

ORDINANCE NO. 092-049

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 SHONEY'S (T.P.I. RESTAURANTS, INC.), LOCATED ON 1.15 ACRES ON THE SOUTH SIDE OF BELT LINE ROAD APPROXIMATELY 600 FEET SOUTH OF SURVEYOR BOULEVARD, 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

ORDINANCE NO. 092-049

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 Shoney's Restaurant. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

WHEREAS FEDERAL DEPOSIT INSURANCE CORPORATION, AS MANAGER FOR FSLIC RESOLUTION FUND, SUCCESSOR IN INTEREST TO THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, AS RECEIVER FOR STATE FEDERAL SAVINGS AND LOAN ASSOCIATION OF LUBBOCK is the owner of a tract of land situated in the Thomas L. Chenworth Survey - Abstract No. 273, Town of Addison, Dallas County Texas, and being the same 6.2186 acre tract of land described in the Substitute Trustee's Deed recorded in Volume 86216, Page 3147 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING, at the intersection of the Southerly line of Belt Line Road (a 100' R.O.W.), and the Easterly line of Surveyor Blvd. (a 60' R.O.W.), a point for corner;

THENCE, Easterly along the said Belt Line Road Southerly Line and around a curve to the Right having a central angle of $21^{\circ}14'29''$, a radius of 1,860.00 feet and a chord bearing of $N 77^{\circ}25'09'' E$, an arc distance of 689.56 feet to the PLACE OF BEGINNING a P.K. Nail in rock set 9.5 feet south of street pavement back of curb at corner; from which a $5/8''$ iron pin found bears $N 78^{\circ}39'15'' W$, a distance of 1.39 feet;

THENCE, continuing along said Southerly line of Belt Line Road and around a curve to the Right having a central angle of $02^{\circ}32'35''$, a radius of 1,860.00 feet and a chord bearing of $N 89^{\circ}18'54'' E$, an arc distance of 82.55 feet to the end of said curve a $1/2''$ iron pin set at corner;

THENCE, $S 89^{\circ}25'00'' E$, continuing along said Belt Line Road Southerly line, a distance of 106.50 feet to a point for corner;

THENCE, Southerly along a curve to the Right having a central angle of $43^{\circ}06'17''$, a radius of 30.00 feet and a chord bearing of $S 20^{\circ}58'08'' E$, an arc distance of 22.57' to an iron pin;

THENCE, S 00°35'00" W, a distance of 79.50 feet to an iron pen;

THENCE, S 04°33'34" E, a distance of 100.40 feet to a point for corner;

THENCE, S 00°35'00" W, a distance of 60.95 feet to a point for corner,

THENCE, N 89°25'00" W, a distance of 206.13 feet to a point for corner;

THENCE, N 00°35'00" E, a distance of 259.12 feet to the PLACE OF BEGINNING and containing 50,721 square feet or 1.1644 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 5,486 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, or Meritorious Exception granted to the sign ordinance, by 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. Shall not use the term "Bar" or any equivalent term in any exterior signage.
12. The applicant shall furnish a recorded copy of a cross access agreement with Mercado Juarez to the staff prior to the issuance of a building permit.
13. The shared driveway with Mercado Juarez shall be completed prior to the issuance of a Certificate of Occupancy for the restaurant.
14. The developer will be required to detain and/or make improvements to the storm drain system to convey the flow from the 100-year storm. This may necessitate a revision to the site plan.

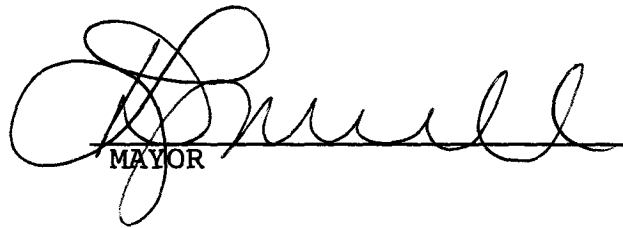
SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance 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 28th day of July, 1992.

