

ORDINANCE NO. 093-010

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 CHAMBERLAIN'S CHOP HOUSE (FORMERLY DEL FRISCO'S), LOCATED AT 5330 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 FOR SPECIFIC REPEAL OF ORDINANCES 556 AND 086-073; AND PROVIDING FOR A GENERAL 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 Chamberlain's Chop House. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 4,926 square feet lease space, located in a shopping center, and addressed as 5330 Belt Line Road, and located on a tract of land situated in the Allen Bledsoe Survey, Abstract No. 157, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point which is the intersection of the south right-of-way line of Belt Line Road and the center line of Lake Forest Drive, Thence westerly along said south right-of-way line of Belt Line Road 929.17 feet to the point of beginning which is the intersection of the south right-of-way line of Belt Line Road and the west property line of the following described tract:

THENCE S 0°10'10" E, 400.00 feet;

THENCE N 89°49'50" E, 449.67 feet;

THENCE N 35°0'00" E, 207.98 feet;

THENCE N 0°14'28" W, 150.00 feet;

THENCE S 89°45'32" W, 20.0 feet;

THENCE N 0°14'28" W, 80.1 feet;

THENCE S 89°49'50" W, 549.18 feet to the point of beginning and containing 4.958 acres of land.

SECTION 2. That the Special Use Permits are granted subject to the following conditions:

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1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the floor plan which is 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 4,926 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" "Club" "Tavern" 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 Ordinance 556 and Ordinance 086-073 are specifically repealed by this ordinance, and 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 9th day of February, 1993.


MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 968-SUP-1

APPROVED AS TO FORM:

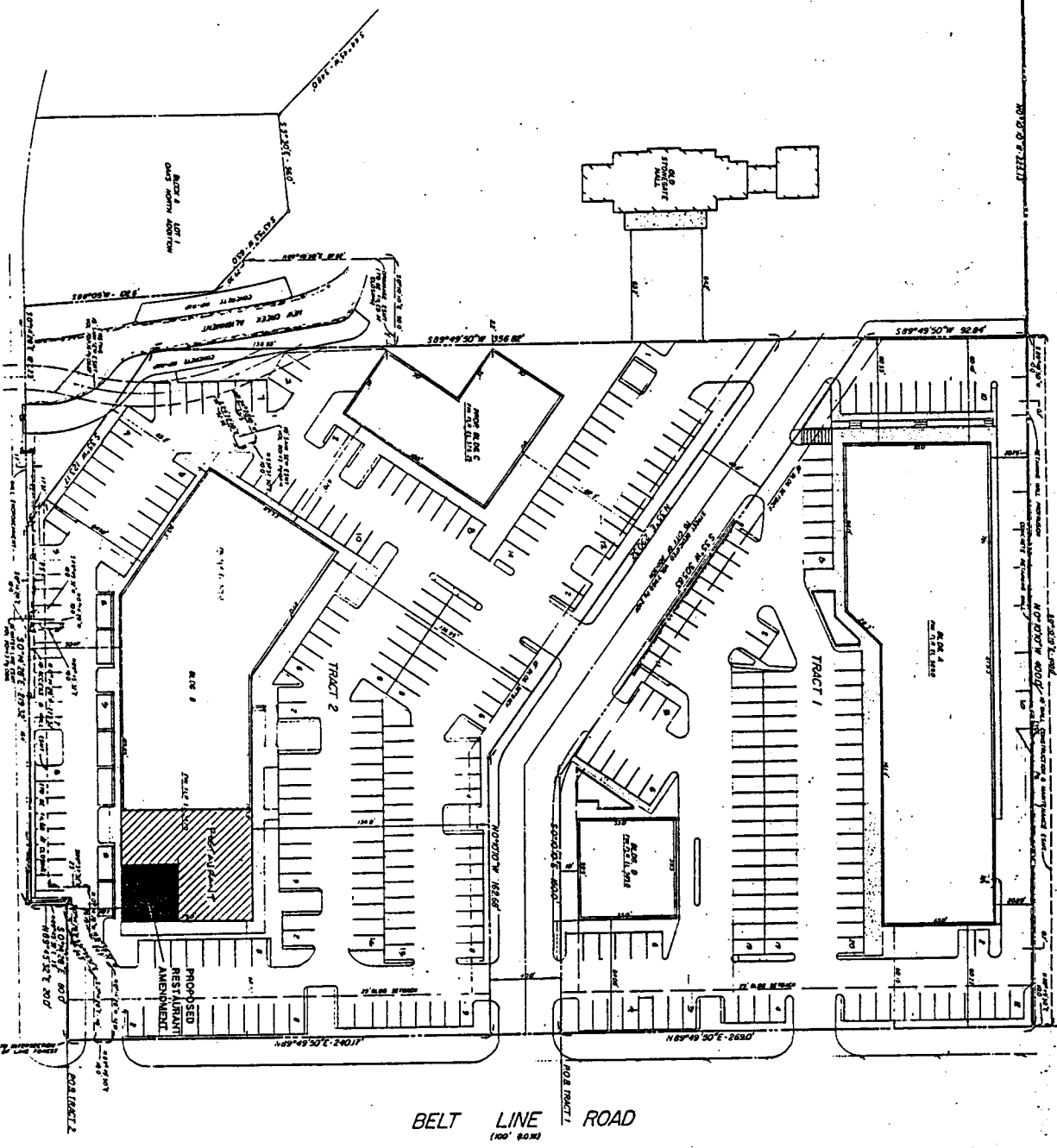

DIRECTOR OF DEVELOPMENT SERVICES

Published
5/6/93



SITE PLAN

OAKS NORTH DRIVE
(As Shown on Ordinance 8081)



