

ORDINANCE NO. 095-001

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 CAPITOL RESTAURANT, LOCATED ON 1.58 ACRES ON THE EAST SIDE OF ADDISON ROAD, 350 FEET SOUTH OF ARAPAHO 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 The Capitol Restaurant. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

WHEREAS, Quorum Land Limited is the Owner of a tract or parcel of land situated in the G.W. Fisher Survey, Abstract No. 482, as recorded in Volume 3967, Page 367, Deed Records, Dallas County, Texas, said tract also being a part of Quorum Centre Addition, recorded in Volume 84067, Page 5718, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point, said point being the most southerly corner of a corner clip of the south line of Arapaho Road (a 60'R.O.W.) with the east line of Addison Road (a 60'R.O.W.);

THENCE S 00°17'00" W, along the east line of Addison Road, a distance of 301.50 feet to a chiseled "x" found for the POINT OF BEGINNING;

THENCE S 89°43'00" E, leaving the east line of Addison Road, a distance of 249.00 feet to an iron rod found for corner;

THENCE N 00°17'00" E, a distance of 120.00 feet to an iron rod found for corner;

THENCE N 44°43'00" W, a distance of 25.44 feet to a chiseled "x" found for corner;

THENCE N 00°17'00" E, a distance of 177.97 feet to a chiseled "x" found for corner, said point being in the south line of Arapaho Road;

THENCE S 89°35'00" E, along the south line of Arapaho Road, a distance of 52.49 feet to an iron rod set for corner;

THENCE S 00°17'00" W, leaving the south line of Arapaho Road, a distance of 508.49 feet to an iron rod set for corner;

THENCE N 89°43'00" W, a distance of 283.50 feet to an iron rod found for corner, said point being in the east line of Addison Road;

THENCE N 00°17'00" E, along the east line of Addison Road, a distance of 192.65 feet to a chiseled "x" found for the POINT OF BEGINNING and CONTAINING 68,876 square feet or 1.5812 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 13,000 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.

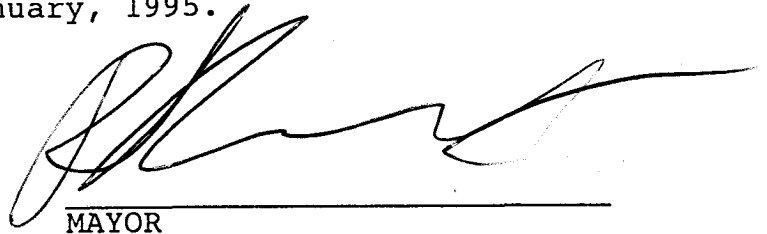
8. Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the Town of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
9. That if the property for which the special use permit is granted and is not used for the 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", or any equivalent in any exterior signs for the restaurant.
12. The applicant shall submit, for approval, a detailed landscaping plan which reflects the changes recommended by the Parks Department, and shall install landscaping on the site in accordance with the approved plan.
13. The applicant shall screen all mechanical equipment on the roof of the building with a sight-barring screen or parapet wall that completely screens the equipment from view. The screening material shall be architecturally compatible to the building, and the determination of "architecturally compatible: shall be made by the Building Official.
14. At least eighty (80%) percent of the exterior walls of all structures shall be of masonry construction. Front and side walls shall be of brick or stone veneer.

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 10th day of January, 1995.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1132-SUP-1

