

ORDINANCE NO. 095-021

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 AW SHUCKS OYSTER RESTAURANT, LOCATED AT 4551 BELTWAY DRIVE, 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:

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 095-021

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 Aw Shucks Oyster Restaurant. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 1.17-acre tract, known as Tract III of Beltway Office Park, Abstract 478, recorded on September 21, 1992, in the deed records of Dallas County, Volume 98189, Page 0229.

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, 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 shown on the floor plan, including patio, as encompassing a total area not to exceed 5,420 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", "Tavern" or any equivalent terms in any exterior signage.
12. The applicant shall fully screen the dumpster on all sides with an enclosure that is architecturally compatible with the building.
13. The restaurant shall cover all mechanical equipment on the roof of the building with a site-barring screen or parapet wall that screens the equipment from view of anyone on an adjacent property. The screening material shall be architecturally compatible to the building, and the determination of "architecturally compatible" shall be made by the Building Official.
14. The center drive on the western leg of Beltway Drive shall be narrowed to 25 feet.

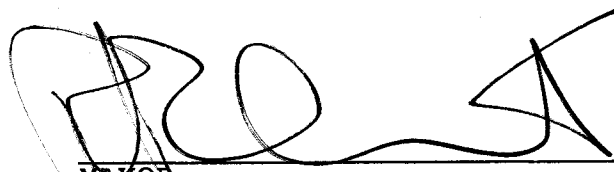
15. The minimum distance from the curb to the first parking space shall be 15 feet minimum, with 20 feet desirable.
16. The applicant shall submit a revised plan which contains the additional trees needed to fulfill the site tree planting requirement.
17. The bank teller machine, and building which houses it, shall be removed from the site prior to the issuance of a Certificate of Occupancy for 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 9th day of May, 1995.


MAYOR

ATTEST:


CITY SECRETARY

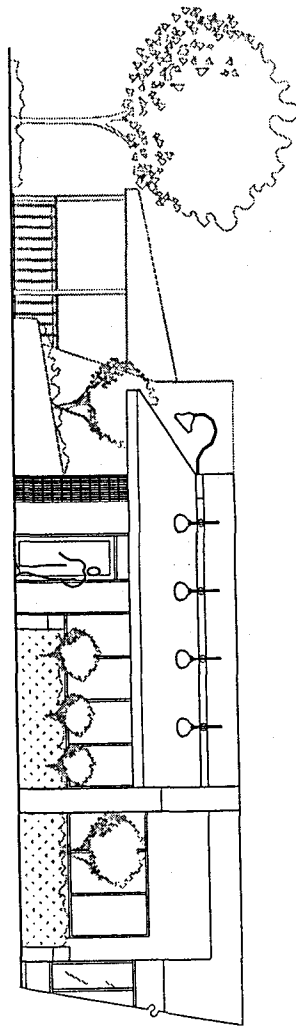
CASE NO. 1205-SUP

APPROVED AS TO FORM:

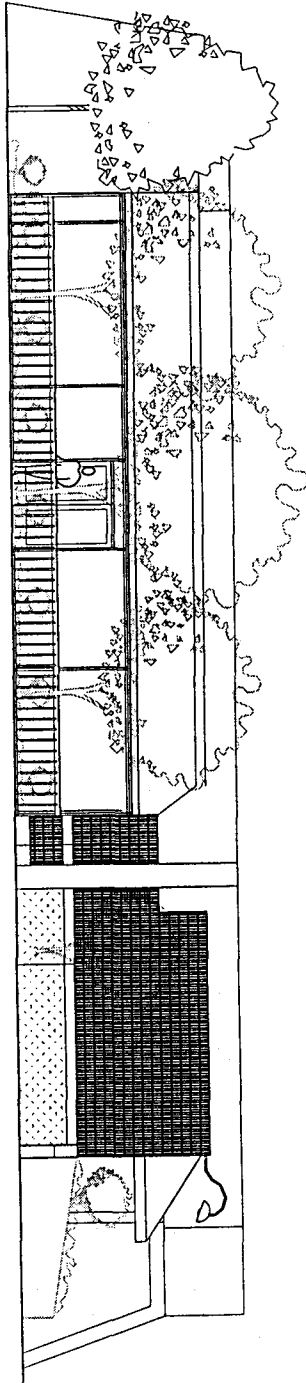

DIRECTOR OF DEVELOPMENT SERVICES

Published
10/5/95

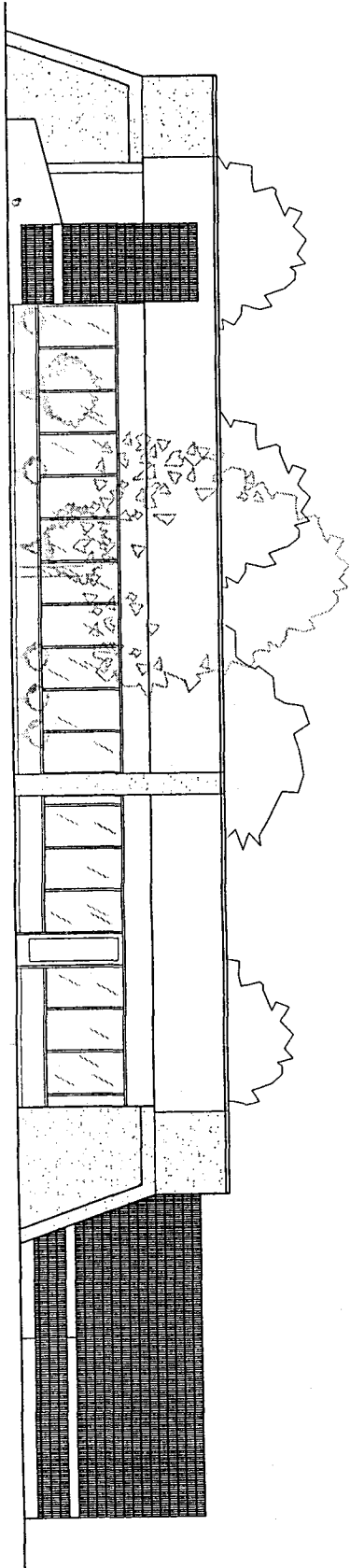




ENTRY ELEVATION
SCALE: 1/8" = 1'-0"



