

ORDINANCE NO. 096- 014

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 SWITZER AND JONES RESTAURANT, LOCATED AT 14775 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 RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS:

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 096-014

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 Switzer and Jones Restaurant. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

WHEREAS, 14775 Midway L.C. is the owner of a tract of land situated in the THOMAS L. SURVEY, ABSTRACT NO. 273 in the Tow of Addison, Dallas County, Texas and being a portion of Lot 1, Block 1 of Texas Tumbleweed, an addition to the Town of Addison recorded in Volume 94235, Page 2788 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found at the intersection of the westerly line of Midway Road (a 100 foot right-of-way) and the northerly line of Office in the Park Addition, an addition to the Town of Addison, as recorded in Volume 78118, page 1 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said iron rod also being located South 00°11'47" East, a distance of 1015.15 feet from the southerly line of Beltway Drive (a 60 foot right of way);

THENCE along the northerly line of said Office in the Park Addition, North 89°28'25" West, a distance of 581.64 feet to a 1/2 inch iron rod set;

THENCE departing the northerly line of said Office in the Park Addition and North 00°57'31" East, a distance of 247.37 feet to a 1/2 inch iron rod set in the southerly ine of Midway Square Addition, an addition to the Town of Addison as recorded in Volume 93252, Page 2780 (D.R.D.C.T.);

THENCE along the southerly ine of said Midway Square Addition the following:

South 89°28'25" East, a distance of 397.62 feet to a 1/2 inch iron rod found;

South 00°31'35" West, a distance of 217.36 feet to a 1/2 inch iron rod found;

South 89°28'25" East, a distance of 169.02 feet to a 1/2 inch iron rod set;

North 00°31'35" East, a distance of 8.17 feet to a 1/2 inch iron rod set;

South 89°28'25" East, a distance of 12.94 feet to a 1/2 inch iron rod st in the westerly line of said Midway Road;

THENCE departing the southerly ine of said Midway Square Addition and along the westerly line of said Midway Road, South 00°14'00" West, a distance of 38.17 feet to the POINT OF BEGINNING and containing 2.391 acres or 104,154 square feet 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 14,874 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. 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.

8. 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.
9. 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.
10. The restaurant shall not use the term "Bar", "Tavern" or any equivalent term in any exterior signs.
11. A revised detailed landscaping and irrigation plan shall be submitted which:
 - provides a 20-foot wide landscape buffer against the west property line, which is adjacent to future residential development,
 - identifies the location of the property line and the native trees that are actually on the property. The plan shall provide for preservation of existing native trees on the site,
 - accurately reflects the parking lot configuration along the east side of the property,
 - indicates sufficient storm water detention areas,
 - shows a solid brick screening wall, at least 6-feet in height along the entire west property line.
12. A dumpster shall be indicated on the plans, it shall be enclosed with a screening wall that is of a material compatible to the building. In addition, all dumpsters, including containers for recycling, shall be in a screening enclosure.
13. All mechanical equipment on the roof of the building shall be screened from any viewers on adjacent properties. Screening shall also be provided for any equipment on the roof of the existing building. The screening material shall be architecturally compatible to the building, and the determination of "architecturally compatible" shall be made by the Building Official.

14. A lighting plan for the site shall be submitted for approval by the staff before issuance of a building permit.
15. The west wall, and north wall (for a distance of 83 feet, measured from west to east) of the building, shall provide an average STC (Sound Transmission Class) rating of 50. An acoustical engineer shall certify that the plans submitted for a building permit will provide an average STC rating of 50. In addition, an acoustical engineer must inspect the building after construction, and certify that the building was constructed in accordance with the plans submitted for a permit.

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 23rd day of April, 1996.



MAYOR

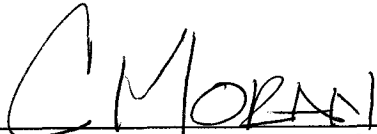
ATTEST:



CITY SECRETARY

CASE NO. 1248-SUP

APPROVED AS TO FORM:



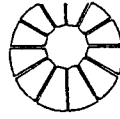
DIRECTOR OF DEVELOPMENT SERVICES

Published
2/13/97



SCALE 1/8" = 1'-0"