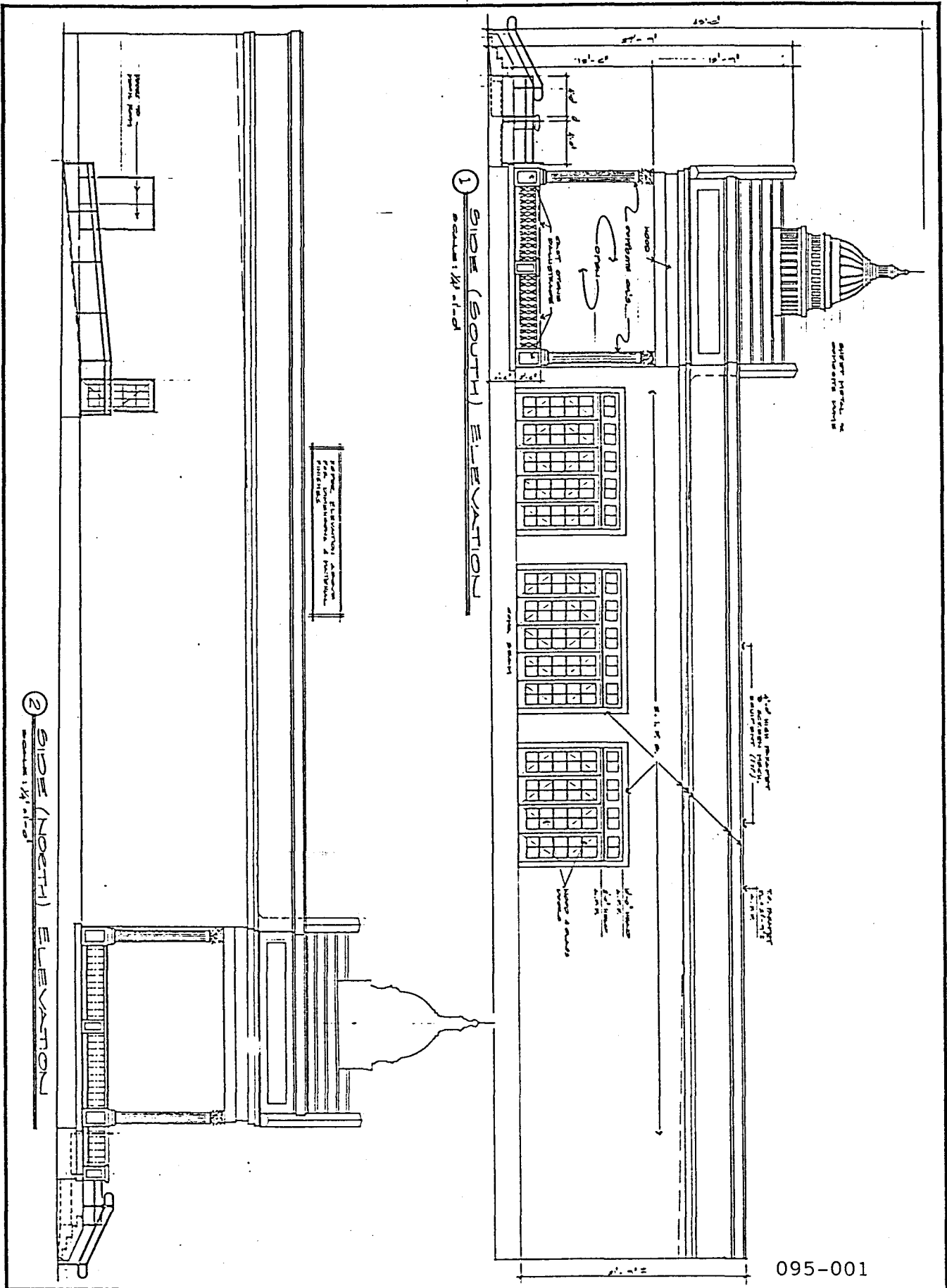
APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

