

ORDINANCE NO. 091-035

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 THE FILLING STATION RESTAURANT, LOCATED AT 15201 ADDISON 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 3119 square feet. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

BEING all of ASHBY ADDITION, an addition to the Town of Addison, Dallas County, Texas, according to the map thereof recorded in Volume 77190, Page 931 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod, said point being in the West line of Addison Road, a 70-foot right-of-way at this point, and being South 00 degrees 17 minutes 00 seconds West, a distance of 704.56 feet, and North 89 degrees 59 minutes 30 seconds West a distance of 40.00 feet from a nail found at the intersection of Addison Road and Arapaho Road (a 60 foot right-of-way), said point also being in the South line of a tract described to W.H. Atkins, recorded in Volume 2016, Page 136, Deed Records, Dallas County, Texas;

THENCE South 00 degrees 17 minutes 00 seconds West, along the West line of said Addison Road, a distance of 100.00 feet to a 1/2 inch iron rod for corner, said point being 463.37 feet North of the North line of Belt Line Road a 100 foot right-of-way (from the West right-of-way line of Addison Road extended), said point also being in the North line of a tract described to James E. Sauls, recorded in Volume 77153, Page 1028, Deed Records, Dallas County, Texas;

THENCE North 89 degrees 59 minutes 30 seconds West, along the North line of Sauls tract, a distance of 239.41 feet to a 1/2 inch iron rod for corner, said point being the Northwest corner of said Sauls Tract, and being in the East right-of-way line of the St. Louis and Southwestern Railroad (a 100-foot right-of-way);

THENCE North 17 degrees 19 minutes 30 seconds West, along said railroad right-of-way, a distance of 104.76 feet to a "T" rail for corner, said point also being the Southwest corner of said Atkins Tract;

THENCE South 89 degrees 59 minutes 30 seconds East, along the South line of said Atkins Tract, a distance of 271.10 feet to the POINT OF BEGINNING.

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 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 a total area not to exceed 3,119 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 are hereby defined as establishments which receive 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 canceled 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. The landscape plan be revised to indicate the following:
 - a. All existing trees, any trees that are proposed to be removed should be marked on the plan.
 - b. Shade trees at a minimum of 4" caliper.
 - c. screening of the parking along south property line.
 - d. At least 5,360 square feet of landscaped area.The irrigation plan be revised to indicate the type of heads (spray pattern and radius of throw) to be used.
13. All signage shall be subject to the requirements of the Addison Sign Ordinance.

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 9th day of July, 1991.


MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 1058-SUP-1

APPROVED AS TO FORM:

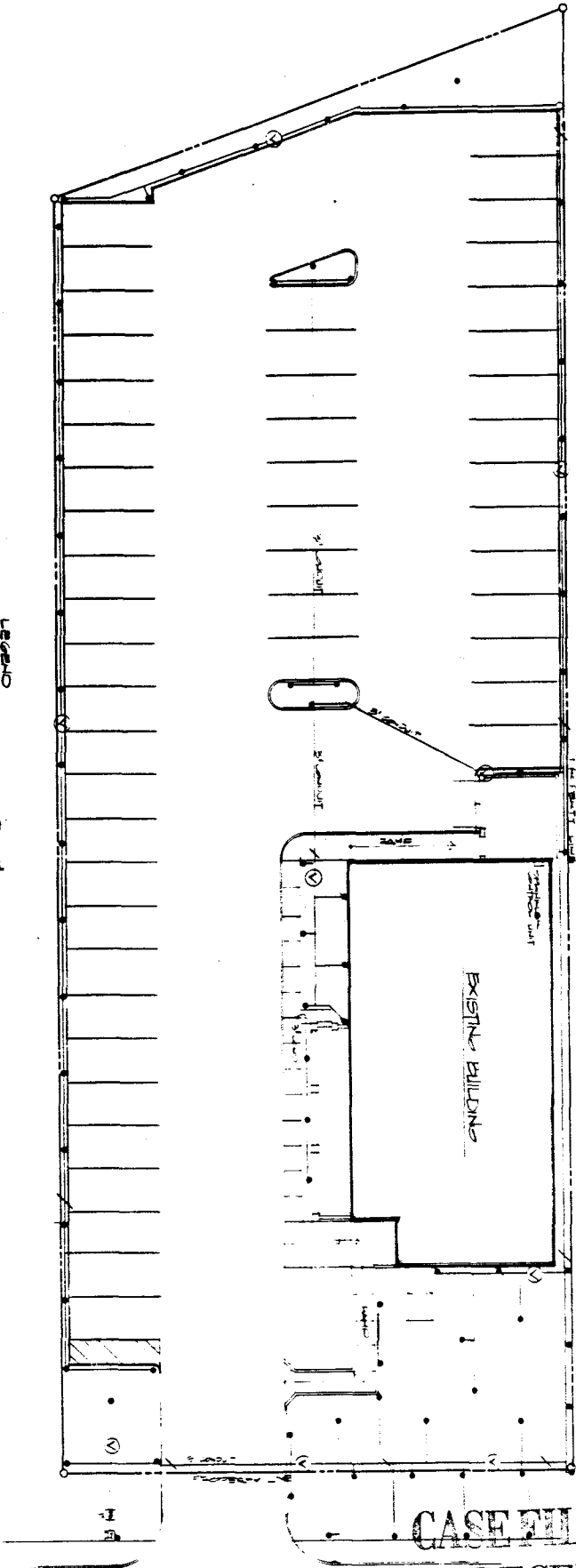


Published 8-15-91

- LEGEND**
- ① 1" diameter water valve
 - ② 2" diameter water valve
 - ③ 4" diameter water valve
 - ④ 6" diameter water valve
 - ⑤ 8" diameter water valve
 - ⑥ 10" diameter water valve
 - ⑦ 12" diameter water valve
 - ⑧ 14" diameter water valve
 - ⑨ 16" diameter water valve
 - ⑩ 18" diameter water valve
 - ⑪ 20" diameter water valve
 - ⑫ 24" diameter water valve
 - ⑬ 30" diameter water valve
 - ⑭ 36" diameter water valve
 - ⑮ 42" diameter water valve
 - ⑯ 48" diameter water valve
 - ⑰ 54" diameter water valve
 - ⑱ 60" diameter water valve
 - ⑲ 66" diameter water valve
 - ⑳ 72" diameter water valve
 - ㉑ 78" diameter water valve
 - ㉒ 84" diameter water valve
 - ㉓ 90" diameter water valve
 - ㉔ 96" diameter water valve
 - ㉕ 102" diameter water valve
 - ㉖ 108" diameter water valve
 - ㉗ 114" diameter water valve
 - ㉘ 120" diameter water valve
 - ㉙ 126" diameter water valve
 - ㉚ 132" diameter water valve
 - ㉛ 138" diameter water valve
 - ㉜ 144" diameter water valve
 - ㉝ 150" diameter water valve
 - ㉞ 156" diameter water valve
 - ㉟ 162" diameter water valve
 - ㊱ 168" diameter water valve
 - ㊲ 174" diameter water valve
 - ㊳ 180" diameter water valve
 - ㊴ 186" diameter water valve
 - ㊵ 192" diameter water valve
 - ㊶ 198" diameter water valve
 - ㊷ 204" diameter water valve
 - ㊸ 210" diameter water valve
 - ㊹ 216" diameter water valve
 - ㊺ 222" diameter water valve
 - ㊻ 228" diameter water valve
 - ㊼ 234" diameter water valve
 - ㊽ 240" diameter water valve
 - ㊾ 246" diameter water valve
 - ㊿ 252" diameter water valve



IRRIGATION SITE PLAN
1" = 10'



091-035

CASE FILE NO. 1058-S42-1
RECEIVED 6-11-91

ADDISON ROAD

5

sheet no.

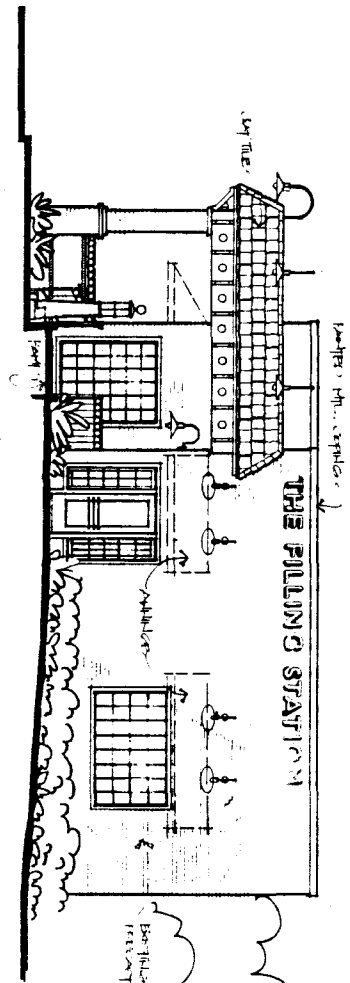
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revision

