

ORDINANCE NO. 090-006

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 ROMANO'S MACARONI GRILL, LOCATED AT 4535 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 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 Romano's Macaroni Grill. 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 E. Cook Survey, Abstract No. 326 and the E. Fike Survey, Abstract No. 478, Dallas County, Texas, said 1.727 acre tract of land being a portion of Addison Restaurant Park, an addition to the City of Addison, Texas, according to the plat of same recorded in Volume 88066, Page 4219, Dallas County Deed Record, and also being a portion of that certain tract of land as conveyed to Camden Financial Corporation as recorded in Volume 86170, Page 2523 and Volume 84189, Page 1651, said Deed Records, said 1.727 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod, found; the southeast corner of said Addison Restaurant Park and said Camden Financial tract, and being in the northerly right-of-way line of Belt Line Road, a 100 foot wide public right-of-way, said iron rod also being the southwest corner of a tract of land conveyed to the City of Dallas by deed recorded in Volume 4942, Page 629, said Deed Records;

THENCE, N 89° 40' 00" W, 144.90 feet, along said northerly right-of-way line, to a 5/8 inch iron rod with cap stamped "Carter & Burgess," found, the beginning of a curve concave to the north, whose radius is 2,814.79 feet and whose longchord bears N 89° 14' 46" W, 41.31 feet;

THENCE, along said curve in a westerly direction, and continuing along said northerly right-of-way line, through a central angle of 00° 50' 27" an arc distance of 41.31 feet to a 5/8 inch iron rod with cap stamped "Carter & Burgess," found, the southeast corner of Lot 2, Addison Oaks Addition, an addition to the City of Addison according to the plat of same recorded in Volume 89166, Page 1974, said Deed Records;

THENCE, N 00° 10' 53" E, 399.42 feet, along the easterly line of said Lot 2, to a 5/8 inch iron rod with cap stamped "Carter & Burgess," found, the northeast corner of said Lot 2;

THENCE, S 89° 51' 01" E, 189.94 feet, to a 5/8 inch iron rod with cap stamped "Carter & Burgess," set, in the easterly line of the aforementioned Addison Restaurant Park and said Camden Financial tract and the westerly line of the aforementioned City of Dallas tract;

THENCE, S 00° 43' 00" W, 400.34 feet along the common line of said tracts to the POINT OF BEGINNING and containing 1.727 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, floor plans, 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 shown on the approved floor plan, a total area not to exceed 6,780 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.

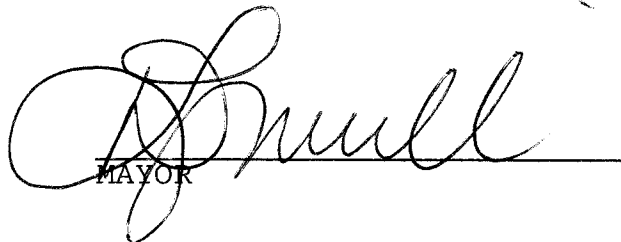
9. That if the property for which the special use permit is granted and is not used for the purposes for which said permit was granted within one (1) year after the adoption of this ordinance, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.
10. That 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.
12. That the plan be revised to show an additional 5% of landscaping in the front and on the west side of the building.
13. That the Bradford Pears shown on the plan be increased in size from 8' trees to 2" caliper trees.
14. That all planting beds must be separated from turf areas by using steel edging.
15. That a freeze sensor device be moved outside and wired to the controller.

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 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 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. 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 13th day of February, 1990.

