

ORDINANCE NO. 092-064

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 SPRING CREEK BARBECUE, LOCATED ON 1.54 ACRES AT THE NORTHWEST CORNER OF THE INTERSECTION OF BELTWAY DRIVE 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:

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 Spring Creek Barbecue. 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 THOMAS L. CHENOWETH SURVEY, ABSTRACT NO. 273 in the Town of Addison, Dallas County, Texas and being a portion of the REPLAT OF ADDISON PLAZA, an addition to the Town of Addison, according to the Plat thereof recorded in Volume 79069 at Page 1424 of the Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod set at the intersection of the north line of Beltway Drive (a 60' right-of-way) with the west line of Midway Road as established by General Warranty Deed recorded in Volume 860990 at Page 1285 of the Deed Records of Dallas County, Texas;

THENCE West along the said north line of Beltway Drive for a distance of 90.00 feet to a 1/2-inch iron rod set for the point of curvature of a curve to the left having a central angle of  $06^{\circ}17'12''$ , a radius of 1005.00 feet, a chord bearing of South  $86^{\circ}51'24''$  West and a chord distance of 110.22 feet;

THENCE in a westerly direction along said north line and said curve to the left, and arc length of 110.27 feet to a 1/2-inch iron rod set for a corner;

THENCE North  $00^{\circ}01'18''$  East, departing said north line, for a distance of 305.57 feet to a 1/2-inch iron rod set for a corner;

THENCE East for a distance of 229.93 feet to a 1/2-inch iron rod set for a corner on the west line of said Midway Road;

THENCE in a southerly direction along the west line of said Midway Road the following:

South for a distance of 99.53 feet to a 1/2-inch iron rod set for a corner;

South 07°07'30" West for a distance of 80.62 feet to a 1/2-inch iron rod set for a corner;

South for a distance of 100.00 feet to a 1/2-inch iron rod set for a corner;

South 45°00'00" West for a distance of 28.28 feet to the POINT OF BEGINNING;

CONTAINING 1.515 acres or 67,300 square feet 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 7,406 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 cancelled 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 building shall be fully sprinklered for fire protection.
13. The restaurant parking lot shall be designed and constructed so as to prohibit any cross-access between this restaurant and the Sam's parking lot.
14. The landscape plan shall be revised to meet the landscape ordinance standard for perimeter parking landscaping along the west and north property lines.
15. All planting beds must be separated from turf areas using steel edging.
16. Solid sod is recommended in lieu of seeded bermuda grass. If the applicant opts for seeding, provisions for planting winter grass will be necessary in case bermuda seed does not germinate.
17. A detailed irrigation plan must be submitted for approval prior to the issuance of a building permit.

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 13th day of October, 1992.

  
MAYOR

ATTEST:

  
CITY SECRETARY

CASE NO. 1124-SUP

APPROVED AS TO FORM:

  
CITY SECRETARY

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 092-064

Published  
4-8-92

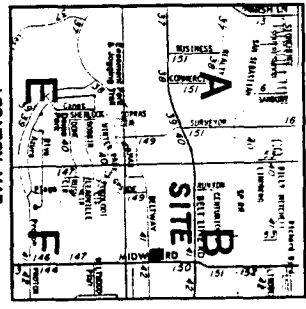
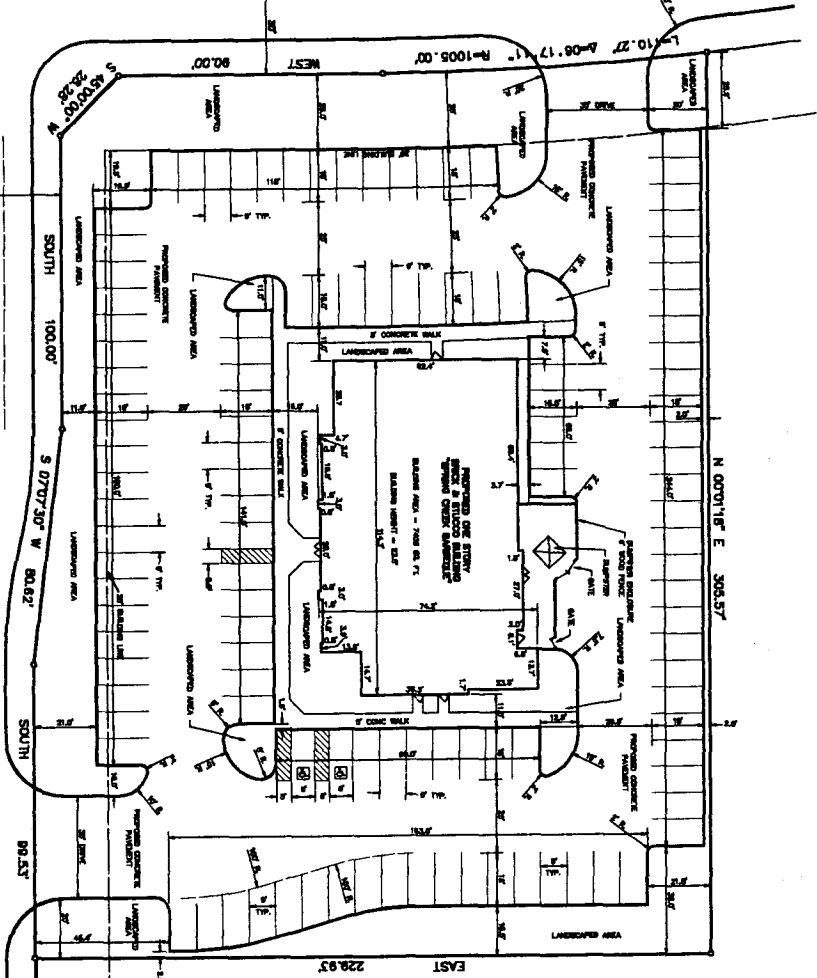


THESE PLANS ARE REDUCTIONS OF THE ACTUAL RECORD SET<sup>TM</sup> OF PLANS WHICH ARE FILED IN ZONING CASE FILE 124-54P.



BELTWAY DRIVE

MIDWAY ROAD



**SITE TABULATIONS**

TOTAL LOT AREA	67,200 SQ. FT.
BUILDING AREA	7,400 SQ. FT.
TOTAL STREET FRONTAGE	808 FT.

**PARKING TABULATIONS**

REQUIRED PARKING (100 SQ. FT. BUILDING AREA)	78 SPACES
PARKING PROVIDED	114 SPACES

**LANDSCAPE TABULATIONS**

LANDSCAPED AREA REQUIRED (20% OF SITE AREA)	13,440 SQ. FT.
LANDSCAPED AREA PROVIDED (INCLUDING PARKWAYS)	33,874 SQ. FT.

**LEGAL DESCRIPTION**

LOT 3, BLOCK A, BAY'S CLUB ADDITION, VOL. 82109 PAGE 3187, KANSAS, TEXAS

- GENERAL NOTES:
1. THE BUILDING SHALL BE FULLY SPRINKLERED FOR FIRE PROTECTION.
  2. ALL ACCESS SHALL BE PROVIDED TO THE WEST AND/OR SOUTHWEST CORNER OF THE BUILDING.
  3. CONSTRUCTION OF A FIREWORK STORAGE YARD SHALL BE PROVIDED TO THE WEST AND/OR SOUTHWEST CORNER OF THE BUILDING.

092-064

SHEET TITLE  
**SITE PLAN**

DATE: 8-10-82  
SCALE: 1" = 30'  
DRAWN BY: D.A.W./C.A.D.  
CHECKED BY: J.W.  
SHEET NO.: 1 OF 4

**SPRING CREEK BARBECUE**  
TOWN OF ADDICK, TEXAS

APPLICANT:  
SPRING CREEK RESTAURANTS, LTD.  
4800 S. COOPER STREET, SUITE 207  
AHLSTON, TEXAS 76010  
817-242-8949  
MEMO (817) 497-0808

