

ORDINANCE NO. 096-054

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 DEEP ELLUM CAFE, LOCATED AT 5290 BELT LINE ROAD, SUITE 150, 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. 096-054

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 Deep Ellum Cafe. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

TRACT A

BEING a 5,688 square foot lease space addressed as 5290 Belt Line, Suite 150 on a tract of land situated in the Allen Bledsoe Survey, Abstract No. 157, City of Addison, Dallas County, Texas, and further being part of Lot "D", Block 2 of Oaks North-East No. 4, an addition to the City of Addison, Texas, as recorded in Volume 79121, Page 0555 of the Map records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point along the Easterly line of Montfort Drive (a variable width ROW), said point also being the Northwest corner of above-mentioned Lot "D", Block 2, an iron stake for corner;

THENCE N 89°49'50" E, along the North line of said Lot "D", Block 2, a distance of 604.08 feet to the Northeast corner of said tract, an iron stake for corner;

THENCE Southerly along the Easterly line of said Lot "D", Block 2, the following:

S 0°10'10" E, a distance of 19.0 feet to an iron stake for corner;

S 75°13'25" E, a distance of 12.84 feet to an iron stake for corner;

S 0°10'10" E, a distance of 19.0 feet to an iron stake for corner;

THENCE S 89°49'50" W, leaving said Easterly line of Lot "D", Block 2, a distance of 485.0 feet to an iron stake for corner;

THENCE S 0°10'10" E, a distance of 197.0 feet to an iron stake for corner;

THENCE S 89°49'50" W, a distance of 195.47 feet to a point along the Easterly line of above-mentioned Montfort Drive, an iron stake for corner;

THENCE Northerly along said Easterly line of Montfort Drive, the following:

N 23°24' W, a distance of 2.67 feet to the beginning of a curve to the right, having a central angle of 51°50'50" and a radius of 460.0 feet, an iron stake for corner;

Around said curve, a distance of 122.92 feet to the PLACE OF BEGINNING and containing 257,355 square feet or 5.91 acres of land.

TRACT B

BEGINNING at the intersection of the South line of Belt Line Road (a 100' ROW) with the East line of Montfort Drive (a proposed 80' ROW), an iron stake for corner;

THENCE N 89°49'50" E, along said Belt Line Road South line, a distance of 609.11 feet to an iron stake for corner;

THENCE S 0°10'10" E, leaving said Belt Line Road South line, a distance of 366.58 feet to an iron stake for corner;

THENCE along the said Montfort Drive East line, the following:

Around a curve to the Left, having a central angle of 28°22'34" and a radius of 540.00 feet, a distance of 267.44 feet to the end of said curve and the beginning of a curve to the right, having a central angle of 12°48'08" and a radius of 460.00 feet, an iron stake for corner;

Around said curve, a distance of 102.78 feet to the PLACE OF BEGINNING and containing 5.00 acres of Land.

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, and elevation drawings 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 5,688 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. Where the sale or serving of alcoholic beverages is permitted, dancing is 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 canceled by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.
10. The applicant shall not use "Bar" or any equivalent terms in exterior signs.
11. A new enclosure, of sufficient size to accommodate all waste and recycling containers, shall be constructed immediately east of the restaurant space. In addition, the existing enclosure at the southeast corner of the site shall be re-built and doors added to sufficiently screen the dumpsters. All dumpster enclosures shall be built out of concrete block and finished with the same E.I.F.S. material as the shopping center.

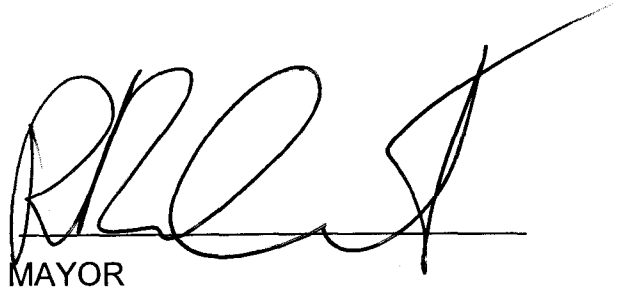
12. The construction of the new kitchen shall comply with all requirements of Addison's Food Service Ordinance.

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.

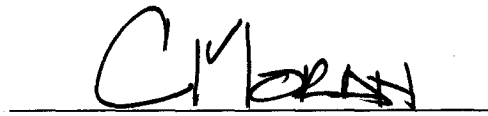
SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed, and Ordinance 094-042 shall be specifically repealed, and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 8th day of October, 1996.



