

**ORDINANCE NO. 002-003**

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 DUKE'S ORIGINAL ROAD HOUSE (FORMERLY HOFFBRAU STEAKS, LOCATED AT 4180 BELT LINE ROAD, AND BEING 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 Duke's Original

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

BEING a 1.611 acre tract of land situated in the Thomas L. Chenoweth survey, Abstract No. 273, in the Town of Addison, Dallas County, Texas, said tract being all of Lot 2, Block A, Sam's Club Addition, an addition to the City of Addison, Dallas County Texas, according to the plat recorded in Volume 92109, Page 3687, Map Records, Dallas County, Texas, said 1.611 acre tract being further described by metes and bounds as follows:

BEGINNING at a 5/8" iron pin with cap stamped "Dunaway Associates" set at the northeast corner of said Lot 2, said point also being in the south right-of-way line of Belt Line Road, a variable width public right-of-way;

THENCE South 01°18'15" East, 350.93 feet to a 5/8" iron pin with cap stamped "Dunaway Associates" set at the southeast corner of said Lot 2;

THENCE South 89°57'48" East, 203.47 feet to a 5/8" iron pin with cap stamped "Dunaway Associates" set at the southwest corner of said Lot 2'

THENCE North 00°01'18" East, 352.96 feet to a 5/8" iron pin with cap stamped "Dunaway Associates" set at the northwest corner of said Lot 2, said point also being the said south right-of-way line of Belt Line Road;

THENCE South 89°25'00" East along said south right-of-way line, 195.35 feet to the POINT OF BEGINNING and containing 1.611 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, landscape plan, and the elevation drawings showing four exterior walls, 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 10,010 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. Restaurant, for the purpose of this ordinance, is an establishment which receives at least forty percent (40%) of its gross

revenue 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. The restaurant shall not use the term "Bar," "Tavern," or any equivalent term, or graphic depiction related to alcoholic beverages, in any exterior signs.
10. The applicant shall indicate, on the landscaping plan, where the existing crape myrtles will be relocated.
11. Any new mechanical equipment must be screened from all adjacent properties. The screening mechanism shall be architecturally compatible, and the Building Official shall make the determination of "architecturally compatible."
12. The applicant shall make his best effort to meet a 60/40 food-to-alcohol sales ratio, but shall at least maintain a minimum food-to-alcohol sales ratio of 40/60.

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.

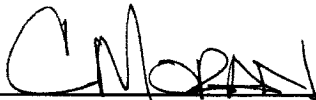
SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed. This ordinance shall specifically repeal ordinances 092-052 and 094-080, previously granted to Hoffbrau Steaks. All other ordinances of the City not in conflict with the 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 January 2002.



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MAYOR

ATTEST:



\_\_\_\_\_  
CITY SECRETARY

CASE NO. 1398-SUP

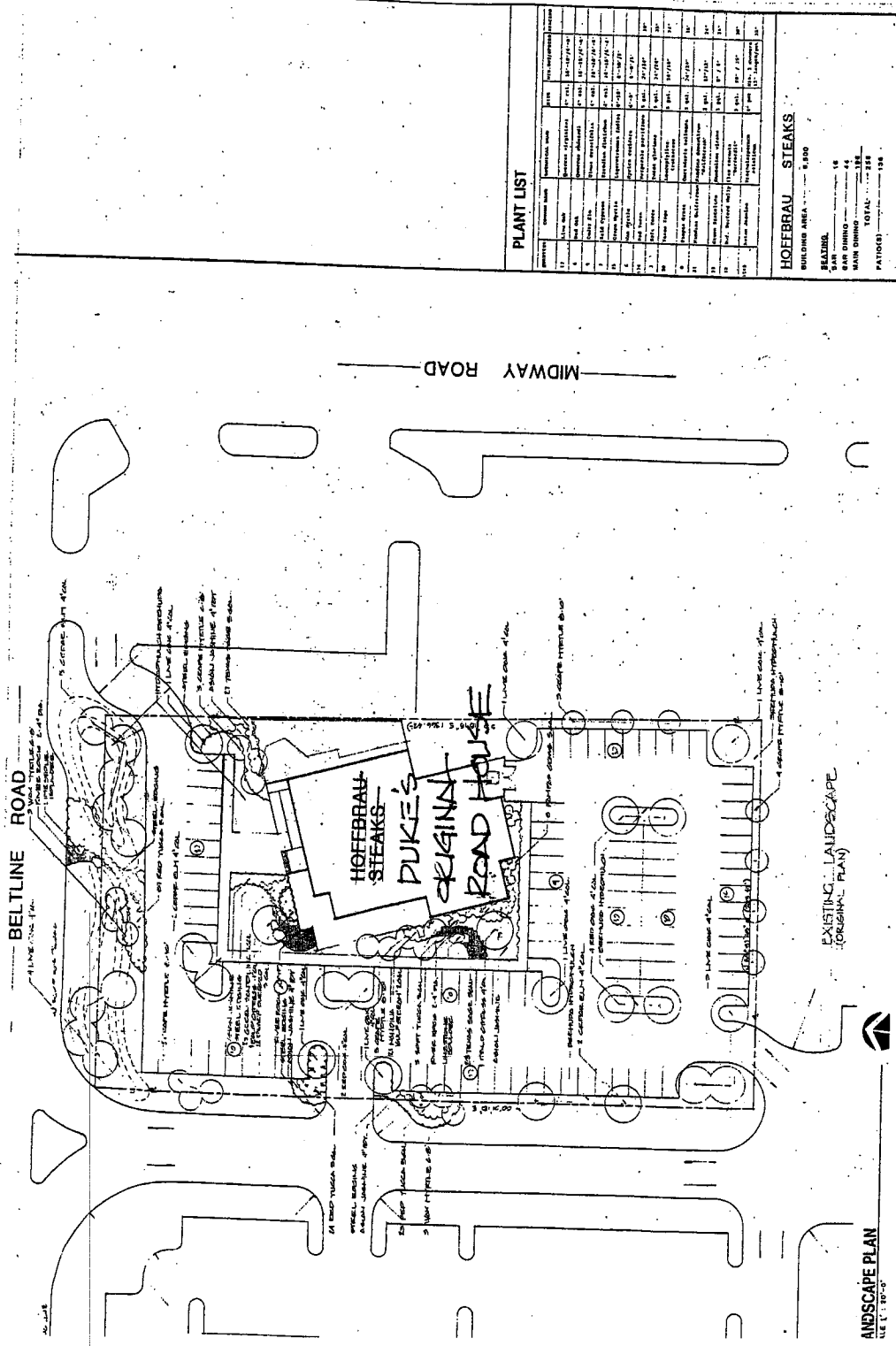
APPROVED AS TO FORM:



\_\_\_\_\_  
DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: \_\_\_\_\_

Published  
NO Morning News



PLANT LIST

NO.	PLANT NAME	QUANTITY	SIZE	PLANT SPECIFICATIONS
1	Aspen	10	10"	10" DBH
2	Bald Cypress	10	10"	10" DBH
3	Black Gum	10	10"	10" DBH
4	Black Locust	10	10"	10" DBH
5	Black Walnut	10	10"	10" DBH
6	Blackberry	10	10"	10" DBH
7	Blackberry	10	10"	10" DBH
8	Blackberry	10	10"	10" DBH
9	Blackberry	10	10"	10" DBH
10	Blackberry	10	10"	10" DBH
11	Blackberry	10	10"	10" DBH
12	Blackberry	10	10"	10" DBH
13	Blackberry	10	10"	10" DBH
14	Blackberry	10	10"	10" DBH
15	Blackberry	10	10"	10" DBH
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24	Blackberry	10	10"	10" DBH
25	Blackberry	10	10"	10" DBH
26	Blackberry	10	10"	10" DBH
27	Blackberry	10	10"	10" DBH
28	Blackberry	10	10"	10" DBH
29	Blackberry	10	10"	10" DBH
30	Blackberry	10	10"	10" DBH