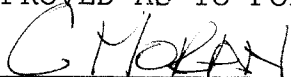

MAYOR

ATTEST:


CITY SECRETARY

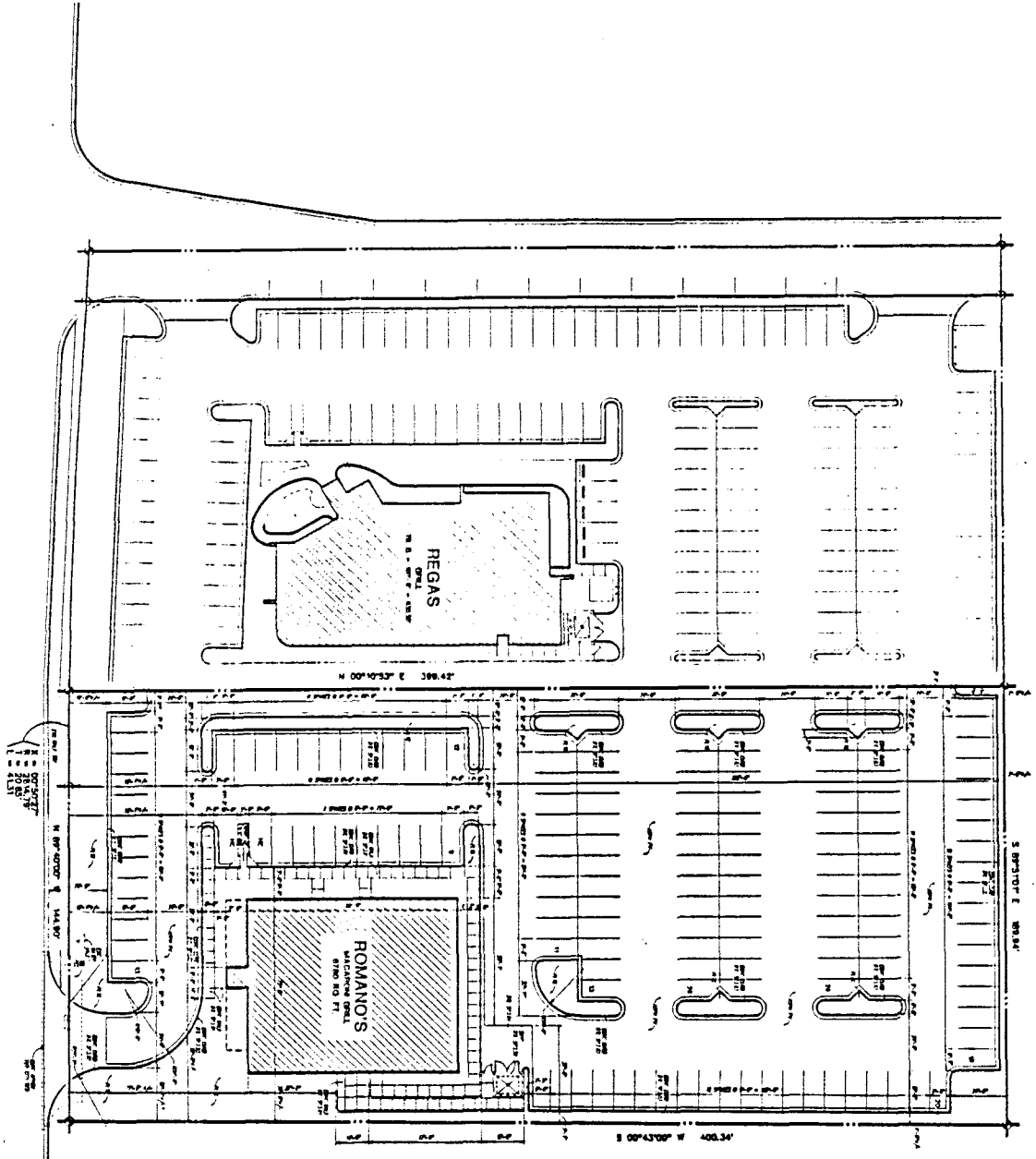
CASE NO. 1004-SUP-4

APPROVED AS TO FORM:


CITY SECRETARY

Published 3-15-90

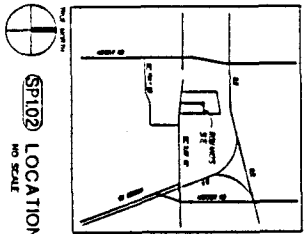
 NORTH
 NORTH
 SP101
 SITE PLAN
 1" = 20'-0"



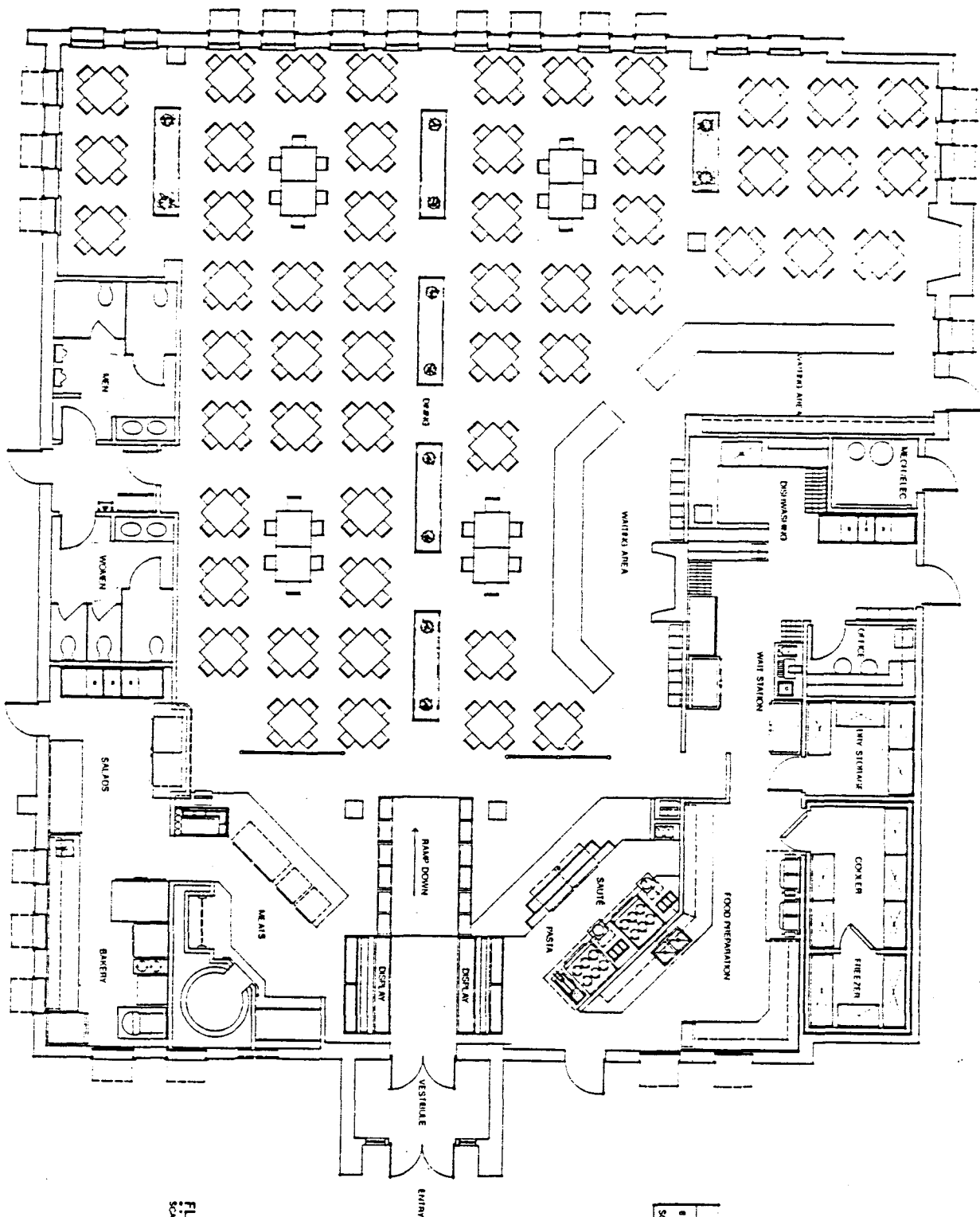
GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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 9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

