

ORDINANCE NO. 001 - 006

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 BAJA FRESH MEXICAN RESTAURANT, LOCATED AT 4930 BELT LINE ROAD, SUITE 190, 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 a restaurant and a special use permit for the sale of alcoholic beverages for on-premises consumption to Baja Fresh

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

BEGINNING at the northwestern corner of Quorum, as recorded in Volume 79100, Page 1895, May 21, 1979, Plat Records, Dallas County, Texas. Said point being on the south right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE N 89 degrees 46'47" East along said Belt Line Road for a distance of 285.00 feet to a point for corner; said pint being on the southwest corner of the intersection of Belt Line Road (100' foot R.O.W.) and Quorum Drive (115.00 foot R.O.W.) at that point;

THENCE S 00 degrees 13'13" East along the west right-of-way line of said Quorum Drive, for a distance of 97.60 feet to a point of curvature of a curve to the left, whose delta is 15 degrees 58'29"; a radius of 408.00 feet, and a tangent of 57.25.

THENCE southerly along said curve for a distance of 113.76 feet to a pint of curvature of a curve to the left whose delta is 4 degrees 53'55" a radius of 1726.75 feet, and a tangent of 73.86 feet.

THENCE southeasterly along said curve for a distance of 147.63 feet to a point for a corner;

THENCE S 89 degrees 46'47" West for a distance of 339.49 feet to a point for corner, said point being on the west boundary line of Quorum;

THENCE N 01 degrees 30'57" West along said boundary line for a distance of 350.00 feet to a pint for corner; said pint being the POINT OF BEGINNING.

CONTAINING 104,241.82 square feet or 2.393 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, 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 2,925 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 cancelled 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 the term "Bar", "Tavern", or any equivalent term or graphic depiction related to the sale of alcoholic beverages in any exterior signage.

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 13th day of February, 2001.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1384-SUP

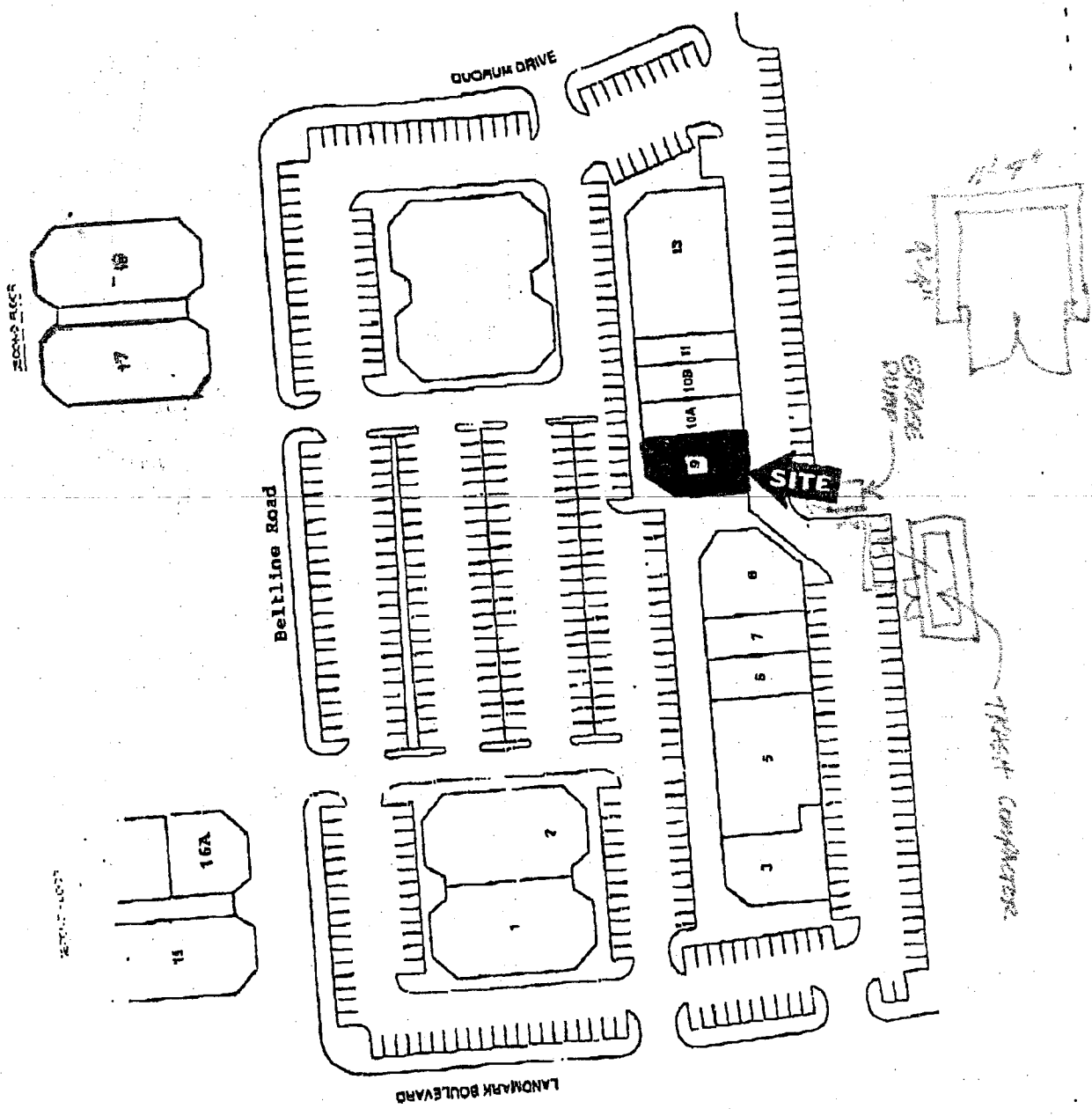
APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: _____