APPROVED

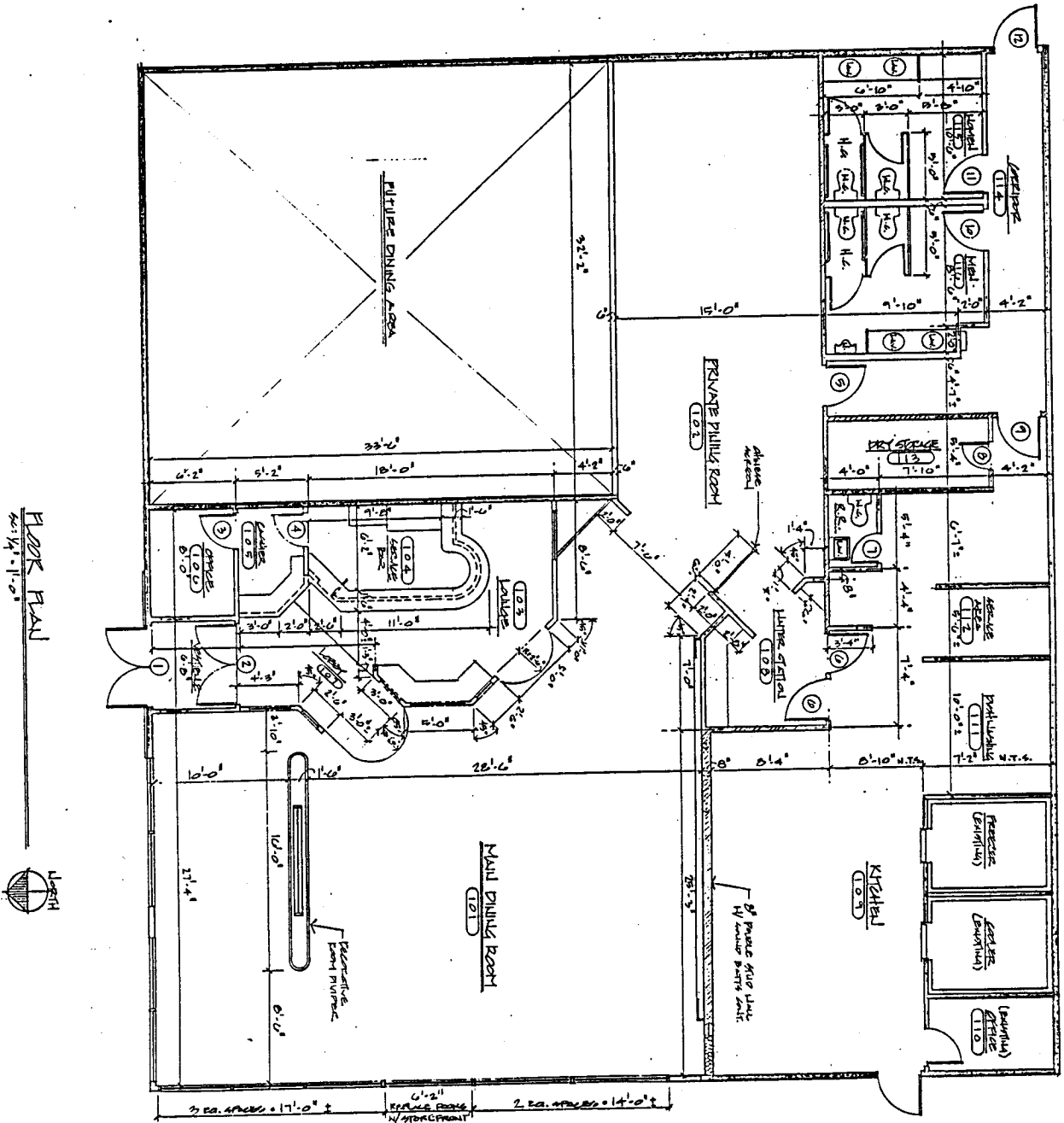
EXISTING PARKING		PARKING STUDY	
TRACT 1	128 SPACES	TRACT 1	128 SPACES
TRACT 2	213 SPACES	TRACT 2	213 SPACES
	322 SPACES		322 SPACES
PARKING WITH PROPOSED ZONING / USES		PARKING WITH PROPOSED ZONING / USES	
TRACT 1	128 SPACES	TRACT 1	128 SPACES
TRACT 2	213 SPACES	TRACT 2	213 SPACES
	322 SPACES		322 SPACES
PARKING WITH PROPOSED ZONING / USES		PARKING WITH PROPOSED ZONING / USES	
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TRACT 2	213 SPACES	TRACT 2	213 SPACES
	322 SPACES		322 SPACES

THESE PLANS ARE REDUCTIONS OF THE ACTUAL "RECORD SET" OF PLANS WHICH ARE FILED IN ZONING CASE FILE 968-54P-1.

PARKING STUDY FIELD VERIFIED & UPDATED 11-21-11

SCALE





THESE PLANS ARE REDUCTIONS OF THE ACTUAL "RECORD SET" OF PLANS WHICH ARE FILED IN TONING CASE FILE 968-54P-1.

APPROVED

093-010

PROPOSED SUP AMENDMENT
RESTAURANT USE

SHEET
DAT
12-78