

ORDINANCE NO. 094-016

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 083-041 BY AMENDING THE FLOOR PLAN AND ELEVATIONS, ON APPLICATION WITH TIA'S TORTILLAS, LOCATED AT 14905 MIDWAY ROAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR A NO-SEVERABILITY 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, and helps promote the general welfare and safety of this community, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Ordinance No. 083-041 passed by the City Council on the 28th day of June, 1983, is hereby amended by amending Section #1 to read as follows:

BEING a 7,295 square-foot lease space, which is addressed as 14905 Midway Road, located on a tract of 20 acres of land out of the Thomas L. Chenoweth Survey, Abstract No. 273; being out of the Josephine C. Cook 40-acre tract; BEGINNING at the southeast corner of the Thomas L. Chenoweth Survey, Abst. #273, North along Midway Road 984.41., THENCE West 885 feet; THENCE South 984.41 feet to the Norris North Line; THENCE 885 feet to point of beginning, and containing 20 acres of land.

SECTION 2. That Section 2 of Ordinance 083-041 shall be amended to read as follows:

1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the floor plan and 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 7,295 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. No signs using the term "bar" or any equivalent term, shall be used on the exterior of the restaurant.
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. The applicant shall make improvements in the kitchen facilities in accordance with the recommendations of the Environmental Services staff.
12. The landscaping around the space shall be renovated in accordance with the approved plan for the center.
13. The applicant shall store all grease barrels and recycling containers in a solid wood or masonry enclosure.
14. The applicant shall use clay "terra-cotta" tile for the roof of the additions.


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 March, 1994.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 742-SUP-3

APPROVED AS TO FORM:



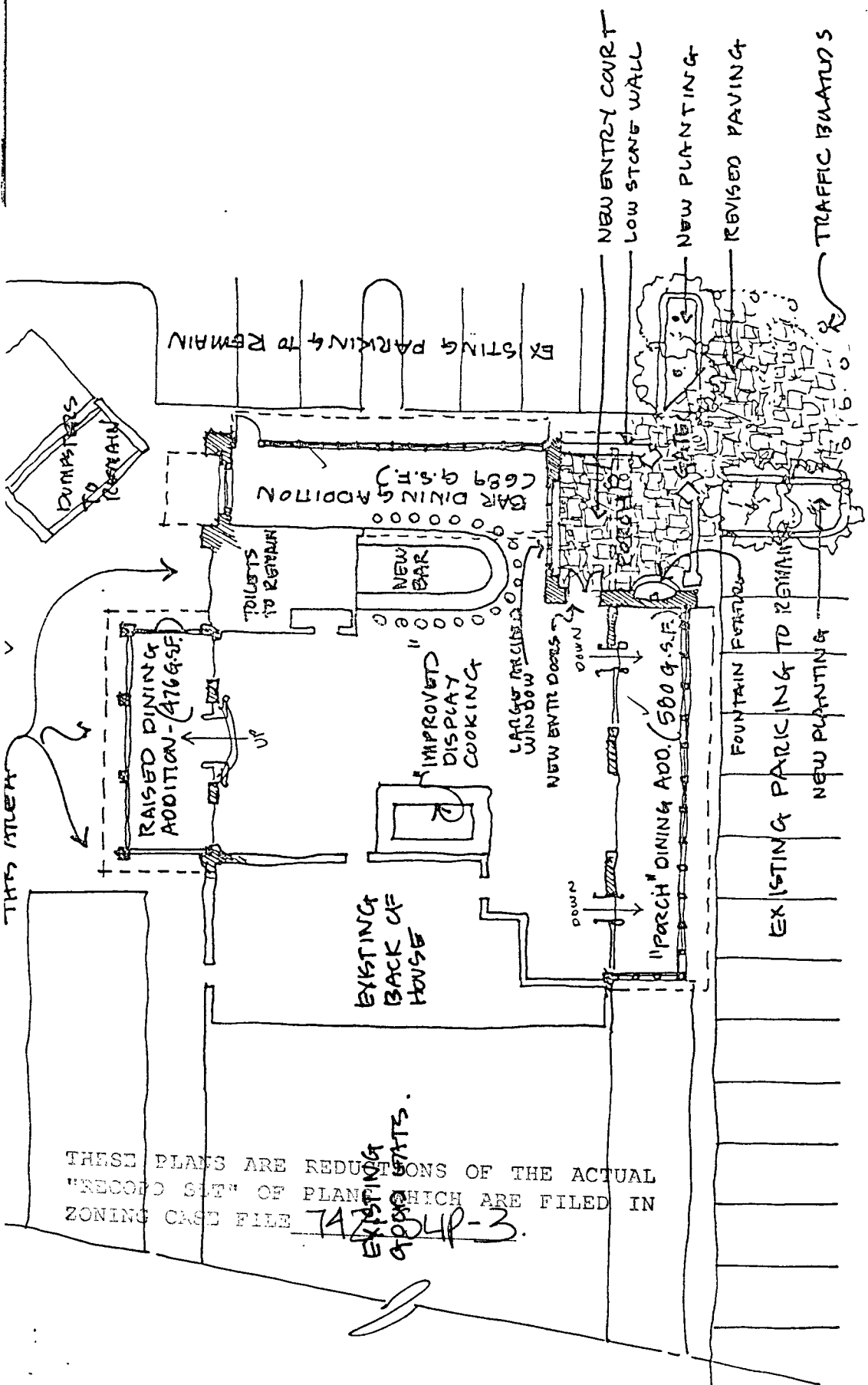
DIRECTOR OF DEVELOPMENT SERVICES

Published  
5/26/94



RECEIVED 2-10-84  
142-SHP

APPROVED PLAN  
R6-3



THIS AREA

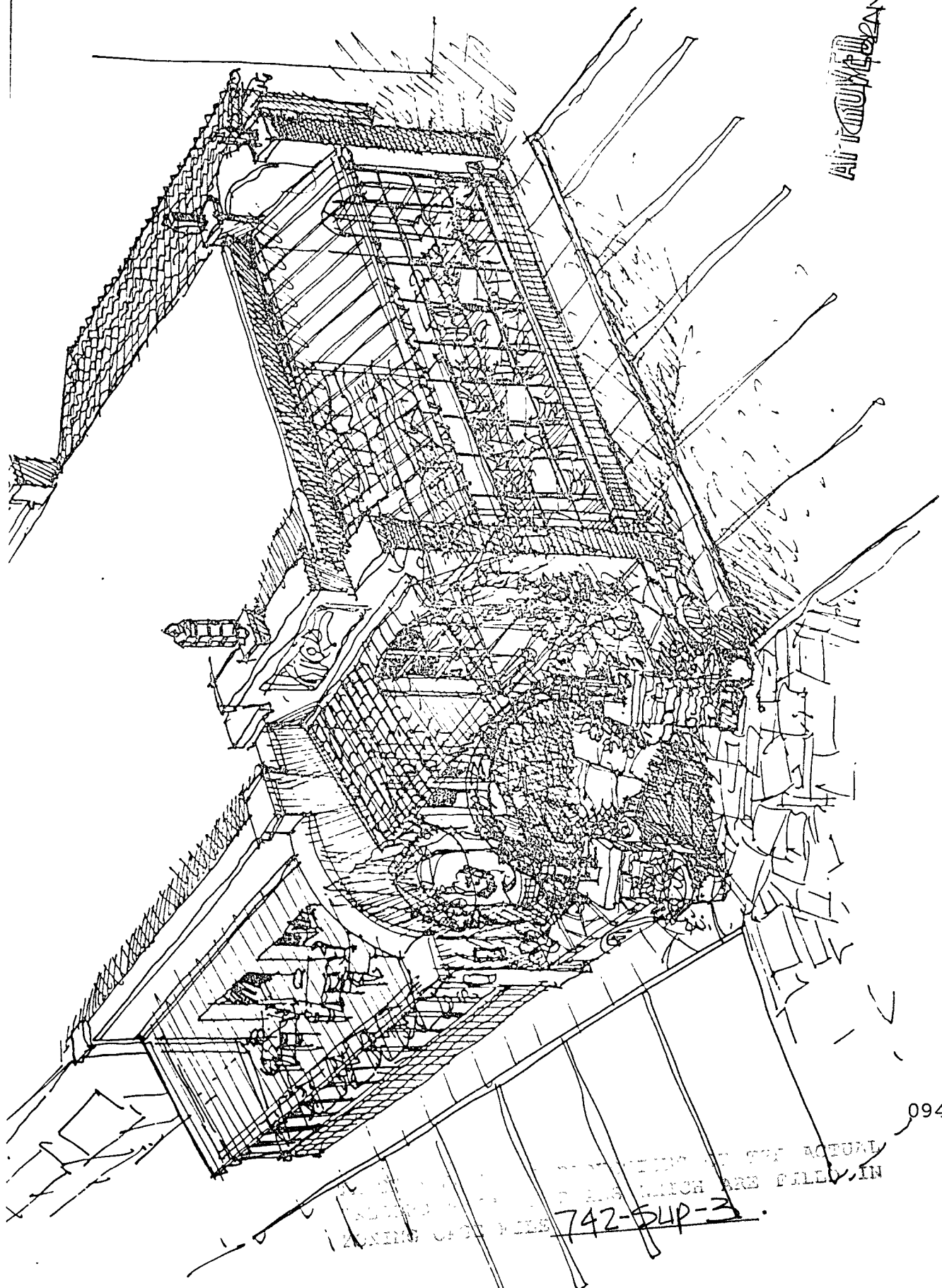
THESE PLANS ARE REDUCTIONS OF THE ACTUAL "RECORD SET" OF PLANS WHICH ARE FILED IN ZONING CASE FILE 742-SHP-3.