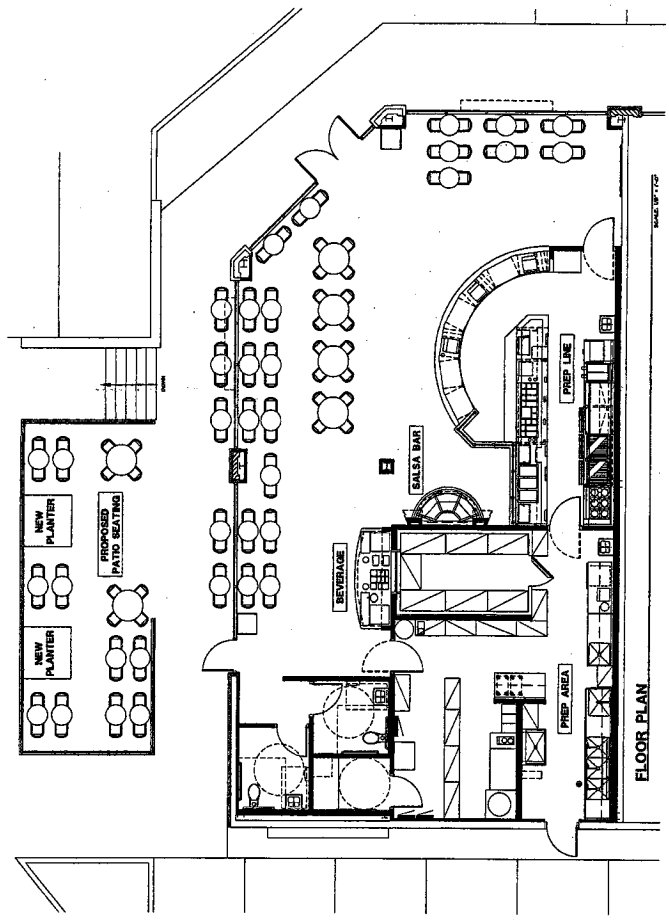
NW morning news 5/18/01

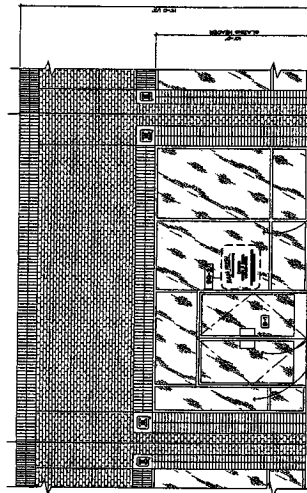


Quorum II Shopping Center
4930 Beltline Road
Addison, Texas

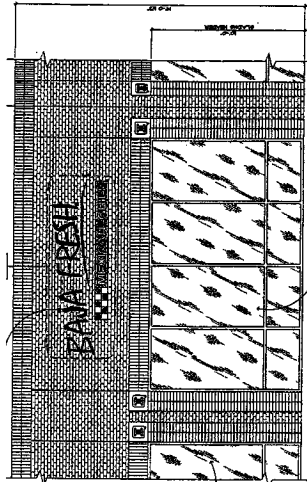
No.	Tenant	Size
1	Motress Giant	5,815
2	AT&T Wireless	5,740
3	Thai Orchid	3,428
5	Salons of Addison	6,237
6	Temporary Leaze	1,480
7	Jade Computer	1,996
8	Palm Beach Tan	4,020
9	Vacant	2,593
9	Vacant	1,843
10A	Desert Designs	1,897
10E	Quorum Clearings	1,200
11	Bloomberg	6,558
13	Knock-out Fitness	11,830
14	The Gap	6,226
15	Slimy Fondie	3,000
16	All Tech Computers	3,094
16A	Vacant	6,169
17	Tavern Restaurant	6,169
18	The Improv	6,226

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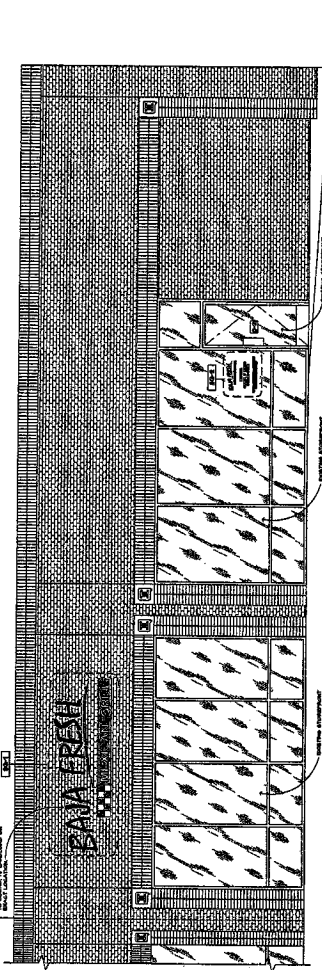




(A) STOREFRONT ELEVATION



(B) STOREFRONT ELEVATION



(C) STOREFRONT ELEVATION