

ORDINANCE NO. 095-017

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 ICEOPLEX, LOCATED AT 15100 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 ORDAINED 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 ICEOPLEX. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a tract of land located in the City of Addison, being part of the EDWARD COOK SURVEY, ABSTRACT NO. 326, and part of the W.H. WITT SURVEY, ABSTRACT NO. 1609, Dallas County, Texas being the same property conveyed to 8.8 Corporation by deed recorded in Volume 75042, Page 1347 of the Deed Records of Dallas, County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the intersection of the east line of Midway Road (100 feet wide), with the south line of 100.0 foot wide St. Louis and Southwestern Railroad right-of-way;

THENCE S 89°41'00" E, along the south line of said Railroad right-of-way, a distance of 195.00 feet to a 1/2" iron rod found for corner situated in the west line of Rodeway Inn Addition as recorded in Volume 81052, Page 775, Deed Records, Dallas County, Texas;

THENCE along the west line of said Rodeway Inn Addition and departing the south line of said Railroad right-of-way the following:

S 00°42'00" E, a distance of 60.00 feet to a 1/2" rod found for corner;

S 89°41'00" E, a parallel with said Railroad right-of-way, a distance of 76.00 feet to a 1/2" iron rod found for corner;

S 00°05'08" E, a distance or 437.28 feet to a chain link fence post found for corner;

THENCE N 89°48'16" W, departing the west line of said Rodeway Inn Addition and along the north line of Chili's Center Joint Venture tract as recorded in Volume 81005, page 259, Deed Records, Dallas County, Texas, a distance of 276.30 feet to a point for corner;

THENCE N 00°42'00" W, continuing with the north line of said Chili's Center Joint Venture tract a distance of 71.24 feet to a "X" cut in concrete situated in the curving easterly line of said Midway Road;

THENCE along the curving easterly line of said Midway Road, the following:

Northerly, along said curve to the right which has a radius of 904.93 feet, an arc distance of 26.08 feet, said arc having a central angle of 01°39'04" and a chord which bears N 10°42'48" E, to a 5/8" iron rod set at the end of said curve;

N 11°32'20" E a distance of 251.10 feet to a point at the base of a powerpole also being the beginning of a curve to the left;

Northerly, along said curve, having a radius of 1004.93 feet, and a central angle of 12°14'20", and an arc distance of 214.66 to a 1/2" iron rod found at the end of the curve;

THENCE N 00°42'00" W, a distance of 12.01 feet to the POINT OF BEGINNING and containing 3.330 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 as the "lounge" on the final site plan as encompassing a total area not to exceed 1,800 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, unless separate special use permits are approved for those uses.
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 term in any exterior signage.
12. All dumpsters on the site shall be screened on all sides by an enclosure that is architecturally compatible with the building.
13. Prior to the issuance of a building permit, the applicant shall submit a detailed landscaping plan which shows existing landscaping to remain, and proposed landscaping to be installed. The plan may provide for some landscaping, which had been indicated for the parking area which will be eliminated by the extension of Arapaho Road, to be moved up to the perimeter of the building.

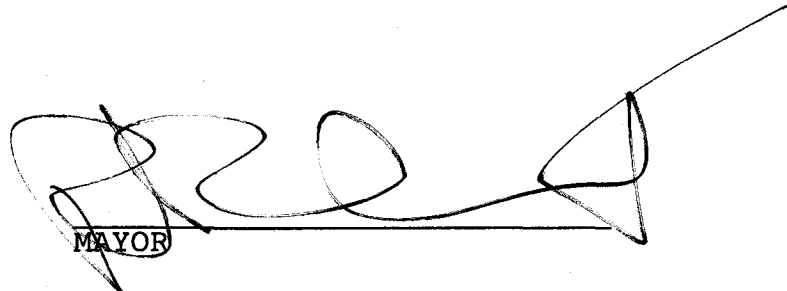
14. Prior to redevelopment, the property shall be platted. That plat shall include dedication for the extension of Arapaho Road.
15. The site plan shows a drive which connects from this property of the property on the south. The applicant must obtain approval from the adjacent property owner in order to connect the drive shown on the plans to the adjacent owner's service drive. The fire lane shall be extended if the alternate driveway is constructed.