RECEIVED
 1-9-90
 1009-SUP-4

THESE PLANS ARE REDUCTIONS OF THE ACTUAL
 RECORD SET OF PLANS WHICH ARE FILED IN
 ZONING CASE FILE 1009-SUP-4



APPROVED



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

THESE PLANS ARE A REPRESENTATION OF THE ACTUAL
"RECORD" PLANS WHICH ARE FILED IN
ZONING CASE FILE 1004-SUP-4.

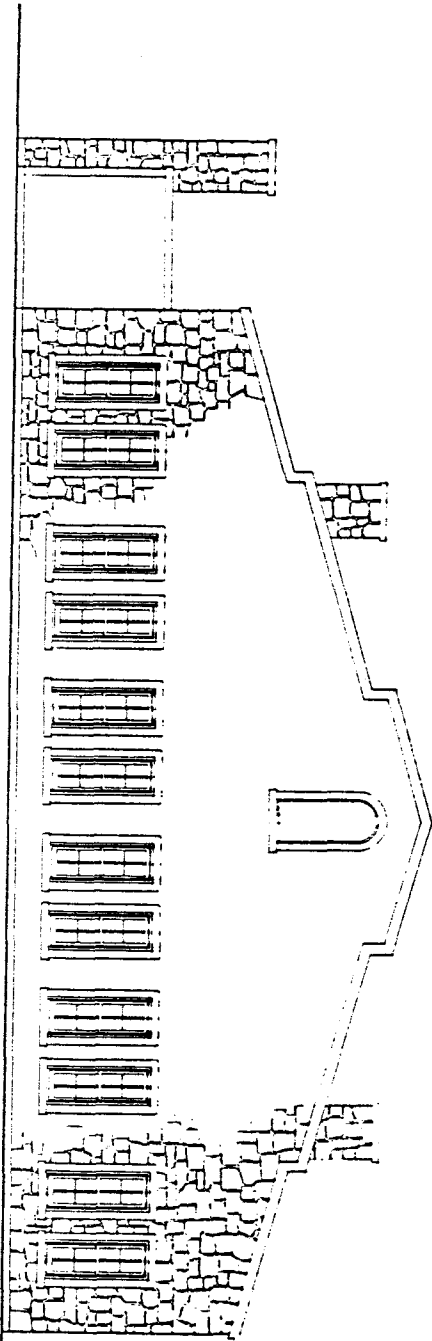
SEATING CAPACITY	240 SEATS
81 PARTS	
SQUARE FOOTAGE	6880 SF

APPROVE