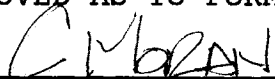

MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 1113-SUP

APPROVED AS TO FORM:


CITY SECRETARY

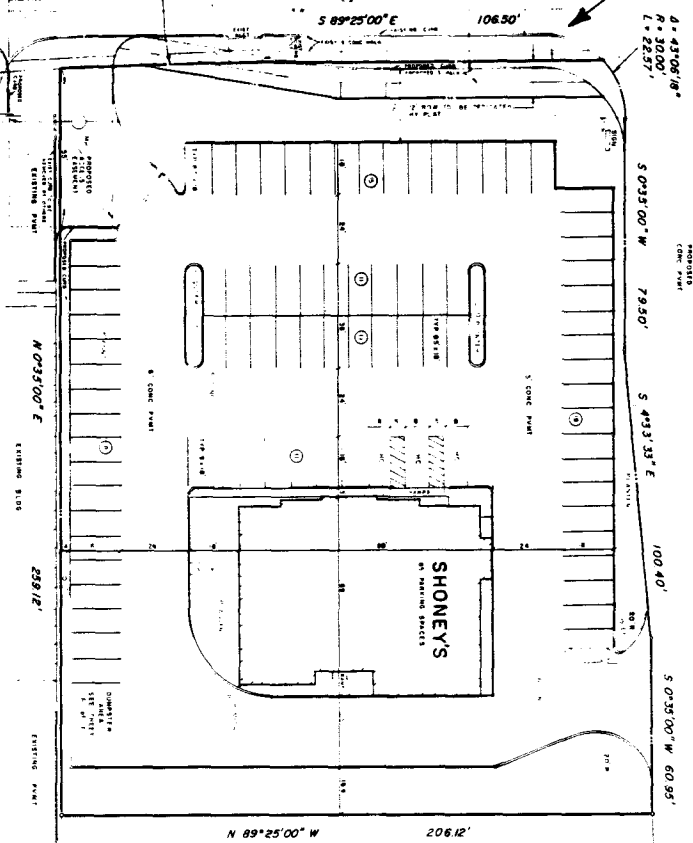
Published
9-3-92



RUNYON DRIVE

CAUTION
UNDERGROUND
FIBER OPTIC CABLE
CONTACT TELEPHONE
COMPANY BEFORE
DIGGING

BELTLINE ROAD



NOTE
UNLESS SHOWN OTHERWISE ALL DIMENSIONS ARE TO THE BACK OF CURB

UTILITY MARKING
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM
EXISTING RECORDS AND FIELD SURVEY. THE LOCATION OF
UTILITIES IS NOT GUARANTEED. THE USER OF THESE PLANS
SHOULD VERIFY THE LOCATION OF UTILITIES BEFORE ANY
CONSTRUCTION. THE USER OF THESE PLANS SHOULD ALSO
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OF UTILITIES BEFORE ANY CONSTRUCTION.

