

ORDINANCE NO. 087-073

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 JOHN Y MIGUEL'S, LOCATED AT 4820 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 PROVIDING FOR A REPEAL CLAUSE.

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

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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,

BE IT RESOLVED 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 John Y Miguel's. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

BEING a tract or parcel of land situated in the Town of Addison, Texas and being out of the Josiah Pancoast Survey, Abstract 1146; and being Site 6, Block 1, Quorum West, an addition recorded in Volume 82053, Page 1316 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner at the intersection of the southerly line of Belt Line Road (110 feet wide) and the westerly line of Landmark Boulevard (80 feet wide);

THENCE South 0° 12 minutes 57 seconds East along said westerly line of Landmark Avenue a distance of 205.00 feet to the beginning of a curve to the left;

THENCE in southerly, southeasterly direction continuing along said westerly line of Landmark Avenue and along said curve to the left having a radius of 1403.31 feet, a central angle of 7° 59 minutes 15 seconds and an arc length of 195.63 feet to a point for corner and to the end of said curve to the left;

THENCE South 89° 47 minutes 03 seconds West a distance of 364.98 feet to a point for corner in the easterly line of a St. Louis & Southwestern Railroad right-of-way (100 feet wide);

THENCE North 17 degrees 06 minutes 17 seconds West along said easterly line of the railroad right-of-way a distance of 162.11 feet to a point for corner;

THENCE North 27° 09 minutes 19 seconds East along the easterly line of a tract of land Dedicated for Inwood Road (Variable Width) a distance of 25.92 feet to the beginning of a curve to the left;

THENCE in a northeasterly, northerly direction along said easterly line of Inwood Road Dedication and along said curve to the left having a radius of 470.00 feet; a central angle of 28 degrees 04 minutes 33 seconds and an arc length of 230.31 feet to a point for corner and to the end of said curve to the left;

THENCE North 89 degrees 47 minutes 03 seconds East along the said southerly line of Belt Line Road a distance of 333.96 feet to the POINT OF BEGINNING and containing 145,861 square feet more or less or 3.3485 acres.

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 6,351 square feet.

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 condition:

1. The applicant may use exposed luminous gas tubing in the allowed attached signage (one sign per facade). Any other use of exposed gas tubing which is visible from the exterior must be specifically approved by the Council.

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 Two Thousand Dollars (\$2,000.00) 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS, on this the 10th day of November, 1987.

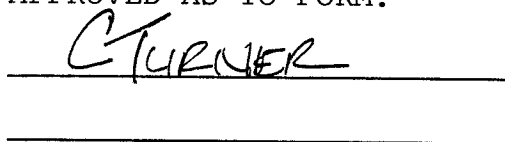
  
MAYOR

ATTEST:

  
CITY SECRETARY

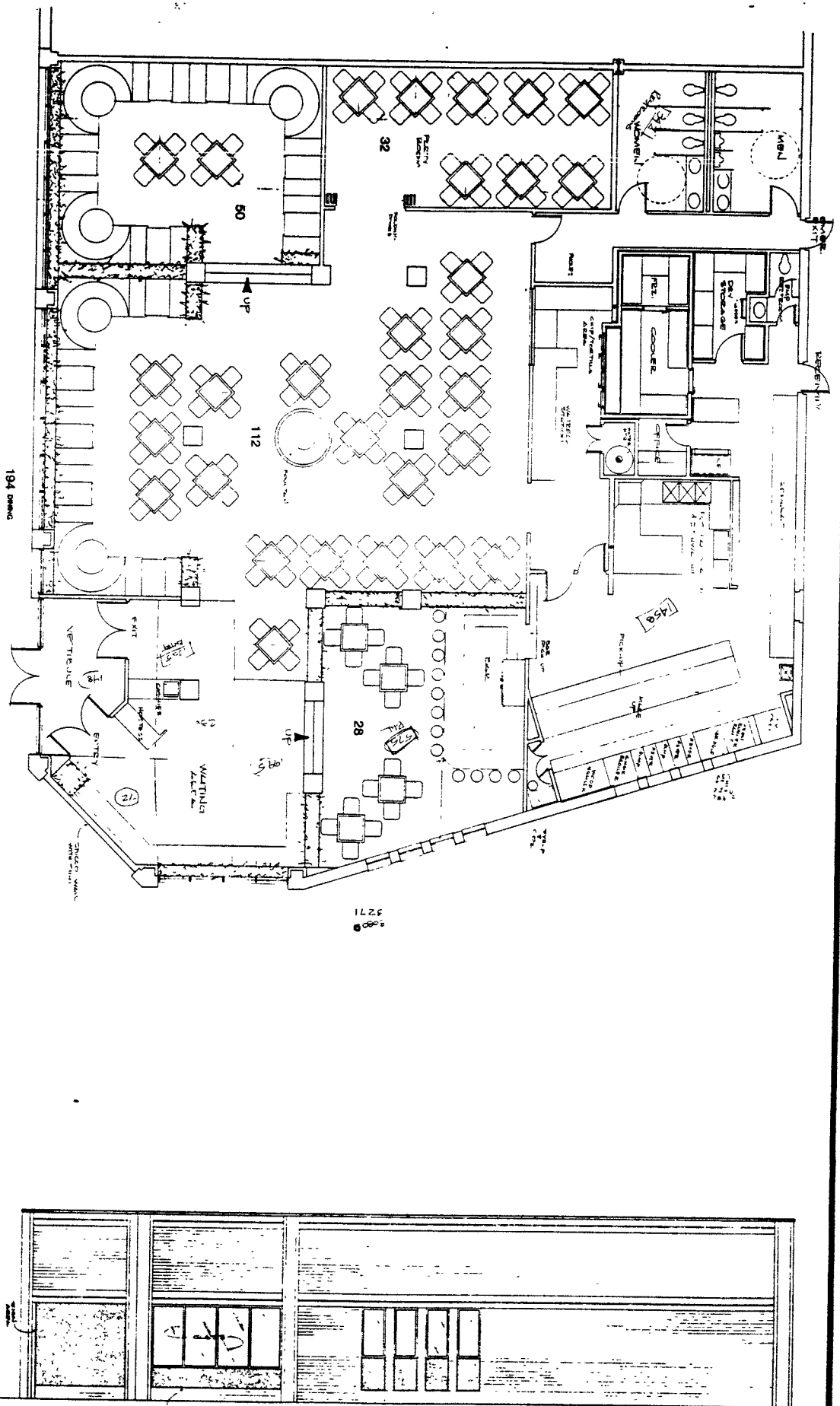
CASE NO. 1014-SUP

APPROVED AS TO FORM:

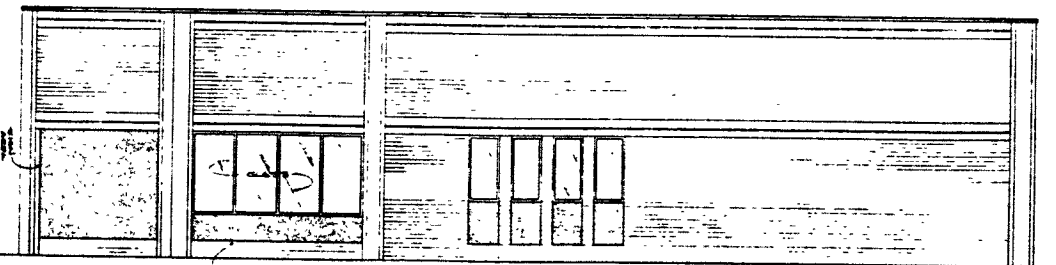
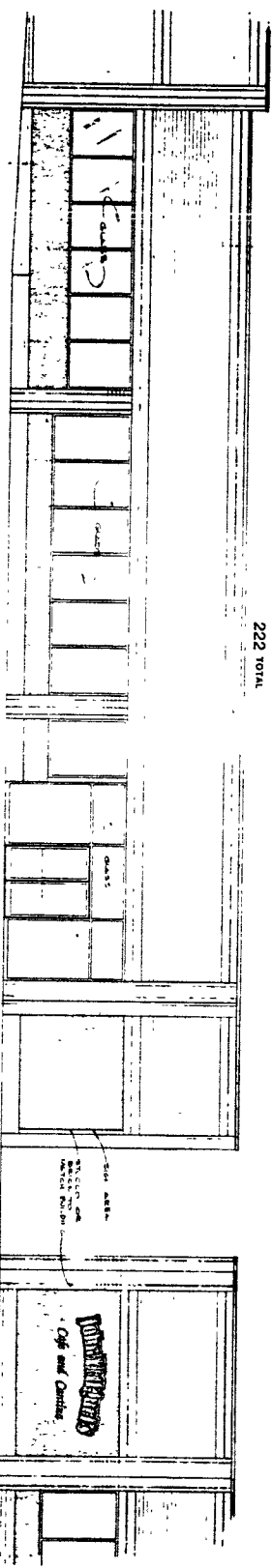
  
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194 square  
28 BAR  
222 TOTAL



CASE FILE NO. 1014-SUP  
RECEIVED OCT 2 1988

1014-SUP

NO. 1014-SUP	DATE 10/2/88
PROJECT	1014-SUP
DATE	10/2/88
BY	

**TORTILLAS**  
Cafe and Cantina

WOODS CASHIER BLANK  
RETIRED & RESIDING  
ARIZONA, TEXAS

DESIGNED BY  
**Mrs. JOHN WOODRUFF**  
TERESA PEREZ

**Food Service Concepts, Inc.**

AN ALUMINUM COMPANY  
PAPER 210

FOR DETAILS OR  
CALL 1-800-788-7888

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BY	