ORDINANCE NO. 092-052

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 HOFFBRAU STEAKS, LOCATED ON 1.6 ACRES ON THE SOUTH SIDE OF BELT LINE ROAD, APPROXIMATELY 250 FEET WEST OF MIDWAY 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:

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 092-052

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 Hoffbrau Steaks. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 1.611 acre tract of land situated in the Thomas L. Chenoweth Survey, Abstract No. 273, in the Town of Addison, Dallas County, Texas, said tract being all of Lot 2, Block A, Sam's Club Addition, an addition to the City of Addison, Dallas County Texas, according to the plat recorded in Volume 92109, Page 3687, Map Records, Dallas County, Texas, said 1.611 acre tract being further described by metes and bounds as follows:

BEGINNING at a 5/8" iron pin with cap stamped "Dunaway Associates" set at the northeast corner of said Lot 2, said point also being in the south right-of-way line of Belt Line Road, a variable width public right-of-way;

THENCE South 01°18'15" East, 350.93 feet to a 5/8" iron pin with cap stamped "Dunaway Associates" set at the southeast corner of said Lot 2;

THENCE South 89°57'48" East, 203.47 feet to a 5/8" iron pin with cap stamped "Dunaway Associates" set at the southwest corner of said Lot 2;

THENCE North 00°01′18" East, 352.96 feet to a 5/8" iron pin with cap stamped "Duyaway Associates" set at the northwest corner of said Lot 2, said point also being the said south right-of-way line of Belt Line Road;

THENCE South 89°25'00" East along said south right-of-way line, 195.35 feet to the POINT OF BEGINNING and containing 1.611 acres of land.

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 10,417 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. Shall not use the term "Bar" "Tavern" or any equivalent in any exterior signage.
- 12. The applicant shall furnish recorded copies of cross-access and cross-parking agreements between Sam's and Hoffbrau Steaks prior to the issuance of a building permit for the Hoffbrau Steaks building.
- 13. The restaurant shall be prohibited from having outdoor live entertainment.

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 11th day of August, 1992.

MAYOR

ATTEST:

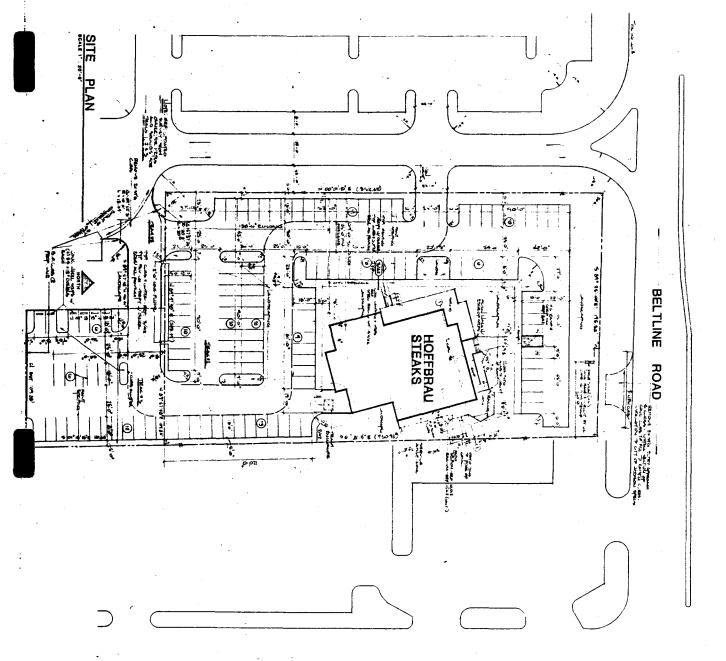
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CASE NO. 1115-SUP