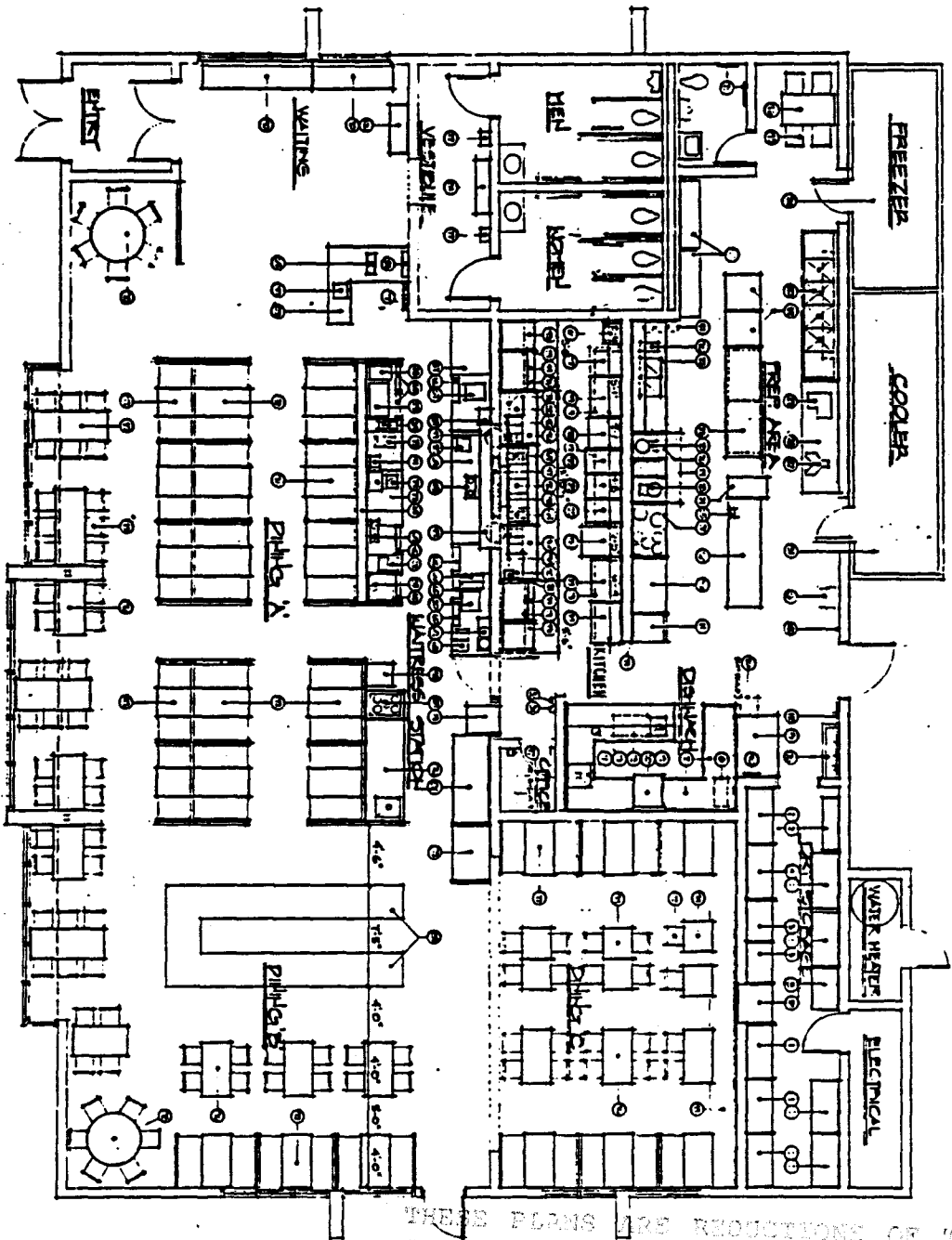
SITE DATA
OWNER: SHONEY'S
PROJECT: SHONEY'S BUILDING AND PARKING LOT
DATE: 11/28/88
SCALE: 1" = 40'

DESIGN: PETERMAN 2100 N. HWY 340, SUITE 201 GRAND PRAIRIE, TX 75050-1614 972-500-0089	FACILITIES: ENGINEERING & DESIGN ASSOC 3548 RIC HORN TRAIL FLORENCE, TX 75033-1728 281-578-1111
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CITY OF ADDISON, DALLAS CO., TEXAS LAMAR SOUTHWEST SURVEYING, INC. 601 W. 11TH ST. DALLAS, TEXAS 75204 214-742-4442	DATE: 11/28/88 SCALE: 1" = 40' SHEET 1 OF 6
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THESE PLANS ARE REDUCTIONS OF THE ACTUAL "RECORD SET" OF PLANS WHICH ARE FILED IN ZONING CASE FILE 1113-54P.

