

ORDINANCE NO. 087-015

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 CAFE CARTIER II, LOCATED AT GREENHILL PARK, 14131 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 Statute 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

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

BEING a tract of land out of the Thomas L. Chenoweth Survey, Abstract No. 273 and being part of a tract of land conveyed to Greenhill School by Deed Recorded in Volume 5320, Page 453 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point on the north right-of-way line of Spring Valley Road (100 foot right-of-way), said point being the southwest corner of a tract of land conveyed to the Town of Addison by Deed Recorded in Volume 81157, Page 0290 of the Deed Records of Dallas County, Texas:

THENCE South 89 deg 46' 00" West, along said north right-of-way, a distance of 765.00 feet to a point for a corner;

THENCE North 00 deg 14' 00" West, departing said north right-of-way line, a distance of 240.00 feet to a point for a corner;

THENCE North 44 deg 46' 00" East, a distance of 250.00 feet to a point for a corner;

THENCE North 00 deg 14' 00" West, a distance of 50.00 feet to a point for a corner;

THENCE North 44 deg 46' 00" East, a distance of 125.00 feet to a point for a corner;

THENCE North 00 deg 14' 00" West, a distance of 110 feet to a point for a corner;

THENCE North 44 deg 46' 00" East, a distance of 340.00 feet to a point for a corner;

THENCE North 00 deg 14' 00" West, a distance of 220.00 feet to a point for a corner;

THENCE North 44 deg 46' 00" East, a distance of 95.00 feet to a point for a corner;

THENCE North 00 deg 14' 00" West, a distance of 129.63 feet to a point for a corner on the north line of said Greenhill School Tract (Volume 5320, Page 453);

THENCE North 89 deg 44' 11" East, along said north line, a distance of 206.19 feet to a point for a corner on the west right-of-way line of Midway Road (100 foot right-of-way);

THENCE South 00 deg 03' 44" East, along said west right-of-way line, a distance of 1312.50 feet to a point for a corner, said point being the northeast corner of said Town of Addison Tract (Volume 81157, Page 0290);

THENCE South 44 deg 51' 08" West, a distance of 14.16 feet to the POINT OF BEGINNING AND CONTAINING 639,915 square feet or 14.690 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 3,377 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 tables, 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 to be held for the purpose of considering a change of zoning.
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 14th day of April, 1987.


MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 1003-SUP

APPROVED AS TO FORM:



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