HOFFBRAU STEAKS

BUILDING AREA = 5,180

SEATING

BAR DRINKS = 16

MAIN DINING = 124

TOTAL = 140

PATROLS = 128

PARKING SPACES = 128

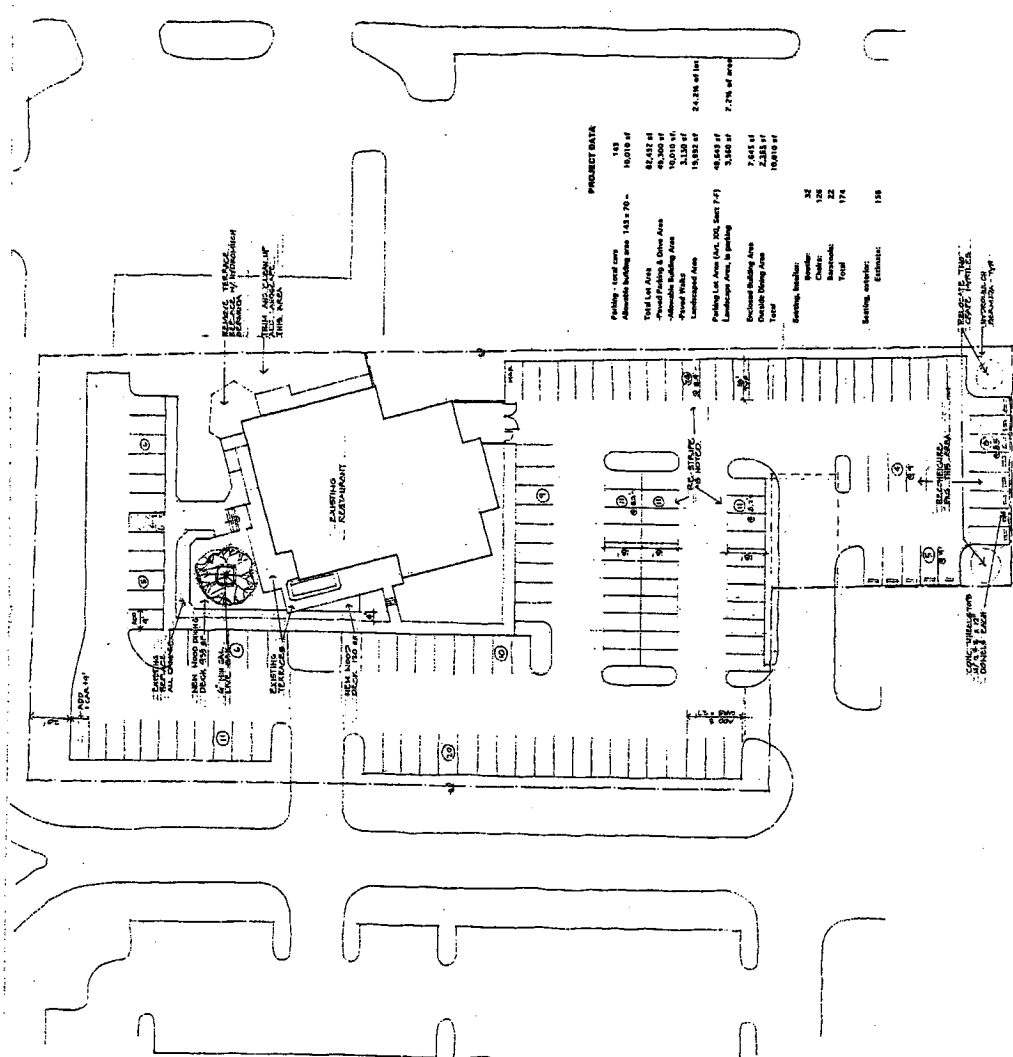
LANDSCAPE PLAN  
SHEET 1 OF 2

**SAM'S BOAT**  
**DIKE'S ORIGINAL**  
**BOARD HOUSE**

**SAM'S BOAT**  
 Conversion of HORSEAU STEAKS 10  
 APOISON, TEXAS

TMHI  
 PROJECTS  
 2 NOV 01

1



**PROJECT DATA**

Project - total area	143
Aluminum building area	14,078 sf
Total Lot Area	82,432 sf
Proposed Parking & Drive Area	49,300 sf
Aluminum Building Area	14,078 sf
Landscaping Area	19,032 sf
Project Lot Area (145,000, Sect 7/1)	48,645 sf
Subtotal Building Area	3,859 sf
Driveway Slabbing Area	7,541 sf
Total	2,249 sf
Typical	18,019 sf

Structure Number	34
Chairs	128
Tables	22
Total	174

Seating, number:	128
Estimate:	

**SAM'S BOAT**  
DUKE'S ORIGINAL  
ROAD HOUSE

CONVERSION OF HORSEBAU STEAKS TO  
**SAM'S BOAT**

TMHI  
PROJECT NO. 100000000  
DATE 10/10/00

