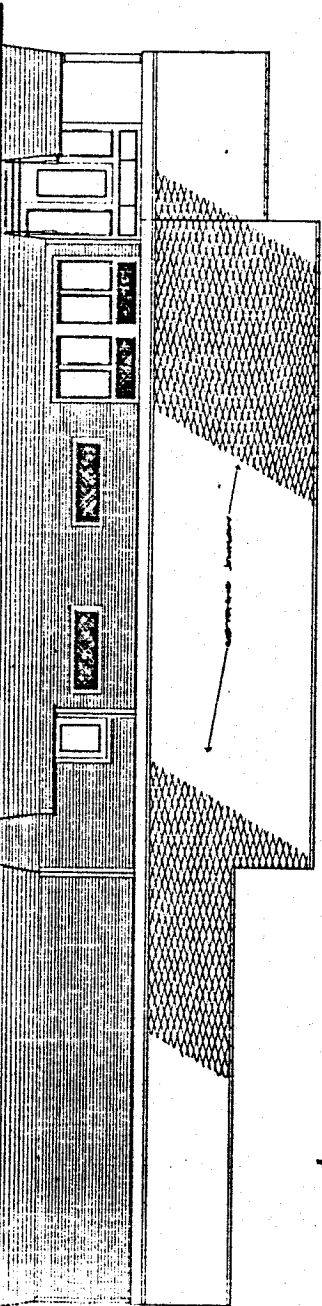
○ NORTH ELEVATION



○ WEST ELEVATION



○ EAST ELEVATION



○ SOUTH ELEVATION

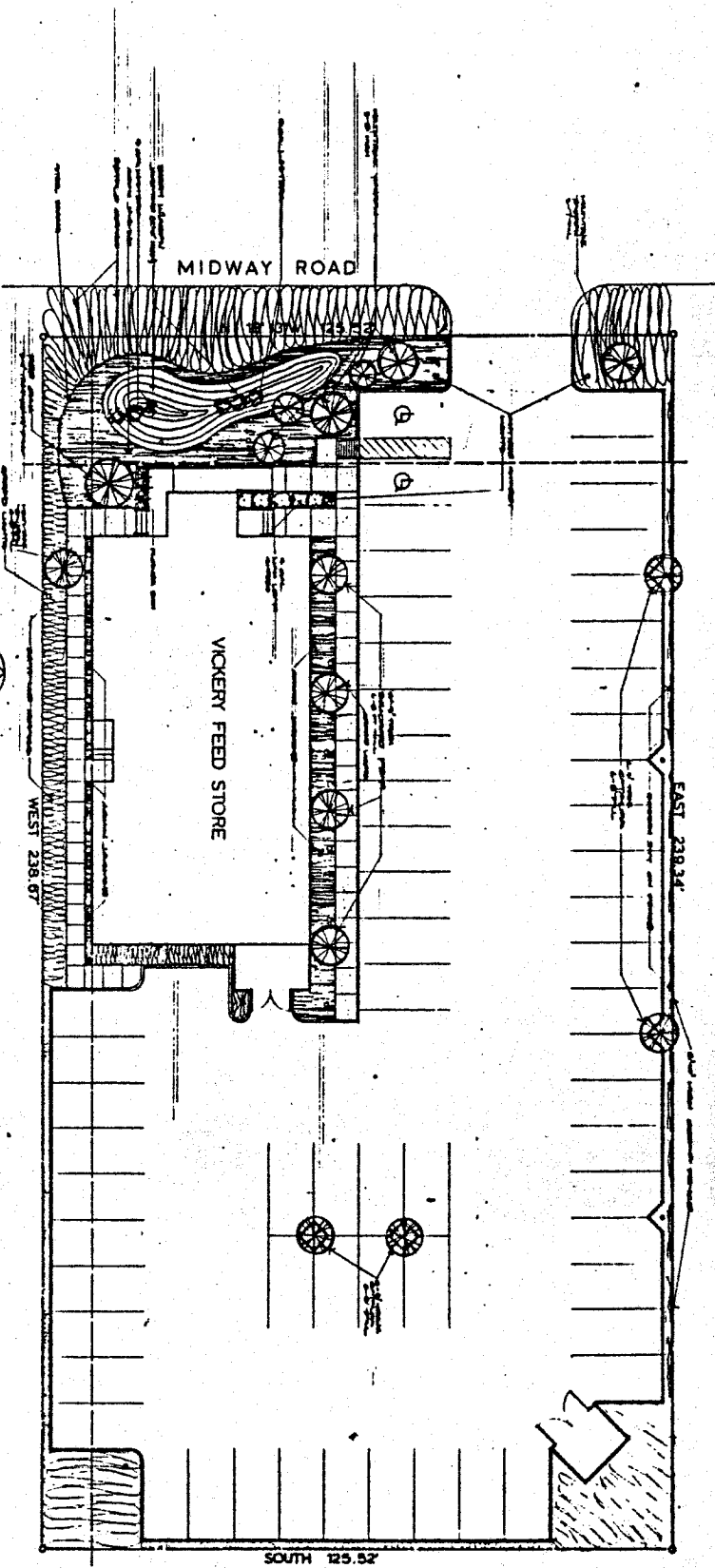
VICKERI FEED STORE  
ADDISON, TEXAS

Melvin R Foin  
200 Chisholm Place  
Plano, Texas 75075

Architects  
Suite 214  
(214) 422 4706







LANDSCAPE PLAN

VICKERY  
ADDISON, TEXAS

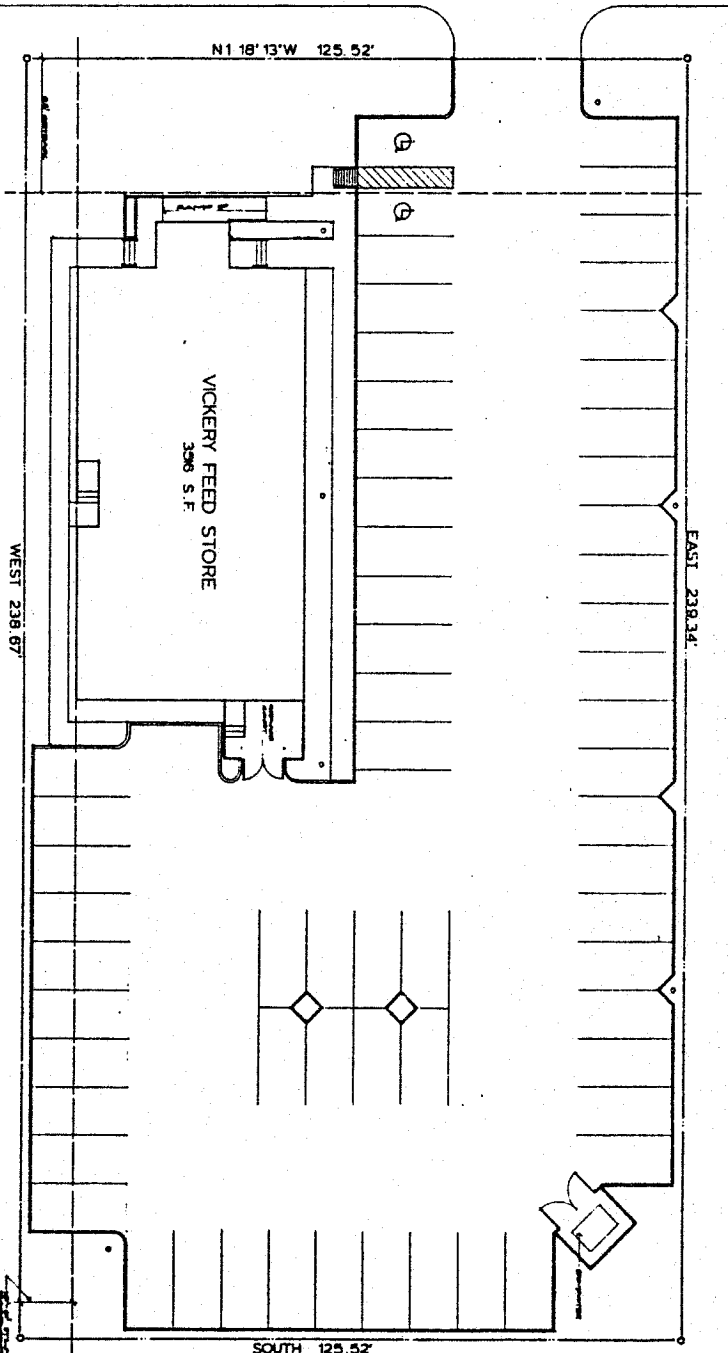
Melvin R Folin  
200 Chisholm Place  
Phon. Texas 75075  
Architects  
Suite 214  
(214) 422 4706



Sheet no

MIDWAY ROAD

N1 18' 13"W 125.52'



Ⓐ SITE PLAN  
1/10



PARKING SPACES REQUIRED - 51  
(1 SPACE/70 S.F.)  
PARKING SPACES PROVIDED - 82

**LEGEND - DIMENSIONS:**  
 1. DIMENSIONS OF BUILDING ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. DIMENSIONS OF LOT ARE TO CORNER UNLESS NOTED OTHERWISE.  
 3. DIMENSIONS OF DRIVEWAY ARE TO FACE UNLESS NOTED OTHERWISE.  
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 5. DIMENSIONS OF DRIVEWAY ARE TO FACE UNLESS NOTED OTHERWISE.

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ADDISON, TEXAS

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Drill Record