

ORDINANCE NO. 090-039

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 HOOTERS RESTAURANT, LOCATED AT 5005 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 Hooters Restaurant. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

A tract of land described as Lot 1, Block 1 in the Addison School tract located in the G.W. Fisher Survey Abstract 482, Addison, Dallas County, Texas, containing 128,458 SF 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, floor 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 6,592 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 Town of Addison be granted an easement for street purposes from the property owner which grants a 12' x 120' foot piece of property running north and south against Quorum Drive, and a 6' x 350' piece of property running east and west along Belt Line Road to be used for future street widening.
13. That the exterior finish of the proposed restaurant comply with the 80% masonry requirement.
14. That all planting beds be separated from turf with edging and be mulched.
15. That dead planting materials be replaced.
16. That all irrigation adjacent to the Magic Time Machine building be wired to an automatic timer and that a freeze sensor be wired to the irrigation controller.

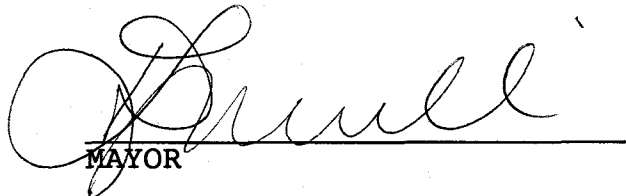
SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject

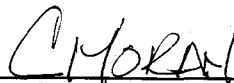
to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) and not less than Five Hundred Dollars (\$500.00) for each offense and that each day 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. That this ordinance shall specifically repeal Ordinance 490 and Ordinance 085-068.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 14th day of August, 1990.


MAYOR


CITY SECRETARY

CASE NO. 927-SUP-1

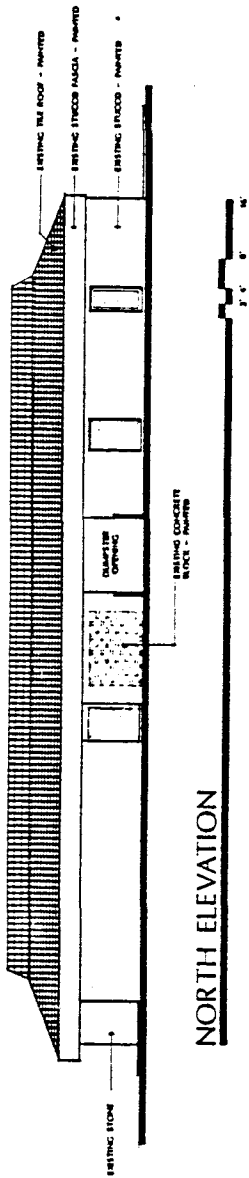
APPROVED AS TO FORM:


CITY SECRETARY

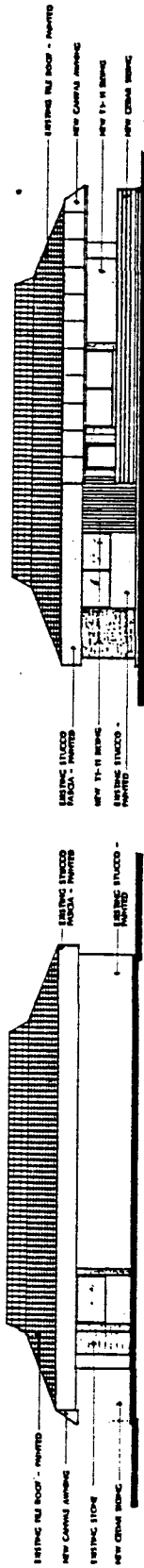
OFFICE OF THE CITY SECRETARY

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Published 10-18-90

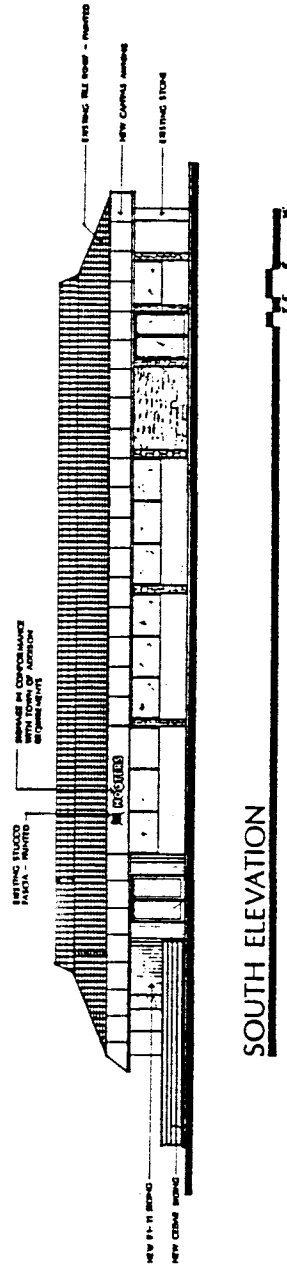


NORTH ELEVATION



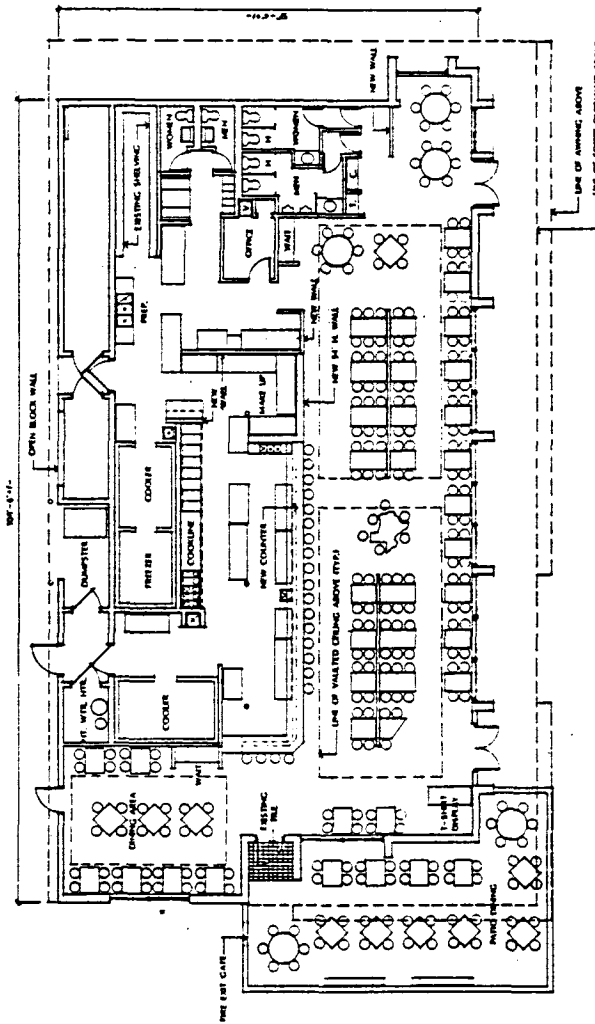
EAST ELEVATION

WEST ELEVATION



SOUTH ELEVATION

APPROVED



FLOOR PLAN

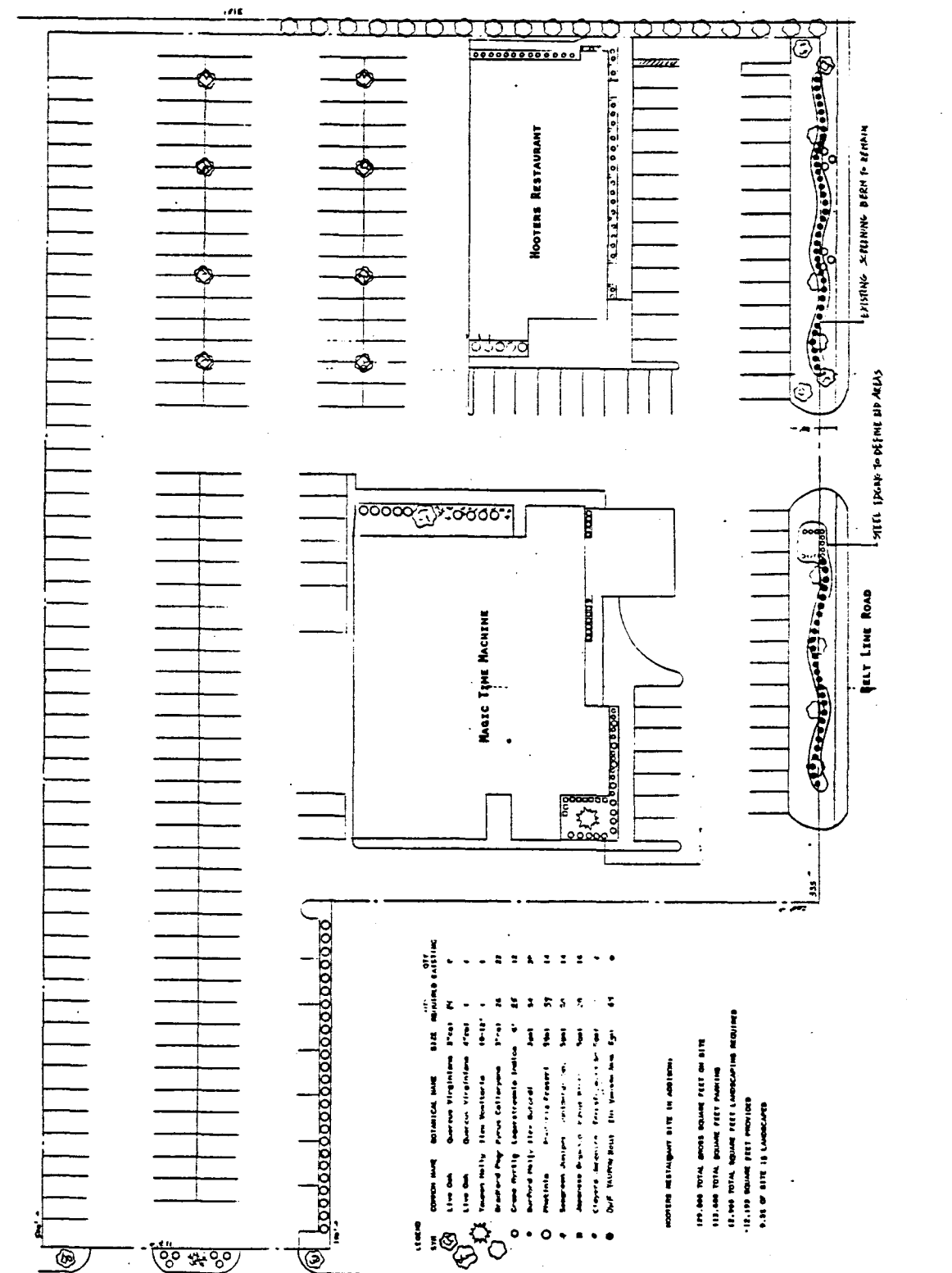
090-039

APPROVED

SCALE 1.0" = 20.0'

PLANTING PLAN

NORTH



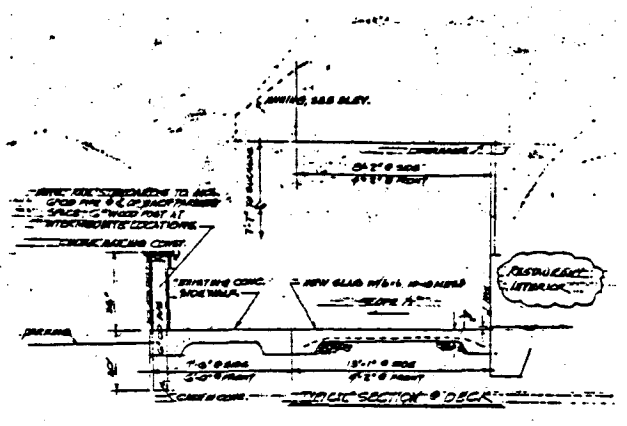
LEGEND

SYM	COMMON NAME	BOTANICAL NAME	SIZE	QUANTITY	NOTES
○	Live Oak	Quercus virginiana	3" x 6'	4	EXISTING
○	Live Oak	Quercus virginiana	4" x 6'	1	
○	Trident Maple	Acer buergeri	4" x 6'	1	
○	Redwood	Sequoia sempervirens	3" x 6'	24	
○	Crane Palm	Thyrsites palmata	4"	25	
○	Burford Holly	Ilex burfordii	4" x 6'	24	
○	Prickly Pear	Cylindropuntia cholla	3" x 3"	27	
○	Sparganium	Sparganium angustifolium	3" x 3"	24	
○	Amorpha	Amorpha fruticosa	3" x 3"	24	
○	Clovers	Trifolium repens	3" x 3"	24	
○	Diff. Native Bush	Various	3" x 3"	24	

HOOTERS RESTAURANT SITE IN AREAS:
 129,000 TOTAL GROSS SQUARE FEET ON SITE
 12,000 TOTAL GROSS SQUARE FEET PAVING
 12,000 TOTAL GROSS SQUARE FEET LANDSCAPING REQUIRED
 12,000 GROSS SQUARE FEET PROVIDED
 9,000 OF SITE IS LANDSCAPED

APPROVED

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SEE NORTH ELEVATION SHEET

QUORUM DRIVE

PROPOSED 12' LAND GRANT TO NORTH ADJACENT P.C.

