

ORDINANCE NO. 097-048

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 HEALTH HUT JUICE BAR AND GRILL, LOCATED AT 14833 MIDWAY ROAD, SUITE 100, 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

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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 Health Hut Juice Bar and Grill. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 1,420 square feet lease space, addressed as 14833 Midway Road, Suite 100, located in a shopping center known as Midway Square, located on Lot 1, Block 1, Midway Square Addition, a tract of land situated in the THOMAS L. CHENOWETH SURVEY, ABSTRACT NO. 273 in the Town of Addison, Dallas County, Texas and being a portion of a tract of land conveyed in deed recorded in Volume 408, Page 759 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an "X" found in concrete at the intersection of the westerly line of MIDWAY ROAD (a 100 foot right-of-way) and the southerly line of BELTWAY DRIVE (a 60 foot right-of-way);

THENCE South 00°14'00" West, along the westerly line of said MIDWAY ROAD 985.14 feet to a 1/2" iron rod found;

THENCE North 89°28'25" West, leaving the westerly line of said MIDWAY ROAD 192.00 feet to a 1/2" iron rod found;

THENCE North 00°31'35" East, 217.36 feet to a 1/2" iron rod found;

THENCE North 89°28'25" West, 679.42 feet to a 1/2" iron rod found;

THENCE North 00°11'48" West, 640.87 feet to a 1/2" iron rod found in southerly line of said BELTWAY DRIVE;

THENCE South 89°52'42" East, along the southerly line of said BELTWAY DRIVE, 63.08 feet to a 1/2" iron rod found, said iron rod also being the point of curvature of a tangent curve to the left having a radius of 1,005.00 feet and a chord which bears North 83°31'34" East, a chord distance of 230.87 feet;

THENCE northeasterly along the said curve to the left and the southerly line of said BELTWAY DRIVE through a central angle of $13^{\circ}11'28''$, and arc distance of 231.88 feet to a 120d nail found;

THENCE South, leaving the southerly line of said BELTWAY DRIVE, 151.29 feet to a 60d nail found;

THENCE South $89^{\circ}57'52''$ East, 385.01 feet to an "X" found in concrete;

THENCE North 242.62 feet to a 120d nail found in the southerly line of said BELTWAY DRIVE, said nail also being the point of curvature of a non-tangent curve to the right having a radius of 945.00 feet and a chord which bears North $88^{\circ}05'28''$ East, a chord distance of 68.15 feet;

THENCE northeasterly along the said non-tangent curve and the southerly line of BELTWAY DRIVE to the right through a central angle of $04^{\circ}07'59''$, a distance of 68.17 feet to a 1/2" iron rod found;

THENCE South $89^{\circ}52'23''$ East, along the southerly line of said BELTWAY DRIVE, 120.00 feet to the POINT OF BEGINNING and containing 13.124 acres or 571,665 square feet of land, more or less.

SECTION 2. That the Special Use Permit is 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 floor plan, and the elevation drawings showing the exterior wall, 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 only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 1,420 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. 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.

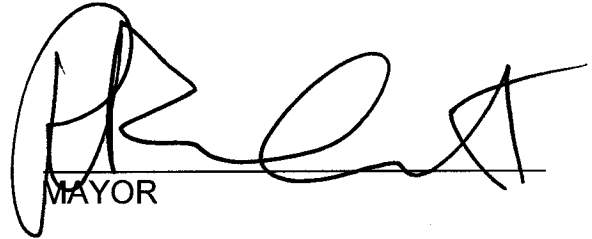
SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance 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 14th day of October, 1997.


MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 1307-SUP

APPROVED AS TO FORM:

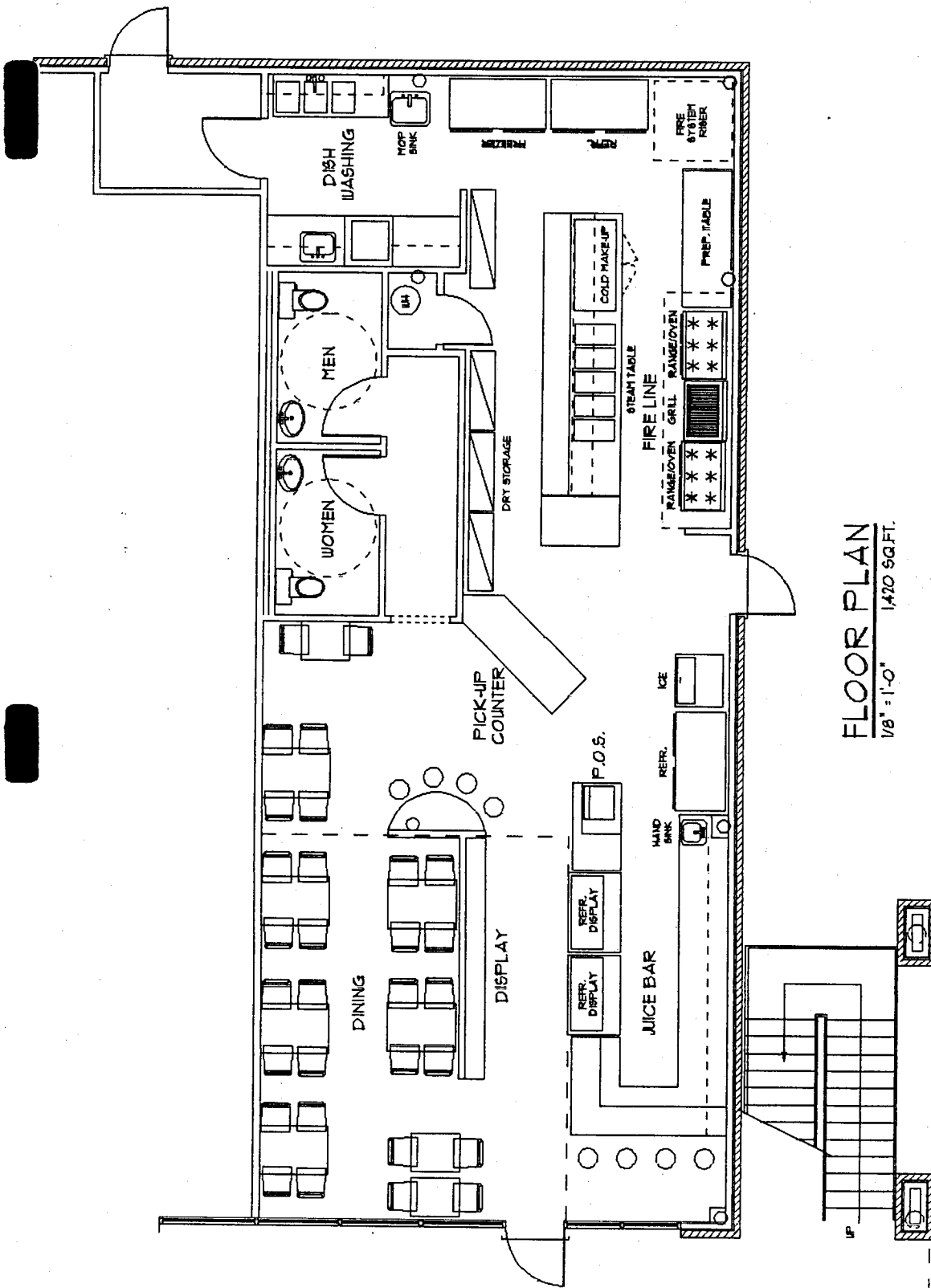

DIRECTOR OF DEVELOPMENT SERVICES

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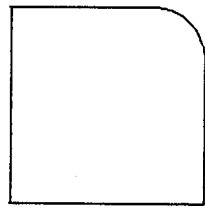
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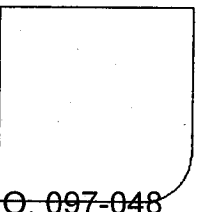


FLOOR PLAN
 1/8" = 1'-0" 1420 SQ. FT.