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.

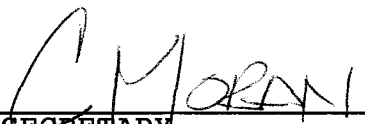
SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 11th day of April, 1995



MAYOR

ATTEST:



C. MORAN
CITY SECRETARY

CASE NO. 1216-SUP

APPROVED AS TO FORM:



C. MORAN
DIRECTOR OF DEVELOPMENT SERVICES

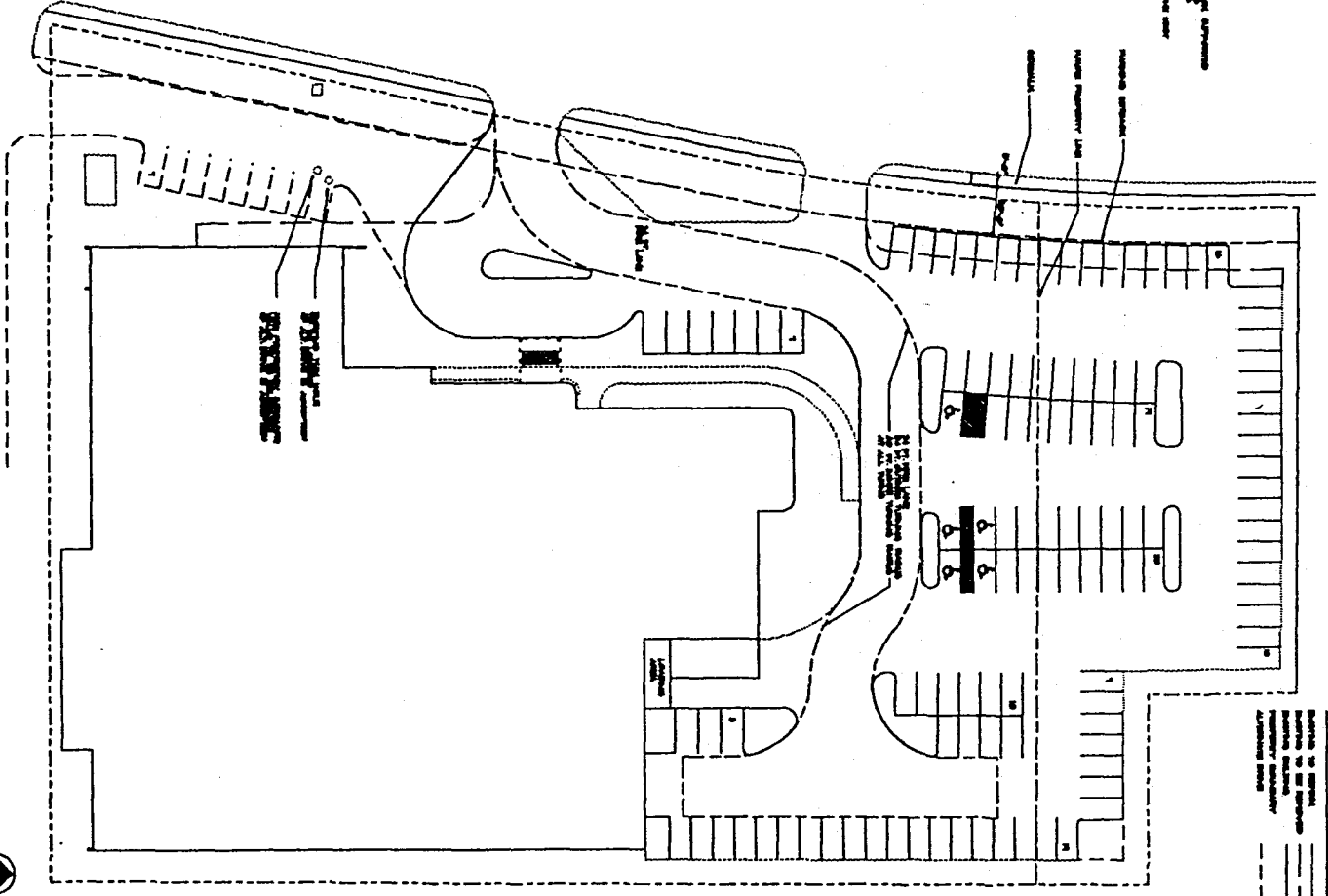
Published
10/5/195



GENERAL INFORMATION

PROJECT NO. 095-017
 DATE: FEB. 27, 1995
 DRAWN BY: [Redacted]
 CHECKED BY: [Redacted]
 APPROVED BY: [Redacted]

THIS PLAN IS A PART OF THE PROJECT AND IS TO BE USED ONLY FOR THE PROJECT. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN.



