

ORDINANCE NO. 092-053

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 BEALE STREET RESTAURANT, LOCATED AT 4291 BELT LINE 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; PROVIDING SPECIFICALLY FOR REPEAL OF ORDINANCE 294; 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. 092-053

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

BEING a part of the W.H. WITT SURVEY, ABSTRACT NO. 1609, and the EDWARD COOK SURVEY, ABSTRACT NO. 326, and all of the J.R. Maxfield 0.660 acre tract and also being part of the original Dooley Road R.O.W. abandoned by City Ordinance No. 138, Volume 73247, Page 1028, and being described in one tract by metes and bounds as follows:

BEGINNING at the point of intersection of the present North line of Belt Line Road, a 100 foot right-of-way, and the present East line of Dooley Road (as relocated) visibility clip, said point being N 89°49'00" W 27.07 feet from the original center line of Dooley Road, a 60 foot right-of-way, said center line being the common line between said WITT 7 COOK SURVEYS:

THENCE N 45°00'00" W 42.56 feet along the East line of said Dooley Road visibility clip to a point for corner, said point being 30 feet perpendicular distance from the relocated center line of Dooley Road;

THENCE N 00°11'00" W 22.15 feet along the said present East R.O.W. of Dooley Road, (as relocated) to a point, the beginning of a curve to the right;

THENCE Along a circular curve to the right having a central angle of 10°2'22", and a radius of 904.93 feet, an arc distance of 158.55 feet to a point for corner.

THENCE S 89°49'00" E 210.32 feet to an iron rod for corner, the Northeast corner of the said Maxfield tract;

THENCE S 00°42'00" E 210.00 feet along the East line of said Maxfield tract to an iron rod for corner in the said present North line of Belt Line Road;

THENCE N 89°49'00" W 196.07 feet along the said present North line of Belt Line Road to the point of beginning and containing 1.0582 acre (46,093.16 sq. ft.) of land, 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 floor plan and the elevation drawings 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 5,085 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 "Bar", "Tavern" or any equivalent terms in any exterior signage.
12. The owner of the center shall replace all missing and dead landscaping in the center prior to the issuance of a Certificate of Occupancy for the space.
13. The applicant shall furnish an irrigation plan to the Parks Director prior to the issuance of a building permit for the Beale Street space.
14. The restaurant shall not charge a "cover charge" for entertainment.
15. The restaurant shall not utilize outdoor speakers for the broadcasting of entertainment.
16. The applicant shall delete the "drink rail" from the floor plans for the restaurant.
17. The restaurant shall not utilize valet parking.

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 this ordinance shall specifically repeal Ordinance 294, which was approved by the Town of Addison on November 9, 1976, and all other 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:


CITY SECRETARY

CASE NO. 1116-SUP

APPROVED AS TO FORM:

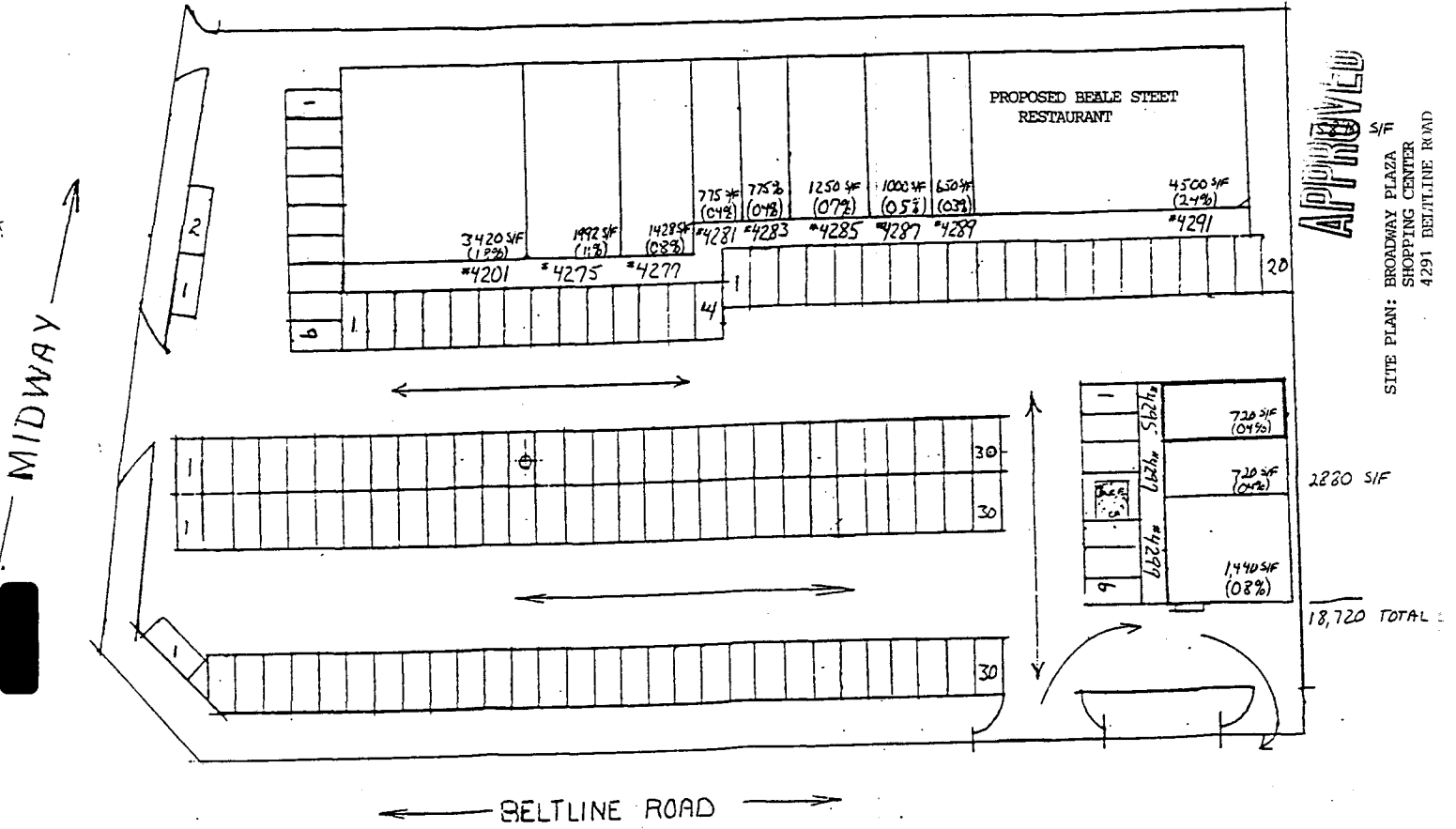

DIRECTOR OF DEVELOPMENT SERVICES

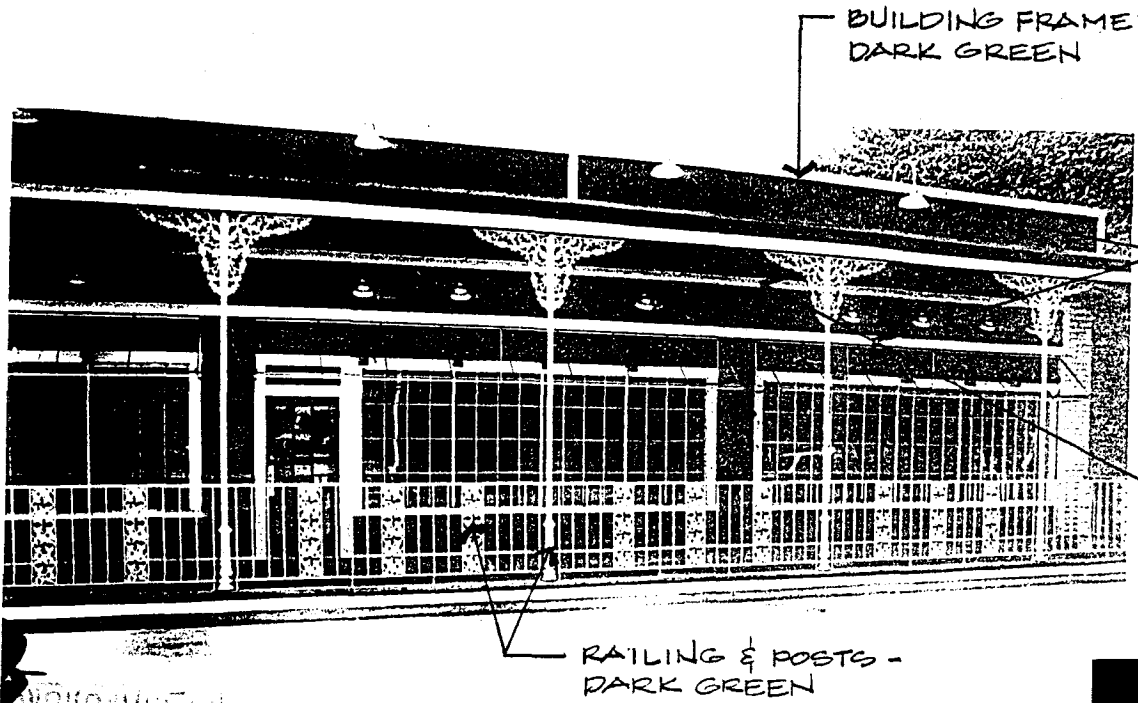
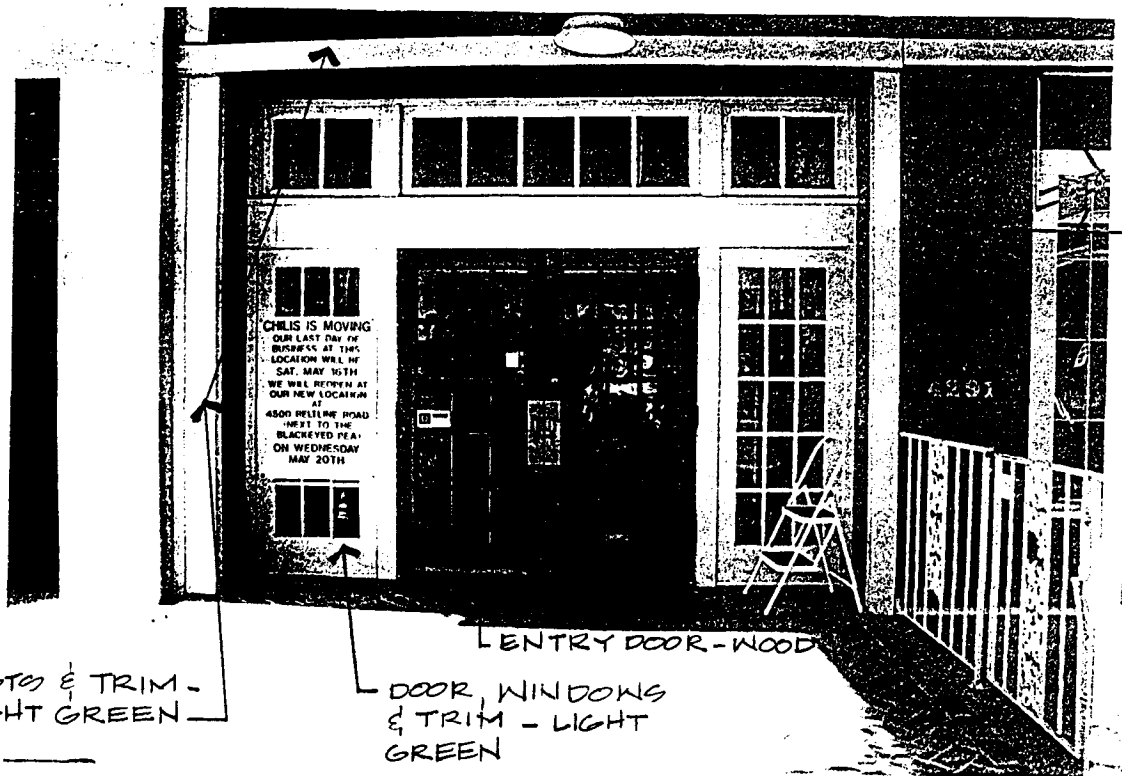
Published
11-5-98



THESE PLANS ARE REDUCTIONS OF THE ACTUAL
 "RECORD SET" OF PLANS WHICH ARE FILED IN
 ZONING CASE FILE 1116-549.

