

ORDINANCE NO. 091-058

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 NORMAN H. HUANG, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF MIDWAY ROAD AND BELTWAY DRIVE, 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:

OFFICE OF THE CITY SECRETARY

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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 Norman H. Huang. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

An area limited to a 2,995 square foot lease space located in an existing shopping center, and addressed as 14925 Midway Road, Suite 103. Said center is located on Tract 1 beginning at a point, said point being the southeast corner of Addison Plaza Addition, an addition to the City of Addison, Texas, as recorded in Volume 78187, Page 1307 of the map records of Dallas County, Texas, and being more particularly described as follows:

TRACT 1

THENCE, South, 3142' along the west R.O. W. line of Midway Road to a point for a corner;

THENCE, North 89°35'00"West, 884.94 feet to a point for a corner in the south R.O.W. line of Beltway Drive (a 60' R.O.W.), said corner being on a circular curve to the right having a central angle of 14°09'43", and a radius of 945.00 feet;

THENCE, in a northeasterly direction with said curve along the south R.O.W. of Beltway Drive, 233.58 feet to a point for a corner;

THENCE, East, 140.00' along the south R.O.W. of Beltway Drive, 233.58 feet to a point fore a corner;

THENCE, East, 140.00' along the south R.O.W. of Beltway Drive to the Point of beginning and containing .206 acres (8973.36 square feet) of land, more or less.

TRACT 2

Commencing at a point, said point being the southeast corner of the Addison Plaza Addition, an addition to the City of Addison as recorded in Volume 78187, Page 1307 of the Map Records of Dallas County, Texas, thence, South along the west R.O. W. of Midway Road, 31.42 feet to the Point of Beginning;

THENCE, South 1012.50 feet along the west R.O.W. of Midway Road to a point for a corner;

THENCE, N 89°35'00"W, 884.94 feet to a point for a corner;

THENCE, North, 885.74 feet to a point for a corner in the south R.O.W. of Beltway Drive (a 60' R.O.W.);

THENCE, East, 63.12 feet along the south R.O.W. of Beltway Drive to a point for a corner, said corner being in a circular curve to the left having a central angle of 17°30'00", and a radius of 1005.00 feet;

THENCE, in a northeasterly direction with said curve along the south R.O.W. of Beltway Drive, 306.96 feet to a point for a corner;

THENCE, N 72°30'00"W, 100.00 feet along the south R.O.W. of Beltway Drive to a point for a corner, said corner being in a circular curve to the right having a central angle of 03° 20'11", and a radius of 945.00 feet;

THENCE, in a northeasterly direction with said curve along the south R.O.W. of Beltway Drive, 55.56 feet to a point for a corner;

THENCE, S 89°35'00"E, 371.22 feet to the Point of Beginning and containing 19.172 acres (835,132.32 square feet) 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 floor plan which is attached hereto and made a part hereof for all purposes.
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 floor plan and encompassing a total are not to exceed 2,995 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.

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. That the business shall not use "Bar" in any exterior signage.
12. A landscaping plan for the property shall be approved by Slade Strickland prior to the issuance of a building permit for this space. All landscaping indicated on the plan must be installed prior to the issuance of a Certificate of Occupancy for the space.

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

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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 8th day of October, 1991.


MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 1080-SUP

APPROVED AS TO FORM:


CITY SECRETARY

OFFICE OF THE CITY SECRETARY

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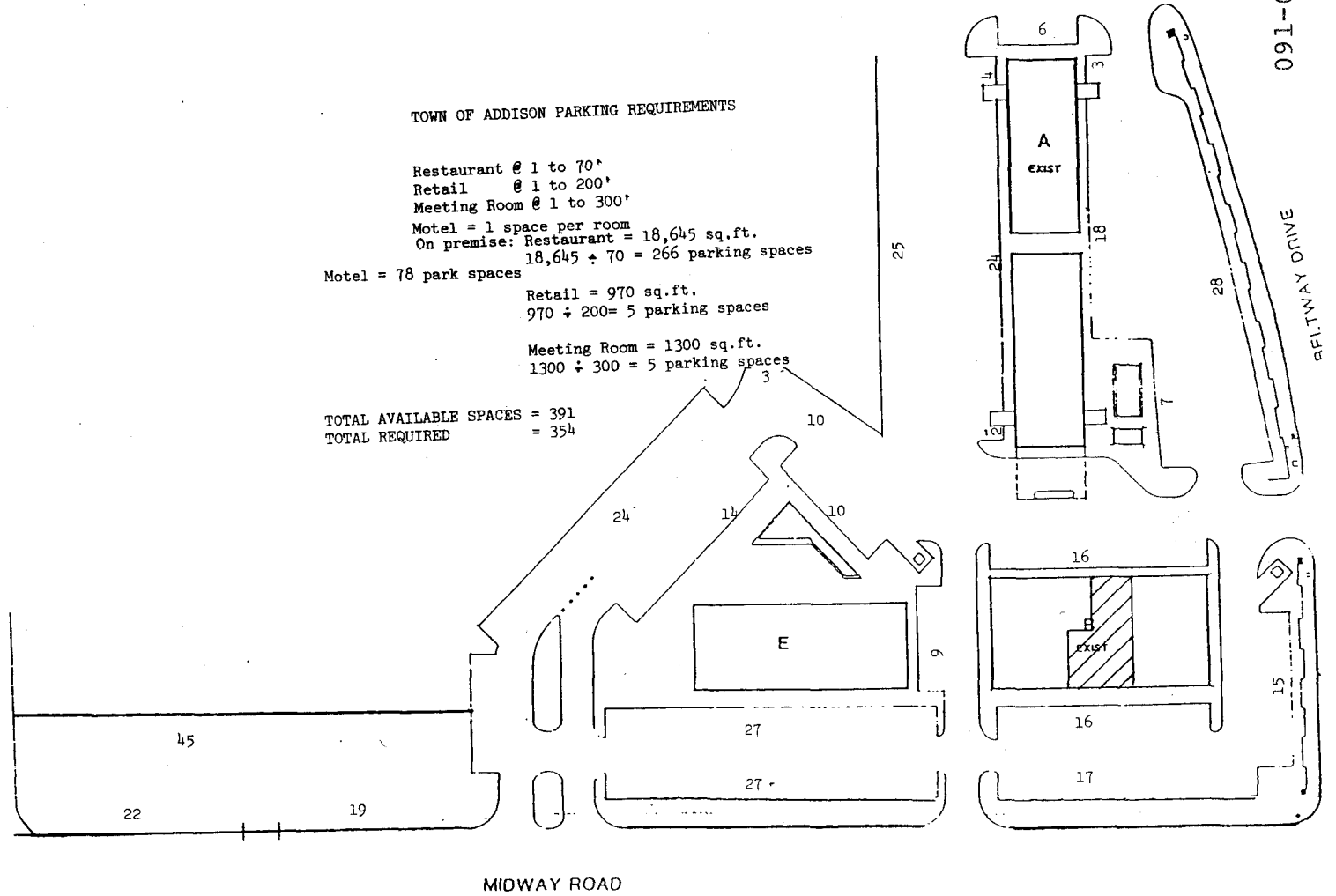
TOWN OF ADDISON PARKING REQUIREMENTS

Restaurant @ 1 to 70'
 Retail @ 1 to 200'
 Meeting Room @ 1 to 300'
 Motel = 1 space per room
 On premise: Restaurant = 18,645 sq.ft.
 $18,645 \div 70 = 266$ parking spaces
 Motel = 78 park spaces