**PROGRESS SET
 NOT FOR CONSTRUCTION**

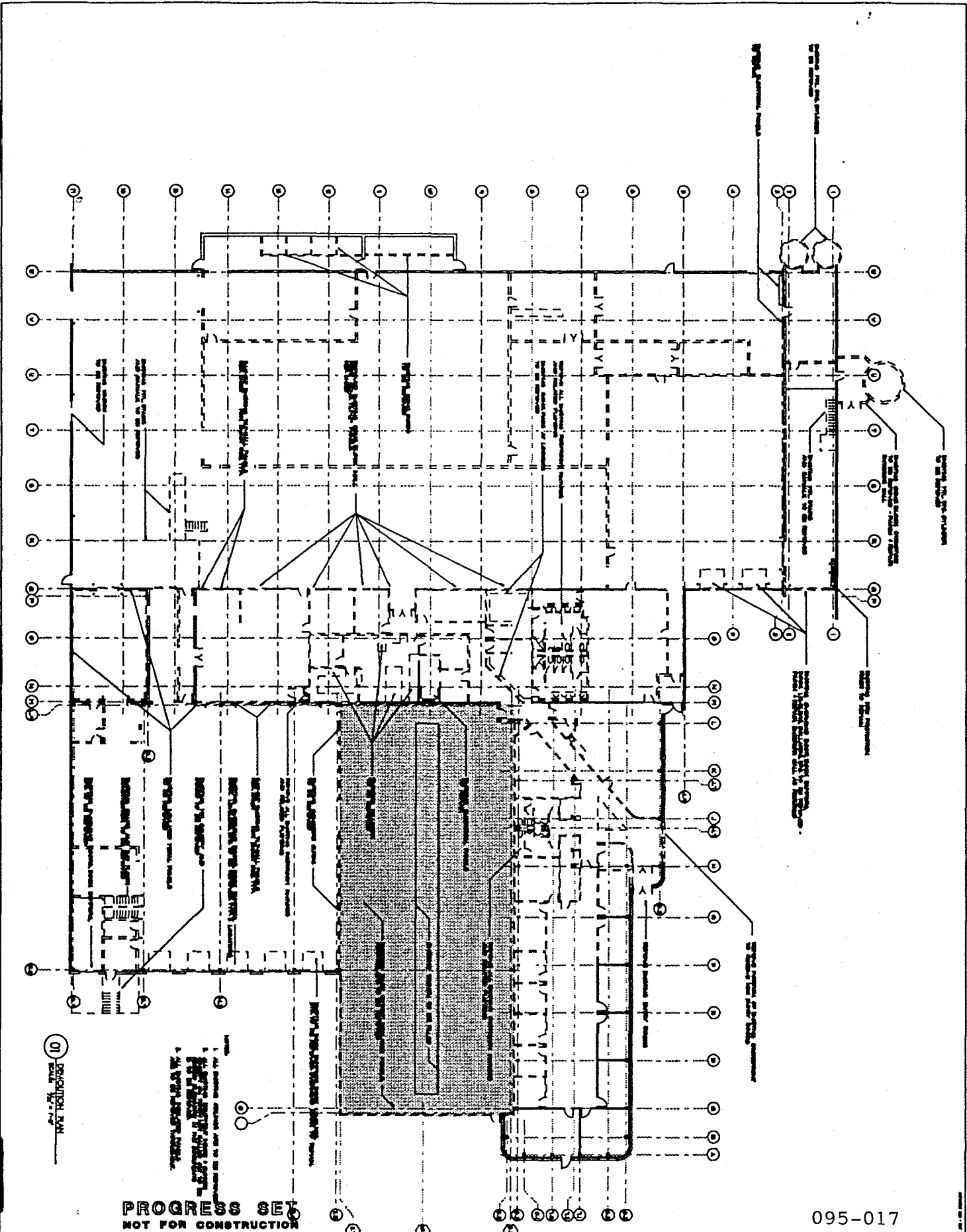
095-017

LEGEND
 [Symbol] EXISTING
 [Symbol] PROPOSED
 [Symbol] [Redacted]
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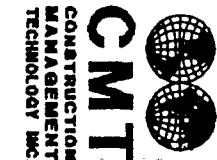
ICEOPLEX
 VONART BLVD
 TOWN OF ANDERSON, MS

