

ORDINANCE NO. 092-062

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 THE OLIVE GARDEN RESTAURANT, LOCATED AT A TRACT OF 2.69 ACRES AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BELT LINE ROAD AND 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. 092-062

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

BEING a tract of land situated in the Elisha Fike Survey, Abstract Number 478, in the City of Addison, Dallas County, Texas and being a portion of Beltway Office Park, Tract III, an addition to the City of Addison as recorded in Volume 77086, Page 0026 of Deed Records, Dallas County, Texas. Also being a portion of that tract of land as recorded in Volume 86038, Page 1711 of said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap, found at the northerly end of a corner clip at the intersection of the southerly right-of-way of Belt Line Road (a variable width right-of-way at this point) and the easterly right-of-way of Midway Road (a variable width right-of-way at this point):

THENCE N 84°52'24" E, 100.45 feet along the southerly right-of-way line of Belt Line Road;

THENCE S 89°41'54" E, 58.00 feet along said right-of-way line;

THENCE S 04°07'29" W, 220.11 feet leaving said right-of-way line;

THENCE S 76°00'00" E, 45.00 feet;

THENCE S 00°00'00" E, 302.00 feet;

THENCE S 90°00'00" W, 243.00 feet to the easterly right-of-way line of Midway Road;

THENCE N 00°18'13" W, 199.08 feet along said right-of-way;

THENCE N 05°09'00" E, 99.95 feet along said right-of-way;

THENCE N 00°18'13" W, 175.00 feet along said right-of-way;

THENCE N 44°54'53" E, 70.90 feet along said right-of-way to the POINT OF BEGINNING and containing 2.69 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, 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 11,111 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" "Club" or any equivalent term in any exterior signage.
12. The service area on the back side of the restaurant, which faces Midway Road, shall be screened by a screening wall with landscaping.
13. The site plan shall be revised to reflect the additional right-of-way required to facilitate the proposed intersection improvements at Belt Line and Midway.
14. The western radius of the western drive approach shall be increased to thirty (30) feet.
15. The dumpster enclosure shall be moved at least 25 feet from the west property line.

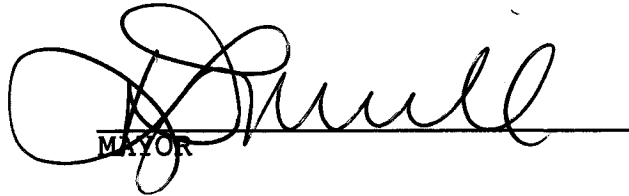
SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance 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 22nd day of September, 1992.

  
MAYOR

ATTEST:

  
CITY SECRETARY

CASE NO. 1119-SUP

APPROVED AS TO FORM:

  
DIRECTOR OF DEVELOPMENT SERVICES

Published  
6/10/93







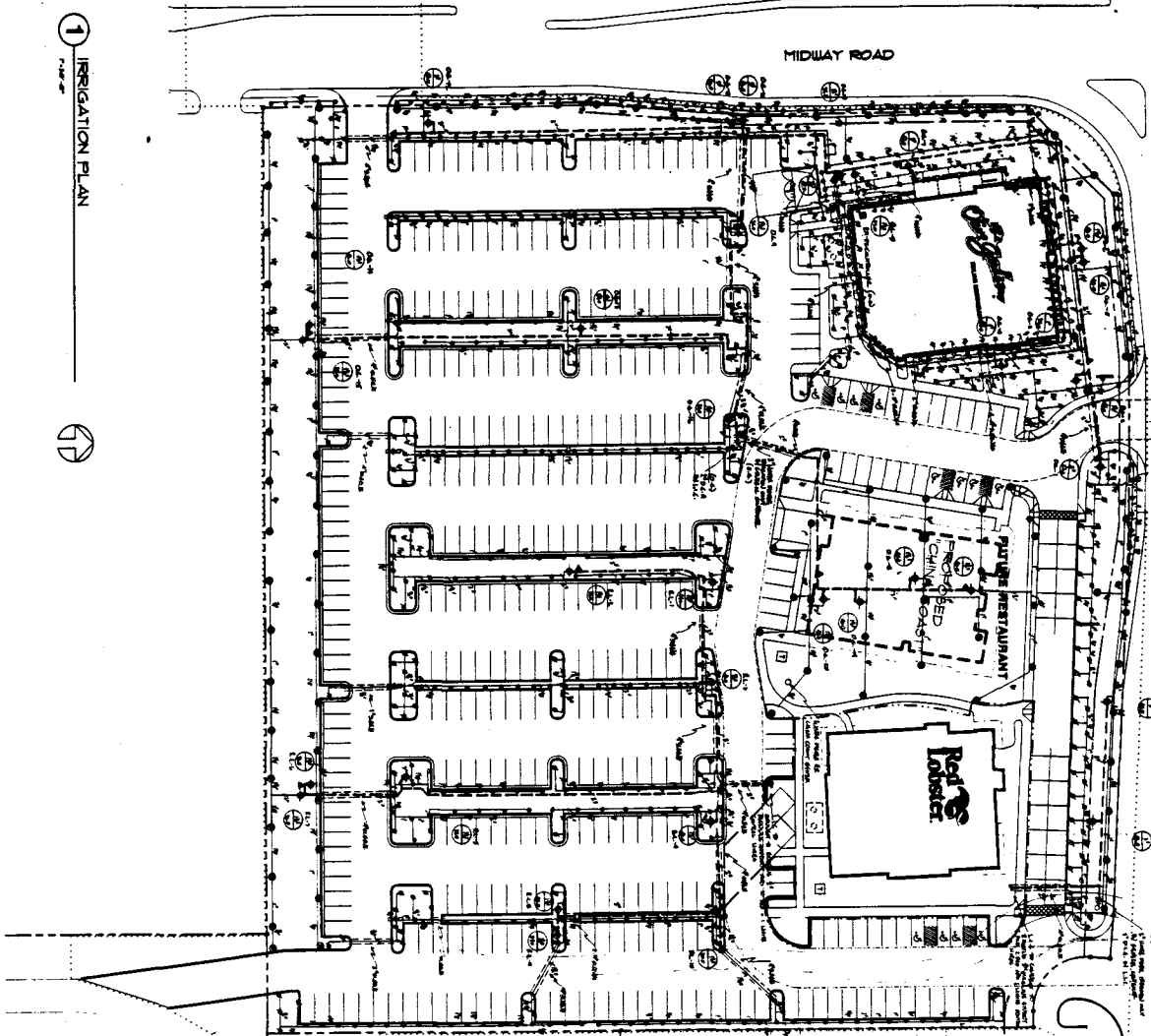


1 IRRIGATION PLAN



MIDWAY ROAD

BELTLINE ROAD



FOR LAYOUT AND  
CASH COUNTER NOTES

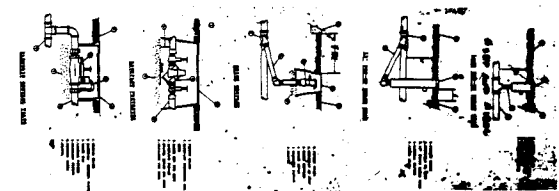
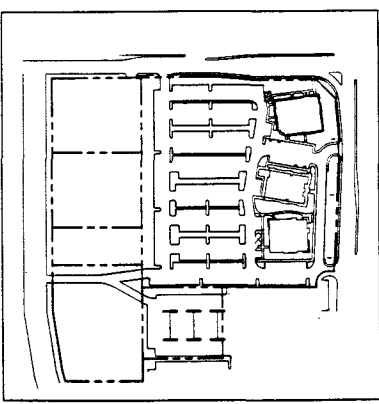
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OUTLINE GENERAL NOTES

