

ORDINANCE NO. 092-055

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 MASSIMO DA MILANO, LOCATED AT 5100 BELT LINE ROAD, SUITE 208, 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 Massimo Da Milano. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 4,464 square foot lease space addressed as 5100 Belt Line Road, Suite 208, located on a tract of land out of the Allen Bledsoe Survey, Abstract No. 157, the G.W. Fisher Survey, Abstract No. 482 and the J. Pancoast Survey, Abstract No. 1145, City of Addison, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point being the intersection of the east right-of-way line of Dallas Parkway and the south right-of-way line of Belt Line Road;

THENCE East along said south line, a distance of 251.34 feet to a point for a corner;

THENCE S 65°51'30" E, a distance of 54.24 feet to a point for a corner;

THENCE N 48°03'00" E, a distance of 30.0 feet to a point for a corner, said point lying on the centerline of Noell Road;

THENCE S 41°57'00" E, along said centerline, a distance of 741.76 feet to an angle point;

THENCE S 23°24'00" E, continuing along said centerline, a distance of 907.45 feet to a point for a corner;

THENCE S 85°31'25" W, departing said centerline, a distance of 733.4 feet to an angle point;

THENCE N 85°31'06" W, a distance of 882.99 feet to a point for a corner said point lying on the east right-of-way of Dallas Parkway;

THENCE Northeasterly along said east line being a circular curve to the right having a central angle of 34°36'34" and whose center bears S 88°39'35" E, 1256.93 feet, an arc distance of 759.25 feet to the point of reverse curve to the left having a central angle of 36°13'00" and a radius of 1014.93 feet;

THENCE Northeasterly along said curve and continuing along said east line, an arc distance of 641.54 feet to its point of tangency;

THENCE N 00°16'01" W, a distance of 65.52 feet to the POINT OF BEGINNING and containing 33.967 acres 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 site plan, 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 4,464 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.

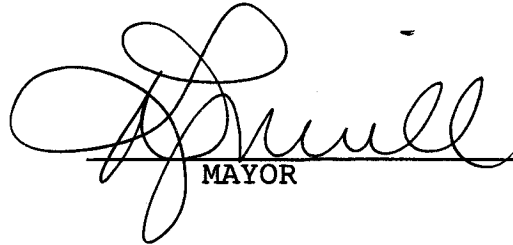
8. Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the Town of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
9. That if the property for which the special use permit is granted is not used for the purposes 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" or any equivalent terms in any exterior signage.

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:


CITY SECRETARY

CASE NO. 1117-SUP

APPROVED AS TO FORM:



*Published
1-21-93*



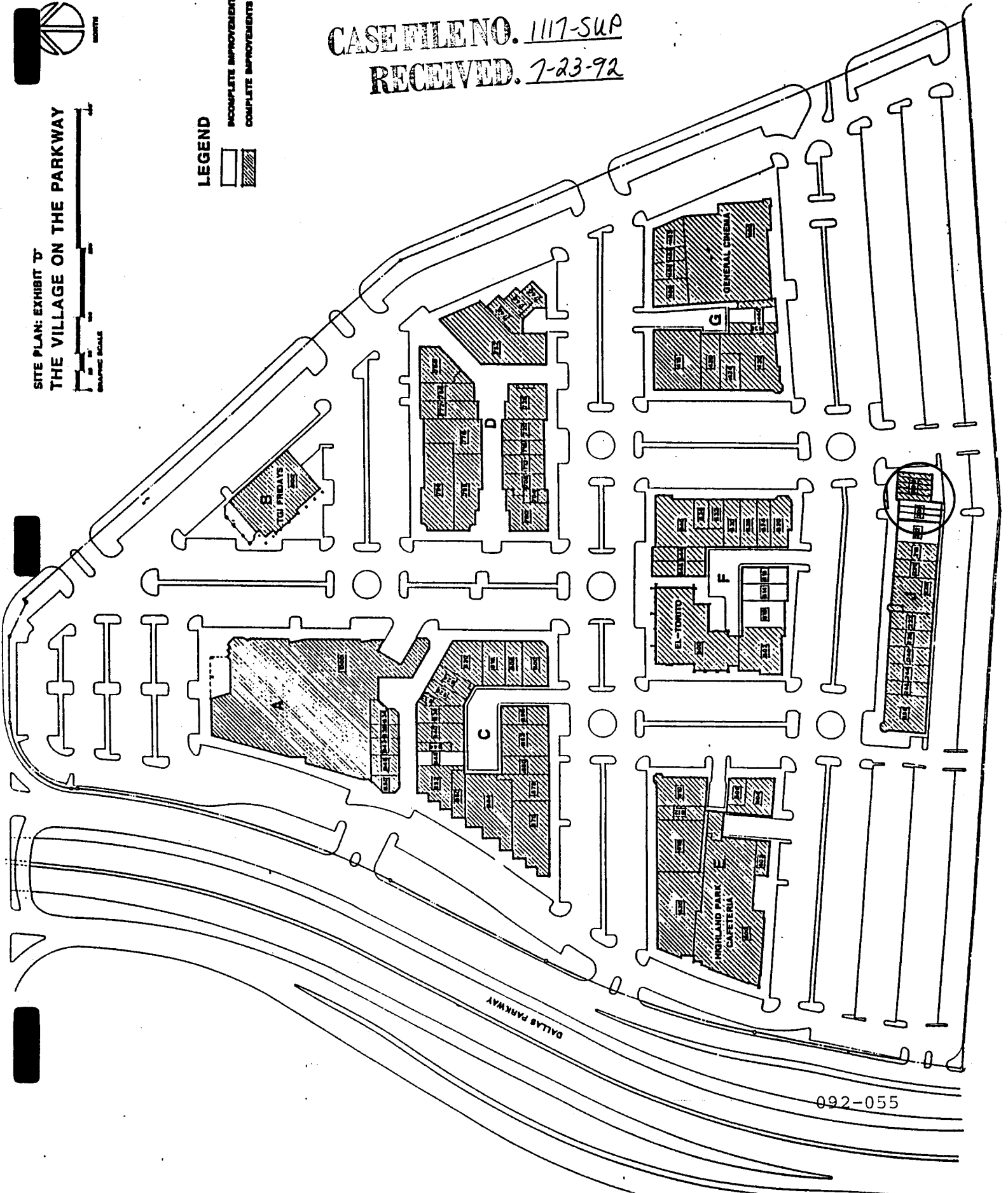
CASE FILE NO. 1117-SUP
RECEIVED. 7-23-92