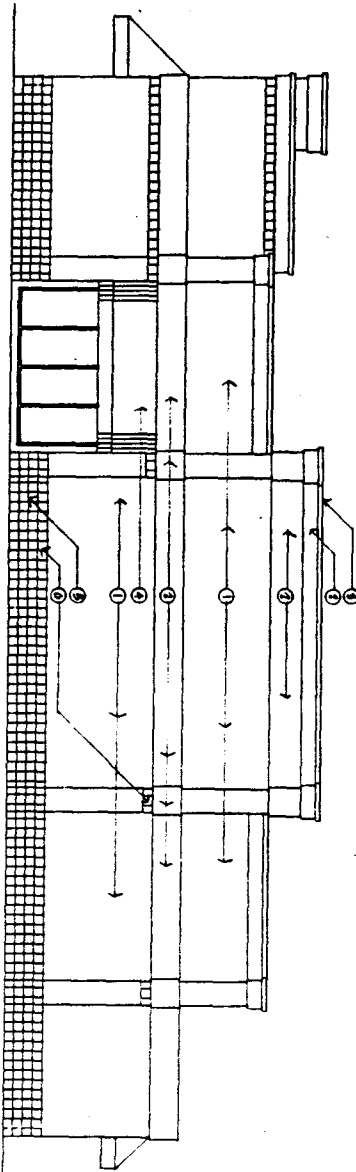
APPROVED



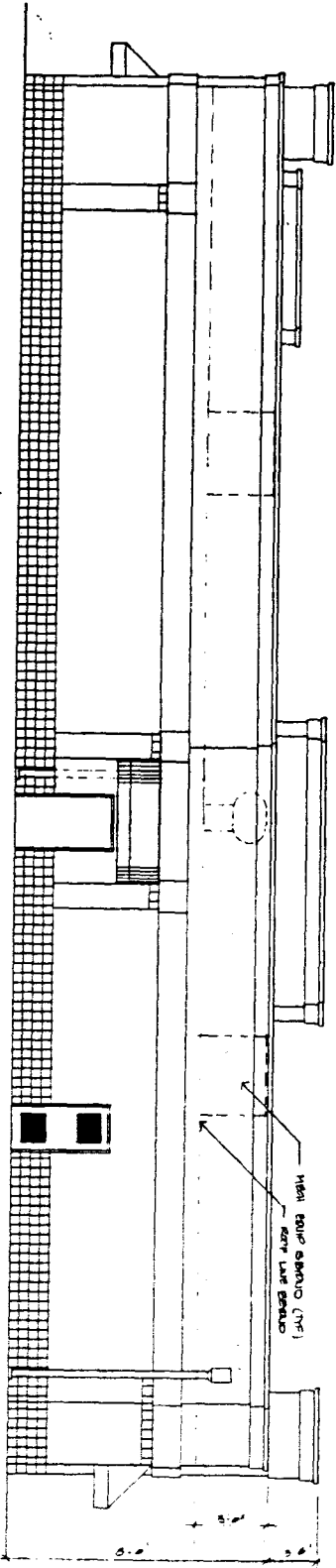
EQUIPMENT PLAN

THESE PLANS ARE REDUCTIONS OF THE ACTUAL "RECORD SET" OF PLANS WHICH ARE TIED IN YOUR CASE FILE 113-54P

APPROVED



RIGHT SIDE ELEVATION
SCALE 1/4"=1'-0"



REAR ELEVATION
SCALE 1/4"=1'-0"

1/4"=1'-0"