A1.0



PROJECT NO. 9916
 NOT FOR CONSTRUCTION

095-017

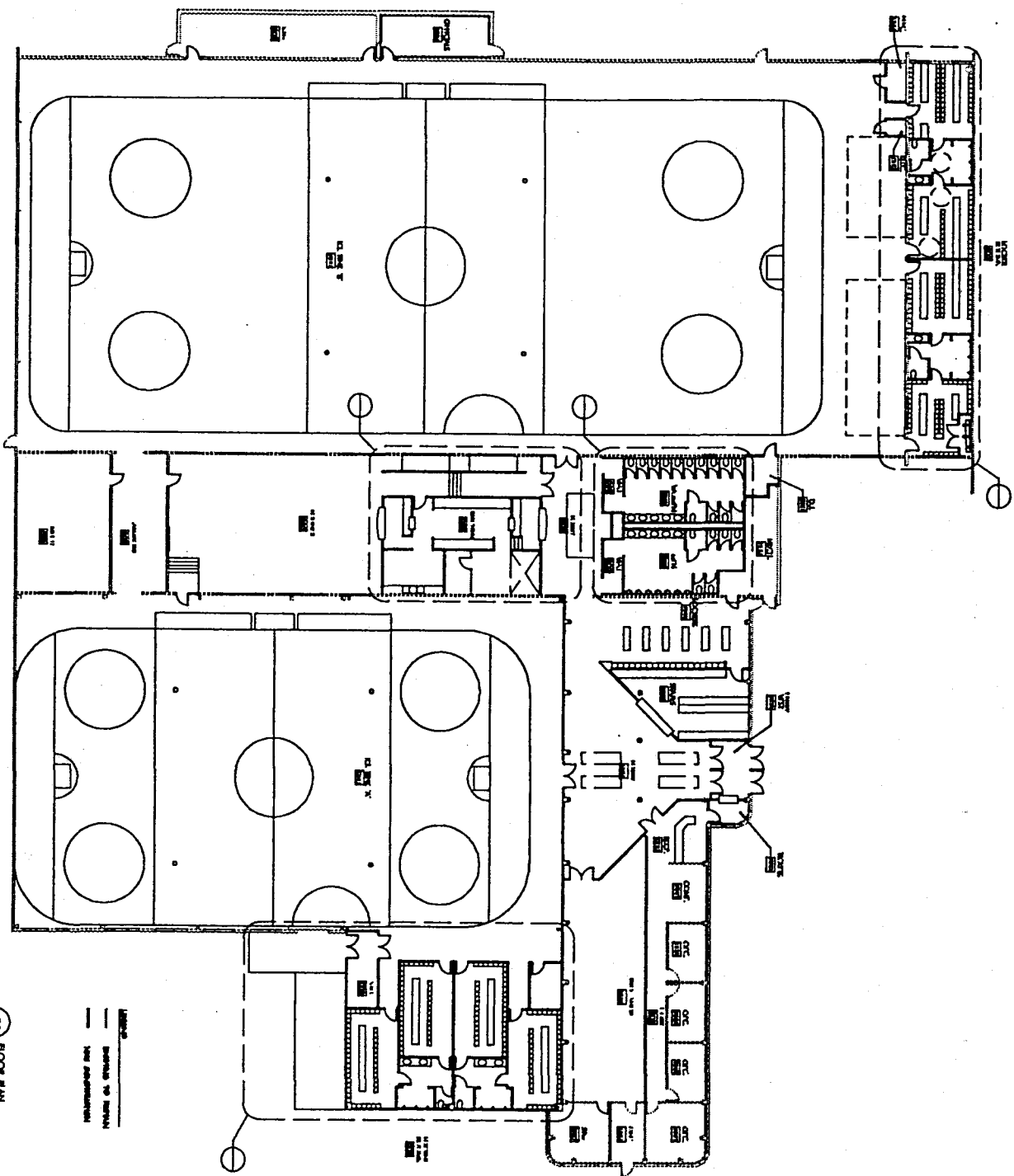


ICEOPLEX
 NORTH BLDG.
 TOWN OF JACKSON, TX

DESIGNATION PLAN

DATE: 27 FEB 95