EXISTING APPROV. 9-24-83

SCHEMATIC PLAN

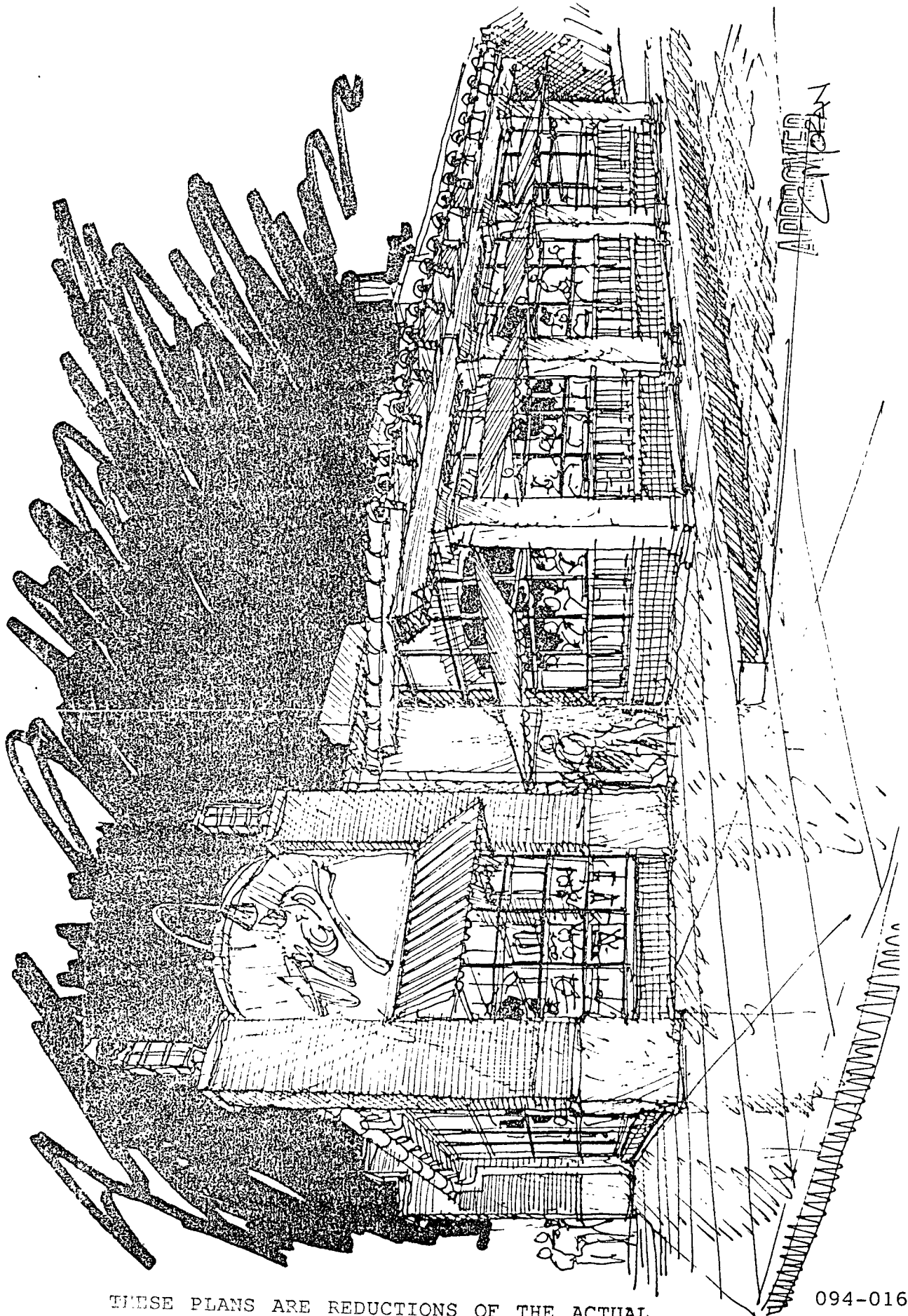
SCALE: 1/8" = 1'-0"

