

ORDINANCE NO. 087-001

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 VERNON GARCIA, LOCATED AT 5290 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 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,

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

BEGINNING at the intersection of the South line of Belt Line Road (a 100' R.O.W.), with the East line of Montfort Drive (a proposed 80' R.O.W.), an iron stake for corner;

THENCE, N 89 deg 49' 50" E, along said Belt Line Road South line, a distance of 609.11 feet to an iron stake for corner;

THENCE, S 0 deg 10' 10" E, leaving said Belt Line Road South line, a distance of 366.58 feet to an iron stake for corner;

THENCE, S 89 deg 49' 50" W, a distance of 604.08 feet to a point on the said Montfort Drive East line, an iron stake for corner;

THENCE, along the said Montfort Drive East line, the following:

Around a curve to the left, having a central angle of 28 deg 22' 34" and a radius of 540.00 feet, a distance of 267.44 feet to the end of said curve and the beginning of a curve to the right, having a central angle of 12 deg 48' 08" and a radius of 460.00 feet, an iron stake for corner;

Around said curve, a distance of 102.78 feet to the PLACE OF BEGINNING and containing 5.00 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 3,500 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 landscaping along Belt Line Road be installed prior to a Certificate of Occupancy.
2. The word "BAR" be deleted from the name and signage of this restaurant.
3. The sidewalks be installed along Belt Line Road and Montfort Drive prior to a Certificate of Occupancy.

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 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 5. 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. 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 20th day of January, 1987.

MAYOR



ATTEST:

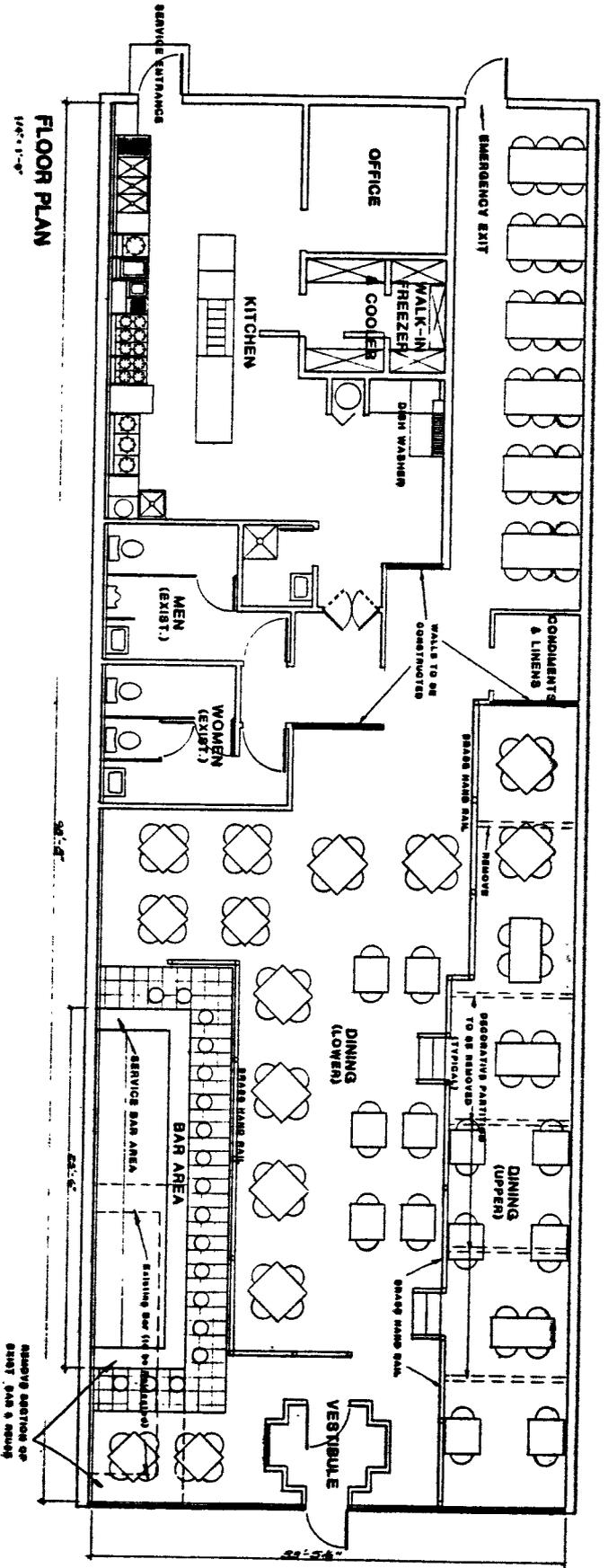

CITY SECRETARY

CASE NO. 999-SUP

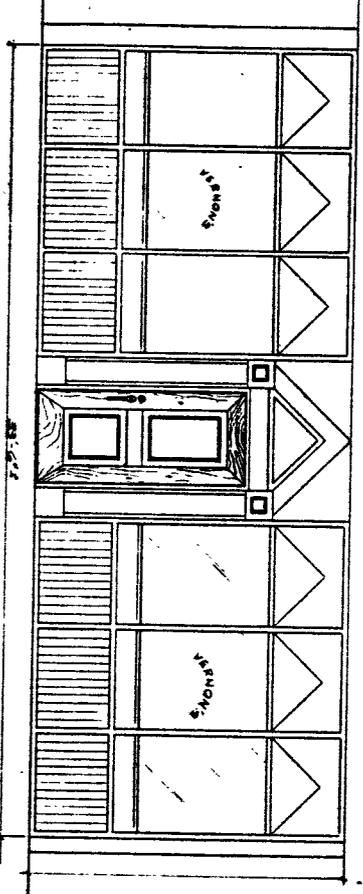
APPROVED AS TO FORM:



FLOOR PLAN
1/4" = 1'-0"



FRONT ELEVATION
1/4" = 1'-0"



DINING 128 Seats
BAR 16 Seats

10/14/86
VERNON'S GRILLE
 6700 BAYVIEW ROAD DALLAS TX 75249
 Drawn By: James Proctor
 Date: December 1985

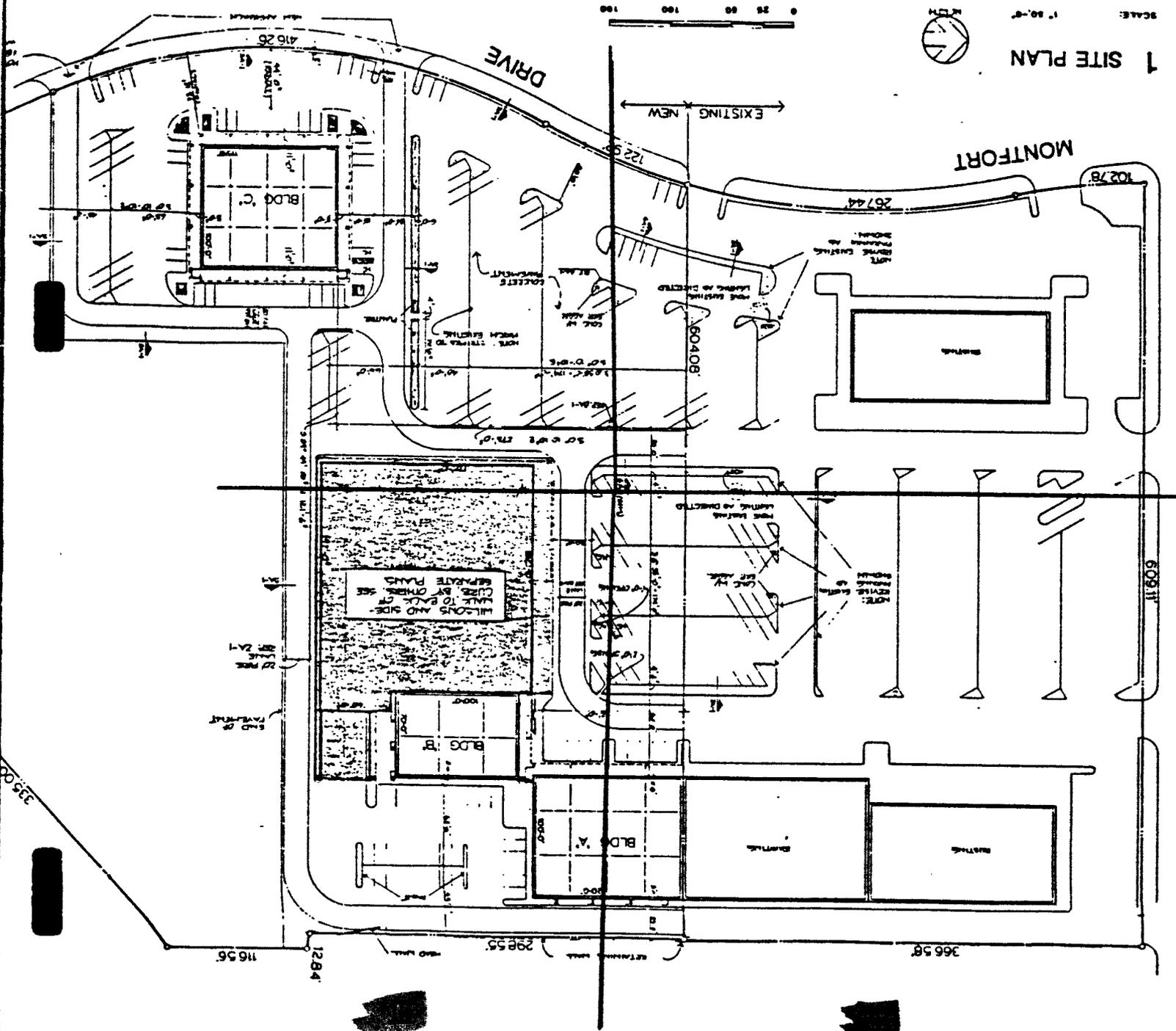
999-811P

1 SITE PLAN

SCALE: 1" = 20'-0"