APPROVED





APPROVED

THESE PLANS ARE REDUCTIONS OF THE ACTUAL "RECORD SET" OF PLANS WHICH ARE FILED IN ZONING CASE FILE 1116-54P

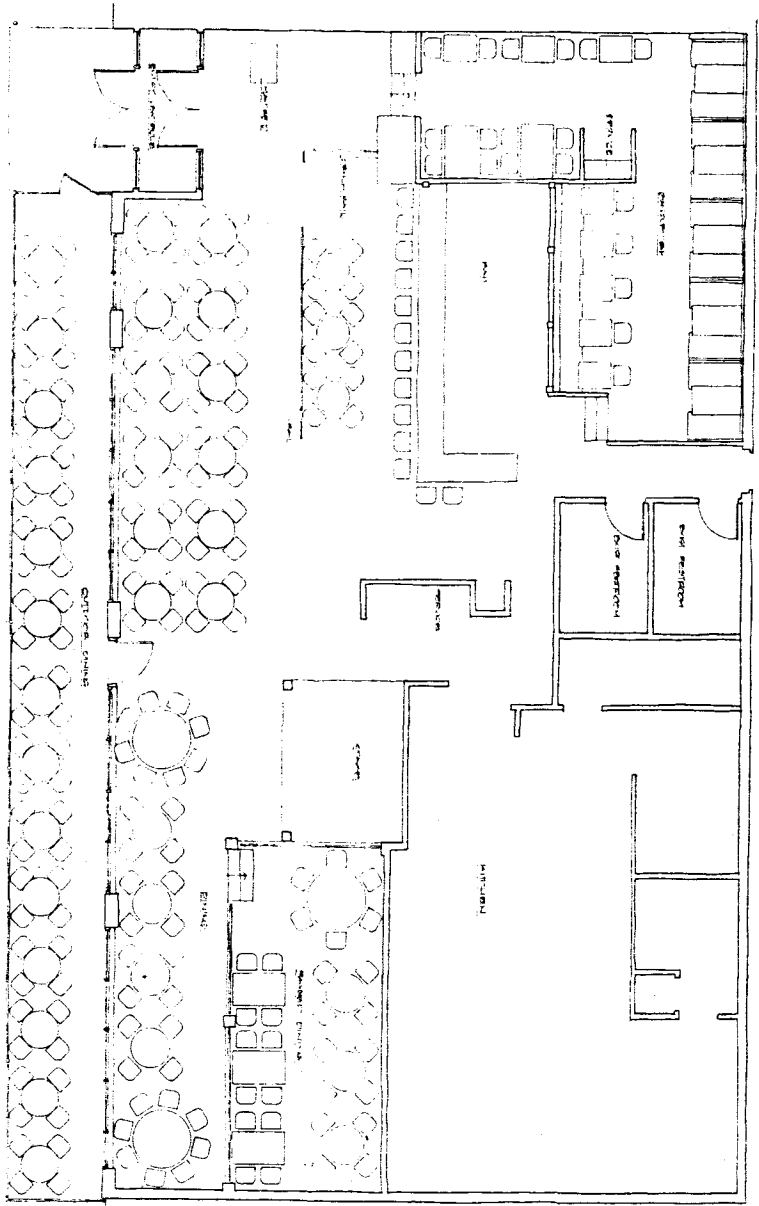
DARK GREEN 

LIGHT GREEN 

WHITE

092-053

FURNITURE PLAN



SEATING CAPACITIES

Room	Tables	Chairs	Capacity
Dining Room	12	120	120
Bar	1	10	10
Kitchen	0	0	0
Service Area	0	0	0
Restroom	0	0	0
Total	13	130	130

THESE PLANS ARE REDUCTIONS OF THE ACTUAL "RECORD SET" OF PLANS WHICH ARE FILED IN ZONING CASE FILE 1116-SUP.

APPROVED

092-053

PAUL DRAPER AND ASSOCIATES
Design Consultants

APPROVED

BEALE STREET

PAUL DRAPER AND ASSOCIATES

DATE	10/15/88
DRAWN BY	J. DRAPER
CHECKED BY	P. DRAPER
APPROVED BY	P. DRAPER
SCALE	AS SHOWN
PROJECT NO.	092-053
SHEET NO.	1