

ORDINANCE NO. 086-028

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 BARRY NELSON PROPERTIES, LOCATED ON 3.06 ACRES ON THE NORTH SIDE OF BELT LINE ROAD, ABOUT 600 FEET EAST OF MIDWAY ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A 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 Barry Nelson Properties. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

A 3.060 acre tract of land situated in the Edward Cook Survey, Abstract No. 326, and the E. Fike Survey, Abstract No. 478, an addition to the City of Addison, Dallas County, Texas, and described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod found in the North ROW line of Beltline Road, whence the Southwest corner of said Cook Survey bears South 25.4 feet and West 596.4 feet;

THENCE S 84 deg 37' 33" E along the said North Row line 292.19 feet to a 1/2" iron rod, found, the beginning of a non-tangent curve concave to the North whose radius is 2814.79 feet and whose longchord bears S 85 deg 26' 49" E, 100.41 feet;

THENCE along said curve and North ROW line, through a central angle of 2 deg 02' 38", an arc distance of 100.41 feet to a 5/8" iron rod with cap stamped "Carter & Burgess", set, the Southwest and BEGINNING CORNER of this tract;

THENCE N 00 deg 43' 00" E, 364.00 feet to a 5/8" iron rod with cap stamped "Carter & Burgess", set;

THENCE S 89 deg 40' 00" E, 32.00 feet to a 5/8" iron rod with cap stamped "Carter & Burgess", set;

THENCE N 00 deg 43' 00" E, 27.00 feet to a 5/8" iron rod with cap stamped "Carter & Burgess" set, the beginning of a curve concave to the Southwest whose radius is 75.00 feet and whose longchord bears N 22 deg 45' 14" W, 58.82 feet;

THENCE along said curve through a central angle of 46 deg 10' 28", an arc distance of 60.44 feet to a 5/8" iron rod with cap stamped "Carter & Burgess", a set, the most Northerly Northwest corner of this tract;

THENCE S 89 deg 40' 00" E, 293.37 feet to a 5/8" iron rod with cap stamped "Carter & Burgess", set, the Northeast corner of this tract;

THENCE S 00 deg 43' 00" W, 449.49 feet to a 1/2" iron rod, found in the North ROW line of said Belt Line Road, the Southeast corner of this tract;

THENCE N 89 deg 40' 00" W along said ROW line, 144.90 feet to a 1/2" iron rod, found, the beginning of a curve concave to the North whose radius is 2814.79 feet and whose longchord bears N 88 deg 04' 04" W, 157.08 feet;

THENCE along said curve and North ROW line through a central angle of 3 deg 11' 52", an arc distance of 157.10 feet to the BEGINNING CORNER of this tract;

Said tract contains 133,290 square feet or 3.060 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 20,000 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.

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.

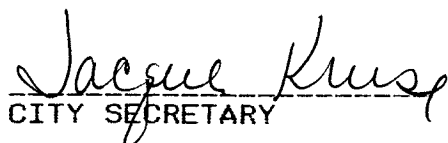
SECTION 5. The importance of this ordinance creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 25th day of March, 1986.



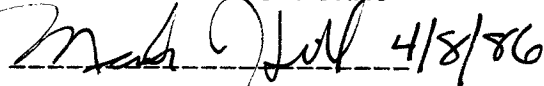
MAYOR

ATTEST:



CITY SECRETARY

APPROVED AS TO FORM:



CASE NO. 962-SUP

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 086-028



Architects: J. Pat Weaver and Associates, Architects

Planner: Landscape Architects



BELT LINE ROAD

DEVELOPMENT DATA

HOTEL	9,000 S.F.
1ST FLOOR	10,000 S.F.
2ND FLOOR	10,000 S.F.
TOTAL	20,000 S.F.
RETAIL	15,000 S.F.
1ST FLOOR	15,000 S.F.
2ND FLOOR	15,000 S.F.
TOTAL	30,000 S.F.
PARKING REQUIRING	875 SPACES
SURFACE PARKING	97 SPACES
LOWER PARKING	878 SPACES
TOTAL	1,650 SPACES