THESE PLANS ARE REDUCTIONS OF THE ACTUAL
"RECORD SET" OF PLANS WHICH ARE FILED
ZONING CASE FILE 113-SEP

APPROVED

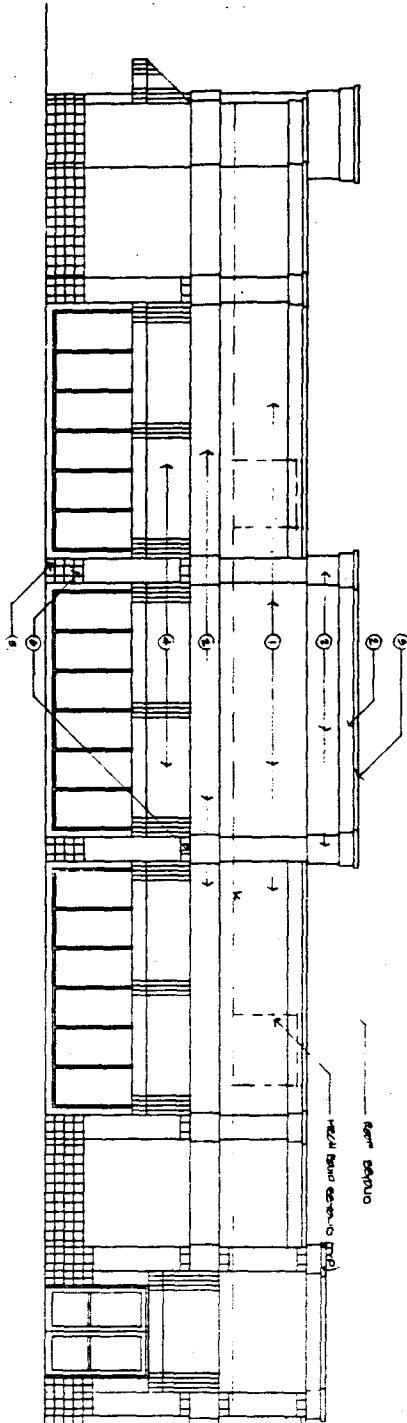
MATERIAL & COLOR SCHEDULE

ITEM	SCALE
1. STRUCTURE FINISH	NUMBER OF 1'S
2. STRUCTURE FINISH	NUMBER OF 2'S
3. STRUCTURE FINISH	NUMBER OF 3'S
4. STRUCTURE FINISH	NUMBER OF 4'S
5. STRUCTURE FINISH	NUMBER OF 5'S
6. STRUCTURE FINISH	NUMBER OF 6'S
7. STRUCTURE FINISH	NUMBER OF 7'S
8. STRUCTURE FINISH	NUMBER OF 8'S
9. STRUCTURE FINISH	NUMBER OF 9'S
10. STRUCTURE FINISH	NUMBER OF 10'S

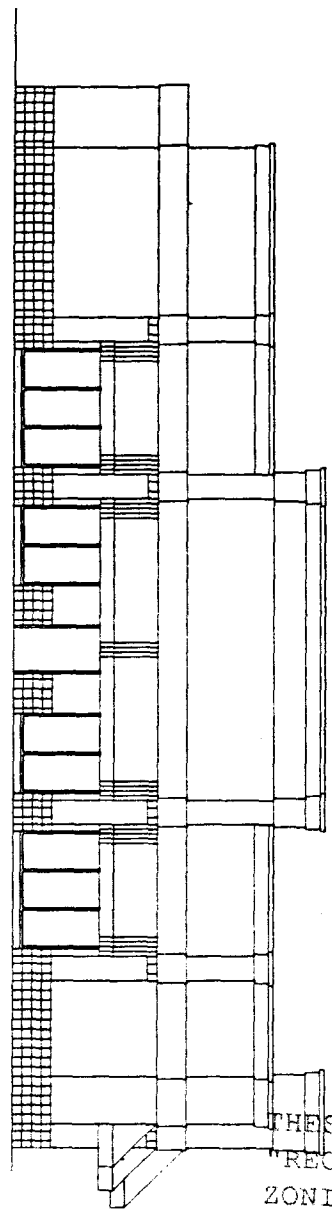
EXTERIOR FINISH TO BE

TRAVERTINE

Handwritten notes: "1/4\"/>



FRONT ELEVATION
SCALE 1/4"=1'-0"



LEFT SIDE ELEVATION
SCALE 1/4"=1'-0"

