

ORDINANCE NO. 087-042

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 HOGS BREATH CAFE, LOCATED AT THE SOUTHEAST CORNER OF JULIAN DRIVE AND CLARA STREET, 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; PROVIDING FOR A REPEAL 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

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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 Hogs Breath Cafe, located at the southeast corner of Julian Drive and Clara Street. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

Have granted, sold and conveyed, and by these presents do grant, sell and convey, unto the said James S. Miller, of the County of Dallas, State of Texas, all that certain lot, tract or parcel of land in the Original Town of Addison and being Lots 9 and 10, Block B of the Original Town Addition, and addition to the City of Addison, as recorded in Volume 1, Page 35 of the Map Records, Dallas County, Texas and also being that certain tract of land conveyed by Mrs. J.M. Wilhite, a widow, to Imogene W. Smith by deed as recorded in Volume 5878, Page 570 of the Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron pin set for corner in the intersection of the East right-of-way line of Julian Ave. (60' R.O.W.) and the South right-of-way line of Clara Street (50' R.O.W.).

THENCE, North 89 deg. 30' 00" East, with the South right-of-way line of Clara Street, a distance of 190.00 feet to an iron pin set for corner;

THENCE, South 00 deg 22' 00" East, a distance of 125.00 feet to an iron pin found for corner;

THENCE, South 89 deg 30' 00" West, a distance of 190.00 feet to an iron pin found for corner in the East right-of-way line of Julian Avenue;

THENCE, North 00 deg 22' 00" West, with the East right-of-way line of Julian Ave., a distance of 125.00 feet to point of beginning and containing 0.545 acre of land, more or less. (23,750 sq. ft.)

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 1,800 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.
11. Shall not use "Bar" in any signage.

SECTION 3. That the Special Use Permit is granted subject to the addition of the following conditions:

1. The property owner shall install an 8 inch circulating water main with fire hydrants located every 300 feet along the access road.
2. The applicant shall install an over-sized grease trap and shall not install garbage grinders.
3. The applicant shall bring the facility into compliance with all health and sanitation codes contained in the Addison Food Service Ordinance.

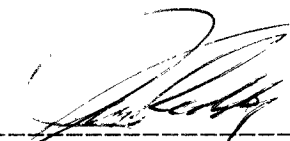
SECTION 4. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the 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. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. 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 July, 1987.

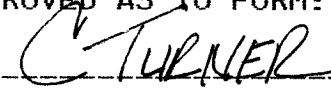
  
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MAYOR

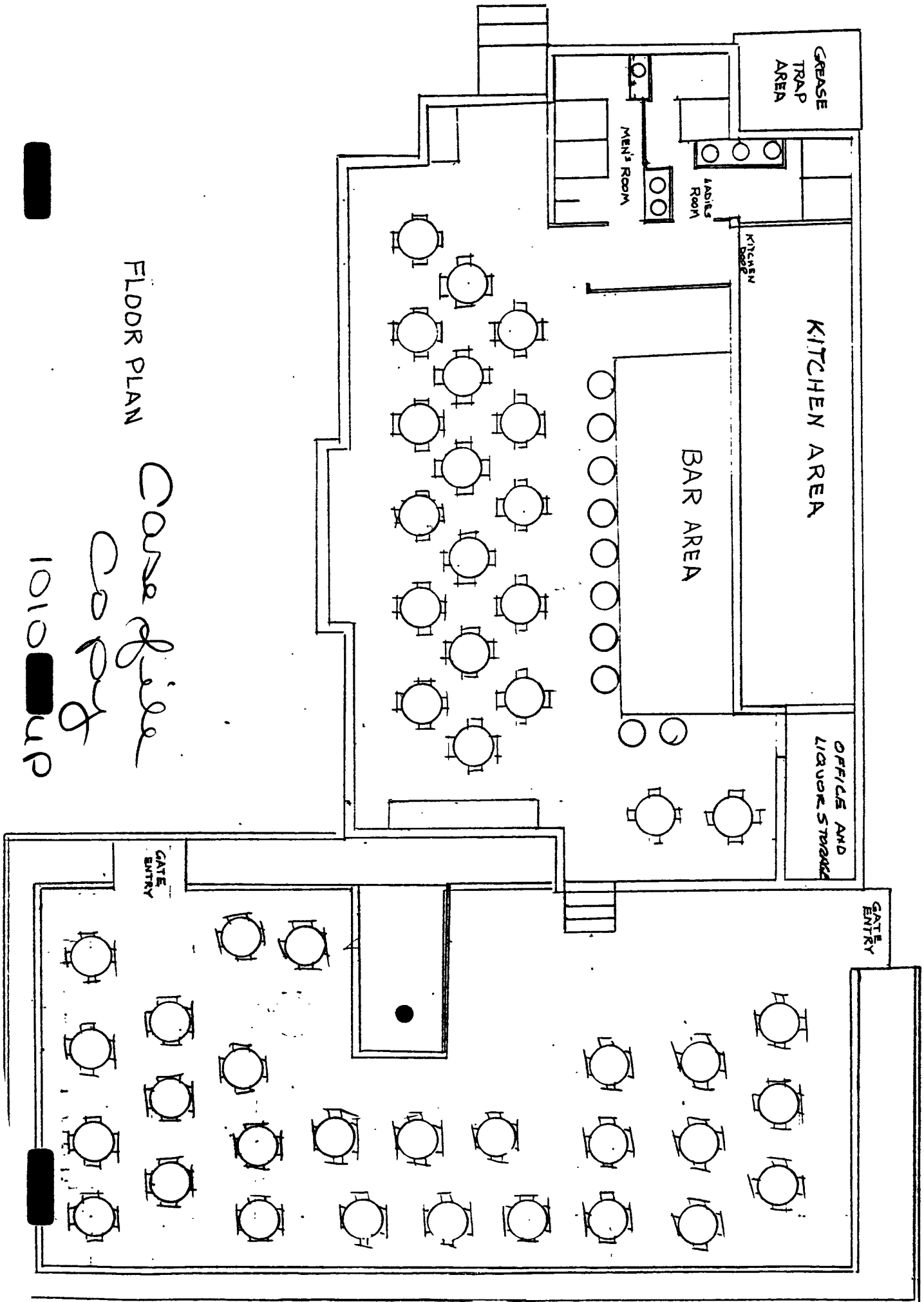
ATTEST:

  
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CITY SECRETARY

CASE NO. 1010-SUP

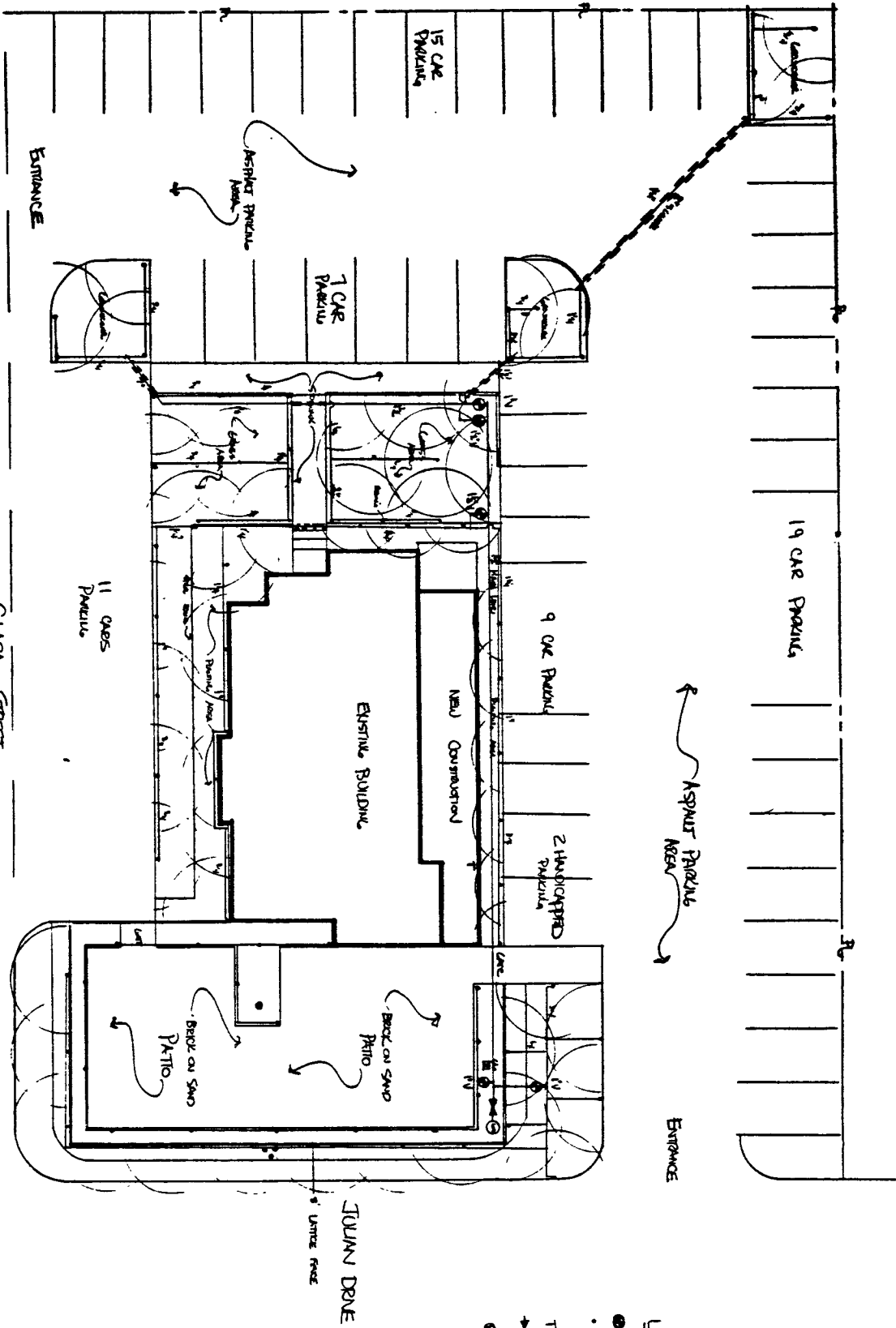
APPROVED AS TO FORM:

  
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FLOOR PLAN

*Case file copy*  
 1010 up



REPLICATION PLAN  
SCALE 1/8" = 1'-0"

CLARA STREET

HOGS BREATH CAFE & SALOON  
ADDISON, TEXAS

JULIAN DRIVE  
UNITS FLOOR

ASPHALT PARKING AREA

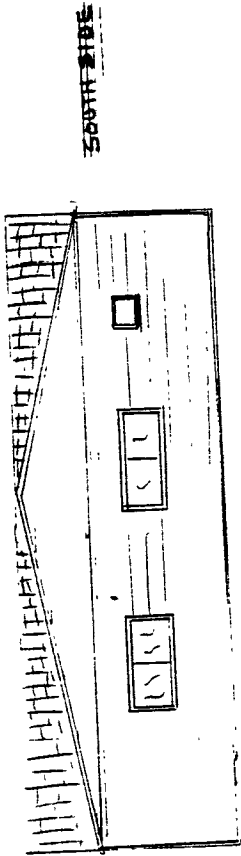
ENTRANCE

- LEGEND
- ELECTRICAL BOX
  - REPAIRS TO BE MADE
  - SPRAY HOLE'S TEXT
  - T - CONTROLLED AREA
  - DOWN CHIEF'S (CALL)
  - ⊕ WATER METER

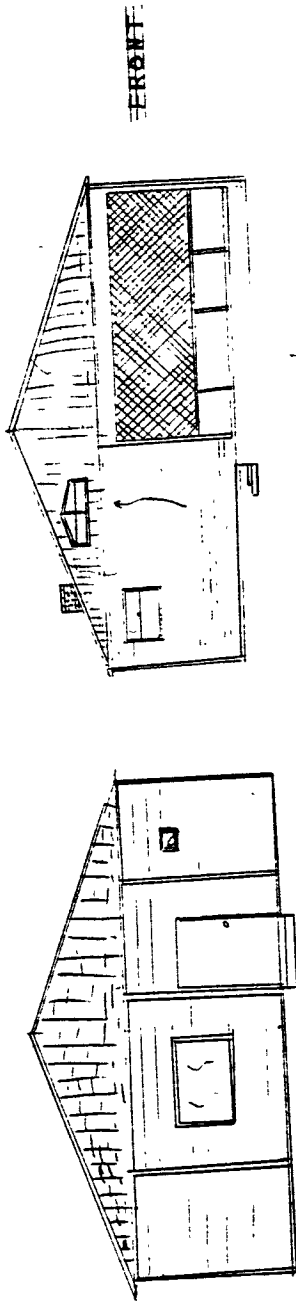


DATE: 10/27/11  
BY: [Signature]



