

ORDINANCE NO. 093-037

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 FRESH CHOICE RESTAURANTS, LOCATED ON 1.519 ACRES ON THE SOUTH SIDE OF BELT LINE ROAD, APPROXIMATELY 1,300 FEET WEST OF 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 Fresh Choice Restaurant. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 1.519 acre tract of land in the Thomas L. Chenoweth Survey, Abstract No. 273, situated in the Town of Addison, Dallas County, Texas, and being a portion of that called 6.2186 acre tract of land as described in Substitute Trustee's Deed recorded in Volume 86216, Page 3147, of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 3/8 inch iron pin found for the Northeast corner of the said called 6.2186 acre tract, said pin being on the South right of way line of Belt Line Road (120 foot right-of-way), said pin also being the Northwest corner of Lot 4, Block A of Sam's Club Addition to the Town of Addison, Dallas County, Texas;

THENCE S 00° 01' 18" W along the West line of said Sam's Club Addition, 389.44 feet to a 1/2 inch iron pin set;

THENCE N 89° 58' 42 " W, 89.72 feet to a 1/2 inch iron pin set, said pin being the point of curvature of a circular curve to the right having a radius of 85.00 feet, a central angle of 90° 33' 42 ", a chord length of 120.80 feet and a chord bearing of North 44° 41' 51" W;

THENCE along said curve to the right, 134.35 feet to a 1/2 inch iron pin set;

THENCE N 00° 35' 00" E 305.31 feet to a 1/2 inch iron pin set, said pin being on the South right-of-way line of said Belt Line Road;

THENCE S 89° 25' 00" E along said South right-of-way line, 171.73 feet to the POINT OF BEGINNING and CONTAINING 66,184 square feet or 1.519 acres of land, more or less.

Now known as LOT 1, BLOCK 1 of BELT LINE CENTRE, an addition to the City of Addison, Dallas County, Texas, according to

the Plat thereof recorded in Volume 92145, Page 3641, Map Records, Dallas County, Texas.

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 7,416 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 "Bar" "Tavern" or any equivalent term in any exterior signs.
12. The dumpster screening wall should be constructed out of the same brick as the restaurant.

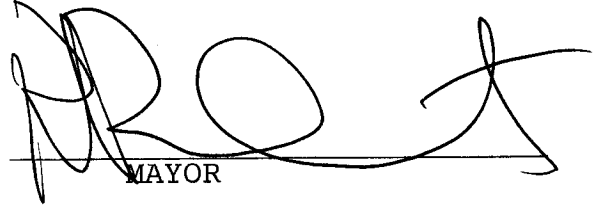
SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance 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 8th day of June, 1993.



MAYOR

ATTEST:


CITY SECRETARY

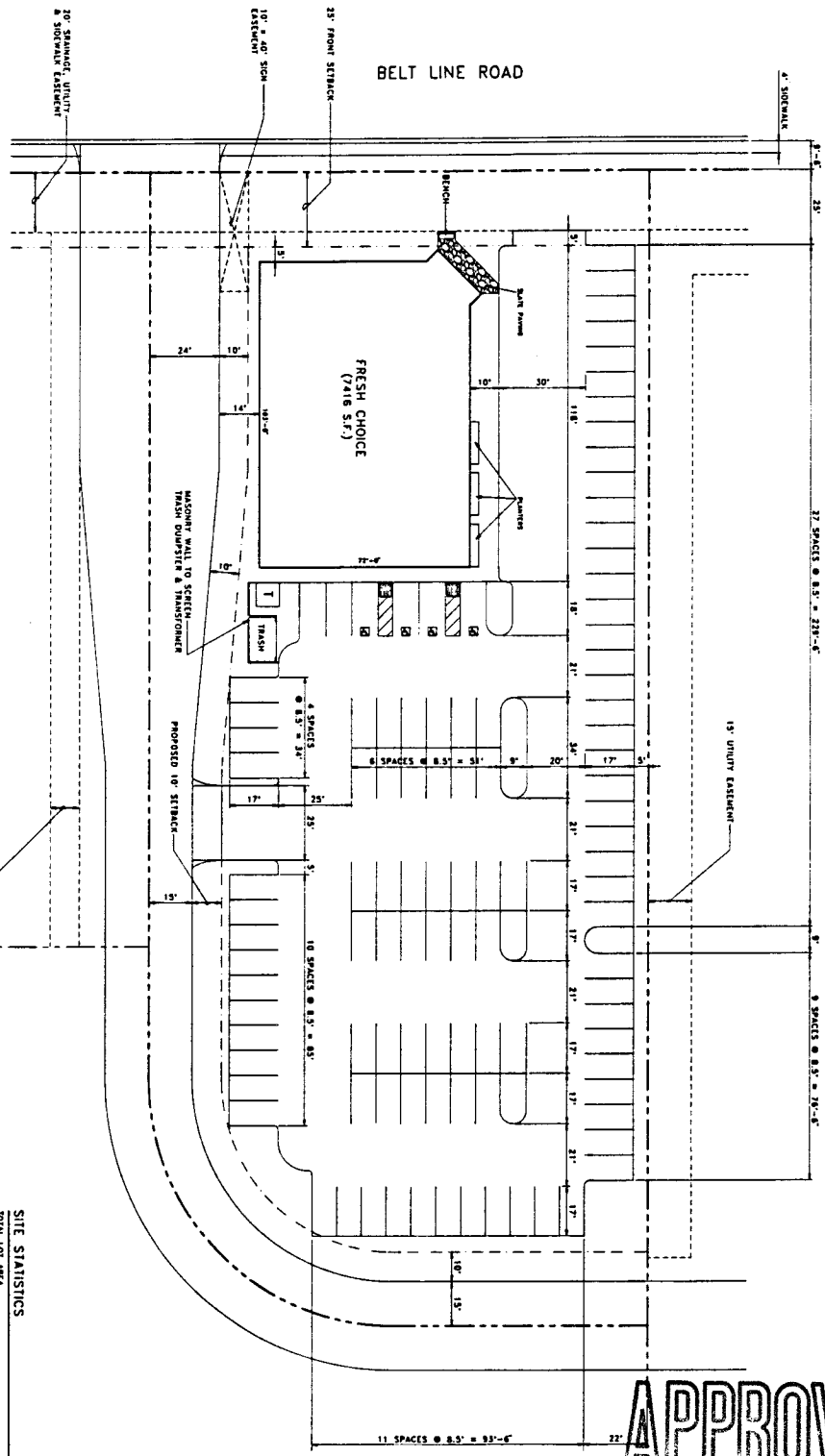
CASE NO. 1143-SUP

APPROVED AS TO FORM:


CITY SECRETARY

Published
7/22/93





SITE PLAN

1/8" = 1'-0"



APPROVED

SITE STATISTICS

TOTAL LOT AREA	12,000 S.F.
GROSS SITE AREA	12,000 S.F.
LANDSCAPE AREA	1,070 S.F.
PERCENTAGE OF GROSS SITE AREA	8.92%
REGULAR PARKING SPACES (9' x 18')	100
COMPACT PARKING SPACES (8'5" x 17')	0
HANDICAP PARKING SPACES (9' x 18" WITH SIDE ACCESS)	0
MINIMUM LANDSCAPE AREA	1,070 S.F.
PERCENTAGE OF TOTAL PARKING AREA	0.00%
TOTAL BINDING AREA	0 S.F.

THIS PLAN IS A REDUCTION OF THE ACTUAL LANDSCAPING PLAN. ORIGINAL PLANS WHICH ARE FILED IN FULL-SIZE SETS. ZONING CASE FILE 1143-SUP.