THESE PLANS ARE REDUCTIONS OF THE ACTUAL
"RECORD SET" OF PLANS WHICH ARE FILED IN
ZONING CASE FILE 113-342

APPROVED

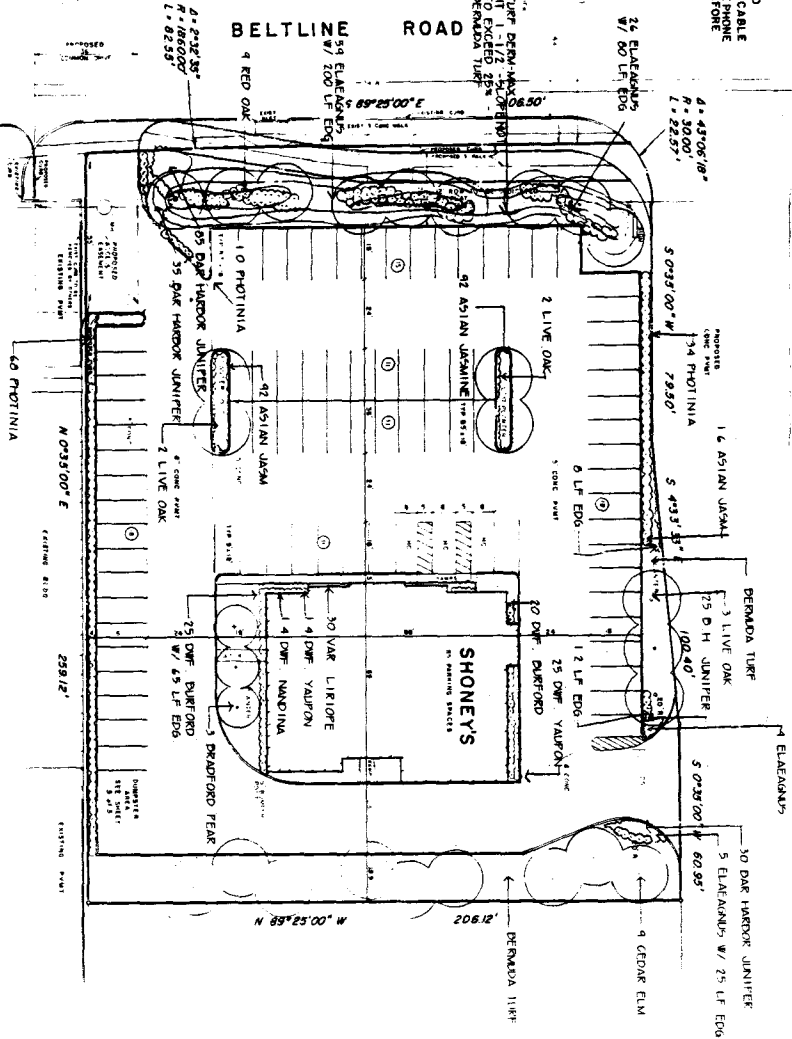
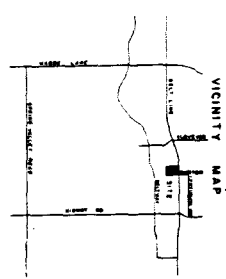
MATERIAL & COLOR SCHEDULE

SYMBOL	DESCRIPTION	COLOR
1	SYNTHETIC STUCCO	WHITE
2	SYNTHETIC STUCCO	WHITE
3	SYNTHETIC STUCCO	WHITE
4	SYNTHETIC STUCCO	WHITE
5	SYNTHETIC STUCCO	WHITE
6	SYNTHETIC STUCCO	WHITE

092-049

RUNYON DRIVE
 100' WIDE

CAUTION
 UNDERGROUND
 FIBER OPTIC CABLE
 COMPANY BEFORE
 DIGGING



NOTE
 UNLESS SHOWN OTHERWISE, ALL DIMENSIONS
 ARE TO THE BACK OF CURB

THE INFORMATION CONTAINED HEREIN IS FOR GENERAL INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION.

SITE DATA
 SITE AREA: 5.78 AC
 LANDSCAPE AREA: 2.1 AC
 BUILDING AREA: 1.1 AC
 PARKING REQUIRED: 100 SPACES
 PARKING PROVIDED: 100 SPACES

THESE LANDSCAPE PLANS ARE A PREDICTION OF THE ACTUAL
 "RECORD SET" OF THE PROJECT AND SHALL BE ASSEMBLED IN
 ZONING CASE FILE 1113-SLP

APPROVED

092-049

LEADING PETERMAN
 2000
 GRAND PARKWAY, SUITE 2000-148
 980-0053

FACILITIES ENGINEERING & DESIGN ASSOC.
 PLANNING
 596-5781

LANIER'S SCULPTURAL ENVIRONMENTAL, INC.
 681-4482

CITY OF ADDISON, DALLAS CO., TEXAS
 DATE: 10/13/97
 SCALE: 1" = 30'
 SHEET NO. 01-1050

SHONEY'S
 LANDSCAPE PLAN
 SHEET 3 OF 6

