

ORDINANCE NO. 097-038

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 THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM TACO CABANA, LOCATED ON ONE ACRE AT THE NORTHEAST CORNER OF THE INTERSECTION OF BELT LIE ROAD AND MARSH LANE, 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 the sale of alcoholic beverages for on-premises consumption to Taco Cabana. Said special use permit

shall be granted subject to the special conditions on the following described property,
to-wit:

BEING all of Lot 1, of a tract known as Marsh/Belt Line Shopping Center, and described as follows: WHEREAS, Beltway Development Co., Inc., is the owner of a tract of land situated in the D. Myers very, Abstract No. 923 and the T.L. Chenoweth Survey, Abstract No. 273, Dallas County, Texas, and being part of Block 2 of Belt-Line Marsh Business Park, an addition to the City of Addison as recorded in Volume 79252, Page 0210, Deed Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8" iron rod found for corner being the most southerly point on a corner clip situated at the intersection of the north line of Belt Line Road (a 100' R.O.W.) And the wets line of Business Avenue (a 60' R.O.W.);

THENCE n 89 degrees 54'31" W, along the north line of Belt Line Road, a distance of 407.00 feet to an "x" cut found for the POINT OF BEGINNING and being the southeast corner of CHICK-FIL-A ADDITION, an addition to the City of Addison recorded in Volume 94249, Page 03638;

THENCE continuing along the north line of said Belt Line Road the following:

N 89 degrees 54'31" W, a distance of 233.05 feet to a 1/2" iron rod found for corner;

N 89 degrees 52'23" W, a distance of 119.98 feet to a 1/2" iron rod found for corner;

N 89 degrees 49'34" W, a distance of 293.63 feet to an "x" cut found for corner;

THENCE N 00 degrees 06'34" W, departing said north line of Belt Line Road and parallel with the east line of Marsh Lane (a 100' R.O.W.), a distance of 150.00 feet to a 1/2" iron rod found for corner;

THENCE along the east line of said Marsh Lane the following:

N 00 degrees 06'34" W, a distance of 50.25 feet to an iron rod found for corner being the point of curvature to the right having a central angle of 14 degrees 48'56", a radius of 1223.24, a tangent of 159.04 feet and a chord that bears N 07 degrees 17'58" E, 315.42;

Along said curve a distance of 316.31 feet to an "x" found for corner;

THENCE S 89 degrees 55'22" E, departing the east line of said Marsh Lane a distance of 1199.66 feet to an "x" found for corner, said "x" being in the west line of said Business Avenue.

THENCE S 00 degrees 04'38" W, along the west line of said Business Avenue a distance of 249.23 feet to a 5/8" iron rod found for corner;

THENCE N 89 degrees 54'31" W, departing the west line of said Business Avenue, a distance of 416.93 feet to an "x" cut found for corner being the northwest corner of said CHICK-FIL-A ADDITION;

THENCE S 00 degrees 05'29" W, along the west line of said CHICK-FIL-A ADDITION, a distance of 265.00 feet to the POINT OF BEGINNING and containing 496,035 square feet or 11,3874 acres of land.

SECTION 2. That the Special Use Permits are granted subject to the following conditions:

1. 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.
2. That the sales of alcoholic beverages under this special use permit shall be permitted in restaurants. Restaurants are hereby defined as establishments that receive at least sixty percent (60%) of their gross revenues from the sale of food.
3. 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.
4. 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.
5. 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.
6. 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. Taco Cabana shall not use the term "Bar," "Tavern," or any equivalent term on any exterior signs.

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 September 1997.

ATTEST:

CMORAN
CITY SECRETARY
CASE NO. 1296-SUP

[Signature]
MAYOR

APPROVED AS TO FORM:

CMORAN
DIRECTOR OF DEVELOPMENT SERVICES
PUBLISHED ON: 5/22/98
OFFICE OF THE CITY SECRETARY

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Pulliam
5/22/98