PREPARED BY:  
**DEWEY & ASSOCIATES**  
ENGINEERING, SURVEYING  
LAND PLANNING, CAD DESIGN

**D & A**

2505 TEXAS DRIVE, SUITE 110 • IRVING, TEXAS 75038 • 214/266-1541

NO.	REVISION

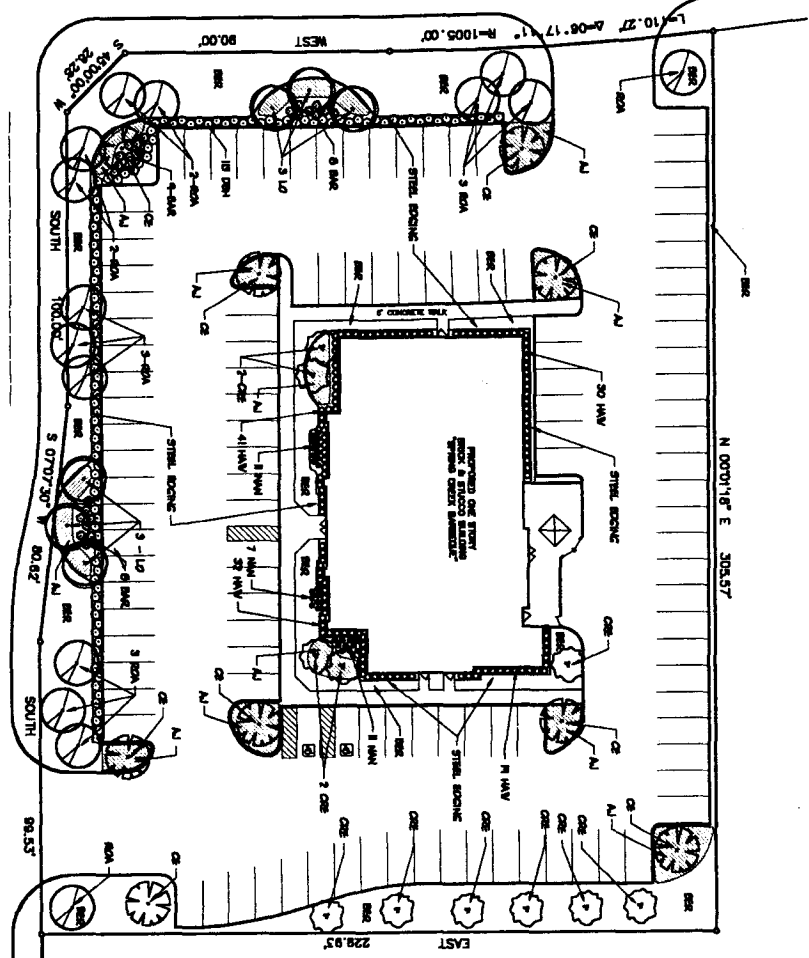
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092-064



BELTWAY DRIVE

MIDWAY ROAD



**LANDSCAPE LEGEND**

	LIVE OAK TREE		DWARF BALDPATE HOLLY
	LIVE OAK TREE		EASTERN PIGEON柏木
	LIVE OAK TREE		NOTAN NANTZEN
	LIVE OAK TREE		ASIAN JASMINE

**PLANT SCHEDULE**

PLANT	DESCRIPTION	QUANTITY	NOTES
1	Live Oak Tree	2	Plant in front of building
2	Dwarf Baldpate Holly	2	Plant in front of building
3	Eastern Pigeon柏木	2	Plant in front of building
4	Notan Nantzen	2	Plant in front of building
5	Asian Jasmine	2	Plant in front of building

1. ALL PLANTINGS SHALL BE INSTALLED AND MAINTAINED AS SHOWN ON THESE PLANS. ALL PLANTINGS SHALL BE INSTALLED AND MAINTAINED AS SHOWN ON THESE PLANS. ALL PLANTINGS SHALL BE INSTALLED AND MAINTAINED AS SHOWN ON THESE PLANS.

**Spring-Creek BARBEQUE**  
TOWN OF ADDISON, TEXAS

APPLICANT:  
SPRING CREEK RESTAURANTS, LTD.  
4300 S. COOPER STREET, SUITE 207  
ADDISON, TEXAS 75002  
(972) 949-2424  
FAX (972) 949-2424

PREPARED BY:  
**DEWEY & ASSOCIATES**  
ENGINEERING, SURVEYING  
LAND PLANNING, CAD DESIGN

**D & A**

2025 TEXAS DRIVE, SUITE 110 • WYNN, TEXAS 75082 • 214/251-3500

NO.	DATE	REVISION

PROJECT:  
**Spring-Creek BARBEQUE**  
LANDSCAPE PLAN

DATE: 8-10-82  
SCALE: 1" = 20'  
DRAWN BY: D.A.A./C.A.  
CHECKED BY: D.A.A.  
SHEET NO. 2 OF 4