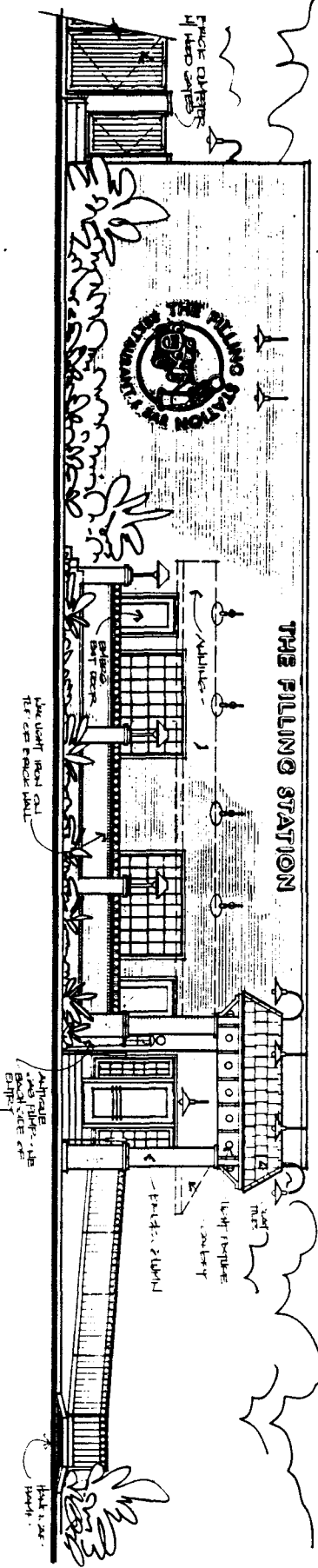
job no.

CHARLES E. BROWN

THE FILLING STATION
ADDISON, TEXAS



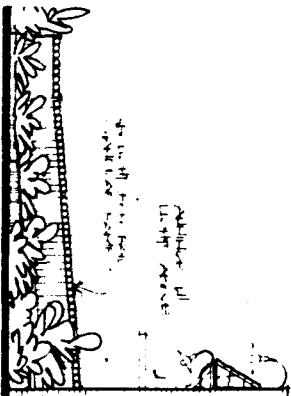
EAST ELEVATION
1/4" = 1'-0"



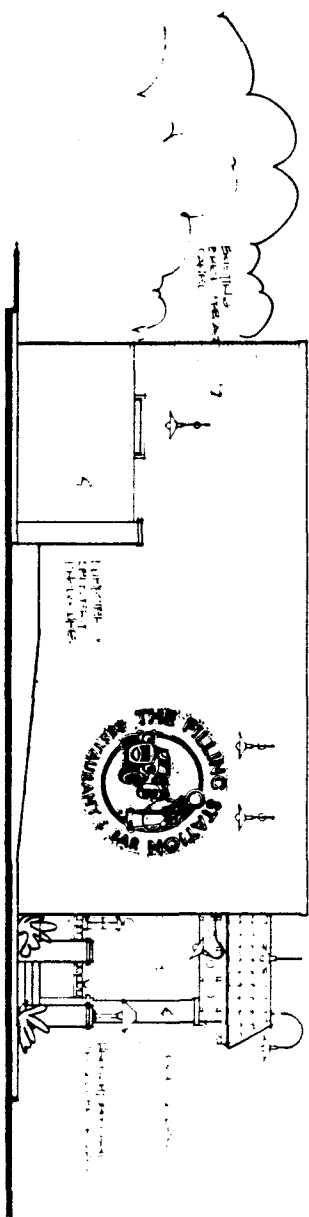
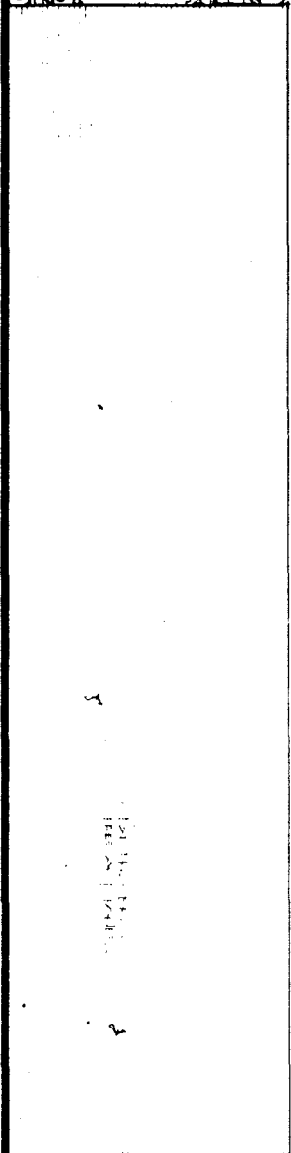
SOUTH ELEVATION
1/4" = 1'-0"

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CASE FILE NO. 1058-542-1
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NORTH ELEVATION



WEST ELEVATION

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