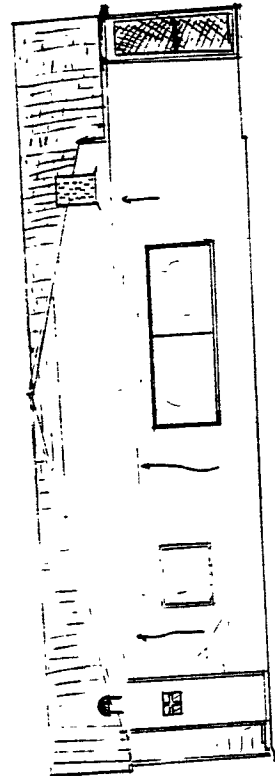


SOUTH SIDE



FRONT

BACK



NORTH SIDE



Drawn: J.C. 1/21

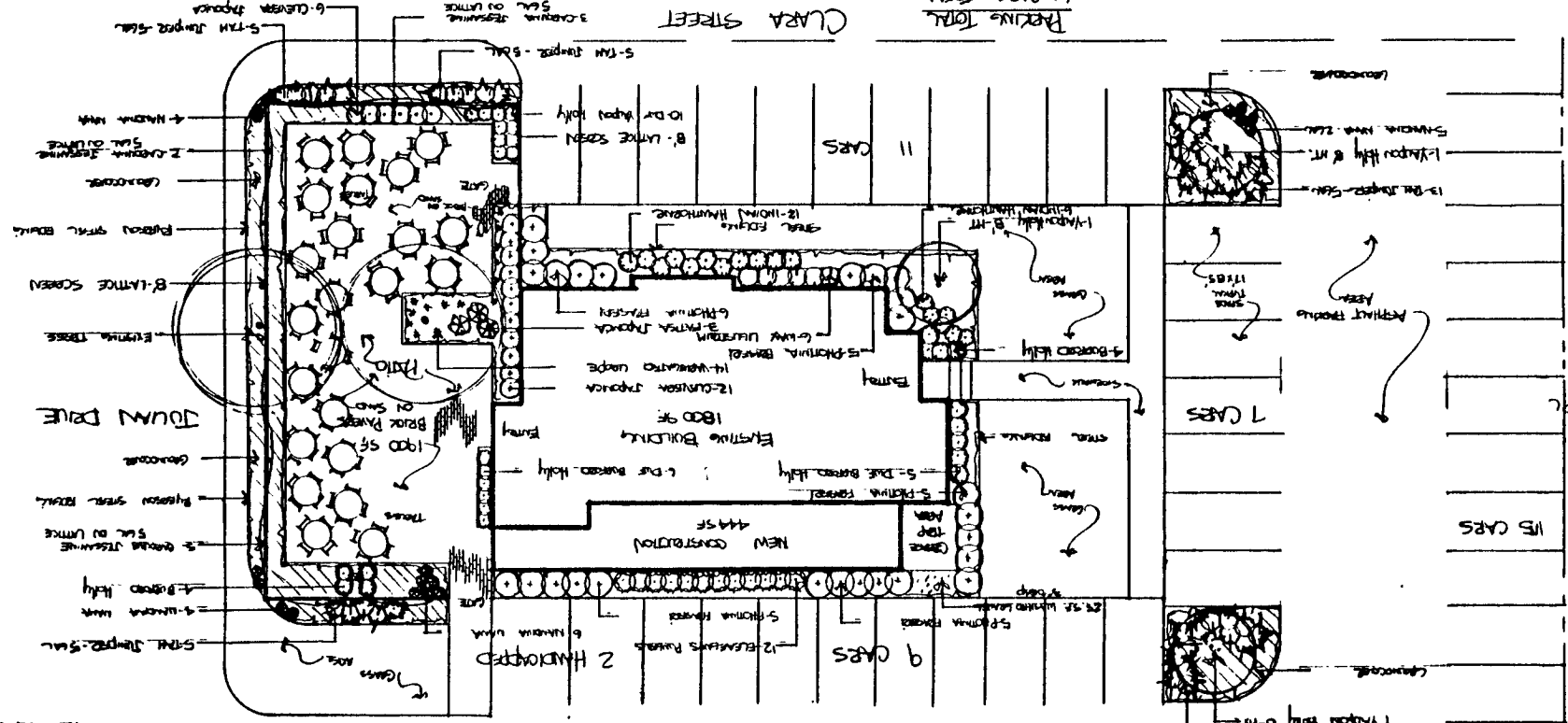


# HORS BREATH CAFE & SALOON

ADDISON, TEXAS

Parkings Total  
61 CARS TOTAL  
2 HANDICAPPED  
SCALE 1/8"=1'-0"

CLARA STREET



## LATTICE SCREEN DETAIL NO SCALE