AMBERLEY ARCADE

A JOINT VENTURE
BARRY NELSON & BILL HEAP

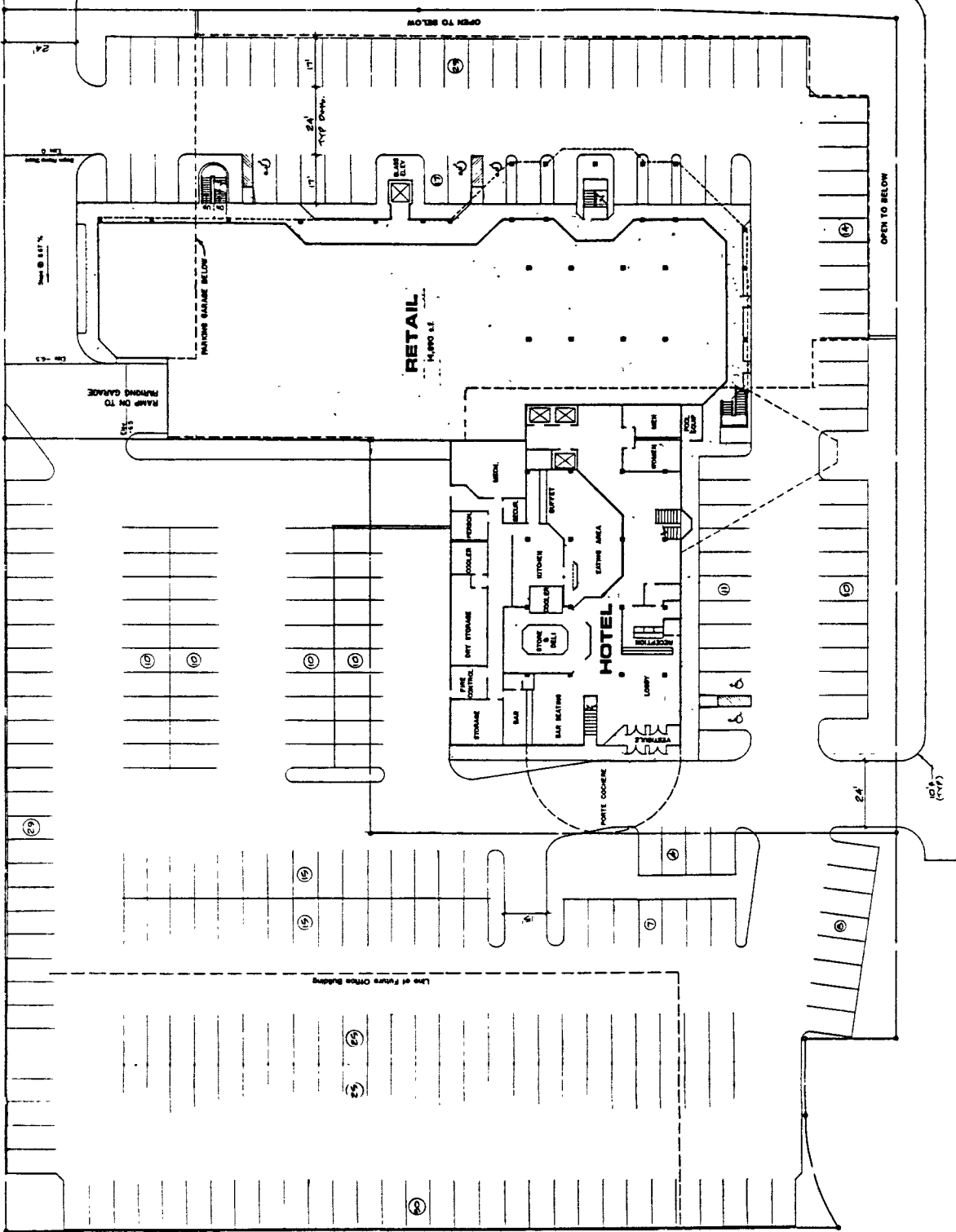


12.2.20

7

961-7

96284



UPPER LEVEL

LOWER LEVEL

OPEN TO BELOW

RAMP ON TO PARKING GARAGE

PARKING GARAGE BELOW

RESTAURANT AREA

HOTEL

RETAIL

PORTA COCHERE

BAR

COOLER

KITCHEN

BUFFET

STORAGE

BAR SEATING

RESTROOM

LOBBY

STAIRS