MAYOR

ATTEST:



CITY SECRETARY
CASE NO. 1277-SUP

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED IN THE METROCREST NEWS ON: _____

OFFICE OF THE CITY SECRETARY

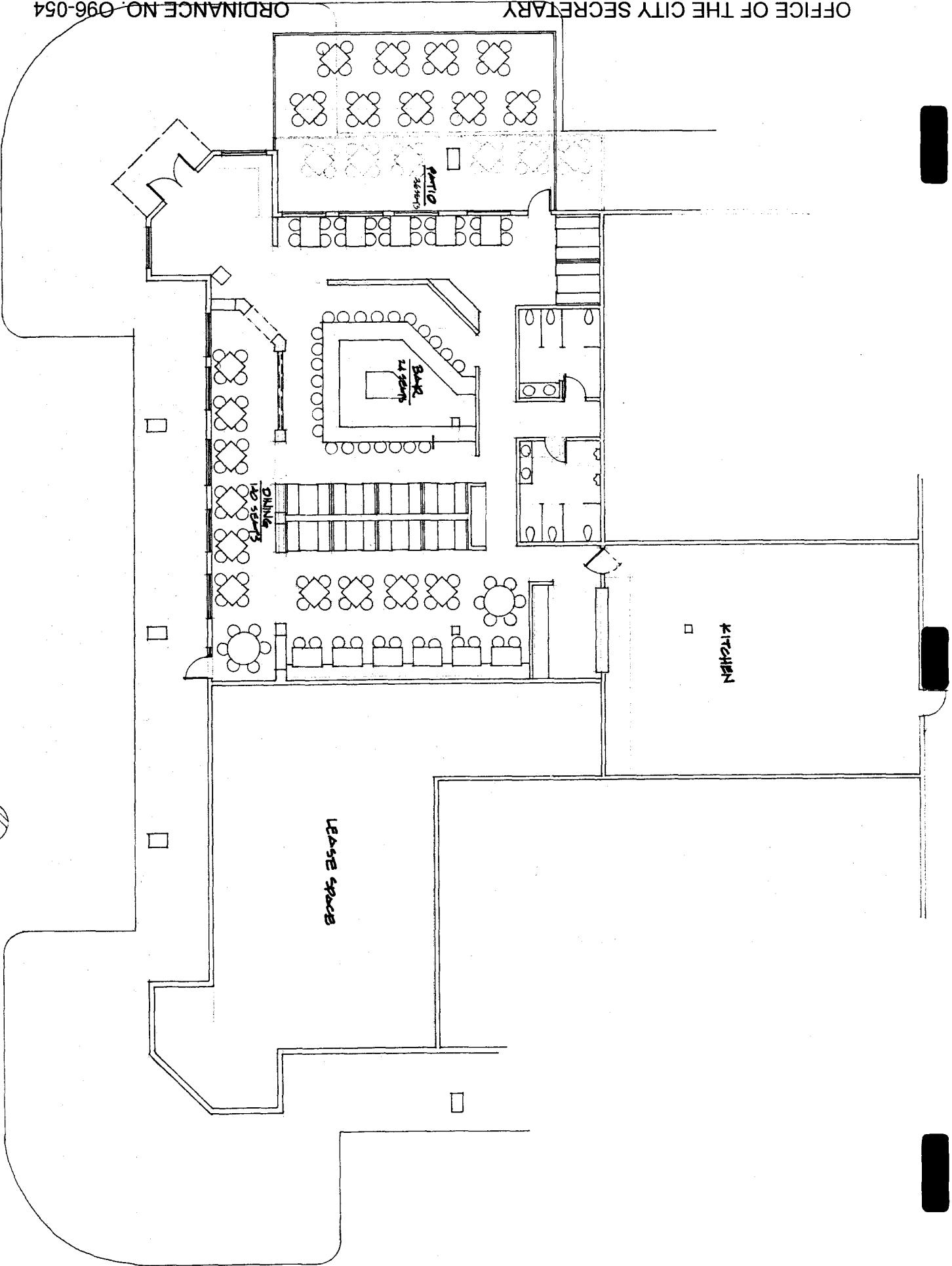
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Published
10/31/96



PRELIMINARY PLAN - DEEP SWIM CAFE
1/8" = 1' 0"

5000 S.F.



PRELIMINARY ELEVATION - DEEP ELM CAFE - ADDISON TX.
WEST ELEVATION
1/8" = 1'-0"