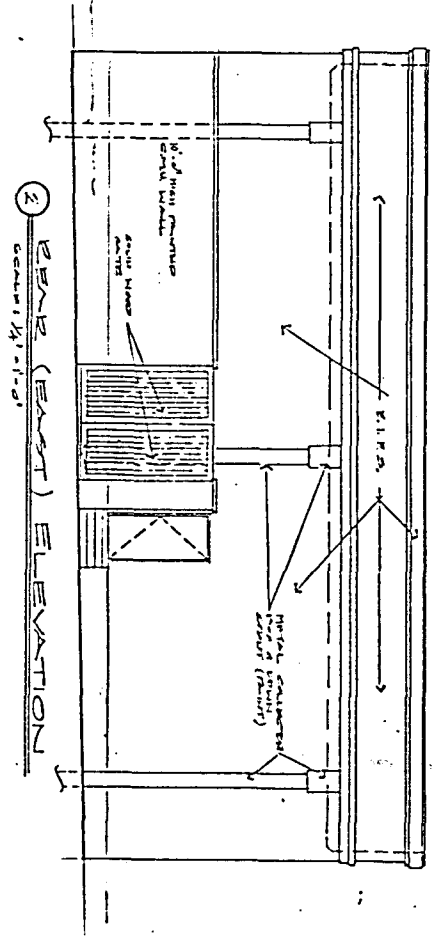
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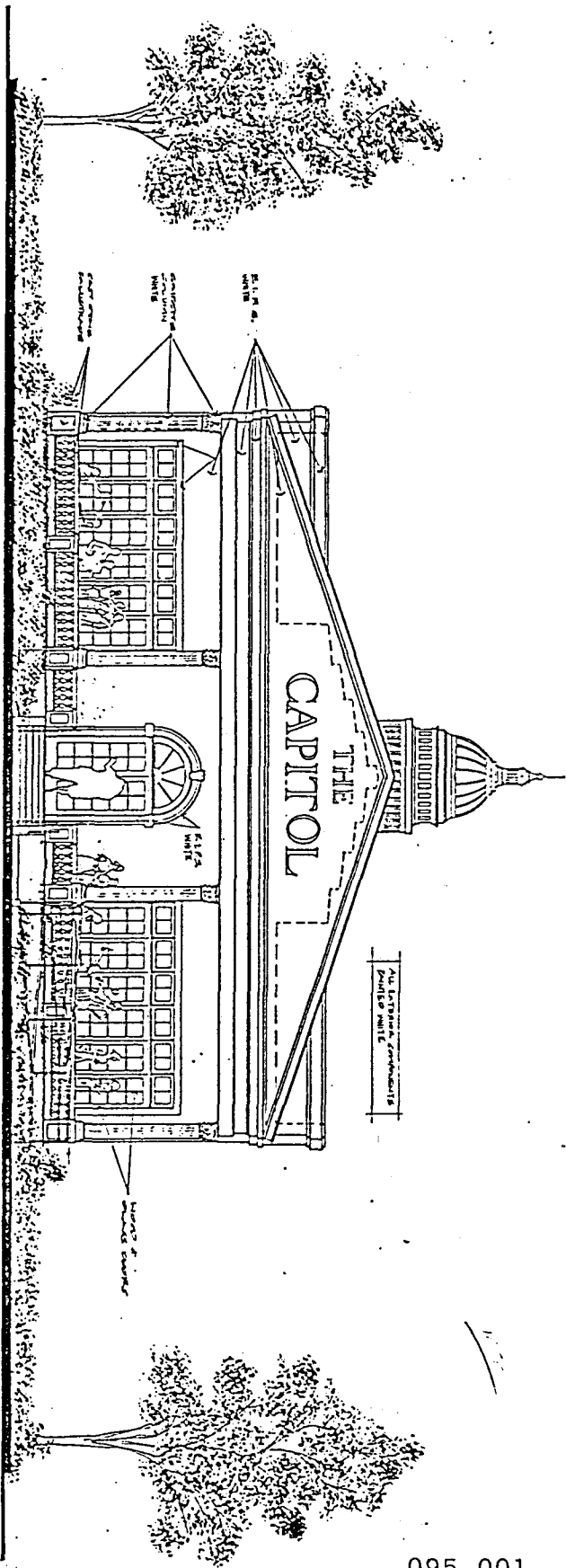


095-001

<p>DATE 11-12-66 REVISIONS</p>	<p>THE CAPITOL RESTAURANT ADDISON ROAD ADDISCK, TEXAS</p>	<p>D. C. BROADSTONE II ARCHITECT 5025 N. Central Expwy. Dallas, Texas 521-3680</p>	
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1 REAR (WEST) ELEVATION