OUTDOOR DINING ELEVATION
SCALE: 1/8" = 1'-0"



ENCLOSED DINING ELEVATION
SCALE: 1/8" = 1'-0"

095-021

AW SHUCKS



CONSTRUCTION MANAGEMENT
16526 WESTGROVE DR.
ADDISON, TX 75248 (214) 250-0454



C.C. Keeler
Architect / Planner
1224 Purtside
Carrollton, TX
75006

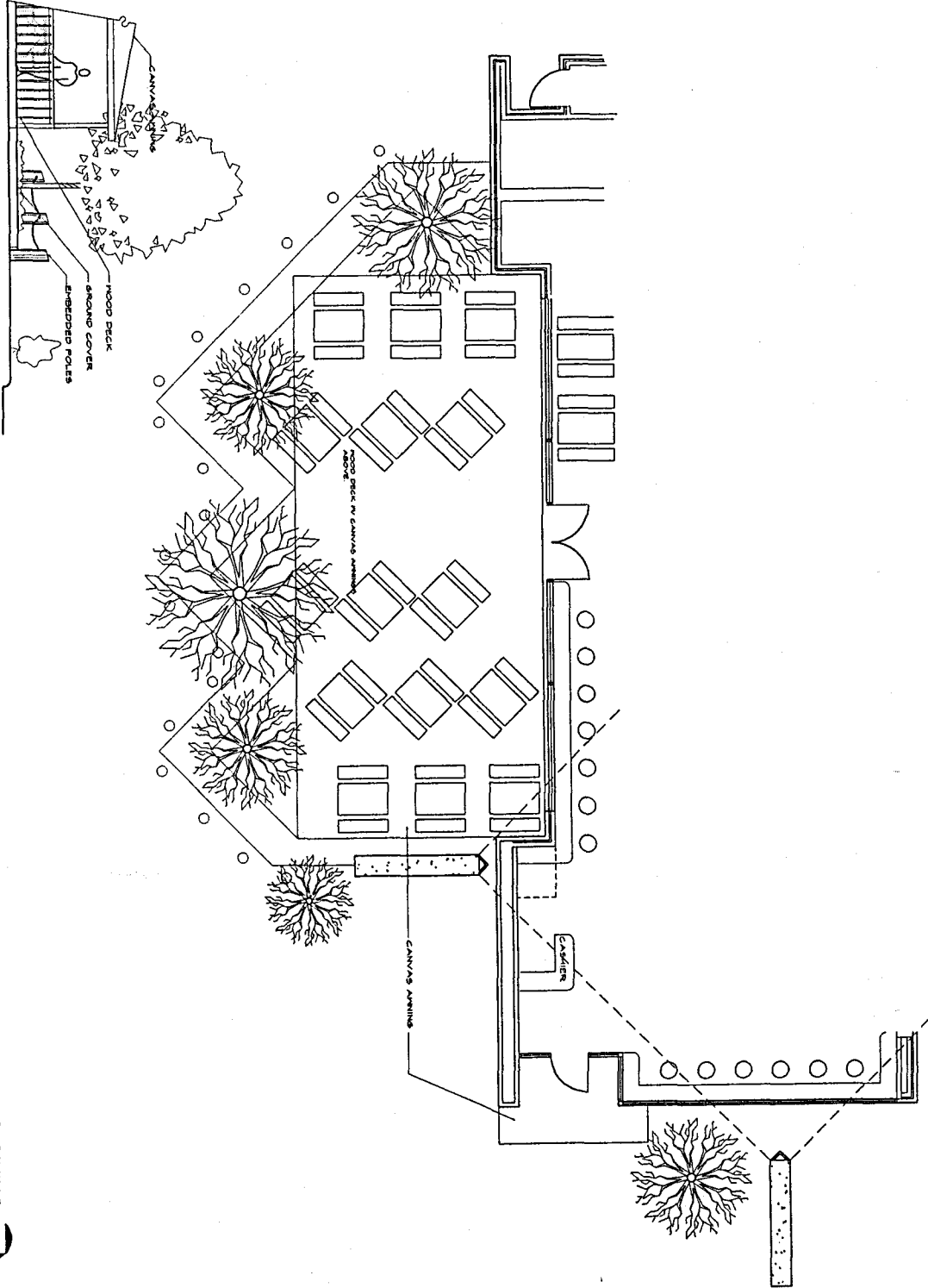
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SHEET

A-4

OF

OUTDOOR DINING ELEVATION
SCALE 1/4" = 1'-0"



OUTDOOR DINING
SCALE 1/4" = 1'-0"



095-021

AW SHUCKS

CM
CONSTRUCTION MANAGEMENT
 18326 WESTROVE DR.
 ADDISSON, TX 75248 (214) 250-0454

C.E. Koehler
 Architect / Planner
 1524 Paradise
 Carrollton, TX
 75006

DATE	
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APPROVED	
SCALE	
SHEET	

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