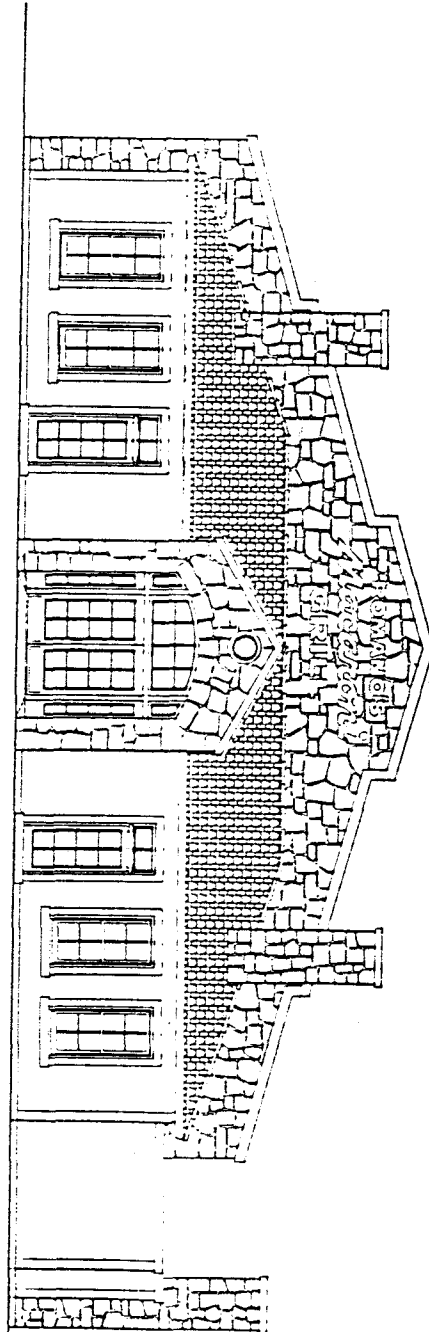
090-006

**ROMANO'S
Macaroni
GRILL**

REAR ELEVATION



FRONT ELEVATION

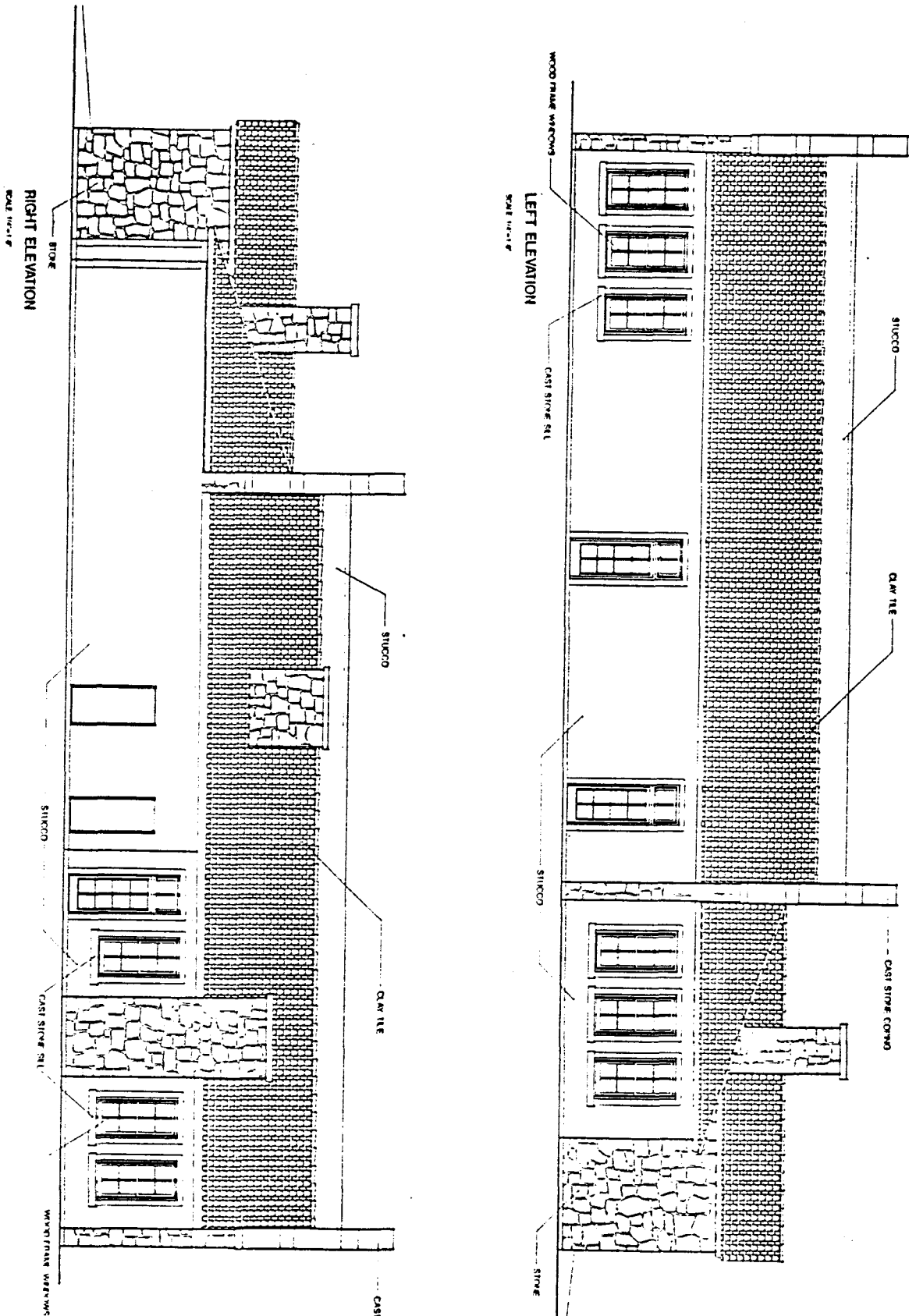


THESE PLANS ARE REPRODUCTIONS OF THE ACTUAL
"RECORD" SET OF PLANS WHICH ARE FILED IN
ZONING CASE FILE 1009-54P-4.

APPROVED

090-006

ROMANO'S
Macaroni
GRILL




THESE PLANS ARE REDUCTIONS OF THE ACTUAL "RECORD SET" OF PLANS WHICH ARE FILED IN ZONING CASE FILE 1009-SUP-4.