PRELIMINARY EQUIPMENT PLAN
 SWITZER & JONES RESTAURANT
 1475 HOWAY ROAD
 APOON, TEXAS

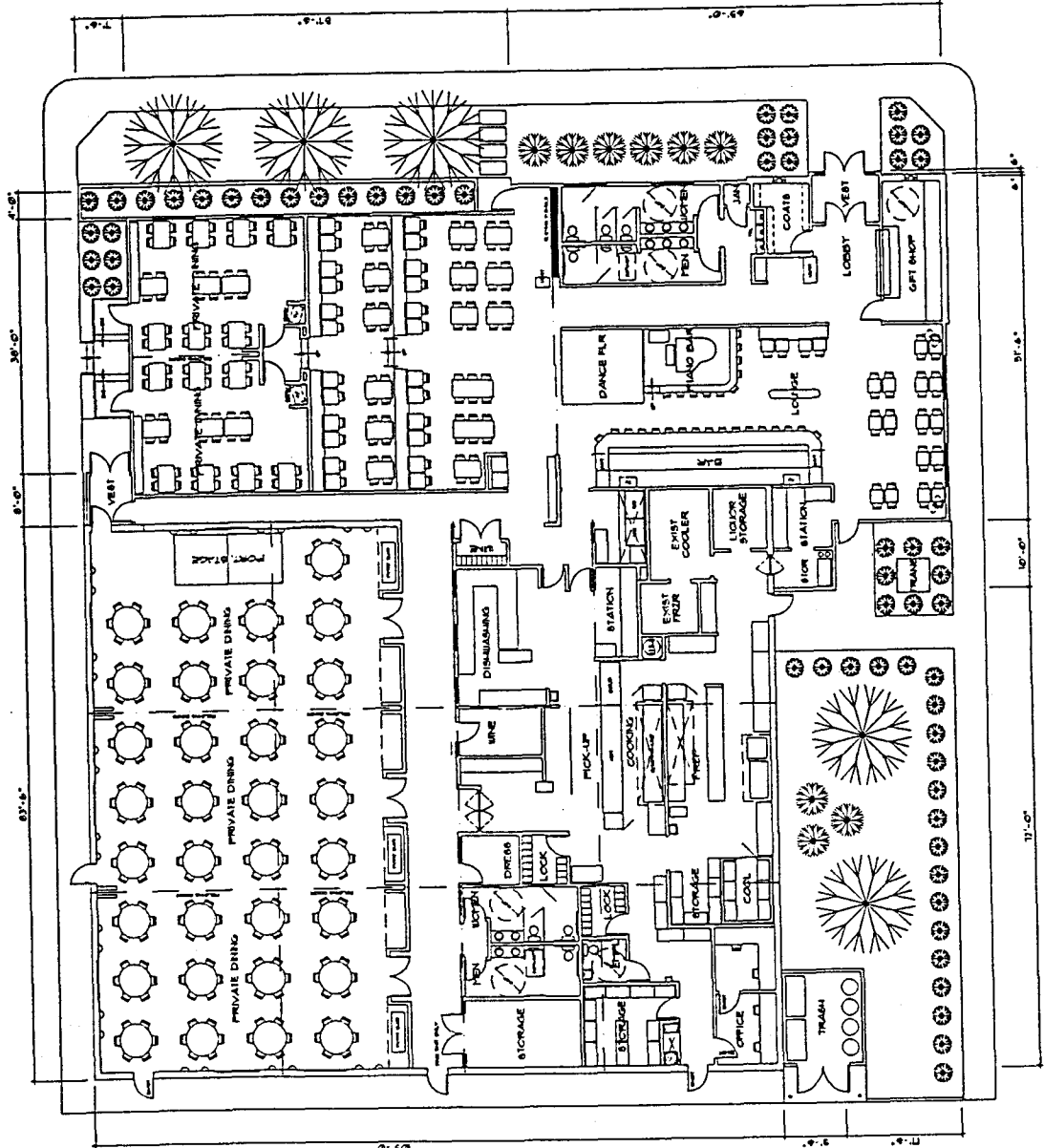


DISEÑOS

P. O. BOX 28296
 SAN ANTONIO, TEXAS
 PHONE 512 341 9135
 FAX 512 341 3670

- 1 APR 84
- 30 MAR 84
- 27 MAR 84
- 14 MAR 84
- 08 MAR 84
- 04 MAR 84
- 13 FEB 84

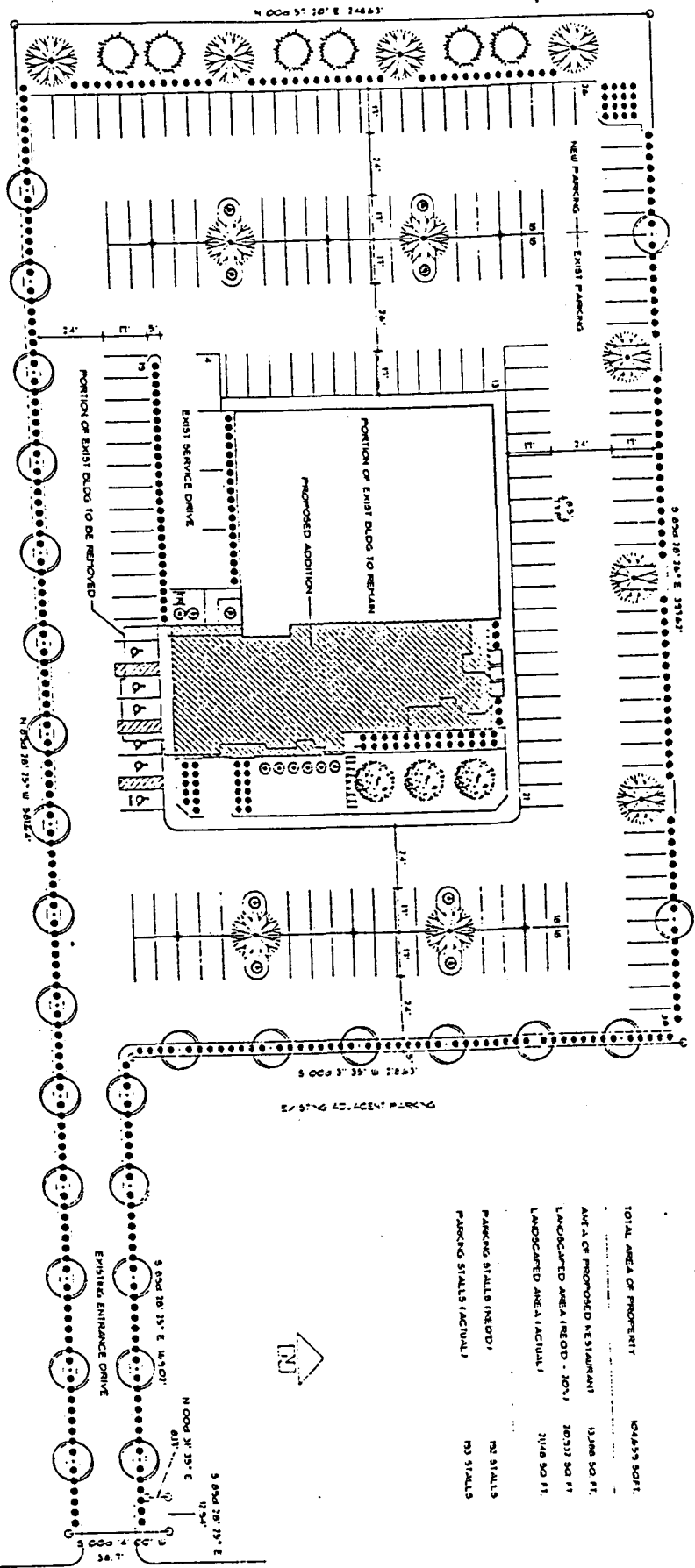
SHEET








14,500 SQ. FT.

BAR / LOUNGE	61 SEATS
DINING ROOMS	220 SEATS
PRIVATE DINING	60 SEATS
BAR/CLUB ROOMS	108 SEATS
TOTAL	

EXISTING ADJACENT PARKING



LANDSCAPING LEGEND

-  SHADE TREE
-  ORNAMENTAL SHADE TREE
-  ORNAMENTAL FLOWERING TREE
-  EVERGREEN
-  SHRUBS

TOTAL AREA OF PROPERTY	104,439 SQ. FT.
AREA OF PROPOSED RESTAURANT	13,398 SQ. FT.
LANDSCAPED AREA (NEED - 10%)	1,339 SQ. FT.
LANDSCAPED AREA (ACTUAL)	2,149 SQ. FT.
PARKING STALLS (NEED)	121 STALLS
PARKING STALLS (ACTUAL)	133 STALLS