093-037

SD1

REVISIONS

NO.	DATE	DESCRIPTION

DATE: APR 15, 1993

CHECKED: [Signature]

DESIGNED: [Signature]

DRAWN: [Signature]

SITE PLAN

REVISIONS

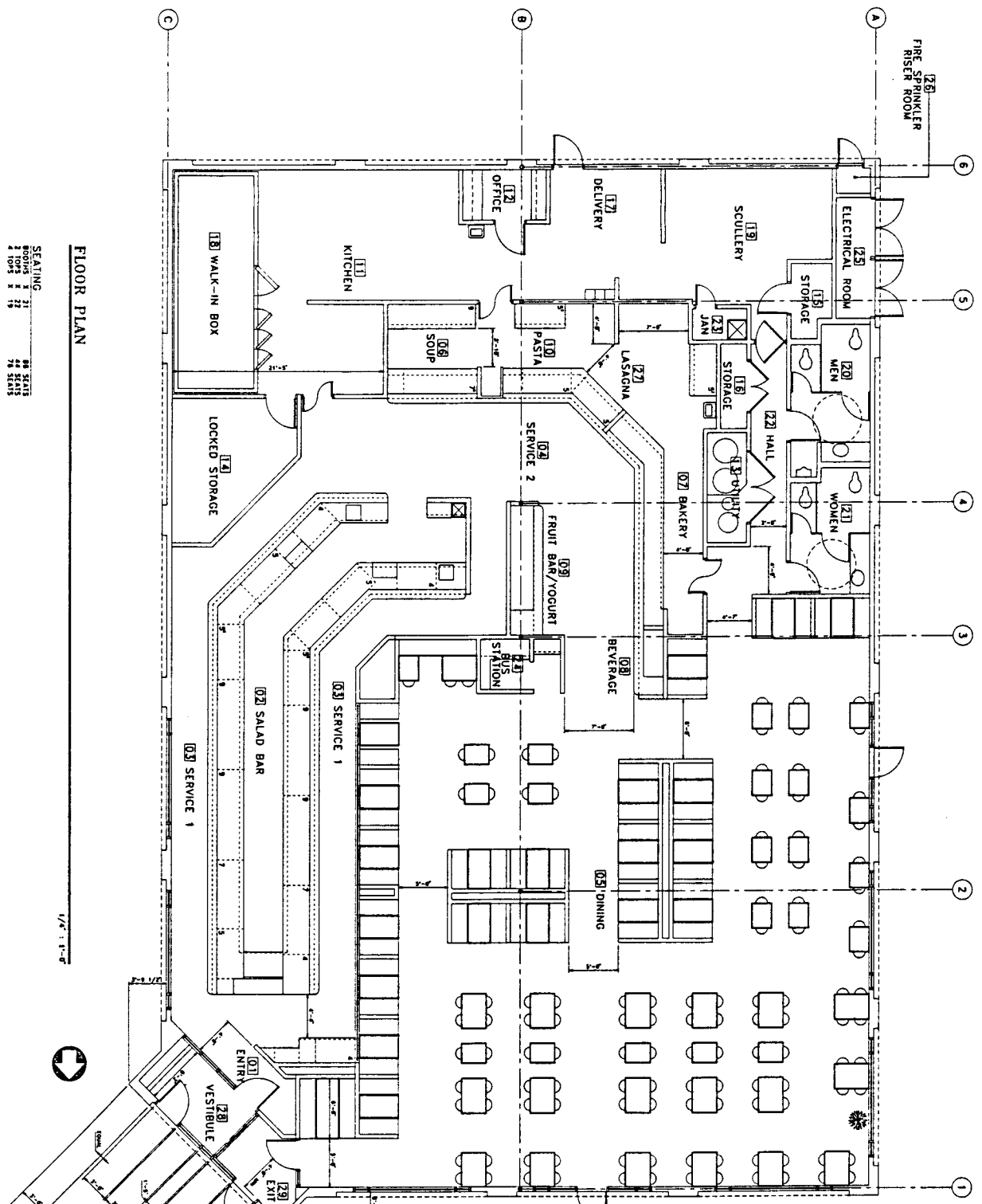
NO.	DATE	DESCRIPTION

FRESH CHOICE
BELT LINE ROAD
ADDISON, TEXAS

Sady S. Hayashida
ARCHITECTS
Member of AIA, CSI, AIAA
832 Rosebush Way
Buckley, CA 94710-2236
(510) 644-2401 FAX (510) 845-3071

