

ORDINANCE NO. 095-049

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/CATERING FACILITY FOR PRIVATE PARTIES ONLY, AND A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM TOUCHSTONE'S, LOCATED AT 15501 DALLAS PARKWAY, 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 Touchstone's. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 10,724 square-foot building addressed as 15501 Dallas Parkway located on a tract more particularly described as follows:

BEGINNING at a point for corner at the intersection of the westerly right-of-way line of Dallas North Parkway (100 feet from centerline), and the northerly right-of-way line of Arapaho Road (variable width at this point);

THENCE South $72^{\circ}05'09''$ West along the said northerly line of Arapaho Road a distance of 103.88 feet to an angle point;

THENCE South $85^{\circ}25'21''$ West continuing along said northerly line a distance of 177.18 feet to the beginning of a curve to the left;

THENCE in a westerly direction continuing along said northerly line of Arapaho Road and along said curve to the left having a radius of 830.96 feet, a central angle of $21^{\circ}28'35''$, and an arc length of 311.47 feet to the end of said curve to the left;

THENCE South $63^{\circ}56'46''$ West continuing along said northerly line of Arapaho Road a distance of 93.80 feet to a point for corner;

THENCE North $26^{\circ}03'10''$ West a distance of 414.809 feet to a point for corner in the southerly line of a 100.00 foot wide St. Louis and Southwestern Railroad right-of-way;

THENCE North $66^{\circ}12'$ East along said southerly line of said railroad right-of-way a distance of 824.12 feet to a point for corner in the westerly line of said Dallas North Parkway;

THENCE South $13^{\circ}45'$ East along said westerly line of Dallas North Parkway a distance of 107.37 feet to the beginning of a curve to the right;

THENCE in a southerly direction continuing along said westerly line and along said curve to the right, having a radius of 2191.83 feet, a central angel of 11°25'11", and an arc length of 436.86 feet to the end of said curve to the right and to the POINT OF BEGINNING and containing 348,385 square feet, more or less, or 7.9978 acres.

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 building shall be remodeled in accordance with the site plan, floor plan, and landscape plan, 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 10,724 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.

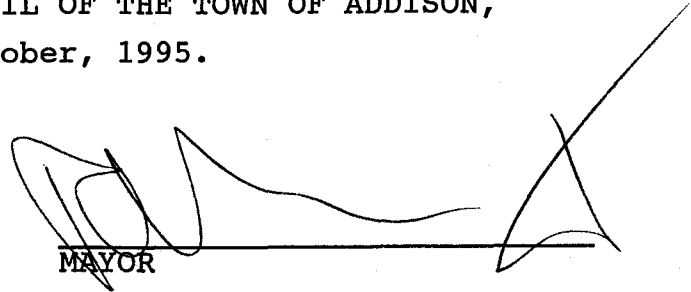
8. Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the Town of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
9. That if the property for which the special use permit is granted and is not used for the 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 term in any exterior signs.
12. The applicant shall submit for approval a detailed landscaping plan prior to the issuance of a building permit, and the site shall be improved in accordance with the plan prior to the issuance of a Certificate of Occupancy for the facility.
13. The applicant shall repair all driveway and parking lot paving failures prior to the issuance of a Certificate of occupancy for the facility.
14. For the purposes of this Special Use Permit, "restaurant" shall be limited to a catering facility for private parties only.

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 October, 1995.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1233-SUP

APPROVED AS TO FORM:



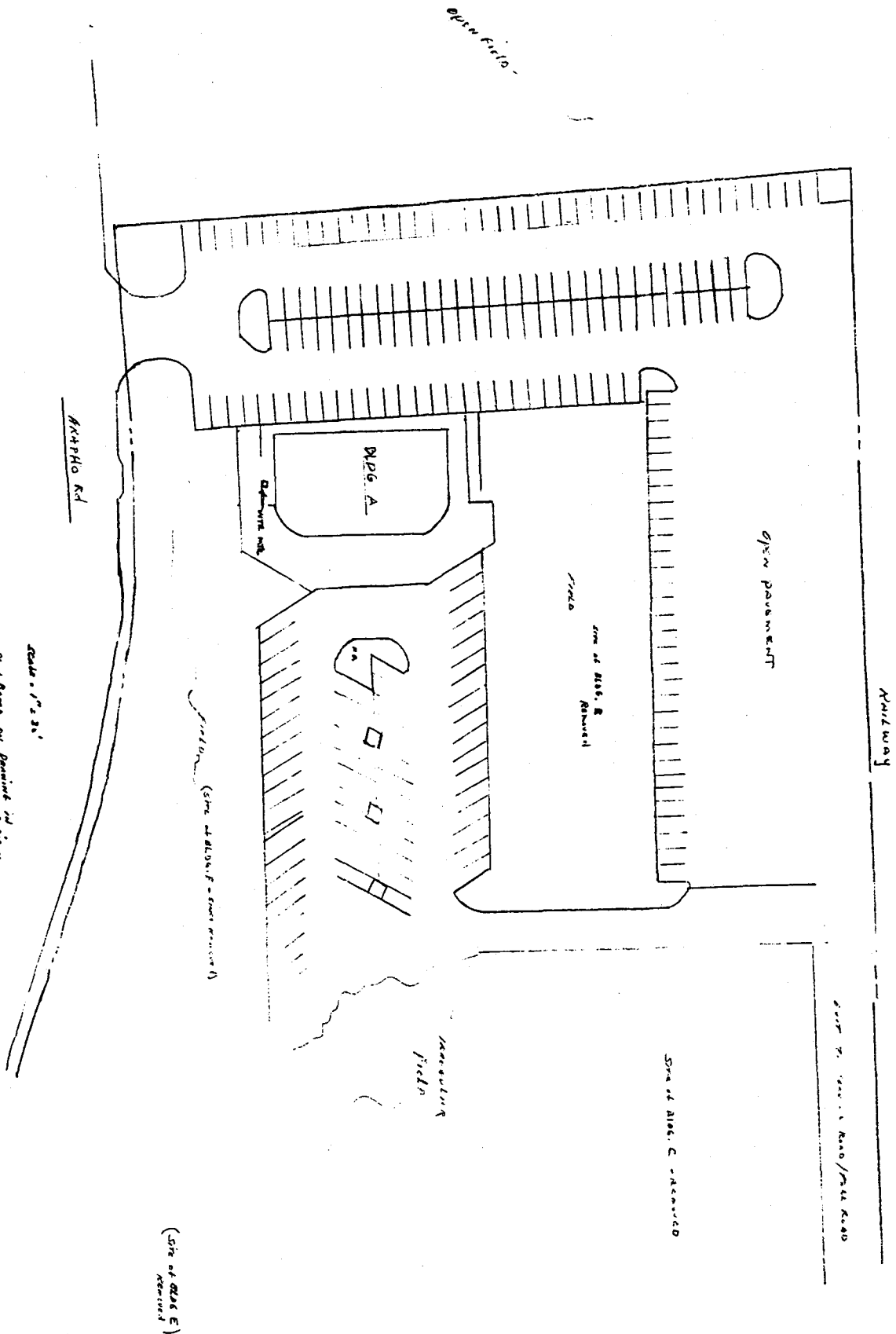
DIRECTOR OF DEVELOPMENT SERVICES

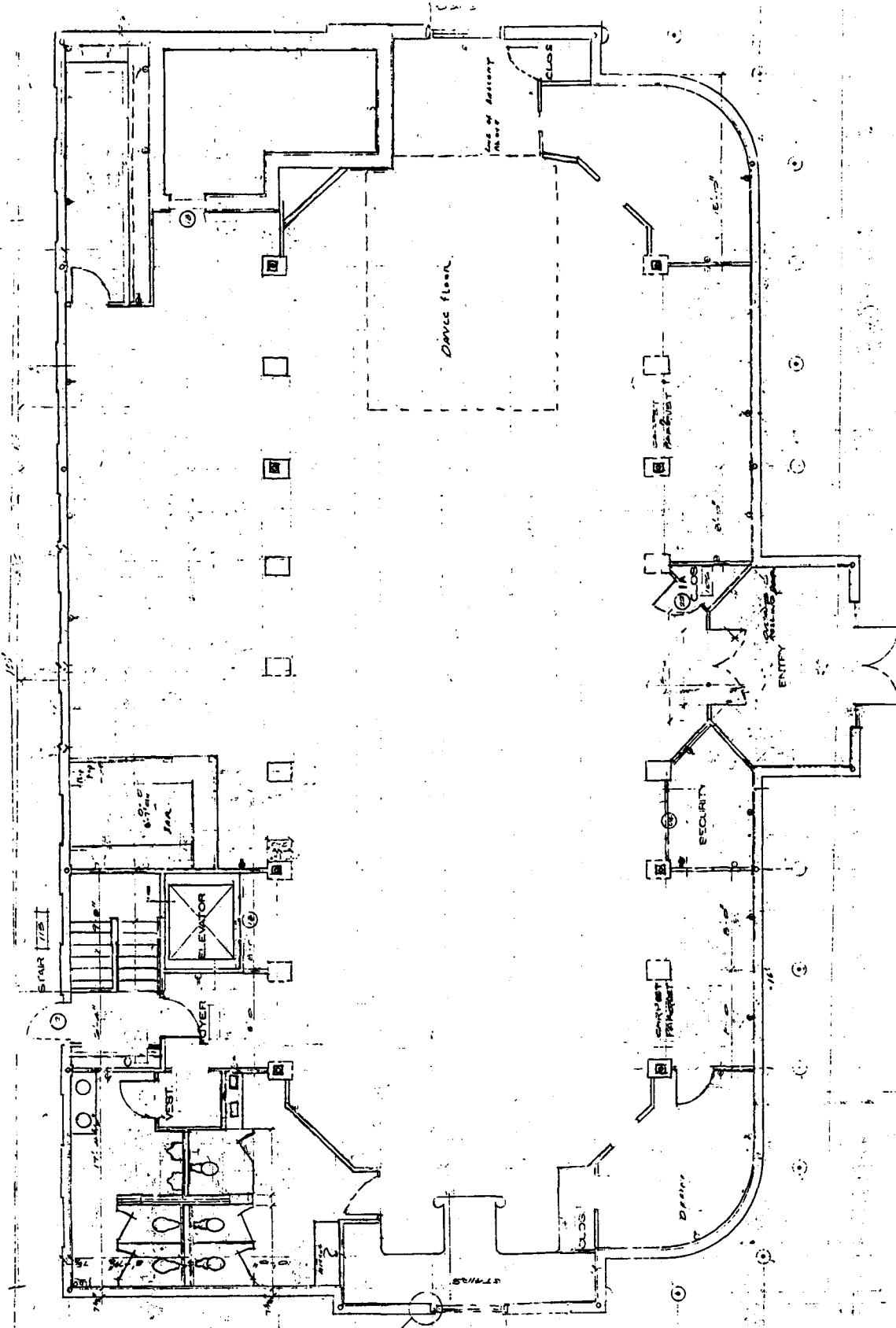
Published
1/25/96



SITE PLAN

Scale: 1" = 20'
 Part Plans are Densified in
 this map. Div. of Highway
 Department, Springfield, Mass.
 Address to Consultant