SITE PLAN: EXHIBIT 'D'
THE VILLAGE ON THE PARKWAY
GRAPHIC SCALE

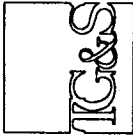
LEGEND



INCOMPLETE IMPROVEMENTS
COMPLETE IMPROVEMENTS



092-055

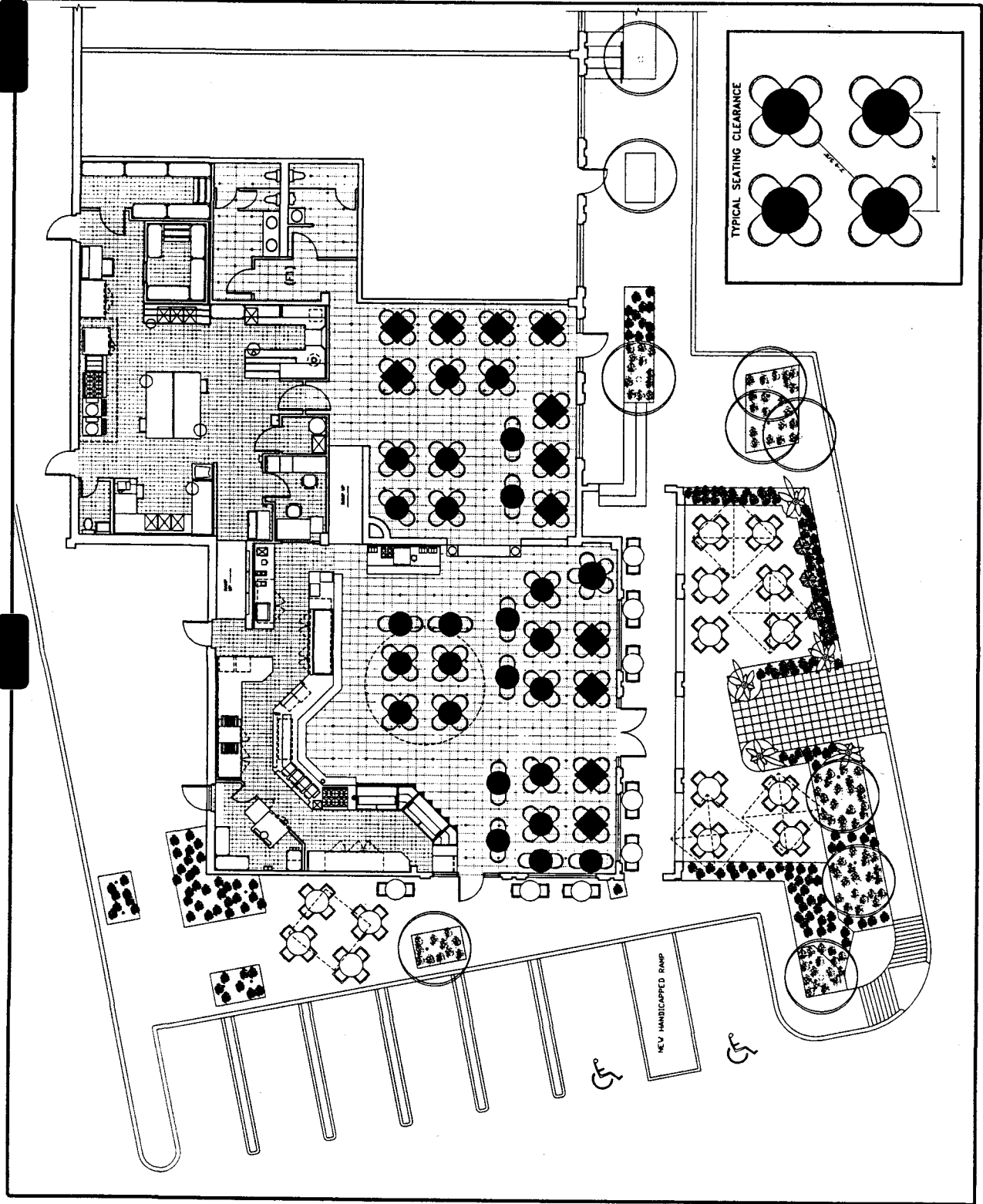


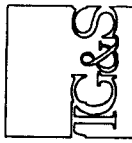
TAYLOR GAIL & STENSLAND
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MASSIMO
DA
MILANO
RESTAURANT
DALLAS, TEXAS

DATE: _____
SCALE: _____
DRAWN BY: _____
CHECKED BY: _____

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MASSIMO
DA
MILANO
RESTAURANT
DALLAS, TEXAS

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| DATE | |
| SCALE | |
| PROJECT | |
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| BY | |
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92010
A501

1
NORTH ELEVATION
SCALE: 1/4" = 1'-0"

2
WEST ELEVATION
SCALE: 1/4" = 1'-0"

3
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

4
NORTH ELEVATION
SCALE: 1/4" = 1'-0"

5
EAST ELEVATION
SCALE: 1/4" = 1'-0"

SEE ELEVATION 4/501 FOR THIS AREA