0 25 50 100



DELLINE

HUAN

395.00

1284 11656

36658

DRIVE

MONTFORT

41926

26744

10278

60408

609311

WILSONS AND SIDE
COURTS BY OTHERS
CALL TO BACK OF
SEPARATE PLANS

NOTE:
EXISTING DRIVE
PAVED AS SHOWN

NOTE:
EXISTING DRIVE
AS SHOWN

EXISTING NEW

12299

BLDG C

BLDG B

BLDG A

BLDG B

BLDG C

29855

1284

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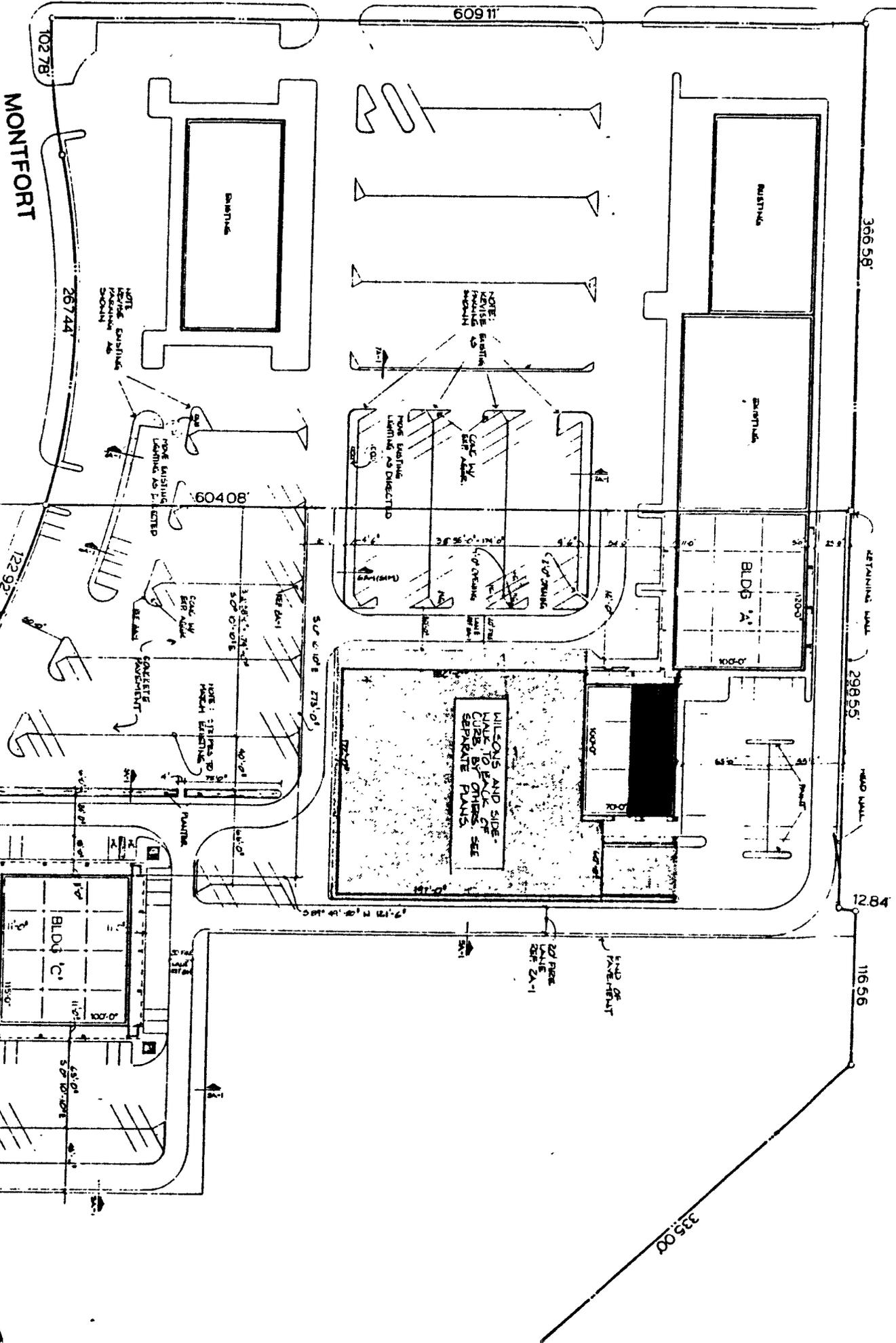
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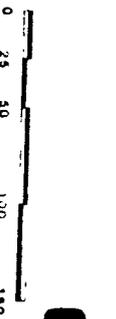
BEL LINE

ROA



1 SITE PLAN

SCALE 1" = 30'-0"



NOTE: SEE CITY

PUBLISHED

