

ORDINANCE NO. 086-033

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 FUDDRUCKERS RESTAURANT, LOCATED AT SPECTRUM OFFICE CENTER AT THE NORTHWEST CORNER OF BELT LINE ROAD AND DALLAS PARKWAY, 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

Part. 4/24/86



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 Fuddrucker's Restaurant. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 7.465 acre tract of land out of the G.W. Fisher Survey, Abstract No. 482, and being known as part of Block 3 of Quorum North, an Addition to the City of Addison, Texas, according to the Map thereof recorded in Volume 80005, Page 1768, May Records of Dallas County, Texas, and being part of a 104.5 acre tract described in First Tract in Deed recorded in Volume 2465, Page 413, of the Deed Records of Dallas County, Texas, on March 24, 1944, said tract being more particularly described as follows:

BEING at an iron pin, said pin being the intersection point of the North right of way of Belt Line Road (100' R.O.W.) and the West right of way of Dallas Parkway (200' R.O.W.);

THENCE South 89 deg 56' 00" West, a distance of 664.58 feet along said North right of way of Belt Line Road to a point for corner;

THENCE North 00 deg 25' 00" West, a distance of 412.00 feet to a point for corner;

THENCE North 89 deg 35' 00" East, a distance of 90.00 feet to a point for corner;

THENCE North 00 deg 25' 00" West, a distance of 154.14 feet to a point on the South right of way line of Spectrum Drive, said South right of way being a curve to the left, whose central angle is 19 deg 52' 41" and whose radius is 415.19 feet;

THENCE Southeasterly along said South right of way of Spectrum Drive, a distance of 144.05 feet to the point of tangency of said curve;

THENCE South 80 deg 40' 39" East, a distance of 471.70 feet to a point on a curve to the left, whose central angle is 07 deg 52' 50" and whose radius is 2,391.86 feet, said curve also being the said West right of way of Dallas Parkway;

THENCE Southerly along said curve, a distance of 328.98 feet to a point, said point being the point to tangency of said curve;

THENCE South 00 deg 04' 00" East, a distance of 114.34 feet to the POINT OF BEGINNING:

CONTAINING 7.465 acres or 325,171.942 square feet 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 30,000 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 if 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

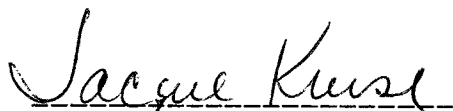
unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

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 8th day of April, 1986.

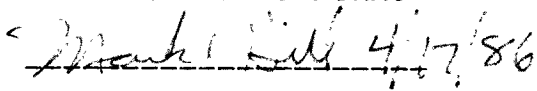
  
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MAYOR

ATTEST:

  
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CITY SECRETARY

CASE NO. 963-SUP

APPROVED AS TO FORM:

  
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