A2.0



PROGRESS SET
NOT FOR CONSTRUCTION

095-017

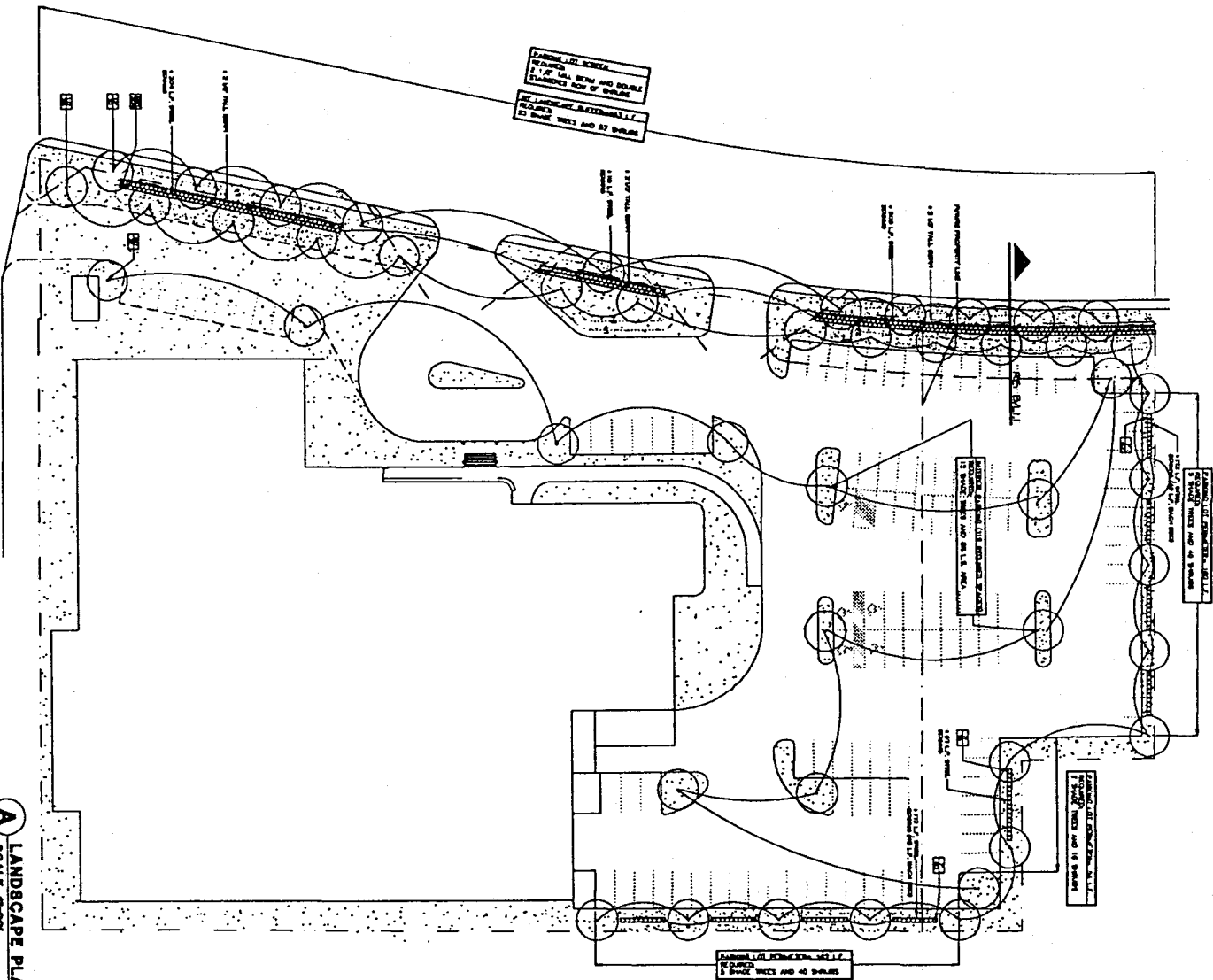
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NO.	DATE	BY	REVISION

