

ORDINANCE NO. 085-004

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 DELT EXPRESS, LOCATED AT 4510 WESTGROVE, 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 Doli Express. 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 William Lomax Survey Abstract No. 792 and being Lease Tract No. 2 of Blakely Airport Addition, an Addition to the City of Addison, Dallas County, Texas, according to the plat recorded in Volume B4083 at page 5459 of the Map Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the South line of Westgrove Drive (a 60 foot R.O.W.) said point being South 89 deg. 56 min. 40 sec. West a distance of 200.00 feet from the intersection of said South line with the West line of Addison Road (a 60 foot R.O.W.);

THENCE, South 00 deg. 14 min. 20 sec. East, a distance of 336.55 feet a point for corner;

THENCE, South 89 deg. 45 min. 40 sec. West, a distance of 270.00 feet a point for corner;

THENCE, South 00 deg. 14 min. 20 sec. East, a distance of 109.14 feet a point for corner; THENCE, North 46 deg. 35 min. 21 sec. West, a distance of 207.20 feet a point for corner; THENCE, South 89 deg. 54 min. 46 sec. West, a distance of 89.70 feet a point in the Easterly line of Claire Chennault Street (a 60 foot R.O.W.) said point being a curve to the left;

THENCE, Northerly with said Easterly line and with said curve to the left having a central angle of 21 deg. 12 min. 46 sec., a radius of 130.00 feet and whose tangent bears North 21 deg. 07 min. 32 sec. East, an arc length of 40.13 feet to the end of said curve;

THENCE, North 00 deg. 05 min. 14 sec. West with the East line of Clair Chennault Street a distance of 257.01 feet to a point for corner at the intersection of said East line with the South line of Westgrove Drive;

THENCE, North 89 deg. 56 min. 40 sec. East with the South line of Westgrove Drive a distance of 500.02 feet to the Place of Beginning and containing 171,852 square feet or 3.9452 acres of land.

SAVE AND EXCEPT the following described tracts of land:

TRACT T

COMMENCING at the Northeast corner of Lease Tract No. 2 of Blakely Airport Addition, an Addition to the City of Addison, Dallas County, Texas according to the plat recorded in Volume 84038 at page 4359 of the Map Records of Dallas County, Texas; THENCE, South 00 deg. 14 min. 20 sec. East, a distance of 336.55 feet a point for corner; THENCE, South 89 deg. 45 min. 40 sec. West a distance of 87.04 feet a point for corner; THENCE, North 00 deg. 14 min. 20 sec. West a distance of 82.00 feet to the Place of Beginning;

THENCE, South 89 deg. 56 min. 40 sec. West with the exterior South wall of a hangar, a distance of 125.8 feet, a point for corner;

THENCE, North 00 deg. 03 min 20 sec. West passing at 15.00 of the exterior South wall of a contiguous hangar and continuing with the center of a common wall in all a distance of 101.00 feet to a point in a North common wall, a point for corner;

THENCE, North 89 deg. 56 min. 40 sec. East with the center said North common wall a distance of 111.30 feet to an angle point in said wall;

THENCE, South 45 deg. 58 min. 20 sec. East with the center of a common wall a distance of 20.91 feet to an angle point in said wall;

THENCE, South 00 deg. 03 min. 20 sec. East with the center of a common wall a distance of 85.94 feet to the Place of Beginning and containing 12,597 square feet or 0.2892 acres of land.

TRACT 2

COMMENCING at the Northeast corner of Lease Tract No. 2 of Blakely Airport Addition, an Addition to the City of Addison, Dallas County, Texas according to the plat recorded in Volume 84088 at page 4359 of the Map Records of Dallas County, Texas; THENCE, South 00 deg. 14 min. 20 sec. East a distance of 336.55 feet a point for corner; THENCE, South 89 deg. 45 min. 40 sec. West a distance of 212.04 feet a point for corner; THENCE, North 00 deg. 14 min. 20 sec. West a distance of 96.60 feet to the Place of Beginning;

THENCE, South 89 deg. 56 min. 40 sec. West with the exterior South wall of a hangar, a distance of 120.80 feet, a point for corner;

THENCE, North 00 deg. 03 min. 20 sec. West with the center of a common wall, a distance of 86.00 feet to a point in the center of a North Common wall;

THENCE, North 89 deg. 56 min. 40 sec. East with the center of said North common wall a distance of 120.80 feet, a point for corner;

THENCE, South 00 deg. 03 min. 20 sec. East with the center of a common wall, a distance of 86.00 feet to the Place of Beginning and containing 10,389 square feet or 0.2385 acres of land.

TRACT 3

COMMENCING at the Northeast corner of Lease Tract No. 2 of Blakely Airport Addition, an Addition to the City of Addison, Dallas County, Texas according to the plat recorded in Volume 84088 at page 4359 of the Map Records of Dallas County, Texas; THENCE, South 00 deg. 14 min. 20 sec. East a distance of 336.55 feet a point for corner; THENCE, South 89 deg. 45 min. 40 sec. West a distance of 212.04 feet a point for corner; THENCE, North 00 deg. 14 min. 20 sec. a distance of 96.60 feet a point for corner; THENCE, South 89 deg. 56 min. 40 sec. West a distance of 120.80 feet to the Place of Beginning;

THENCE, South 89 deg. 56 min. 40 sec. West with the exterior South wall of a hangar, a distance of 120.80 feet a point of corner;

THENCE, North 00 deg. 03 min. 20 sec. West with the center of common wall a distance of 70.94 feet, to an angle point in said wall;

THENCE, North 43 deg. 51 min. 40 sec. East with the center of a common wall a distance of 20.91 feet to an angle point in said wall;

THENCE, North 89 deg. 56 min. 40 sec. East with the center of a North common wall a distance of 106.00 feet a point of corner;

THENCE, South 00 deg. 03 min. 20 sec. East with the center of a common wall a distance of 106.00 feet to a Place of Beginning and containing 10,254 square feet or 0.2354 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 1,531 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 receives 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.

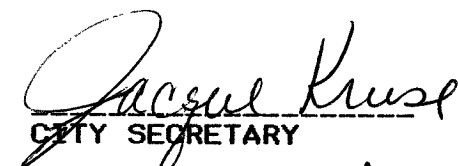
SECTION 4. It is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said 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
Mark Gill 12/9/85

Pub.
11-14-85