FLOOR PLAN

SEATING	80 SEATS
BOOTH	21
2 TOPS	22
2 TOPS	22
2 TOPS	22
TABLES	42
SCALE	208



THESE PLANS ARE REDUCTIONS OF THE ACTUAL "RECORD SET" OF PLANS WHICH ARE FILED IN ZONING CASE FILE 1143-SHP.

APPROVED

093-037

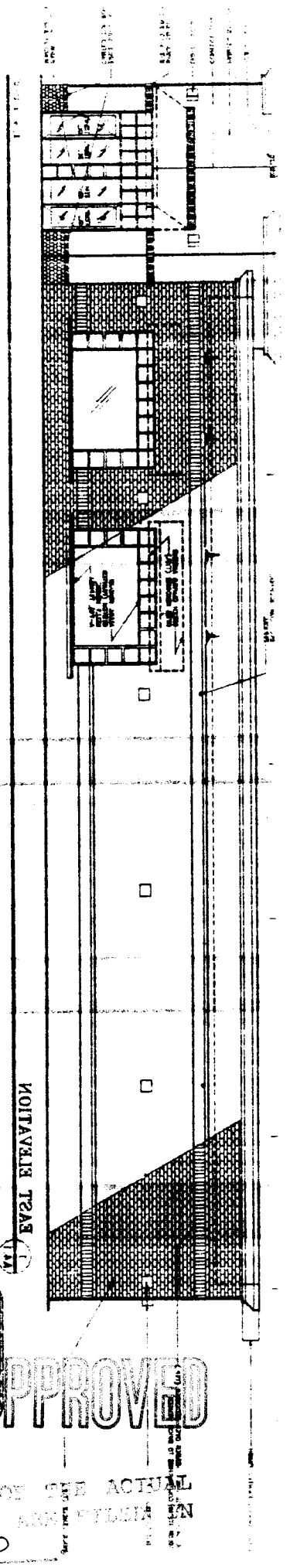
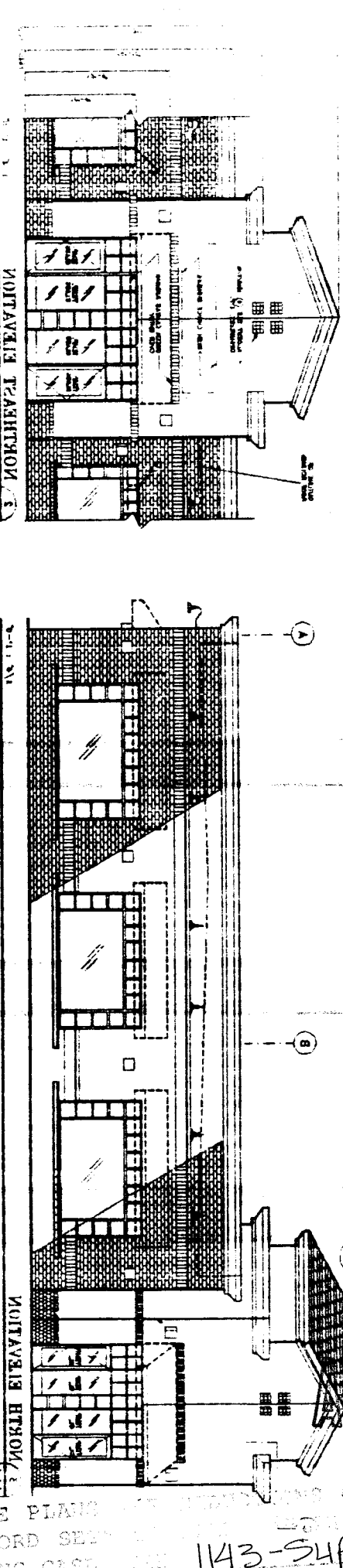
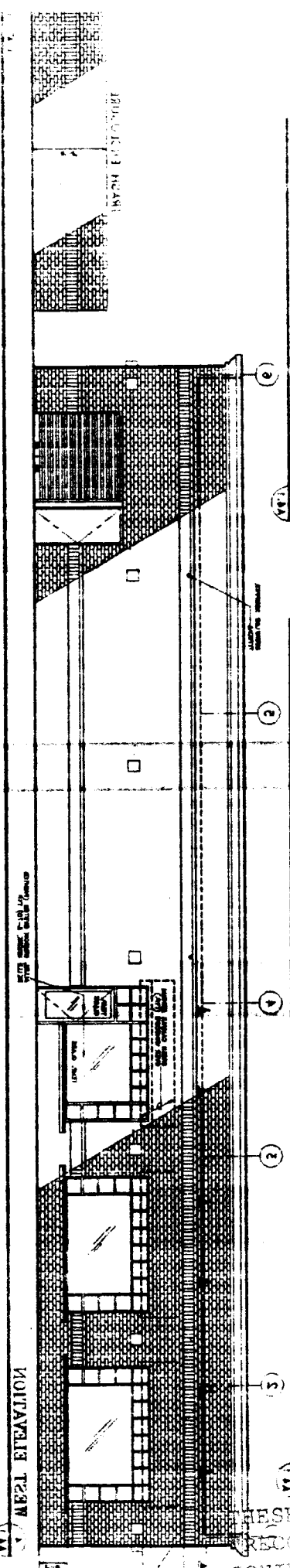
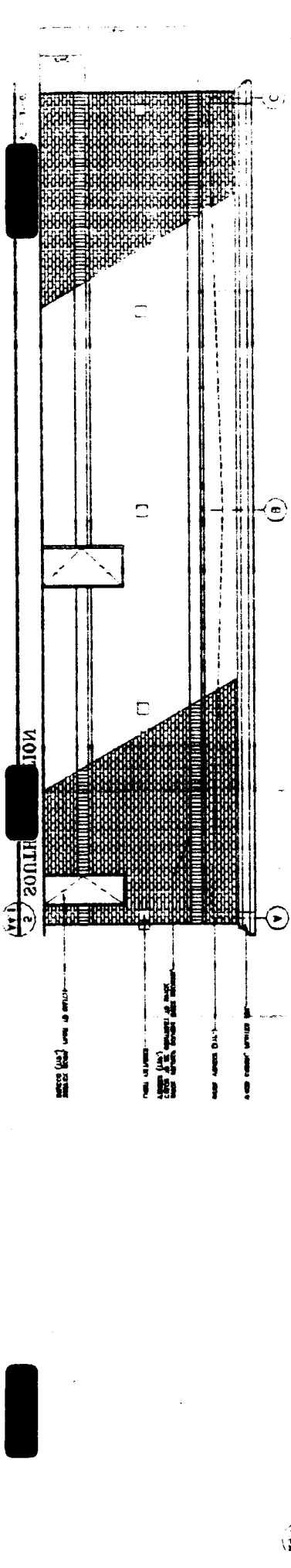
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FLOOR PLAN
 DATE: APR. 18, 1981
 DRAWN BY: [Signature]

REVISIONS
 DATE: [Blank]
 BY: [Blank]

FRESH CHOICE
 BELTLINE ROAD
 ADDISON, TEXAS

Sady S. Hayashida
 ARCHITECT
 Member of AIA, CSI, AIAA
 832 Rockwood Way
 Berkeley, CA 94710-2236
 (510) 644-2491 FAX (510) 845-3071



THESE PLANS ARE INDICATING OF THE ACTUAL RECORD SETTING. THESE LEGAL ARE FILED IN ZONING CASE NO. 1143-54P

APPROVED