ELEVATOR

MECHANICAL

RECEPTION

OFFICE

CONFERENCE

STORAGE

RESTROOM

RECEPTION

OFFICE

CONFERENCE

STORAGE

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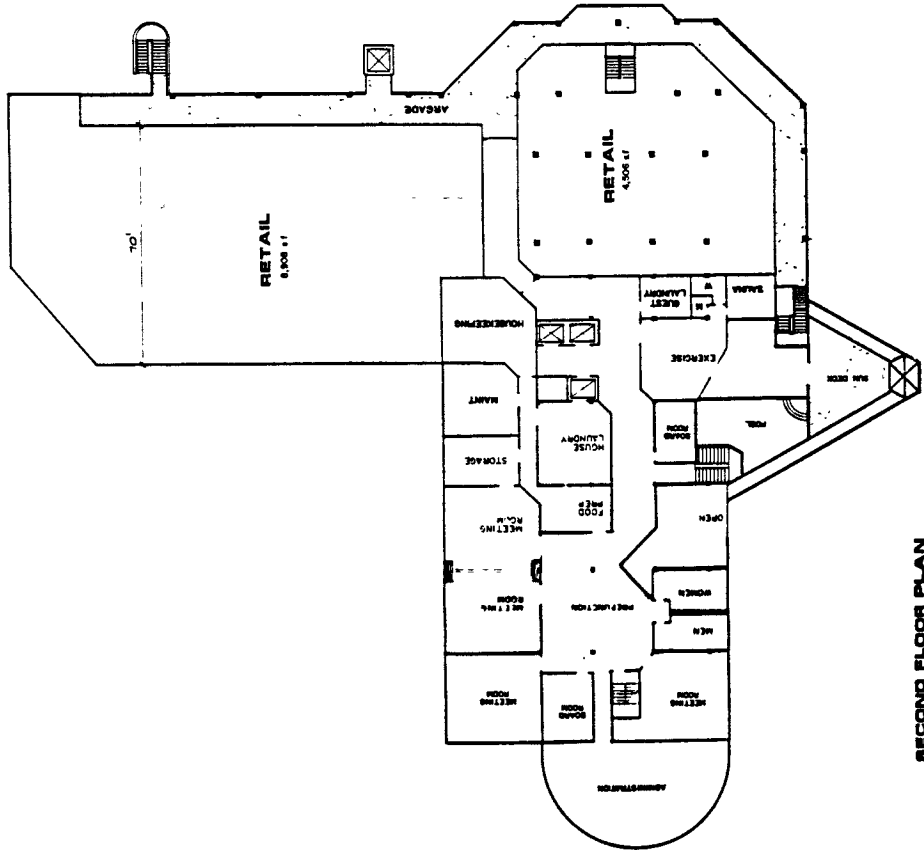
RECEPTION

OFFICE

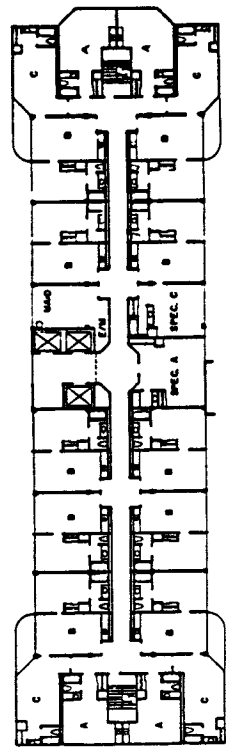
CONFERENCE

STORAGE

Line of Future Office Building



SECOND FLOOR PLAN
 No. 2-110'