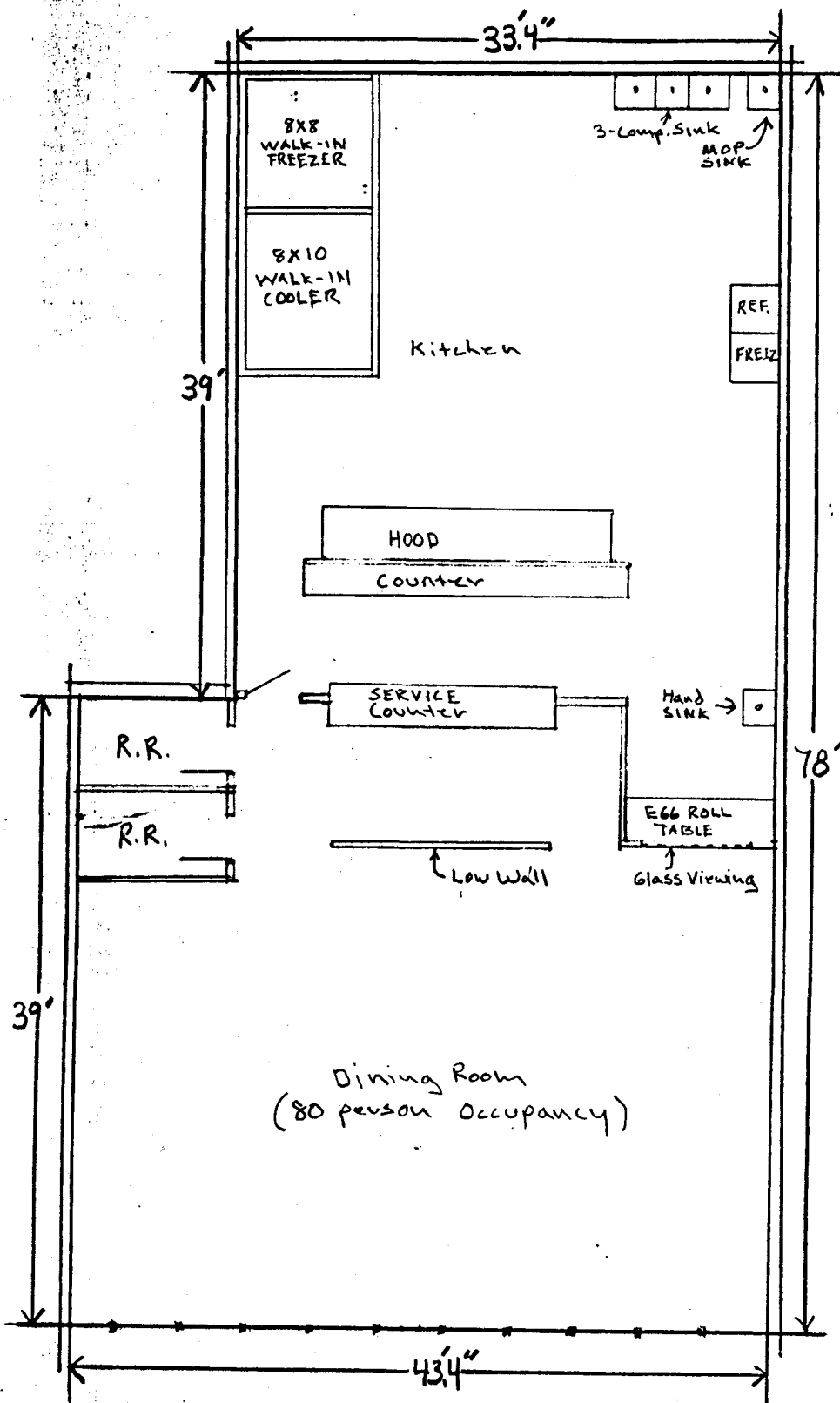
Retail = 970 sq.ft.
 $970 \div 200 = 5$ parking spaces

Meeting Room = 1300 sq.ft.
 $1300 \div 300 = 5$ parking spaces

TOTAL AVAILABLE SPACES = 391
 TOTAL REQUIRED = 354



091-058



Egg Roll Express

2995 #

1/8" = 1' scale

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