

ORDINANCE NO. 085-090

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 BEL-AIR GRILLE, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE: PROVIDING FOR SPECIAL CONDITIONS: 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

pub. 12/1/85



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 Bel-Air Grille. Said special use permit shall be granted, subject to the special conditions, on the following described property, to wit:

WHEREAS, LAWRENCE D. LAVINE, 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 BLOCK E, BELTWOOD BUSINESS PARK-THIRD INSTALLMENT, an addition to the Town of Addison as recorded in Volume 78076 Page 221⁷ in the Dallas County Deed Records and being more particularly described as follows:

BEGINNING a chiseled "X" in the concrete pavement at the intersection of the South Line of Belt Line Road (a 100 foot right-of-way) and the East Line of Beltwood Parkway East (a 60 foot right-of-way):

THENCE North 89 degrees 56' 45" East 221.90 feet along the said South Line of Belt Line Road to a chiseled "X" in concrete pavement:

THENCE South 00 degrees 24' 00" East 190.0 feet along the East Line of said Block E to an iron rod:

THENCE South 89 degrees 56' 45" West 221.90 feet to an iron rod on the said East Line of Beltwood Parkway East:

THENCE North 00 degrees 24' 00" West 190.00 feet along the said East Line of Beltwood Parkway East to the Point of Beginning and Containing 42,160 square feet or 0.967⁹ acre 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 6,000 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. Restaurant 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 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 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 December, 1985.


MAYOR

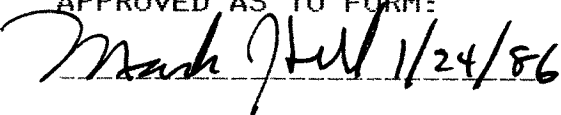
ATTEST:


CITY SECRETARY

CASE#

TAX#

APPROVED AS TO FORM:



POINT OF BEGINNING

BELT LINE ROAD
100' R.O.W.

BELTWOOD PARKWAY
60' R.O.W.

N 00°24'00" W 190.00'

CHISEL D

N 89°36'45" W 221.90'

CHISEL D

25' BUILDING SETBACK

25' BUILDING SETBACK

AREA: 42,160 SQ. FT.
OR 0.9679 ACRES

NOTE: ALL ON SITE UTILITIES
WILL BE UNDERGROUND.

PROPERTY TAX NO. 1-24-0018

ROW EASEMENT
VOL. 18028, PG. 502

10' UTILITY EASEMENT
VOL. 18076, PG. 2217

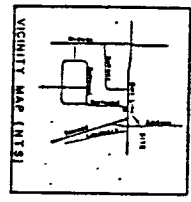
S 00°24'00" E 190.00'

CAROL MICHAEL TR
1-24-0043
BLOCK E
BELTWOOD BUSINESS PARK -
THIRD INSTALLMENT
VOL. 18076, PG. 2217

CROSSMAN CORP
1-24-0024

BELTWAY DEVELOPMENT CO
1-24-0019

TRACT 1
INWOOD ROAD SUBDIVISION
VOL. 17246, PG. 214



BELAIR GRILL ADDITION

Being a part of part of Block E, BELTWOOD BUSINESS PARK -
THIRD INSTALLMENT as recorded in Volume 18076 Page 2217.

ELISHA FIKE SURVEY, ABSTRACT NO. 478
TOWN OF ADDISON, DALLAS COUNTY, TEXAS

DRAWN BY
TRACE CAPITAL, INC
3643 OREN STREET
DALLAS, TEXAS 75205

SURVEYOR
BARRY S. HOLLAND, INC
723 S. CENTRAL, SUITE C-9
MICHIGAN, TEXAS 75000
(214) 231-1435

LEGAL CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS
I, the undersigned, being a duly qualified Surveyor in and for the County of Dallas, State of Texas, do hereby certify that the foregoing is a true and correct copy of the plat as recorded in the Public Records of the County of Dallas, State of Texas, and that the same is a true and correct copy of the original as filed with me for record.

WITNESSED my hand and seal of office this _____ day of _____, 1984.
Surveyor

APPROVED BY THE TOWN OF ADDISON, TEXAS, ON _____, 1984.
Mayor

APPROVED BY THE TOWN OF ADDISON, TEXAS, ON _____, 1984.
City Secretary

APPROVED BY THE TOWN OF ADDISON, TEXAS, ON _____, 1984.
City Secretary

Pub. 2-7-86