

ORDINANCE NO. 088-036

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 MERCADO JUAREZ, LOCATED ON THE SOUTH SIDE OF BELT LINE ROAD APPROXIMATELY 500 FEET EAST OF THE INTERSECTION OF BELT LINE ROAD AND SURVEYOR BOULEVARD, 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 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 14,974 square feet. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

Being a tract of land situated in the THOMAS CHENOWETH SURVEY, ABSTRACT NO. 273 in the City of Addison, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the southerly line of Belt Line Road (100 foot R.O.W.) with the easterly line of Surveyor Boulevard (60 foot R.O.W.);

THENCE along the southerly R.O.W. of Belt Line Road, in a northeasterly direction along a curve to the right having a central angle of  $15^{\circ}47'42''$ , a radius of 1860.00 feet, a tangent of 258.01 feet and a chord which bears  $N 74^{\circ}41'48'' E$ , 511.13 feet, an arc distance of 512.75 feet to a 1/2 inch iron rod set for the POINT OF BEGINNING;

THENCE continuing along the southerly R.O.W. of Belt Line Road and along a curve to the right having a central angle of  $5^{\circ}26'48''$ , a radius of 1860.00 feet, a tangent of 88.47 feet and a chord which bears  $N 85^{\circ}19'03'' E$ , 176.75 feet, an arc distance of 176.82 feet to a 1/2 inch iron rod found for the northeast corner of the herein described tract;

THENCE  $S 00^{\circ}35'00'' W$ , departing the southerly R.O.W. of Belt Line Road, a distance of 412.00 feet to a 1/2 inch iron rod found for the northeast corner of the Levitz Furniture Company of Texas tract as recorded in Volume 83056, page 1571;

THENCE  $N 89^{\circ}25'00'' W$ , along the common line with the Levitz tract, a distance of 176.00 feet to a 1/2 inch iron rod set for corner;

THENCE  $N 00^{\circ}35'00'' E$ , a distance of 395.78 feet to the POINT OF BEGINNING and containing 71,332 square feet or 1.64 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 14,974 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 gaming devices operated for a profit, 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" or equivalent term in exterior signage.

SECTION 3. That the following special conditions are hereby placed on the above- described property to wit:

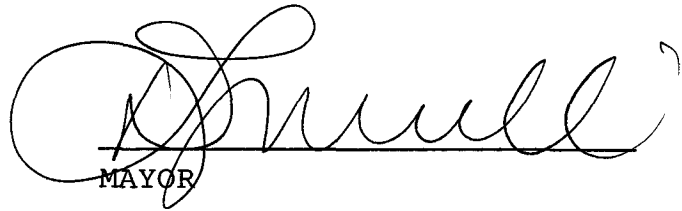
- all mechanical units shall be located on the roof in a manner which prevents them from being seen from the street, and shall be painted a color similar to the facade color,
- all materials (grease barrels, linen bags, etc.), shall be stored inside the dumpster screening enclosure, and the enclosure shall be constructed from the same material as the building,
- the applicant shall submit a detailed landscaping plan to Slade Strickland for his approval prior to the issuance of any permits for construction,
- the detailed landscaping plan should reflect at least three foot high berms along Belt Line Road,
- a 5-foot back-of-curb sidewalk shall be shown on the site plan in accordance with the sidewalk 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 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 9th day of August, 1988.


  
MAYOR

ATTEST:

  
CITY SECRETARY

CASE NO. 1018-SUP

APPROVED AS TO FORM:

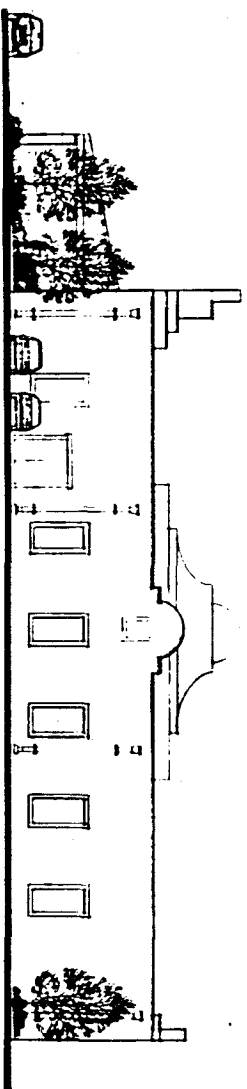
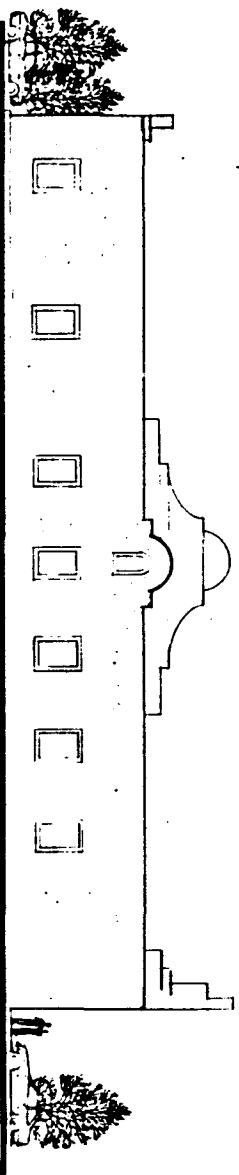
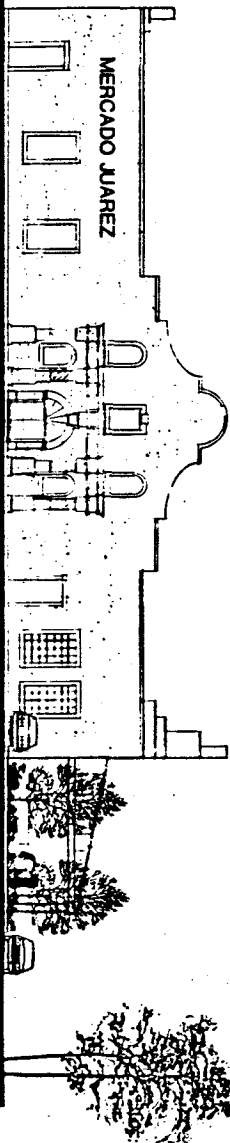
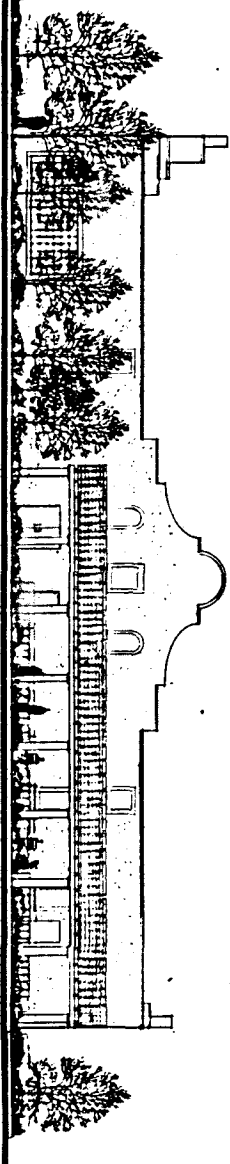
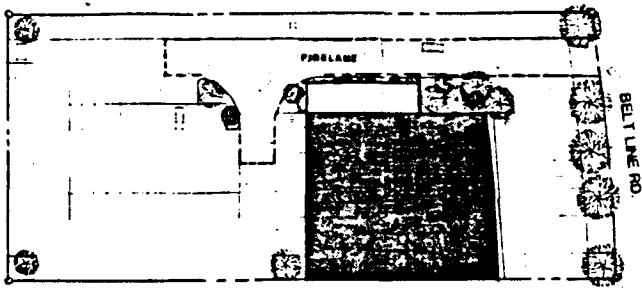
  
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OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 088-036