ICEOPLEX
 VONART BLATT
 TOWN OF ARLSON, TX



DATE: 27 FEB 95



A LANDSCAPE PLAN
SCALE: 1/8"=1'-0"



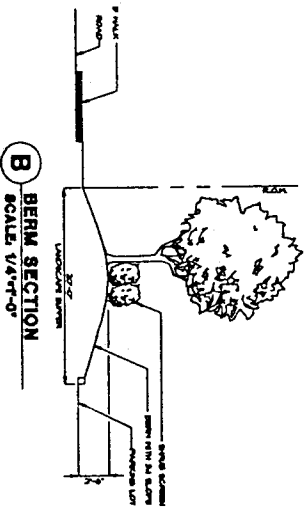
LANDSCAPE REQUIREMENTS

FINAL LAYOUTS TO BE SUBMITTED TO THE CITY OF HOUSTON FOR REVIEW AND APPROVAL. ALL PLANTINGS SHALL BE INSTALLED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HOUSTON AND THE HOUSTON WATER UTILITIES DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HOUSTON AND THE HOUSTON WATER UTILITIES DEPARTMENT.

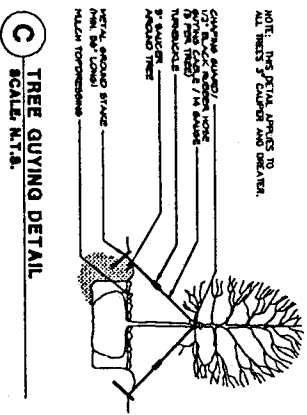
NO.	DESCRIPTION	QUANTITY	REMARKS
1	1.5 FT. TALL BERM	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
2	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
3	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
4	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
5	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
6	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
7	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
8	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
9	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
10	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
11	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
12	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
13	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
14	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
15	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
16	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
17	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
18	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
19	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
20	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS

PLANT LIST (BASE BID)

NO.	DESCRIPTION	QUANTITY	REMARKS
1	1.5 FT. TALL BERM	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
2	1.5 FT. TALL BERM WITH 40 SHUBS	1,200 L.F.	1.5 FT. TALL BERM WITH 40 SHUBS
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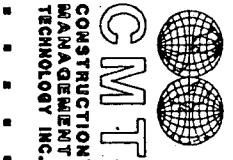