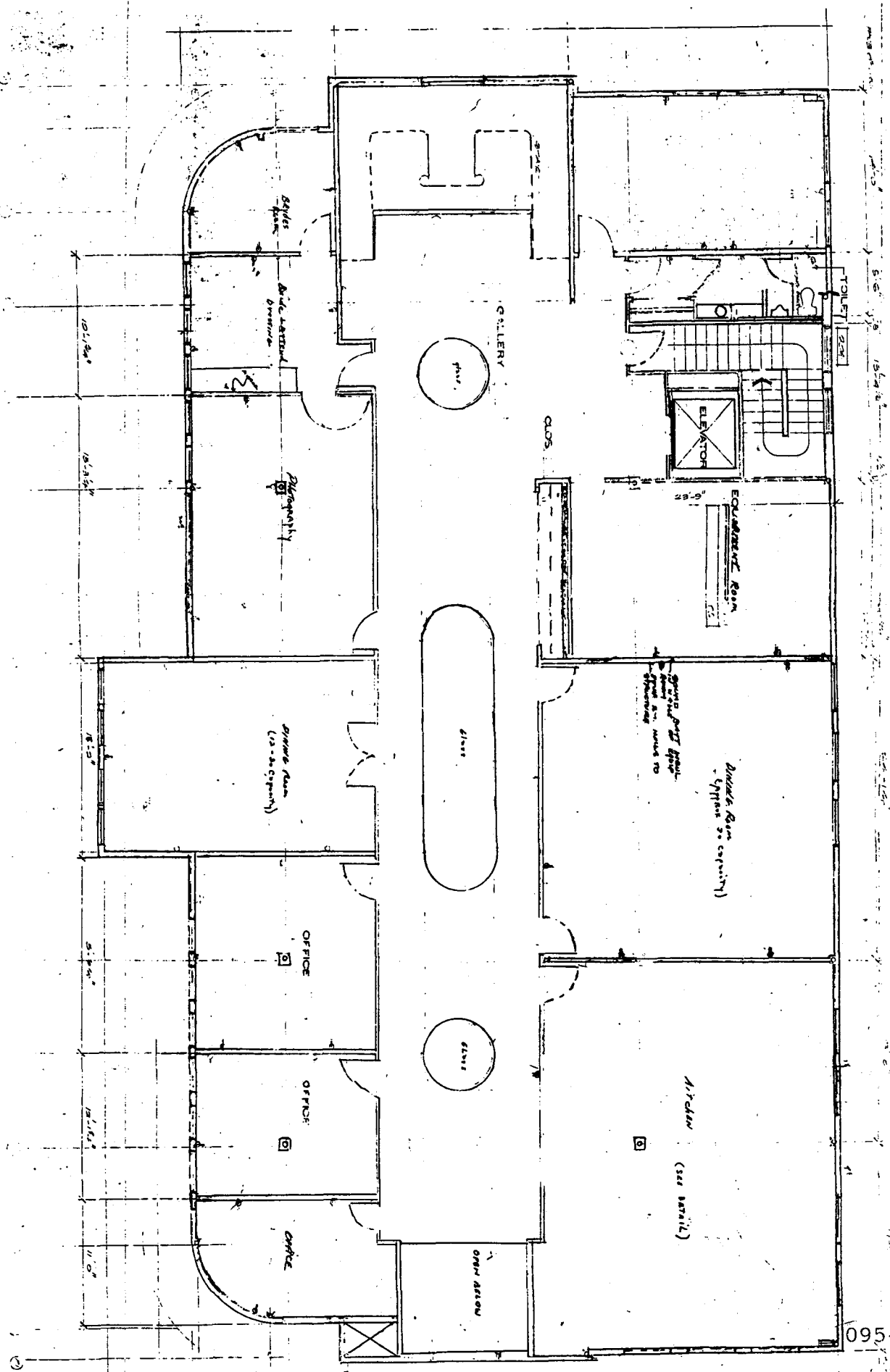


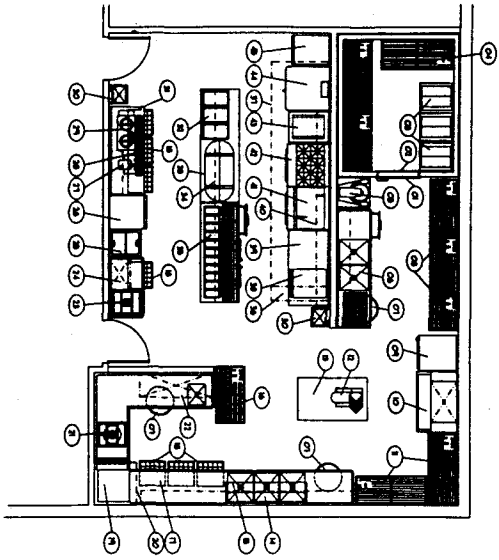


09511049

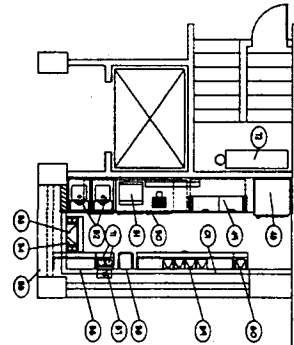
GROUND FLOOR PLAN
SCALE: 1/8"=1'-0"

SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



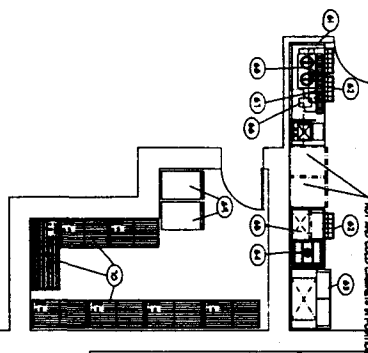


2ND FLOOR KITCHEN PLAN



GROUND LEVEL BAR

GROUND LEVEL STORAGE AND SUPPORT AREA



EQUIPMENT SCHEDULE	
1	WALL MOUNTED
2	WALL MOUNTED
3	WALL MOUNTED
4	WALL MOUNTED
5	WALL MOUNTED
6	WALL MOUNTED
7	WALL MOUNTED
8	WALL MOUNTED
9	WALL MOUNTED
10	WALL MOUNTED
11	WALL MOUNTED
12	WALL MOUNTED
13	WALL MOUNTED
14	WALL MOUNTED
15	WALL MOUNTED
16	WALL MOUNTED
17	WALL MOUNTED
18	WALL MOUNTED
19	WALL MOUNTED
20	WALL MOUNTED
21	WALL MOUNTED
22	WALL MOUNTED
23	WALL MOUNTED
24	WALL MOUNTED
25	WALL MOUNTED
26	WALL MOUNTED
27	WALL MOUNTED
28	WALL MOUNTED
29	WALL MOUNTED
30	WALL MOUNTED
31	WALL MOUNTED
32	WALL MOUNTED

FOOD FACILITIES ARRANGEMENT PLAN

JOB NAME ADDELSTEIN PROJECT	DESIGNED FOR J. TOUCHSTONE AND ASSOCIATES DALLAS, TEXAS	BRUCE ABRAHAM CLARIC FOOD SERVICE INC. 2025 LARABE PESQUITE, TEXAS 75449 214 290 8850 FAX: 214 290 9668	<small> THE DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED 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 THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR LOSS OF ANY KIND, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DRAWING. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIMSELF OR HIS FIRM. </small>