KEY MAP



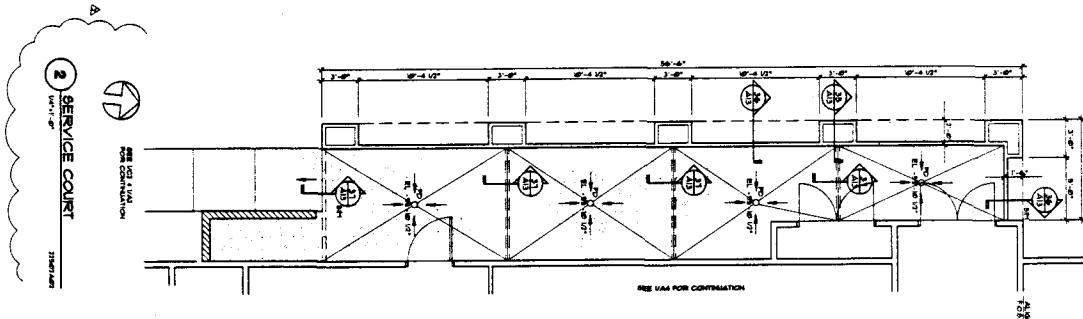
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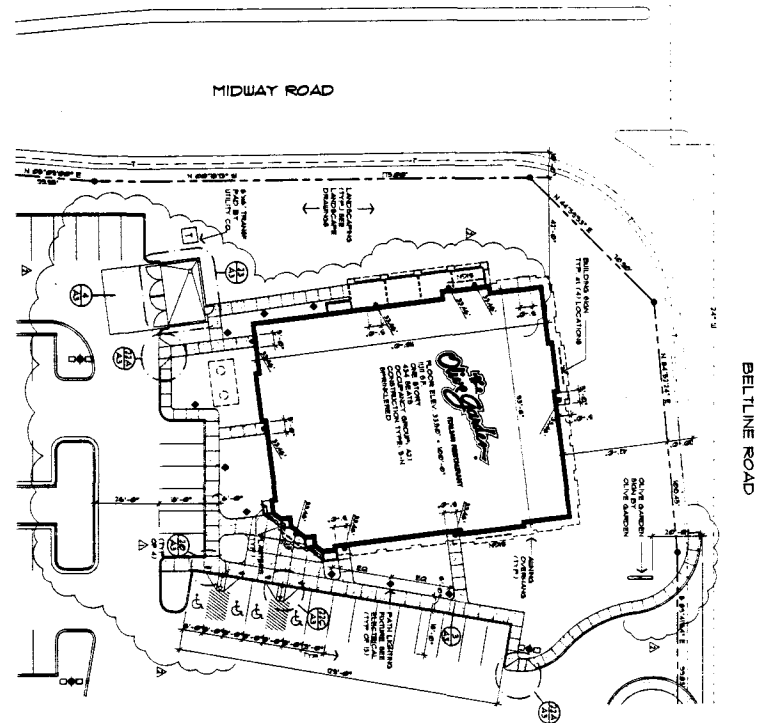


S.E. CORNER OF BELTLINE ROAD AND MIDWAY ROAD  
ADWSON, TEXAS

ARCHITECTS  
VAN LOM / EDWARDS  
A.L.A.P.C.



1 SITE PLAN  
1/4\"/>



**LEGEND**

PROPERTY LINE	EXISTING UTILITY LINE	NEW UTILITY LINE	NEW CONCRETE WALL	NEW CONCRETE DRIVE	NEW ELECTRICAL	NEW MECHANICAL	NEW LIGHT FIXTURE	NEW LIGHT FIXTURE	NEW LIGHT FIXTURE
EXISTING SERVICE LINE	EXISTING SERVICE LINE	EXISTING SERVICE LINE	EXISTING SERVICE LINE	EXISTING SERVICE LINE	EXISTING SERVICE LINE	EXISTING SERVICE LINE	EXISTING SERVICE LINE	EXISTING SERVICE LINE	EXISTING SERVICE LINE

