

ORDINANCE NO. 091-017

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, SO AS TO GRANT A SPECIAL USE PERMIT FOR A TEMPORARY COMMERCIAL AMUSEMENT ENTERPRISE SO AS TO PROVIDE FOR A SERIES OF FOUR OUTDOOR CONCERTS TO BE HELD DURING THE SUMMER, ON APPLICATION WITH BLUE MESA GRILL, LOCATED AT 5100 BELT LINE ROAD, SUITE 500; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY 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 public at large, the citizens of the Town of Addison, 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. That Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, is hereby amended so as to grant a special use permit to Blue Mesa Grill. Said zoning amendment shall be noted on the official zoning map of the Town of Addison, Texas, and is situated on the following described land:

BEING a tract of land out of the Allen Bledsoe Survey Abstract No. 157, the G.W. Fisher Survey, Abstract No. 482, and the J. Pancoast Survey, Abstract No. 1146, City of Addison, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point being the intersection of the east right-of-way line of Dallas Parkway and the south right-of-way line of Belt Line Road;

THENCE East along said south line, a distance of 251.34 feet to a point for corner;

THENCE S 65° 51'30" E a distance of 54.24 feet to a point for a corner;

THENCE N 48° 03'00" E a distance of 5.0 feet to a point for a corner, said point lying on the west right-of-way line of Montfort Drive;

THENCE S 41° 57'00" E along said west line, a distance of 737.45 feet to an angle point;

THENCE S 23° 24'00" E continuing along said west line, a distance of 894.98 feet to a point for a corner;

THENCE N 85° 31'25" W departing said west line, a distance of 706.89 feet to an angle point;

THENCE N 85° 30'06" W a distance of 882.99 feet to a point for a corner, said point lying on the east right-of-way of Dallas Parkway;

THENCE Northeasterly along said east line being a circular curve to the right having a central angle of 34° 36'34" and whose center bears S 88° 39'35" E, 1256.93 feet, an arc distance of 759.25 feet to the point of reverse curve to the left having a central angle of 36° 13'00" and a radius of 1014.93 feet;

THENCE Northeasterly along said curve and continuing along said east line, an arc distance of 641.54 feet to its point of tangency;

THENCE N 00° 16'01" W, a distance of 65.52 feet to the POINT OF BEGINNING AND CONTAINING 33.0231 acres of land more or less.

SECTION 2. That the Special use Permit for a temporary commercial amusement enterprise be granted subject to the following special conditions:

- the restaurant provide, at its expense, one police officer for each one hundred (100) persons expected to attend,
- the Special use Permit shall be applicable to this summer series only; if the concerts are successful and are planned for next year, the applicant must obtain another permit next year,
- the city reserves the right to require the concerts to be stopped if valid complaints about noise are placed with the police department by residents of the Oaks North neighborhood.

SECTION 3. 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 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.

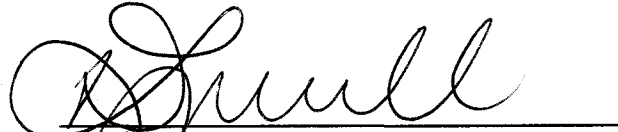
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

OFFICE OF THE CITY SECRETARY

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SECTION 6. 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 23rd day of April, 1991.


  
MAYOR

ATTEST:

  
CITY SECRETARY

CASE NO. 1062-SUP

APPROVED AS TO FORM:

  
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Published 7-11-91

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ISLAND

STAGE

55  
150'

ROW SEATING

CONCESSIONS/BAR/ETC

TABLES / CHAIRS

TABLES / CHAIRS

ENTRANCE GATE

SIDEWALK  
VIP SEATING AREA

9'

18'

35'

BLUE MESA PATIO  
600 sq ft

APPROVED