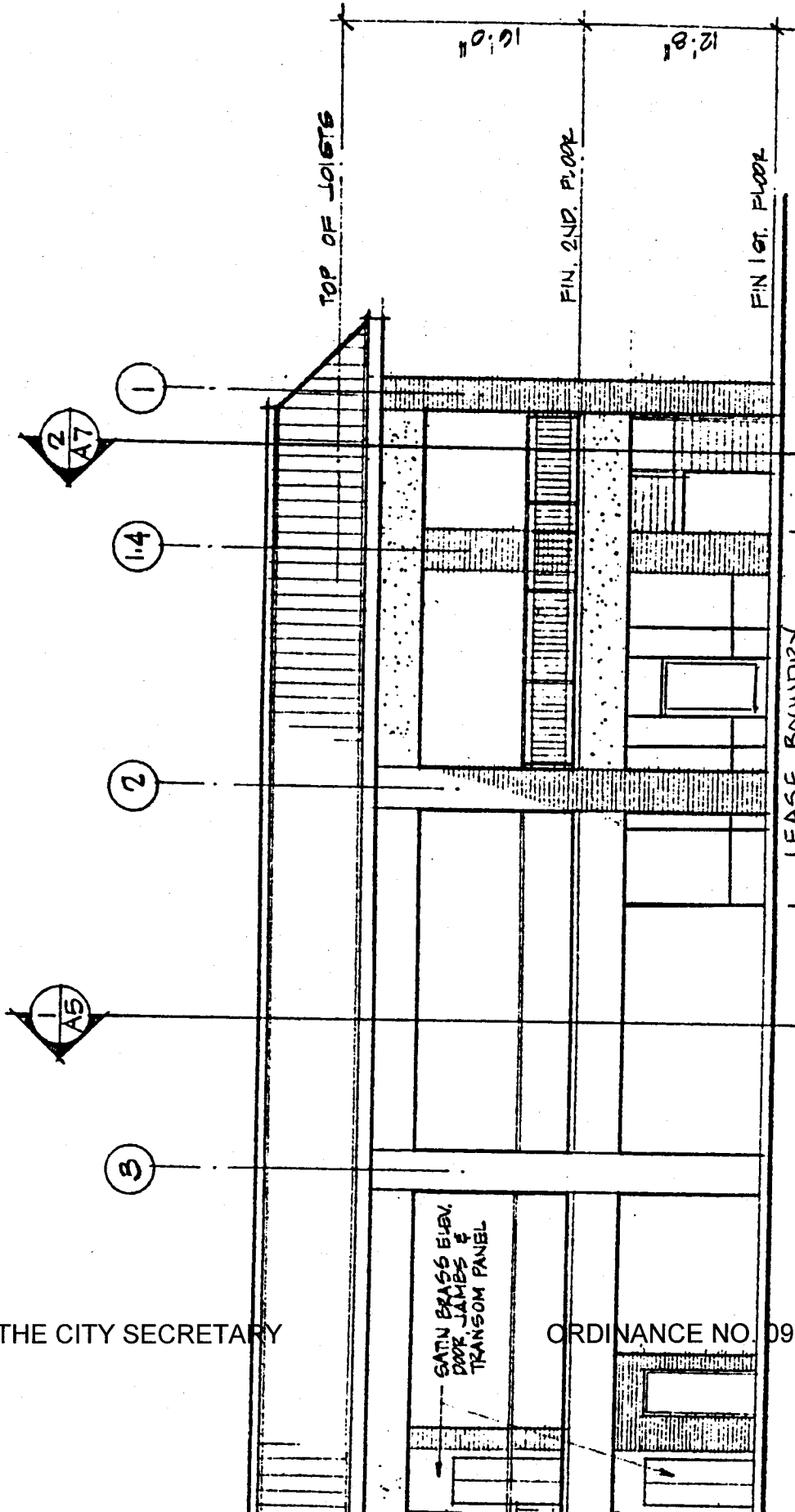
GARY D. LAND
 a r c h i t e c t
 PLANO, TEXAS 972-812-8714

HEALTH HUT
 JUICE BAR & GRILL
 14833 MIDWAY RD. STE. 100, ADDISON, TX.



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