096-014



C702 YARDWAY

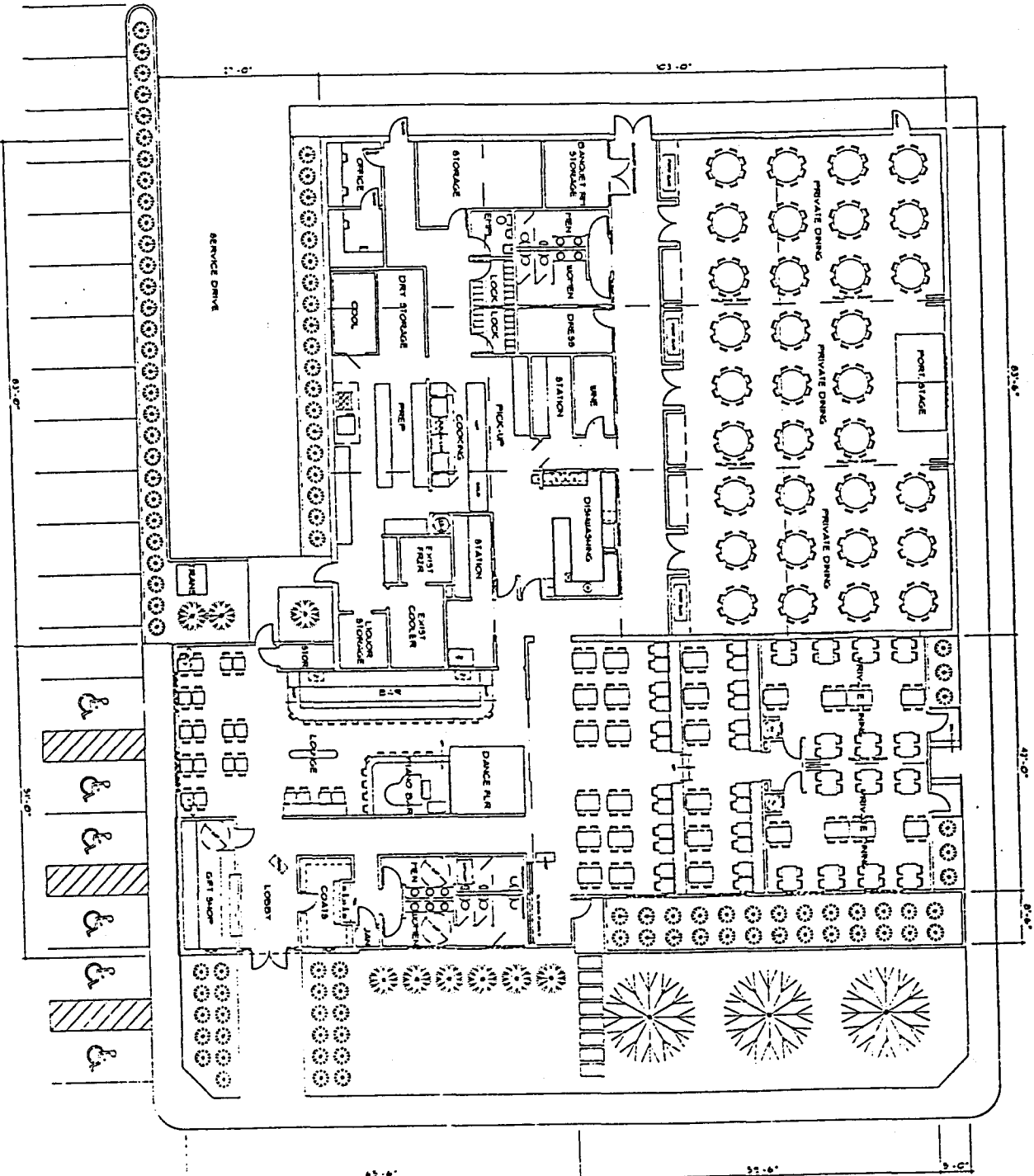
LANDSCAPING & PLANTING
 SUTZINGER & JONES RESTAURANT
 702 E. 17th St. #100
 DENVER, CO 80202

DISEÑO
 P. O. BOX 13396
 DENVER, CO 80215
 303-733-0286
 PH. 817-331-0
 TX. 817-348-0



DATE: 11/11/88
 SHEET: 23 OF 24
 11/11/88

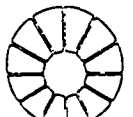
BAR / LOUNGE	21 SEATS
DINING ROOMS	80 SEATS
PRIVATE DINING	68 SEATS
BAR/NET ROOMS	344 SEATS
TOTAL	533 SEATS



096-014

SCALE 1/8" = 1'-0"