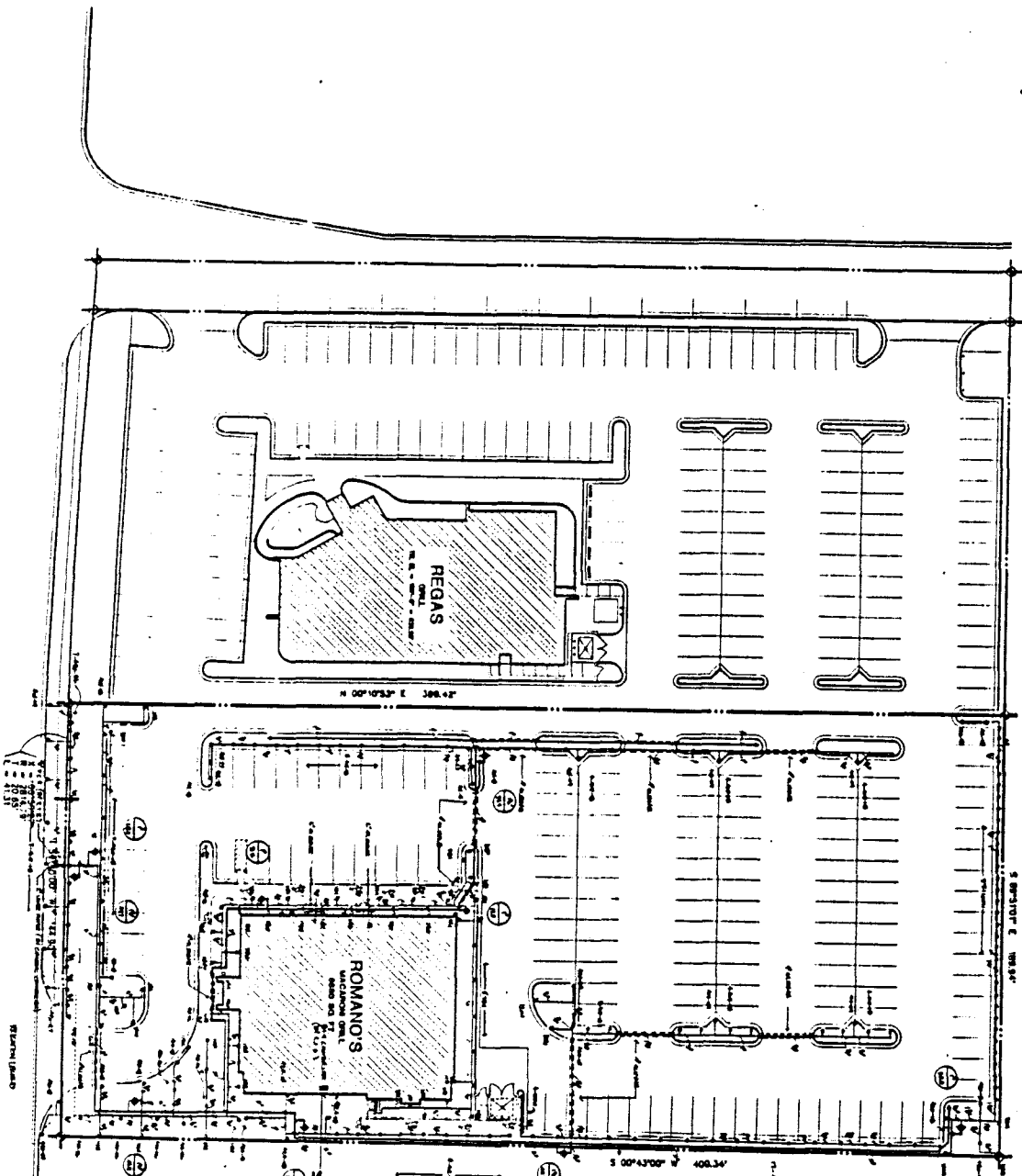
APPROVED

090-006

ROMANO'S
Macaroni
GRILL



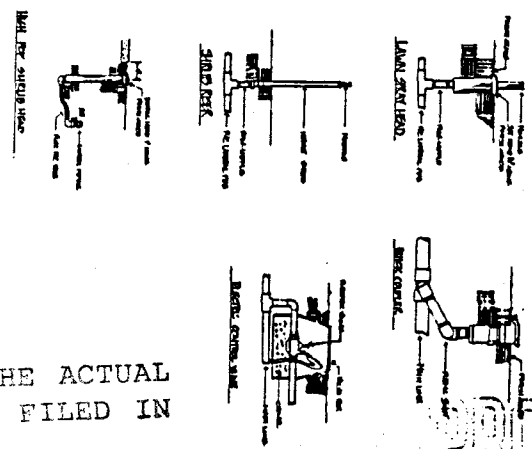
 (201) FERRINGTON PLAN
 1" = 30'-0"



CASHTOWN, PA. 15004-544-4
 PROJECT NO. 2-3-90

NOTES

1. THESE PLANS ARE REDUCTIONS OF THE ACTUAL RECORD SETS OF PLANS WHICH ARE FILED IN ENGINEERING CASE FILE 1004-544-4.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION AND SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SURVEYING INFORMATION AND SHALL BE RESPONSIBLE FOR ESTABLISHING ALL CONTROL POINTS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY GEOTECHNICAL INFORMATION AND SHALL BE RESPONSIBLE FOR DESIGNING ALL FOUNDATIONS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS INFORMATION AND SHALL BE RESPONSIBLE FOR TESTING ALL MATERIALS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LABOR INFORMATION AND SHALL BE RESPONSIBLE FOR EMPLOYING ALL NECESSARY LABOR.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EQUIPMENT INFORMATION AND SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY EQUIPMENT.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SAFETY INFORMATION AND SHALL BE RESPONSIBLE FOR IMPLEMENTING ALL NECESSARY SAFETY MEASURES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL INFORMATION AND SHALL BE RESPONSIBLE FOR IMPLEMENTING ALL NECESSARY ENVIRONMENTAL MEASURES.



THESE PLANS ARE REDUCTIONS OF THE ACTUAL RECORD SETS OF PLANS WHICH ARE FILED IN ENGINEERING CASE FILE 1004-544-4.

APPROVED

090-006

ROMANO'S
Macaroni
 GRILL

THE
WRECKERS
 ASSOCIATION
 & CONTRACTORS



John & Associates, Inc.
 John & Associates

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