## ORDINANCE NO. 092-042

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 A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM SPAGHETTI WAREHOUSE, LOCATED ON THE SOUTH SIDE OF BELT LINE ROAD AT BUSINESS AVENUE, 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 a special use permit for the sale of alcoholic beverages for on-premises consumption to Spaghetti Warehouse. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

A tract of land situated in the Town Addison, Dallas County, Texas and being out of the Thomas Chenowith Survey, Abstract No. 273 and also being part of Printemps Addition No. 2, Abstract No. 273 and also being part of Printemps Addition No. 2, an addition to the Town of Addison as recorded in Volume 89013, Page 0835 of the map records of Dallas County, Texas, said tract more particularly described as follows:

COMMENCING at the northwest corner of said Printemps Addition No. 2, said point being in the south line of Belt Line Road (100 feet ROW);

THENCE, S 89°00'26" E - 20.00 feet with the south line of Belt Line Road to the PLACE OF BEGINNING at the northeat corner of a 20 feet wide strip of land dedicated for street right-of-way purposes as recorded in Volume 89038, Page 2415, Deed records of Dallas County, Texas;

THENCE, S 89°00'26" E - continuing along the said southerly line of Belt Line Road a distance of 338.77 feet to an iron rod and the beginning of a curve to the left;

THENCE, N 83°34'49" W - a distance of 100.45 feet to a point;

THENCE, N 89°00'26" W - a distance of 24.25 feet to a point for corner;

THENCE, S 00°59'34" W - a distance of 30.50 feet to a point;

THENCE, S 39°49'52" W - a distance of 324.75 feet to a point for corner;

THENCE, along a curve to the right having a central angle of 38°50′18", a radius of 184.12 feet, and a chord length of 124.81 feet to a point;

THENCE, N 89°00'26" W - a distance of 101.42 feet to a point for corner;

THENCE, N 00°59'34" E - a distance of 260.00 feet to the point of beginning and containing 89,398 square feet or 2.0523 acres more or less.

SECTION 2. That the Special Use Permits are 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, irrigation plan, and the elevation drawings showing four exterior walls, which are 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 site plan as encompassing a total area not to exceed 11,524 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, video machines, 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 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. The restaurant covered by this Special Use Permit shall not use the terms "bar", "club", "tavern" or any equivalent terms in any exterior signage.
- 12. That if necessary, the temporary entrance shall be modified prior to the further development of the entire center.
- 13. That the developer shall construct the median modifications associated with the entrance at the west end of the project prior to the issuance of a Certificate of Occupancy for the restaurant.
- 14. That the developer will be required to construct drainage improvements to detain and/or convey the flow from the 100 year storm event, and shall, if necessary, revise the site plan to accommodate the flow.

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 set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

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 14th day of July, 1992.

MAYOR

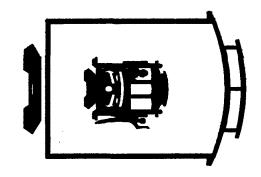
ATTEST:

CITY SECRETARY

CASE NO. 1111-SUP

APPROVED AS TO FORM:

Published 8/20/92 SPACHETTI
WAREHOUSE
Addison, Texas



| Floar Plan | Floar Plan | Exterior Elevations | Exterior Elevations | All Landscape Plan | All Frigotion Plan |

## **APPROVED**

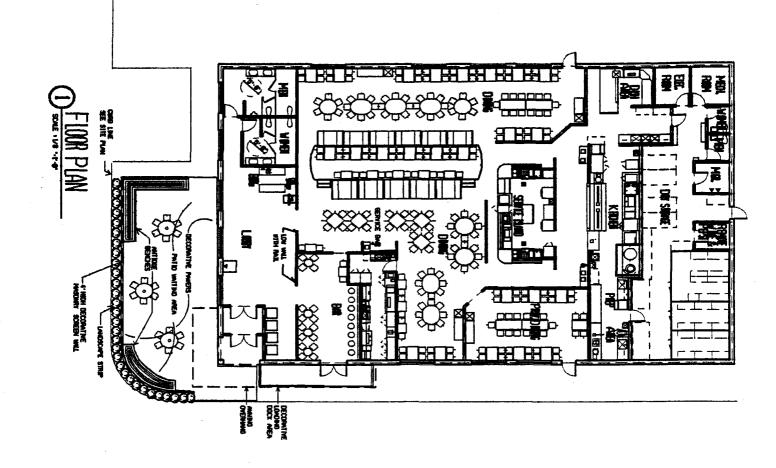
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PROJECT DATA