PRELIMINARY EQUIPMENT PLAN
SUTTZER & JONES RESTAURANT
 1415 HOLLY ROAD
 ADD 55 S. TEXAS

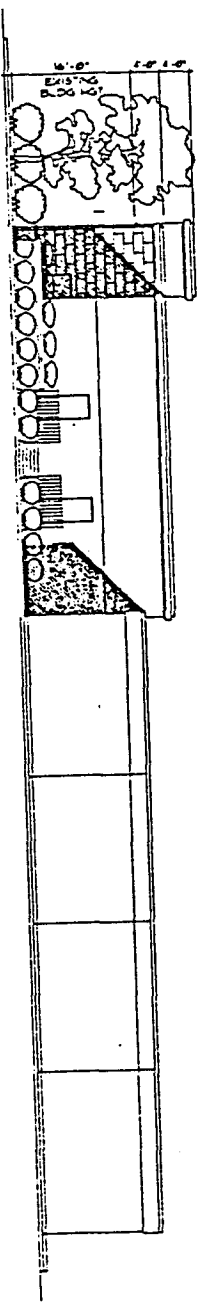


DISINOS
 P. O. BOX 26396
 AUSTIN, TEXAS 78726
 (512) 318-3600

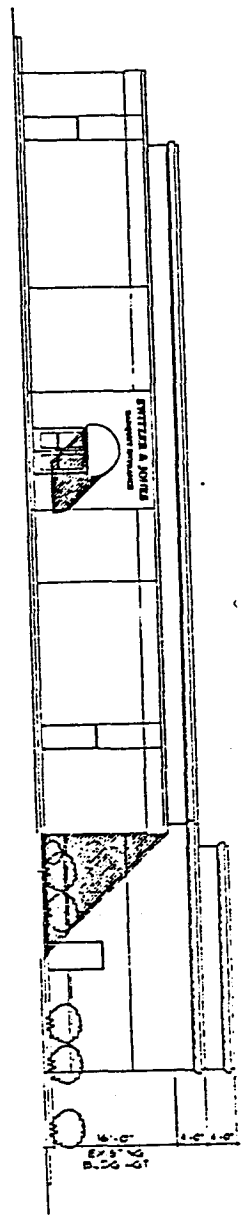
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53 DAL 507

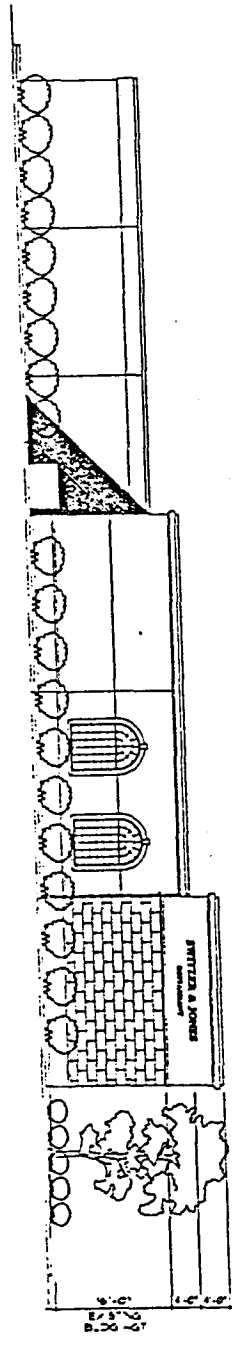
NORTH ELEVATION



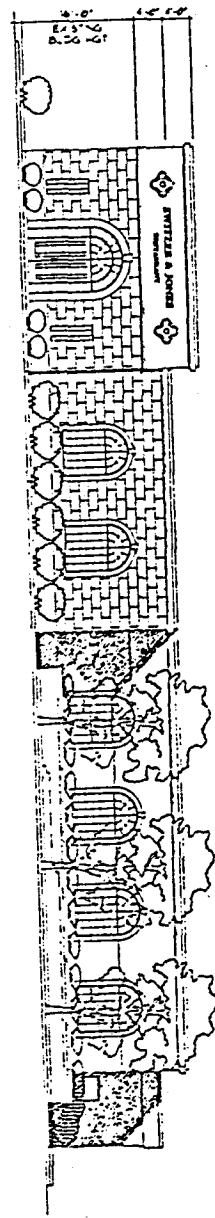
WEST ELEVATION



SOUTH ELEVATION



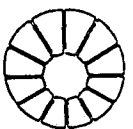
EAST ELEVATION



096-014

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

RESTAURANT EXTERIOR ELEVATIONS
SWITZER & JONES RESTAURANT
4175 MIDWAY ROAD
DENVER, COLORADO 80231



DISENOS
P.O. BOX 35394
DENVER, COLORADO 80235
TEL: 312 546 2670

33 FEB 76

SHEET
A02

3/10/76