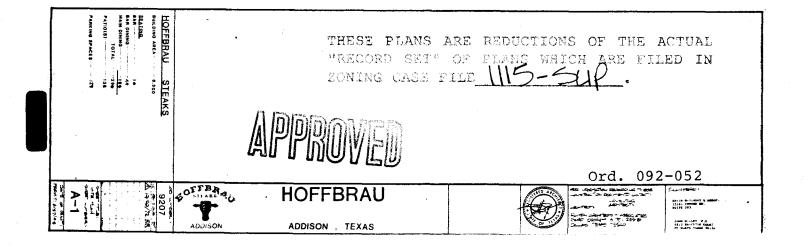
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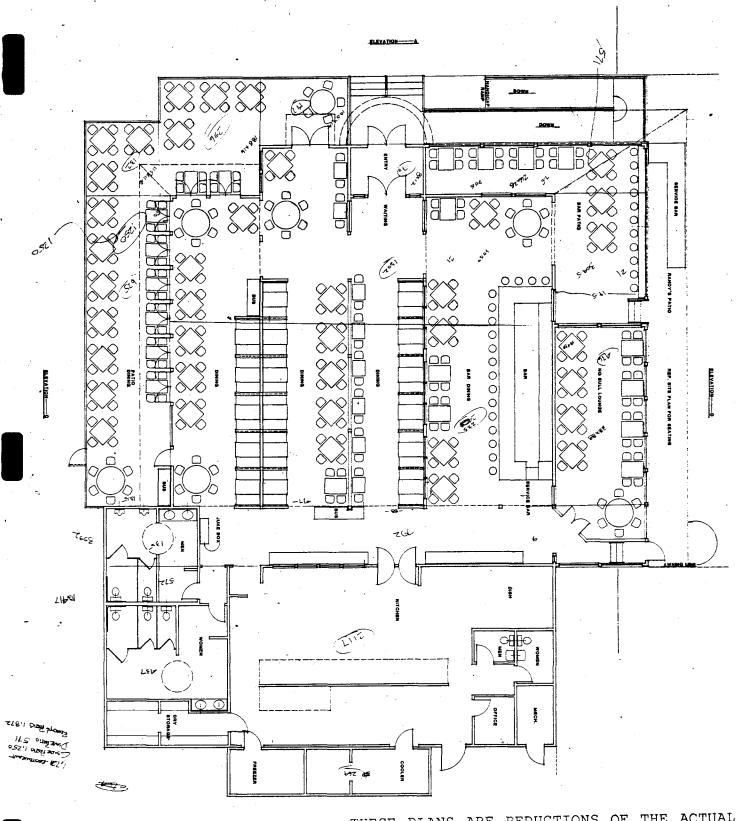
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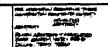
THESE PLANS ARE REDUCTIONS OF THE ACTUAL "RECORD SET" OF PLANS WHICH ARE FILED IN