ADDRESS





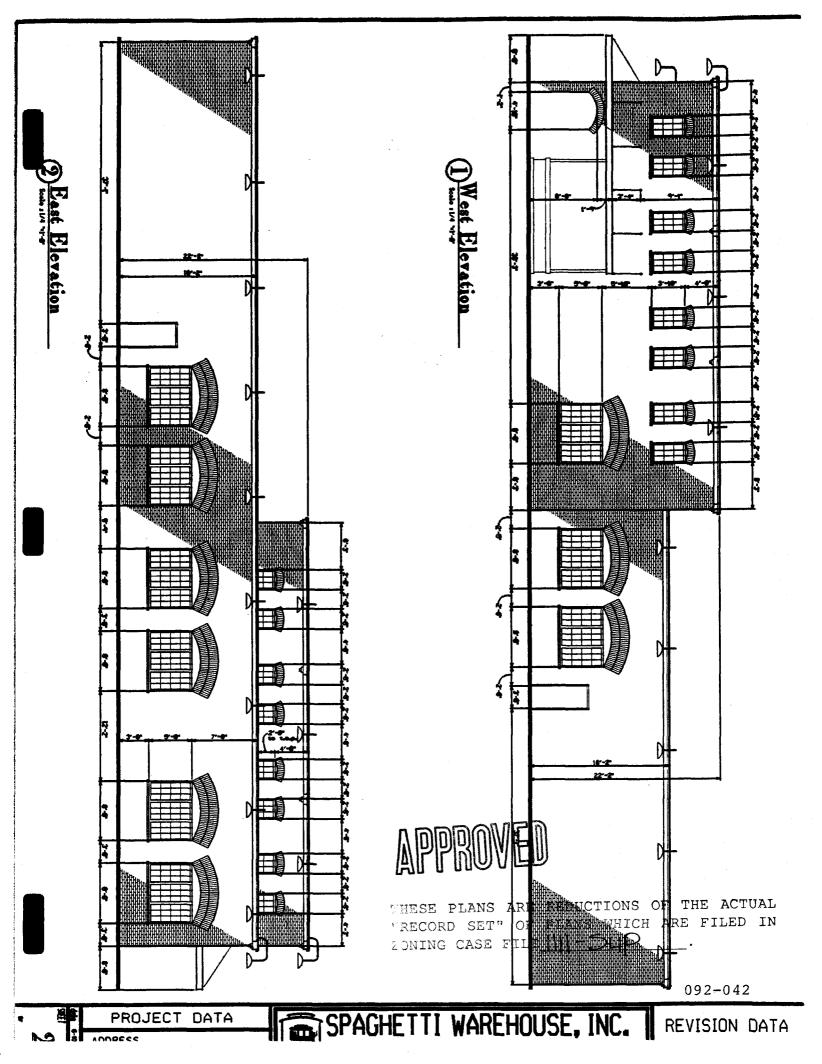
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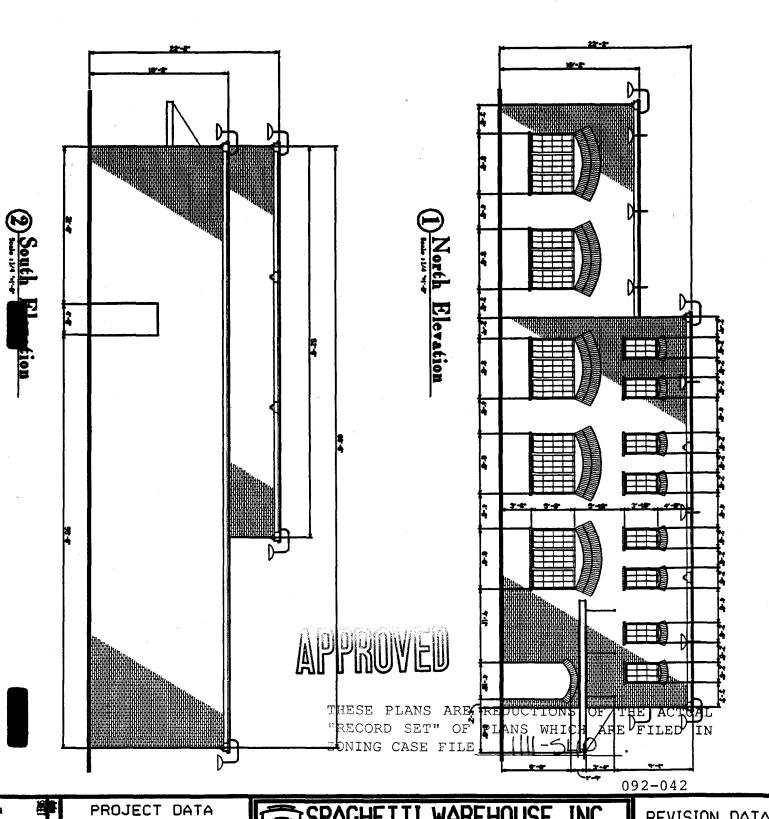
GENERAL NOTES

