

ORDINANCE NO. 086-068

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 LE PEEP RESTAURANT, LOCATED AT 4201 BELT LINE ROAD, 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,

Published 9/25/86



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

BEING all that certain lot, tract or parcel of land situated off the Northeast corner of Belt Line Road and Dooley Road in the Town of Addison, Dallas County, Texas, a part of the W.H. WITT SURVEY ABSTRACT NO. 1609, and a part of the EDWARD COOK SURVEY, ABSTRACT NO. 326, and being more particularly described as follows:

BEGINNING at an iron stake in the intersection of the present North line of Belt Line Road, a 100 foot right-of-way and the present East line of Dooley Road (as relocated) visibility clip, said point being North 89 deg. 49 min. West 27.07 feet from the original center line of Dooley Road, a 60 foot right-of-way, said center line being the common line between said Witt and Cook Surveys;

THENCE North 45 deg. West 42.56 feet along the East line of said Dooley Road to an iron stake for corner, said point being 50 feet perpendicular distance from the relocated center line of Dooley Road;

THENCE North 00 deg. 11 min. West 22.15 feet along the present East line of Dooley Road to an iron stake for corner, point being the beginning of a curve to the right;

THENCE along a curve to the right having a central angle of 10 deg. 02 min. 22 sec., and a radius of 904.43 feet, an arc distance of 155.48 feet to a point for corner;

THENCE South 89 deg. 49 min. East 348.52 feet to an iron stake for corner;

THENCE South 00 deg. 12 min. 12 sec. East 209.98 feet along a wood fence to an iron stake for corner in North line of present Belt Line Road (100 foot right-of-way);

THENCE North 89 deg. 49 min. West 332.45 feet along the North line of Belt Line Road to the PLACE OF BEGINNING and containing 74916.52 square feet or 1.7199 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 3,420 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. The following Special Conditions are placed on the above described property:


1. The fire lane between the parking bays closest to Belt Line Road be narrowed to twenty (20) feet and the additional space be devoted to landscaping along the Belt Line Road frontage.
2. The sidewalks be installed as per the city's specifications along both Midway and Belt Line Road frontage.
3. All kitchen and food service facilities be brought into compliance with the present Addison Food Service Ordinance.
4. The re-facing and improvements for the facade of the entire center be completed prior to the issuance of a Food Service License for Le Peep.
5. The power pole holding the service drop for the marquee at this center needs to be removed. The power can be moved to an existing pole on the southeast corner of this site, and should be done at the applicants expense prior to a Certificate of Occupancy.

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 9th day of September, 1986.



MAYOR

ATTEST:



CITY SECRETARY

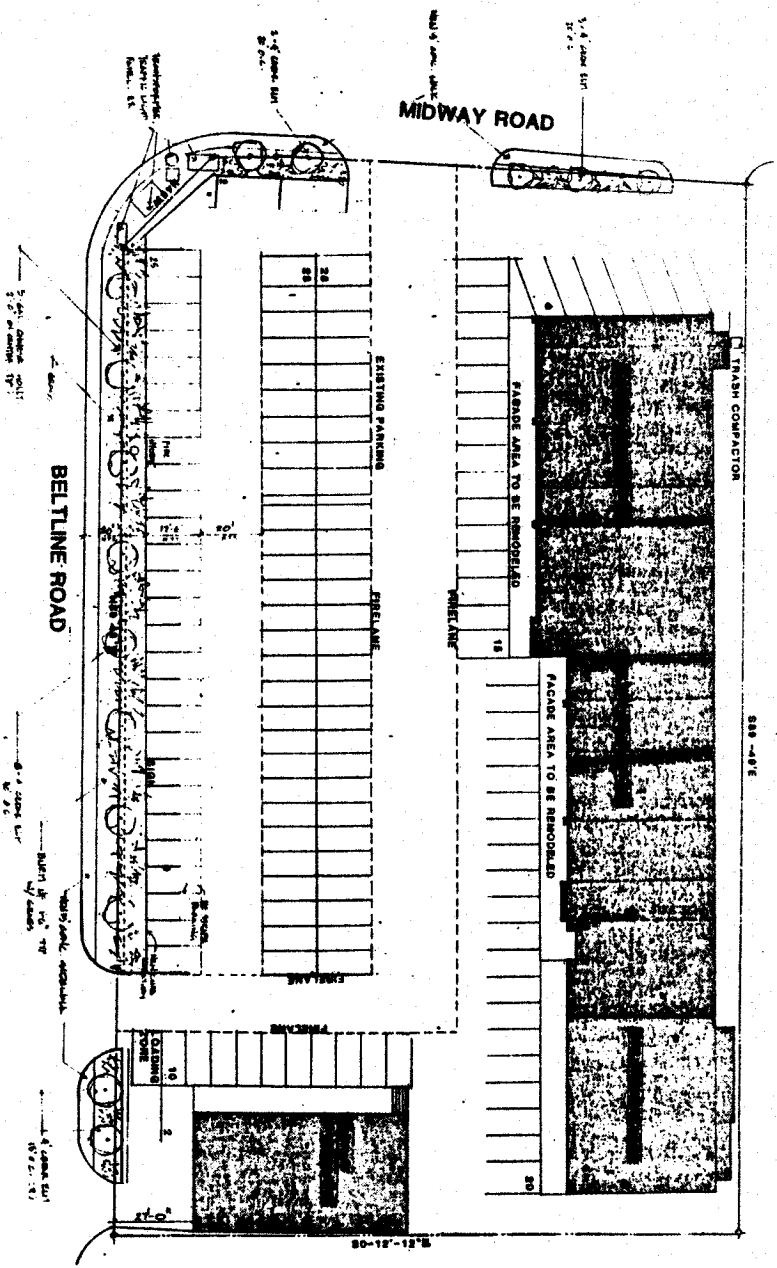
APPROVED AS TO FORM:



085-211D

SITE PLAN

1780 2170'



PERMITS: TOLLWAY

STATE	200
BELTLINE	100
TRASH	100
TOTAL	400

TOTAL PERMITS: 100 PERMITS

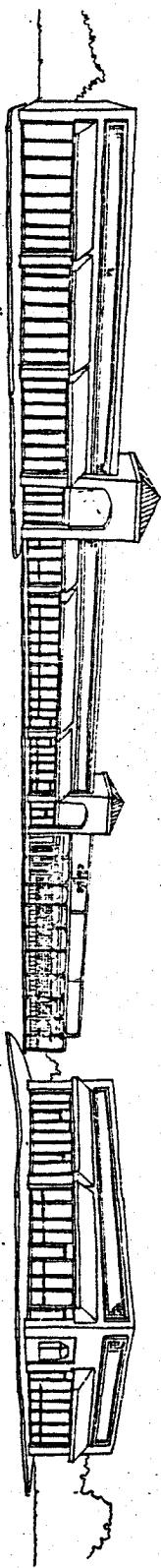
A2

Larry Lacy
Architects

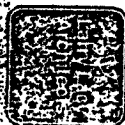


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DATE	_____
BY	_____
PROJECT	_____
SCALE	_____
NO.	_____



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CHILI'S SQUARE
EXTERIOR RENOVATION