AIR FORCE



094-016

NOT TO SCALE  
DIMENSIONS ARE FOR ACTUAL  
CONSTRUCTION AND SHALL BE FOLLO  
WED IN ALL CASES  
742-SUP-3

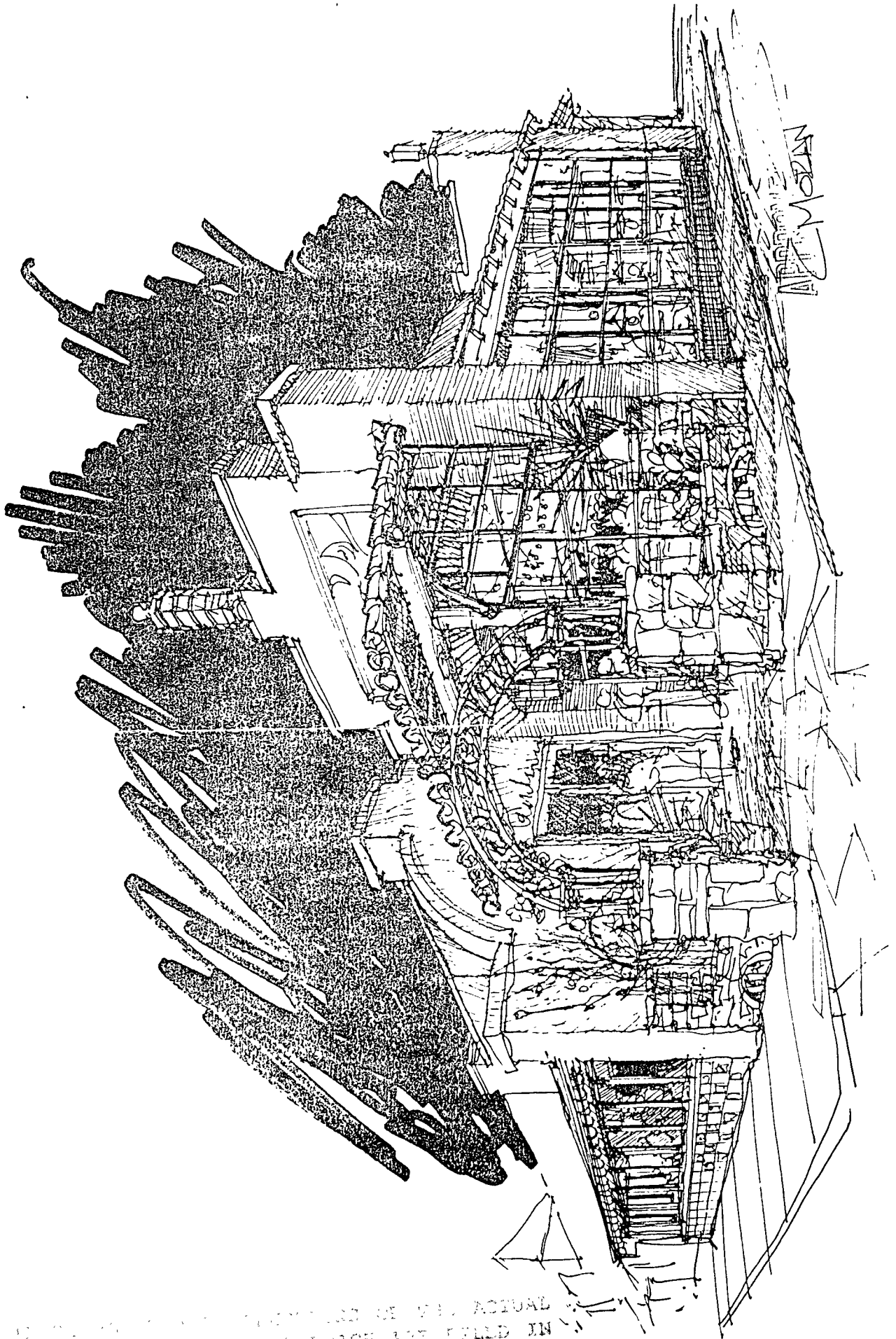


APPROVED  
[Signature]

THESE PLANS ARE REDUCTIONS OF THE ACTUAL  
"RECORD SET" OF PLANS WHICH ARE FILED IN  
ZONING CASE FILE 142-SUP-3.

094-016





THIS SKETCH IS A REPRESENTATION OF THE ACTUAL  
BUILDING WHICH WAS FILED IN  
ZONING CASE FILE 742-SUP-3.

094-016