Published 8-25-68





SCHEME B

REVISIONS

OWEN ARCHITECTS  
FORT WORTH, TEXAS

MERCADO JUAREZ  
ADDISON, TEXAS

*Approved by  
Owner  
Date*

PROJECT NO. 8824

SHEET TITLE

APPROVED BY

DATE

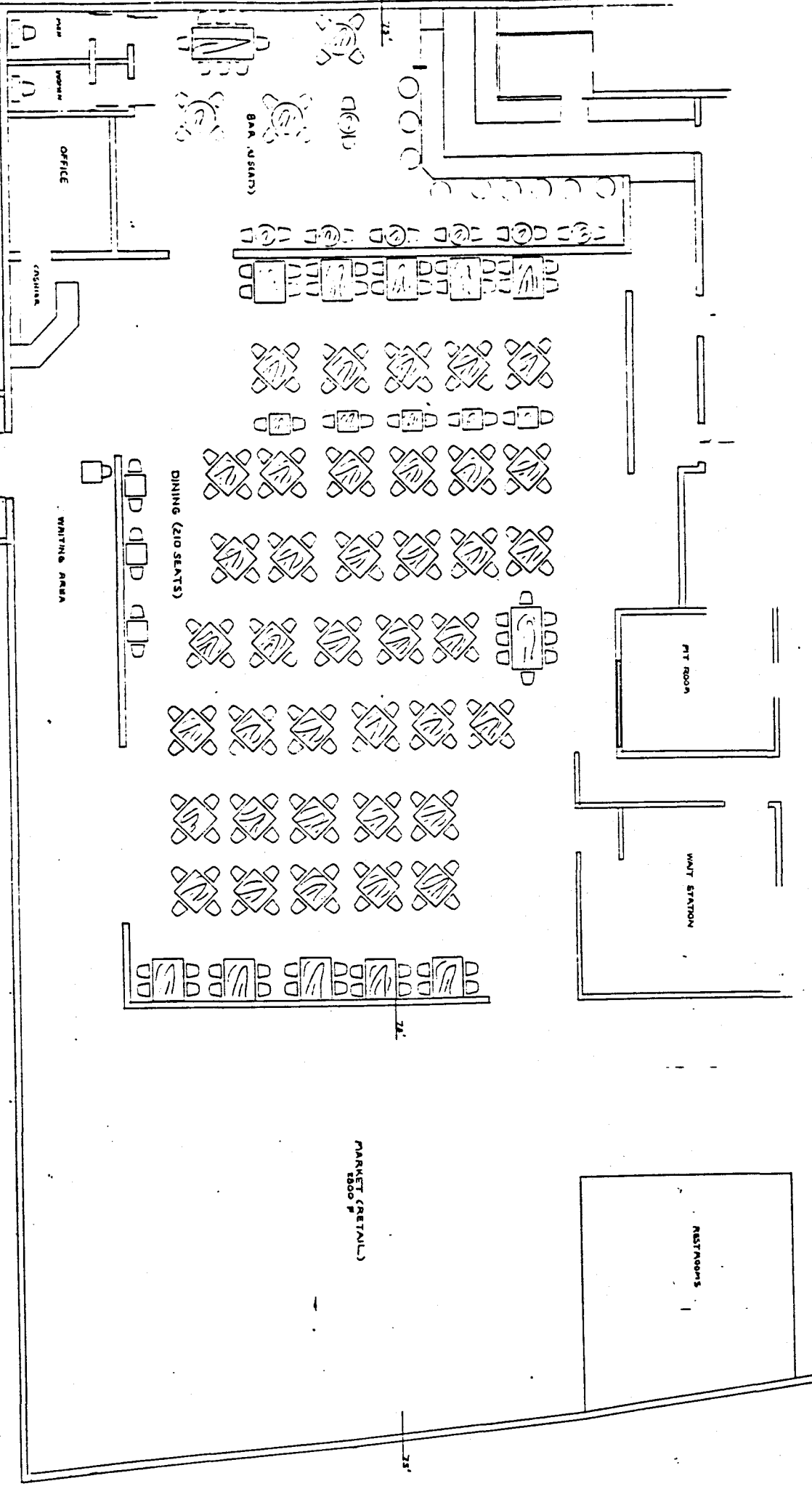
9-2-88

APPROVED PLANS