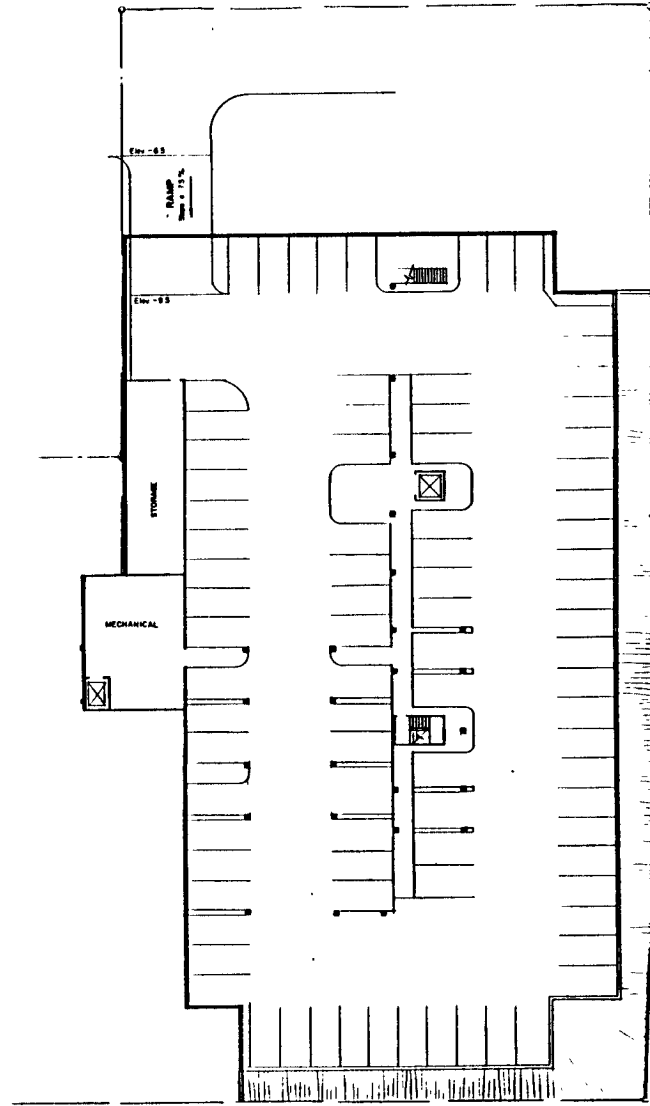


TYPICAL FLOORS 3 THRU 12
 No. 2-110'