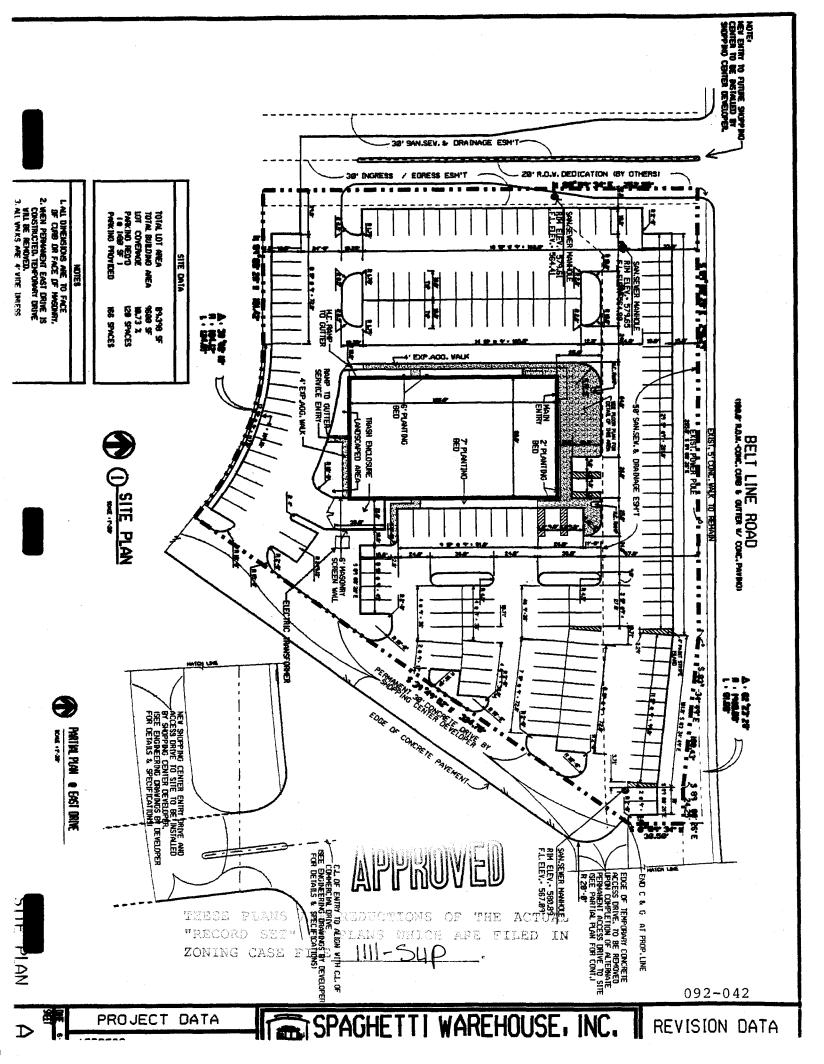
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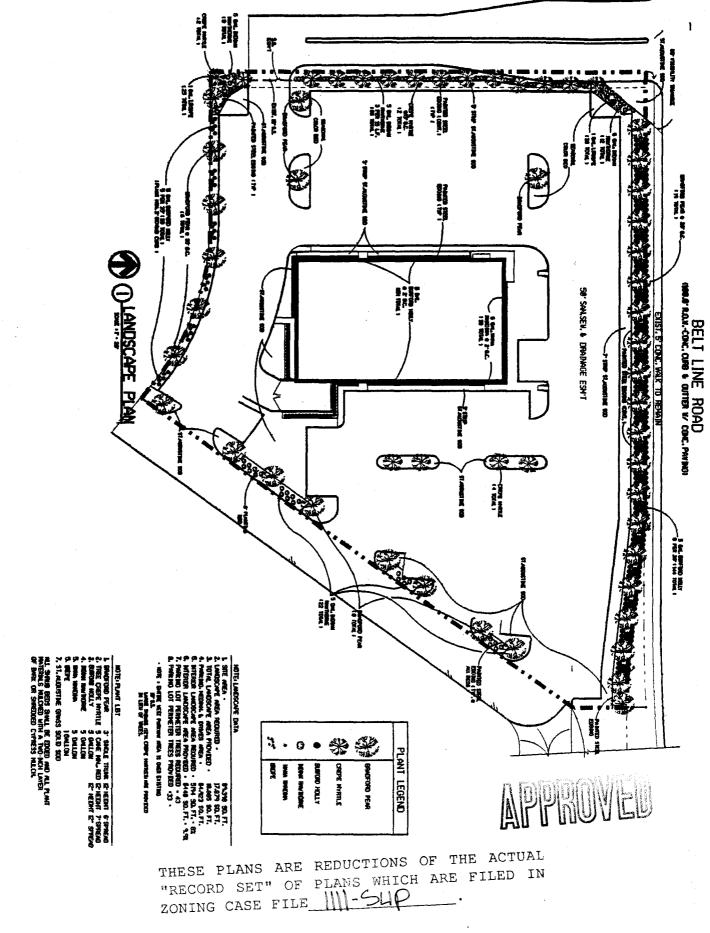
PROJECT DATA

REVISION DATA









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