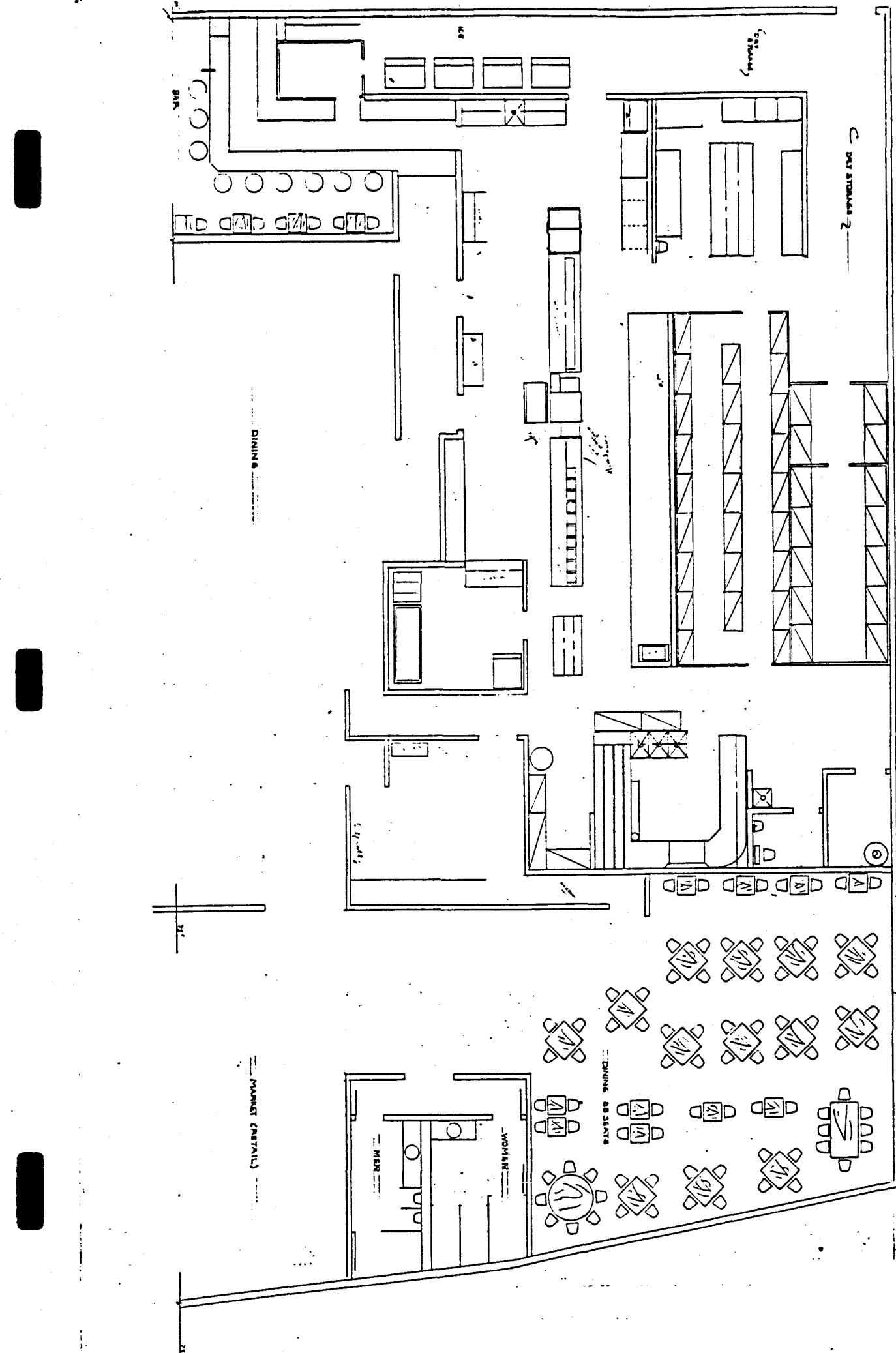


BAR (25' x 10')  
KITCHEN (15' x 15')  
OFFICE (10' x 10')  
CASHIER (10' x 10')  
WAITING AREA (10' x 10')



MARKET (RETAIL)  
BOOK P

100



DINING 8

DINING 88 SEATS

BOOTH SEATING

MEN

WOMEN

BAR

Service Counter

37'