BELT LINE ROAD

MUSIC TIME MACHINE

ROOTERS RESTAURANT

NORTH
SCALE 1.0" = 20.0'

SITE PLAN

CASE FILE NO. 927572
RECEIVED 3/10/82

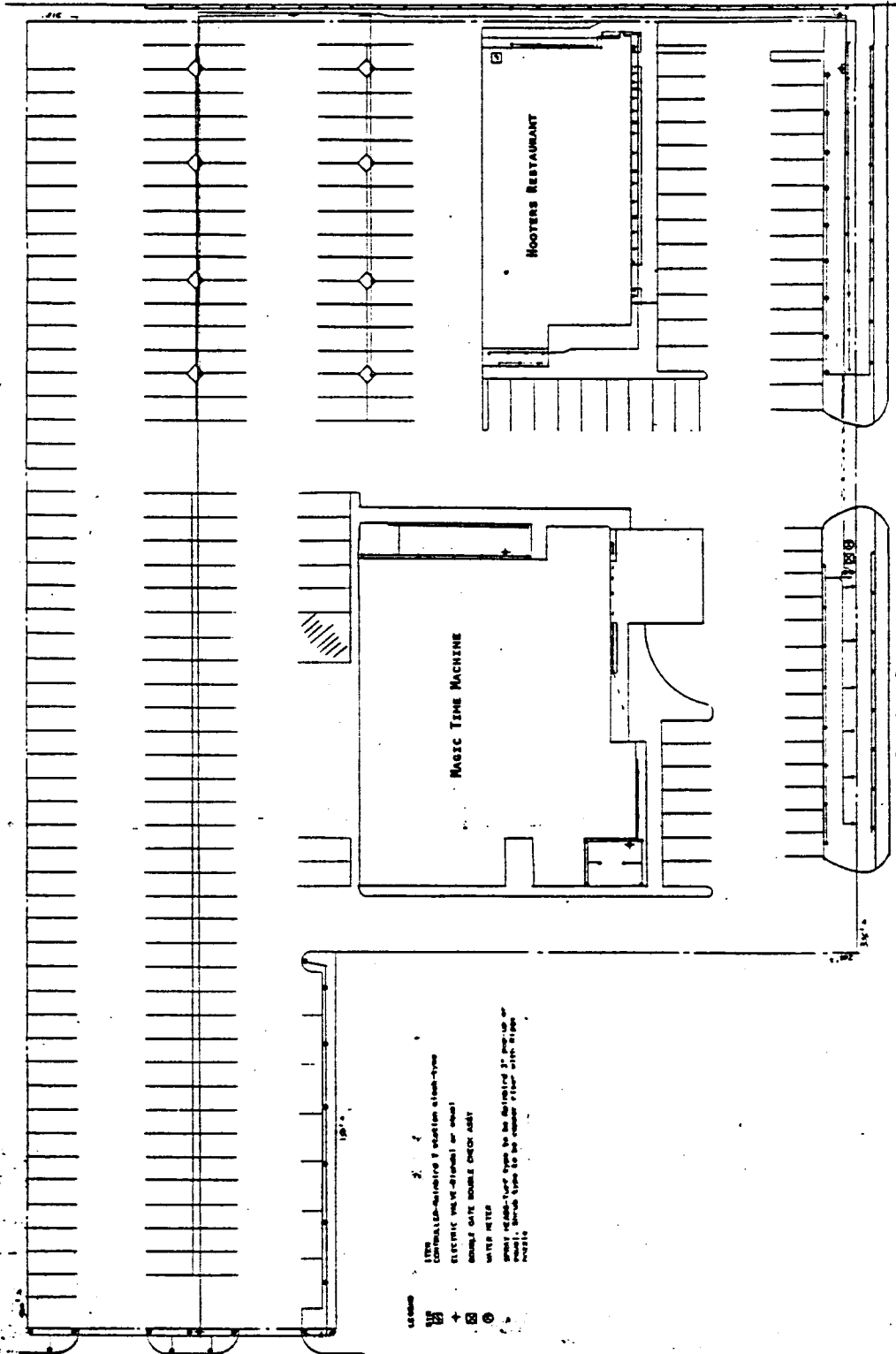
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IRRIGATION PLAN

SCALE 1.0" = 20.0'

NORTH



- LEGEND
- CONTROLLED-RELEASED SECTION SIGNATURE
 - ⊕ ELECTRIC VALVE (STANDARD OR SPECIAL)
 - ⊗ DOUBLE GATE DOUBLE CHECK VALVE
 - ⊙ WATER METER
 - GROUND WATER TAP (TYPE TO BE DETERMINED BY FIELD SURVEY)
 - GROUND WATER TAP (TYPE TO BE DETERMINED BY FIELD SURVEY)

APPROVED

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