**NOTES THIS SHEET**

- SEE PLASTER IN PLAN (SEE CIVIL PLAN)
- SEE NOTES ON SHEET FOR DIMENSIONS AND DETAILS
- SEE MECHANICAL SYMBOLS AND ELECTRICAL SYMBOLS ON SHEET FOR DIMENSIONS AND DETAILS
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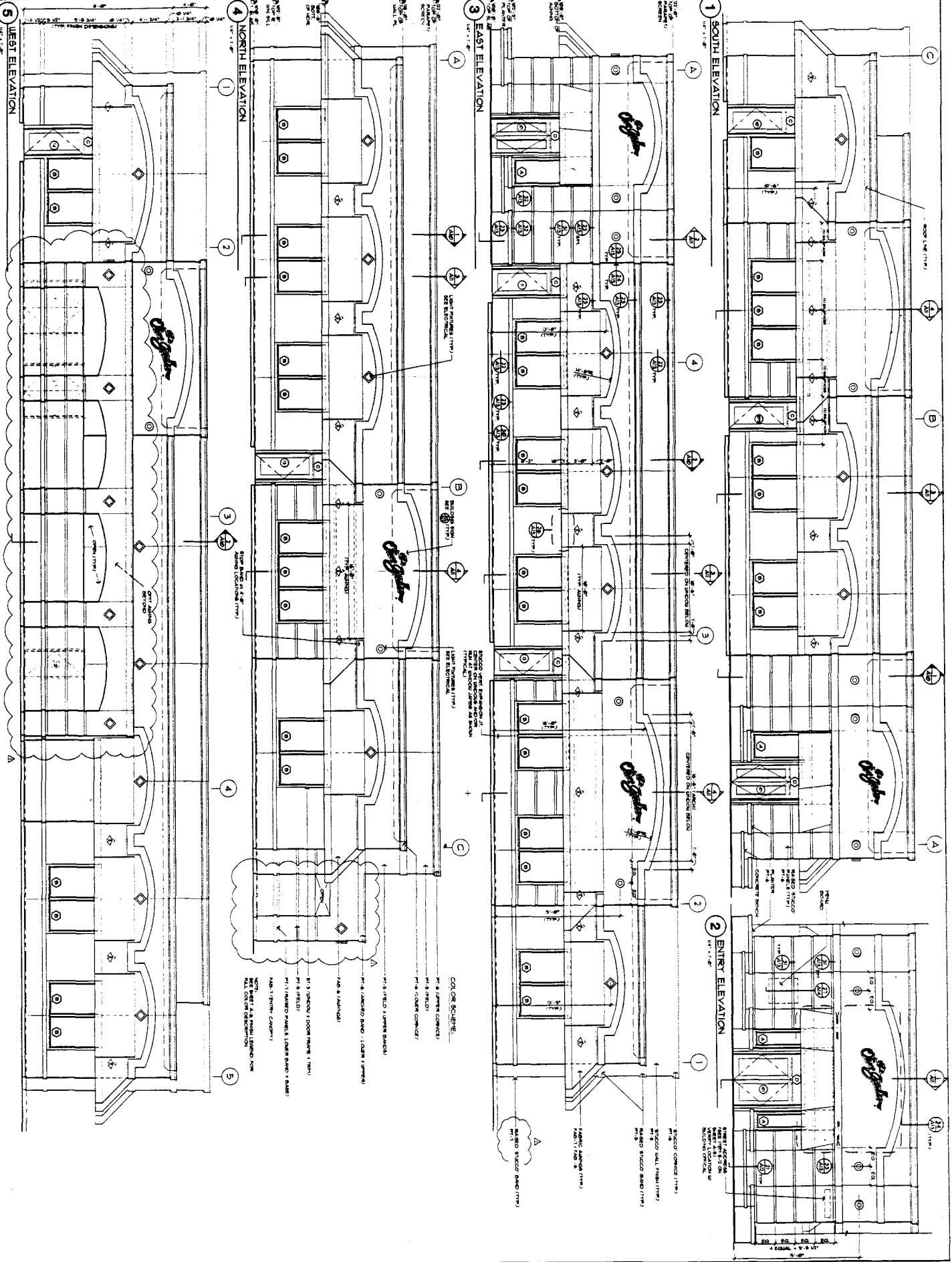
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S.E. CORNER OF BELTLINE ROAD AND MIDWAY ROAD  
ADDISON TEXAS

ARCHITECTS  
VAN LOM / EDWARDS  
A.L.A., P.C.





S.E. CORNER OF BELTLINE ROAD AND MIDWAY ROAD

ARCHITECTS  
**VAN LOM / EDWARDS**  
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