2 FRONT (EAST) ELEVATION

095-001

SHEET NO. A-2 OF 3

THE CAPITOL RESTAURANT  
 ADDRESS, TEXAS

DATE 11-16-76  
 REVISIONS

DATE 11-16-76  
 REVISIONS

D. C. BROADSTONE II  
 ARCHITECT  
 5025 N. Central Expwy. Dallas, Texas 521-3680





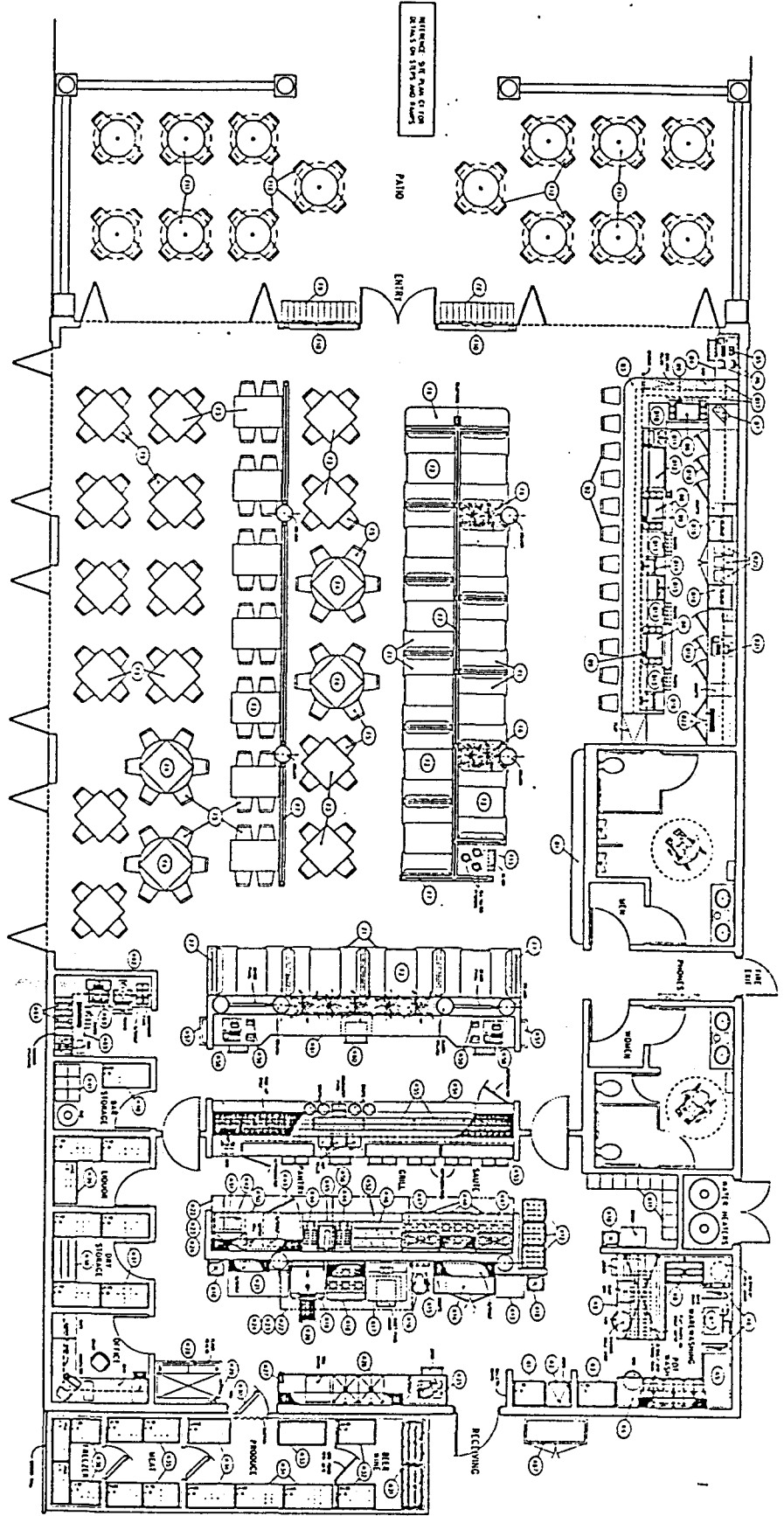
**SQUARE FOOTAGE CHART**

TOTAL RESIDE	4816
BAR AREA	795
DINING AREA	1887
EXHIBITION COOKING AREA	556
KITCHEN PREP/WAREWASHING AREA	896

**A FLOOR PLAN**

Dining room SEATING

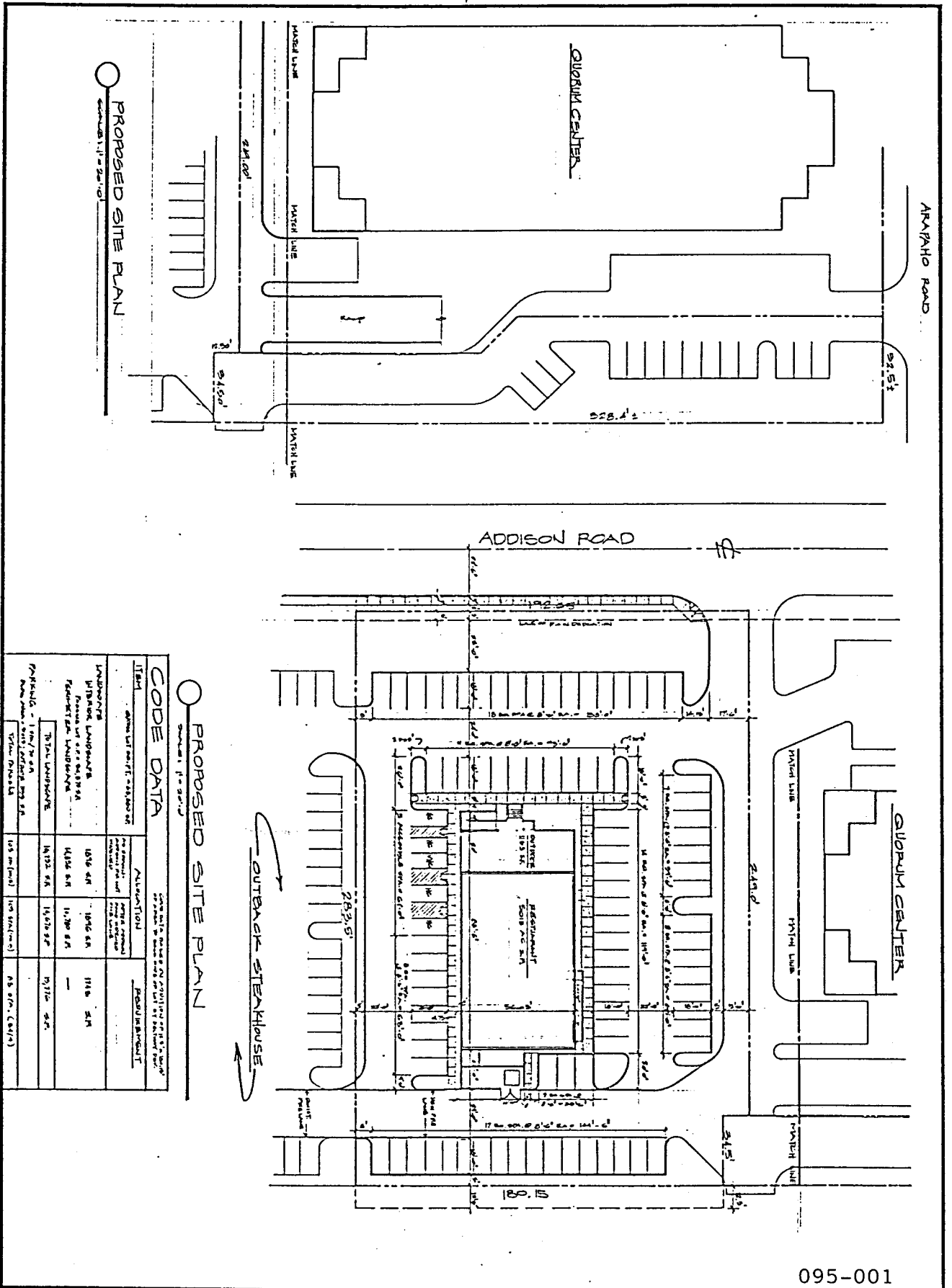
Bar Seating	114
Bar Stools	24
<b>TOTAL SEATING</b>	<b>138</b>



095-001

K1 OF DRAWING NO. 095-001 DATE 11/11/87 SCALE AS SHOWN PROJECT NO. 87-001	CAPITOL RESTAURANT ADDISON, TEXAS	DESIGNED FOR CAPITOL RESTAURANT CONCEPTS, INC. DALLAS, TEXAS	2918 HOWELL ROAD DALLAS, TEXAS 75228	 PHONE (214) 351-7100 FAX (214) 351-6338	THE FLOOR PLAN IS THE PROPERTY OF FSC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF FSC.
	PROJECT NO. 87-001				





PROPOSED SITE PLAN

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

PROPOSED SITE PLAN

CODE DATA

ITEM	DESCRIPTION	REMARKS	REQUIREMENT
1	LANDSCAPE	LANDSCAPE	LANDSCAPE
2	WALKWAY	WALKWAY	WALKWAY
3	PARKING	PARKING	PARKING
4	UTILITIES	UTILITIES	UTILITIES

095-001

SHEET NO. <b>C-1</b> OF 1	THE CAPITOL RESTAURANT ADDISON ROAD ADDISON, TEXAS	DATE 11-11-84 REVISIONS _____ _____ _____		D. C. BROADSTONE II ARCHITECT 5025 N. Central Expwy. Dallas, Texas 521-3680	
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