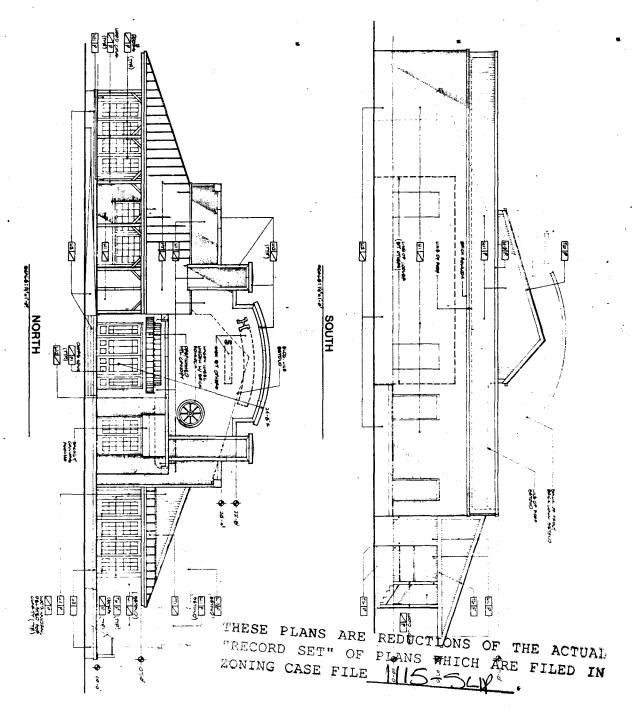
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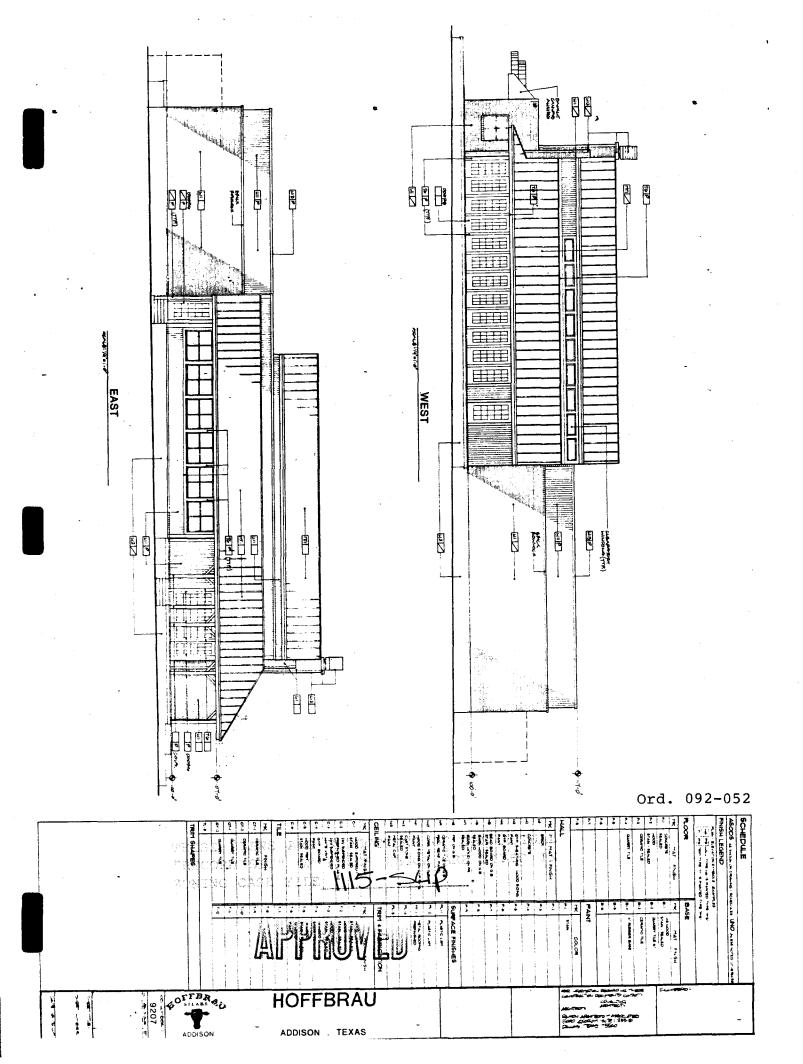
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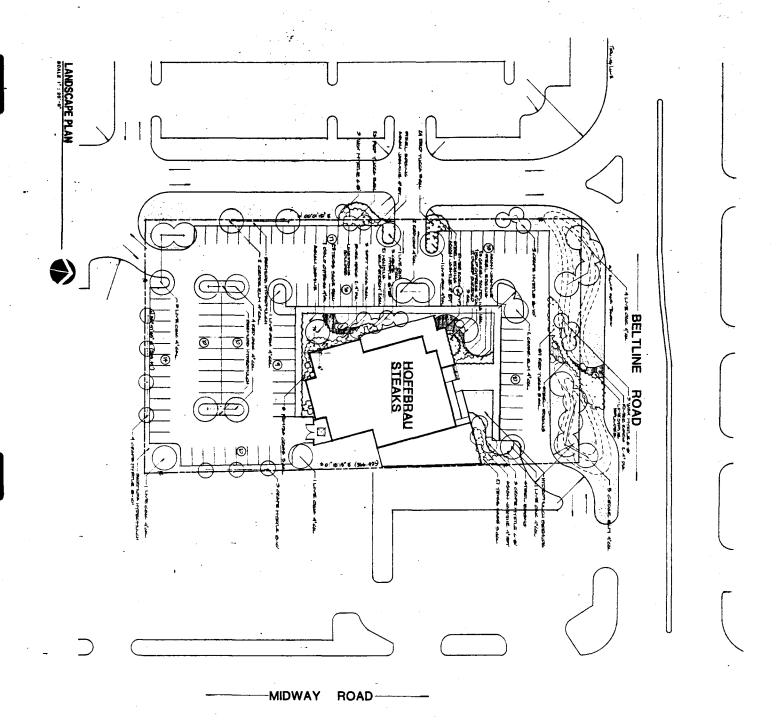




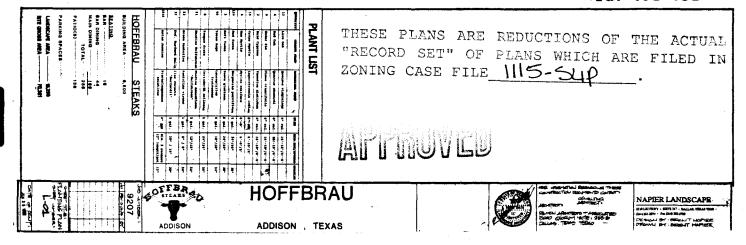
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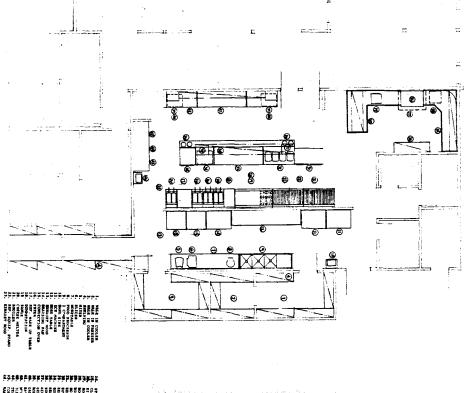
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