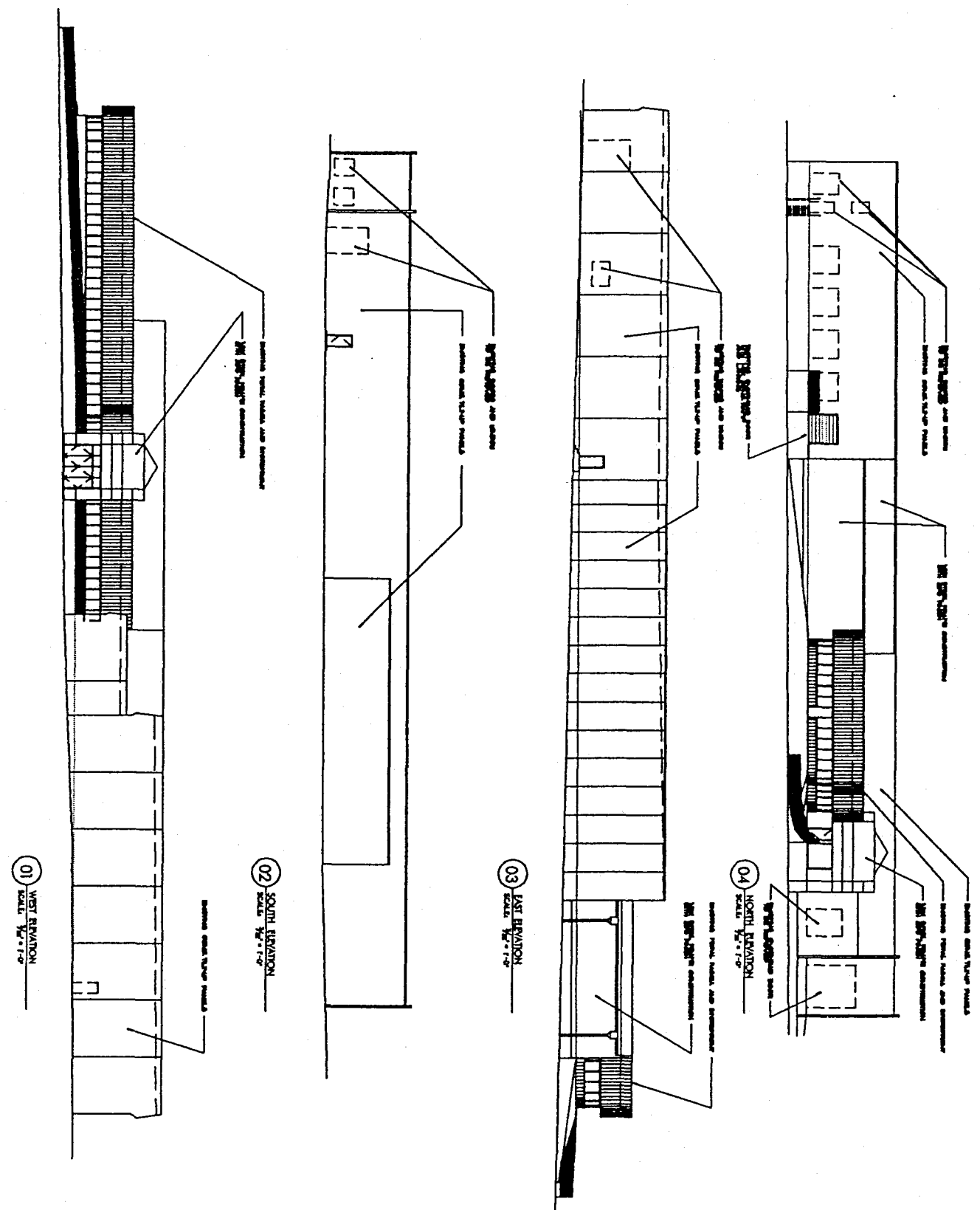
B BERM SECTION
SCALE: 1/4"=1'-0"



C TREE GUYING DETAIL
SCALE: N.T.S.

NOTE: THE DETAIL APPLIES TO ALL TREES 3" CALIBER AND OVER. CONTACT SAVED. USE OF THIS SECTION WORK IS FOR THE PURPOSE OF THE TREE GUYS. TREE GUYS SHALL BE INSTALLED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HOUSTON AND THE HOUSTON WATER UTILITIES DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HOUSTON AND THE HOUSTON WATER UTILITIES DEPARTMENT.





PROGRESS SET
NOT FOR CONSTRUCTION

095-017

ICEOPLEX
KORANT BLDG
TOWN OF ADDISON, TX

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT NO. 095-017

DATE 27 FEB 95

A4.1

CMT
CONSTRUCTION
MANAGEMENT
TECHNOLOGY INC.