

ORDINANCE NO. 097-052

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 ANTONIO'S RESTAURANT, LOCATED AT ADDISON CIRCLE, BUILDING A, 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. 097-052

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 Antonio's Restaurant. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 3,970 square-foot lease space located in the southeast corner of Building A of the Addison Circle project, located on Tract B of the final plat for Addison Circle, Phase I, which is described as follows:

BEGINNING at a 1/2 inch iron rod set with "Huitt-Zollars" cap at the intersection of the east line of a 20-foot alley in Block F of Julian's Addition with the north right-of-way line of Addison Circle (formerly Mildred Street) as established by instrument to the Town of Addison, Texas as recorded in Volume 91118, Page 1567 of the Deed Records of Dallas County, Texas, said point also being on a platted east line of Addison Conference Center - Addison Centre Theatre plat as recorded in Volume 90241, Page 2807 of the Deed Records of Dallas County, Texas;

THENCE, North 00 degrees 01 minutes 39 seconds East along the east line of said 20-foot alley and the east line of said Addison Conference Center plat a distance of 183.48 feet to a one-inch iron rod found at the most southerly northeast corner of said Addison Conference Center plat;

THENCE, South 89 degrees 57 minutes 01 seconds West along a north line of said Addison Conference Center plat a distance of 80.89 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, North 00 degrees 06 minutes 05 seconds West along an east line of said Addison Conference Center plat a distance of 202.59 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap at the most northerly northeast corner of said plat;

THENCE, South 89 degrees 53 minutes 55 seconds West along the north line of said Addison Conference Center plat a distance of 25.00 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, in a southerly direction along said curve to the left through a central angle of 04 degrees 21 minutes 05 seconds an arc distance of 9.87 feet, being subtended by a chord which bears South 22 degrees 56 minutes 14 seconds West, and is 9.87 feet in length to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, North 82 degrees 48 minutes 27 seconds West a distance of 17.13 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap at the beginning of a curve to the left having a radius of 846.53 feet;

THENCE, in a westerly direction along said curve to the left through a central angle of 07 degrees 12 minutes 46 seconds, an arc distance of 106.57 feet, being subtended by a chord which bears North 86 degrees 24 minutes 50 seconds West, and is 106.50 feet in length to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, South 89 degrees 58 minutes 47 seconds West a distance of 46.39 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, North 00 degrees 10 minutes 48 seconds East a distance of 16.03 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap on the said north right-of-way line of Addison Circle (formerly Mildred Street), said right-of-way line being the beginning of a non-tangent curve to the left having a radius of 856.03 feet;

THENCE, in a westerly direction along the north right-of-way line of Addison Circle (formerly Mildred Street) along said curve to the left through a central angle of 00 degrees 09 minutes 45 seconds an arc distance of .243 feet, being subtended by a chord which bears North 89 degrees 44 minutes 25 seconds West, and is 2.43 feet in length to a 1/2 inch iron rod found with "Huitt-Zollars";

THENCE, North 89 degrees 49 minutes 12 seconds West continuing along the north right-of-way line of Addison Circle (formerly Mildred Street) a distance of 209.35 feet to the POINT OF BEGINNING and CONTAINING 8.462 acres 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, and the elevation drawings which are attached hereto and made a part hereof for all purposes.

THENCE, departing said Addison Conference Center plat line North 00 degrees 06 minutes 05 seconds West a distance of 61.46 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, South 89 degrees 04 minutes 47 seconds East a distance of 171.11 feet to a 1/2 inch iron set with "Huitt-Zollars" cap;

THENCE, North 00 degrees 55 minutes 13 seconds East a distance of 235.00 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, North 89 degrees 04 minutes 47 seconds West a distance of 64.50 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, North 00 degrees 55 minutes 13 seconds East a distance of 61.00 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, South 89 degrees 04 minutes 47 seconds East a distance of 484.50 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap on the west right-of-way line of Quorum Drive as established by instrument to the Town of Addison, Texas as recorded in Volume 92093, page 1073 of the Deed Records of Dallas County, Texas;

THENCE, South 00 degrees 55 minutes 13 seconds West along the west right-of-way line of Quorum Drive a distance of 601.16 feet to a 1/2 inch iron rod found with "Huitt-Zollars" cap at the beginning of a curve to the right having a radius of 1,392.39 feet;

THENCE, continuing along said west right-of-way line and along said curve to the right through a central angle of 06 degrees 05 minutes 10 seconds an arc distance of 147.90 feet, being subtended by a chord which bears South 03 degrees 57 minutes 48 seconds West, and is 147.83 feet in length to a 1/2 inch iron rod found with "Huitt-Zollars" cap;

THENCE, South 07 degrees 00 minutes 23 seconds West continuing along the west right-of-way line of Quorum Drive a distance of 12.27 feet to a 1/2 inch iron rod found with "Huitt-Zollars" cap in the said north right-of-way line of Addison Circle (formerly Mildred Street);

THENCE, North 82 degrees 48 minutes 27 seconds West along the North right-of-way line of Addison Circle (formerly Mildred Street) a distance of 83.56 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap at the beginning of a non-tangent curve to the left having a radius of 130.00 feet;

THENCE, in a southerly direction along said curve to the left through a central angle of 04 degrees 21 minutes 05 seconds an arc distance of 9.87 feet, being subtended by a chord which bears South 22 degrees 56 minutes 14 seconds West, and is 9.87 feet in length to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, North 82 degrees 48 minutes 27 seconds West a distance of 17.13 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap at the beginning of a curve to the left having a radius of 846.53 feet;

THENCE, in a westerly direction along said curve to the left through a central angle of 07 degrees 12 minutes 46 seconds, an arc distance of 106.57 feet, being subtended by a chord which bears North 86 degrees 24 minutes 50 seconds West, and is 106.50 feet in length to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, South 89 degrees 58 minutes 47 seconds West a distance of 46.39 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap;

THENCE, North 00 degrees 10 minutes 48 seconds East a distance of 16.03 feet to a 1/2 inch iron rod set with "Huitt-Zollars" cap on the said north right-of-way line of Addison Circle (formerly Mildred Street), said right-of-way line being the beginning of a non-tangent curve to the left having a radius of 856.03 feet;

THENCE, in a westerly direction along the north right-of-way line of Addison Circle (formerly Mildred Street) along said curve to the left through a central angle of 00 degrees 09 minutes 45 seconds an arc distance of .243 feet, being subtended by a chord which bears North 89 degrees 44 minutes 25 seconds West, and is 2.43 feet in length to a 1/2 inch iron rod found with "Huitt-Zollars";

THENCE, North 89 degrees 49 minutes 12 seconds West continuing along the north right-of-way line of Addison Circle (formerly Mildred Street) a distance of 209.35 feet to the POINT OF BEGINNING and CONTAINING 8.462 acres 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, and the 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 3,970 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. 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.
7. 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.
8. 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.
9. Shall not use "Bar" in any signage.
10. The restaurant kitchen must meet all requirements of the food service ordinance.
11. The location of a valet stand (if used) must be approved by the staff prior to implementation of a valet service.

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


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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 11th day of November, 1997.


MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 1309-SUP

APPROVED AS TO FORM:


DIRECTOR OF DEVELOPMENT SERVICES

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 097-052

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