J. PAT WEAVER AND ASSOCIATES
AUSTIN, TEXAS

architects planners landscape architects



LOWER PARKING

No. of
07 SPACES

GARAGE	29,990 SF
STORAGE	1,008 SF
MECHANICAL	1,170 SF
TOTAL	32,168 SF

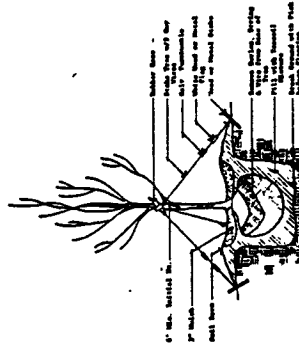


LANDSCAPE SPECIFICATIONS

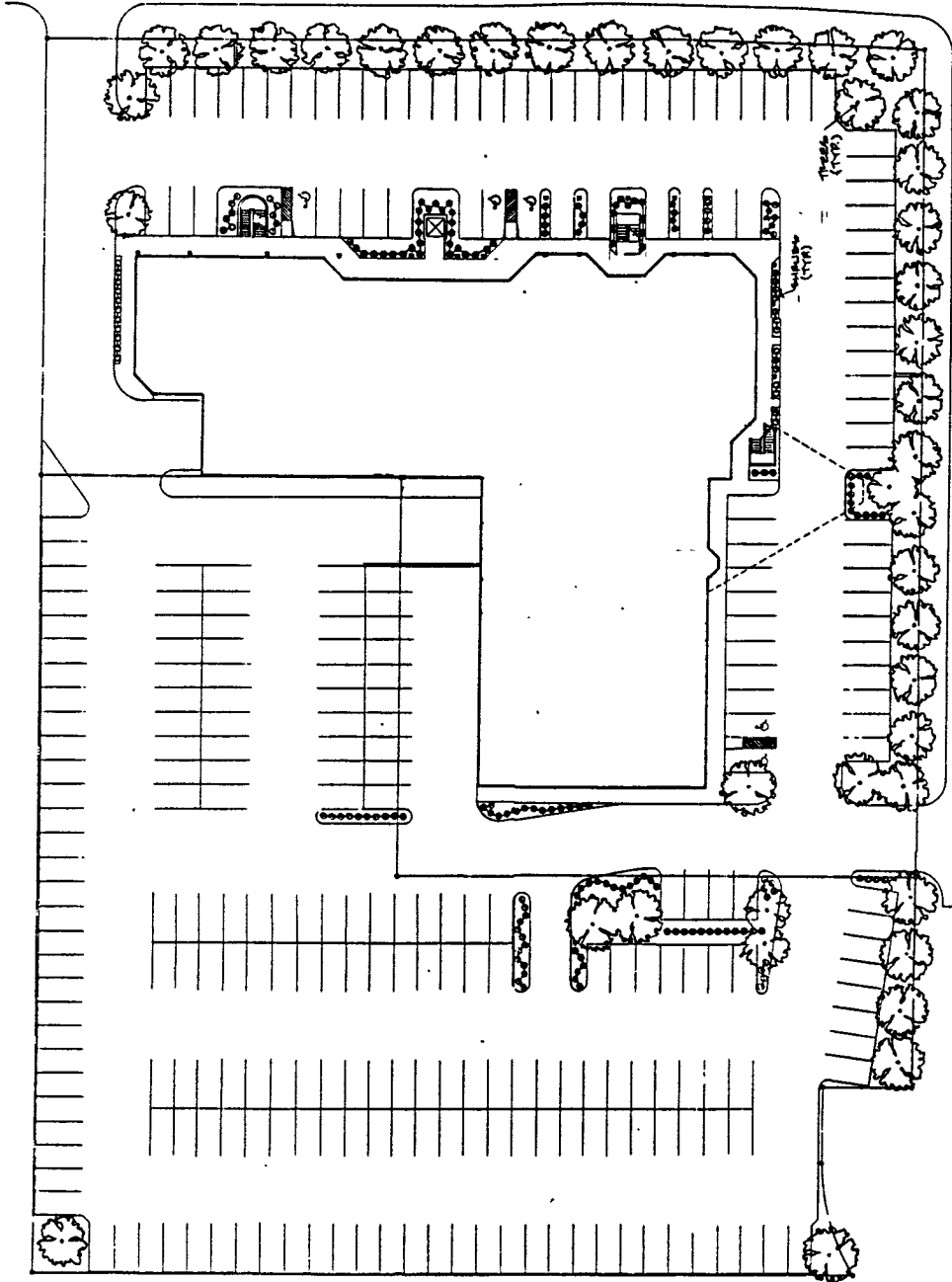
- All shrub beds to receive 2" layer of medium coarse pine bark chips. All plants to be watered thoroughly at least once a week for first 30 days after planting. If routine performance herbicide or equal at package rate. Allow 7 to 10 days before reseeding.
- Soil prep. All soil varieties shall be thoroughly reseeded with the following:
 - 2" organic mulch.
 - 1/2-1/2" fertilizer at lawn grass rate.
 - 1/2-1/2" fertilizer at lawn grass rate.
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 - 1/2-1/2" fertilizer at lawn grass rate.
 - 1/2-1/2" fertilizer at lawn grass rate.
- Edging shall be placed between all shrub, ground cover, lawn areas and beds. Heavy gauge commercial plastic edging, "Black Wimper", or equal shall be used.
- Finish grade shall be maintained at 1" below water table to hydroseeding.
- All trees except buildings, parking, streets, sidewalks, etc. shall be watered sufficiently for 2 weeks to become established.



Bedded Shrub Planting Detail



Tree Planting Detail



SHRUB SCHEDULE
 30" HT. @ 36" O.C.

1. INDIAN NAVTHORNE
2. PLANE LEAF SUNAC
3. CAROLINA SUCKTHORN
4. JAPANESE LIGUSTRUM
5. WAX LIGUSTRUM

TREE SCHEDULE
 6" MIN. HT. @ 2" CALIPER

1. LIVE OAK
2. TEXAS RED OAK
3. WALNUT
4. BLACK PERSIMMON
5. TEXAS ASH
6. CREPE MYRTLE

PLANT AND SPECIES NOTED ON LANDSCAPE PLAN SHALL BE SELECTED FROM SCHEDULE.