

ORDINANCE NO. 002 - 026

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, AND A SPECIAL USE PERMIT FOR THE ADDITION OF A 284 SQUARE FEET PATIO, ON APPLICATION FROM CLYDE'S CORNER DELI, LOCATED AT 14901 QUORUM DRIVE, 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 Clyde's Corner Deli. Said special use permits shall be granted on the following described property, to-wit:

TRACT I

BEING a 3.541 acre tract of land out of the Josiah Pancoast Survey, abstract No. 1146, being an addition to the City of Addison, Dallas County, Texas, said tract being out of Quorum, a 71.90 acre tract of land, as recorded in Volume 79100, Page 1895, Plat records, Dallas County, Texas, said 3.541 acre tract being more particularly described as follows:

COMMENCING at a point, said point being the northwest corner of said Quorum and also being located in the south R.O.W. line of Belt Line Road;

THENCE S 01°30'57" E along the west property line of said Quorum, for a distance of 1,155.15 feet to the POINT OF BEGINNING;

THENCE N 88°29'03" E for a distance of 570.11 feet to a point for a corner, said point being located in the west R.O.W. line of Quorum Drive and also being located in a curve whose central angle is 7° 08' 55" and whose radius is 777.43 feet;

THENCE Southerly along said curve for a distance of 97.00 feet to the point of tangency of said curve;

THENCE S14 °19'18" W for a distance of 207.07 feet to a point for a corner

THENCE S89°46'47" W for a distance of 493.22 feet to a point for a corner

THENCE N01°30'57" W for a distance of 282.80 feet to the POINT OF BEGINNING

Said tract of land containing 154,239.77 square feet of land or 3.541 acres.

TRACT II

A 1.861 acre tract of land out of the Josiah Pancoast Survey, Abstract No. 1146, and the G.W. Fisher Survey Abstract No. 482, Dallas County, Texas, and being out of Quorum, a 71.90 acre addition to the City of Addison, as recorded in Volume 79100, Page 1895, Plat Records, Dallas County, Texas; said 1.861 acre tract being more particularly described as follows:

COMMENCING at a point, said point being the northwest corner of Block 2, of said Quorum Addition, also being the intersection of the south right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE S01°30'57" E for a distance of 1155.15 feet to the POINT OF BEGINNING;

THENCE N88°29'03" E for a distance of 570.11 feet to a ½ inch iron rod for corner; said point being the point of curvature of a curve to the left; said curve having a radius of 777.43 feet, a tangent of 70.71 feet, and an internal angle of 10°23'38" ; said point being the west R.O.W. line of Quorum Drive (variable R.O.W.);

THENCE 88°29'03" W for a distance of 578.64 feet, to a ½ inch iron rod for corner;

THENCE S01°30'57" E for a distance of 140.58 feet to a ½ inch iron rod for corner; said point being POINT OF BEGINNING;

Containing 81,045.83 square feet or 1,861 acres of land.

SECTION 2. That the Special Use Permit is approved 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, irrigation 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 1076 square feet which includes a 284 square feet patio.
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. The establishment shall not use the term "bar", "tavern", or any other terms or graphic depictions that relate to the sale of alcoholic beverages in 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 13th day of August, 2002.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1413-SUP

APPROVED AS TO FORM:

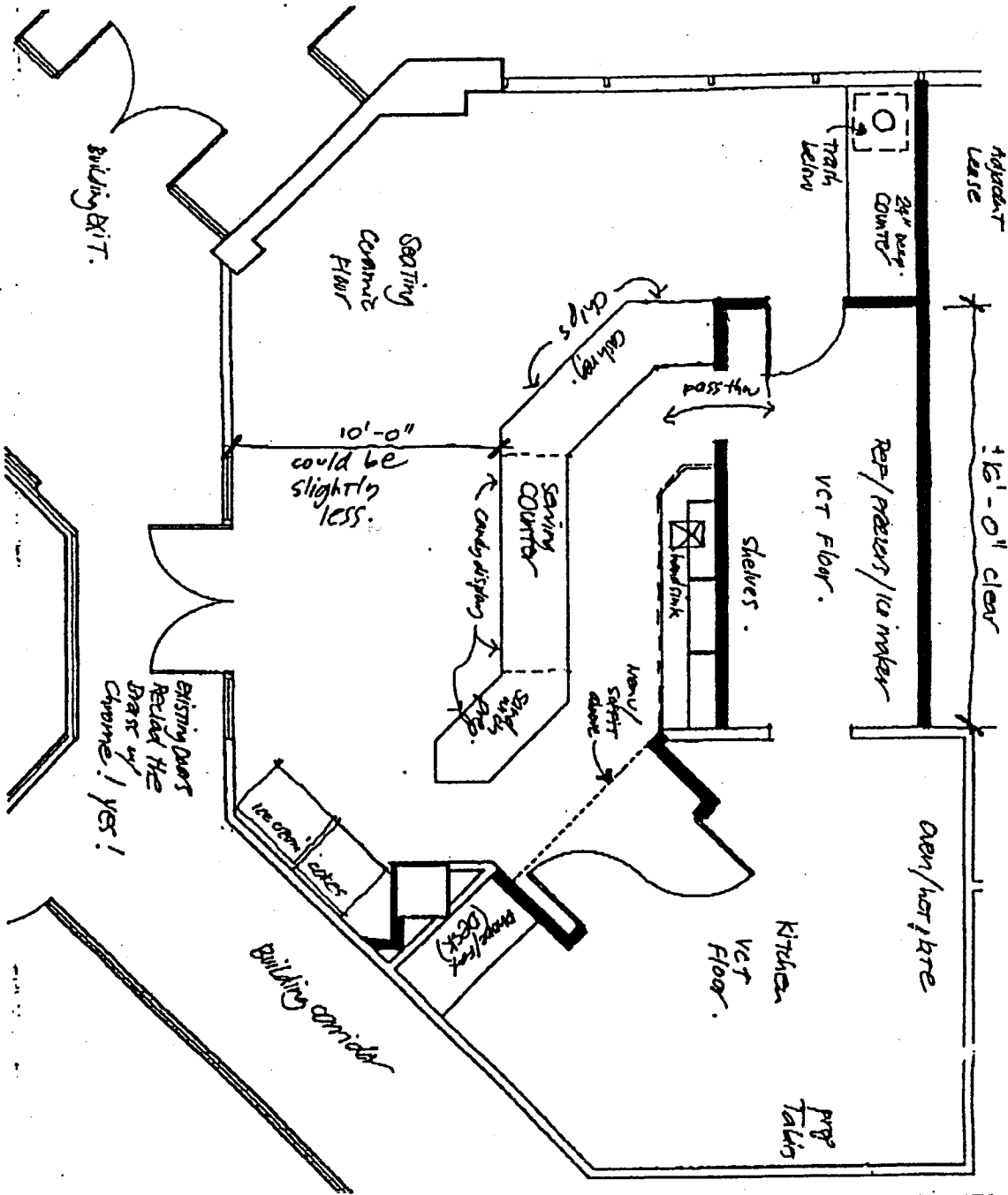


DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: _____

Exhibit A

- FINISHES**
- FLOOR: CERAMIC TILE / VCT
 - WALL: BARE CERAMIC TILE TO MATCH FLOOR
 - WALL: TAPESTRY/STAINLESS STEEL TRIM
 - CEILING: NEW TILE IN EXISTING GRID
 - WALL: FLOOR TILE OVER EXISTING LIME AND MORTAR
- LEGEND**
- 1. DUMPER OUTLET
 - 2. DUMPER OUTLET
 - 3. DUMPER OUTLET
 - 4. BELONG TO STANDARD VESSEL/DRAIN OUTLET
- Existing walls shown without shading!
New walls shown with black shading.

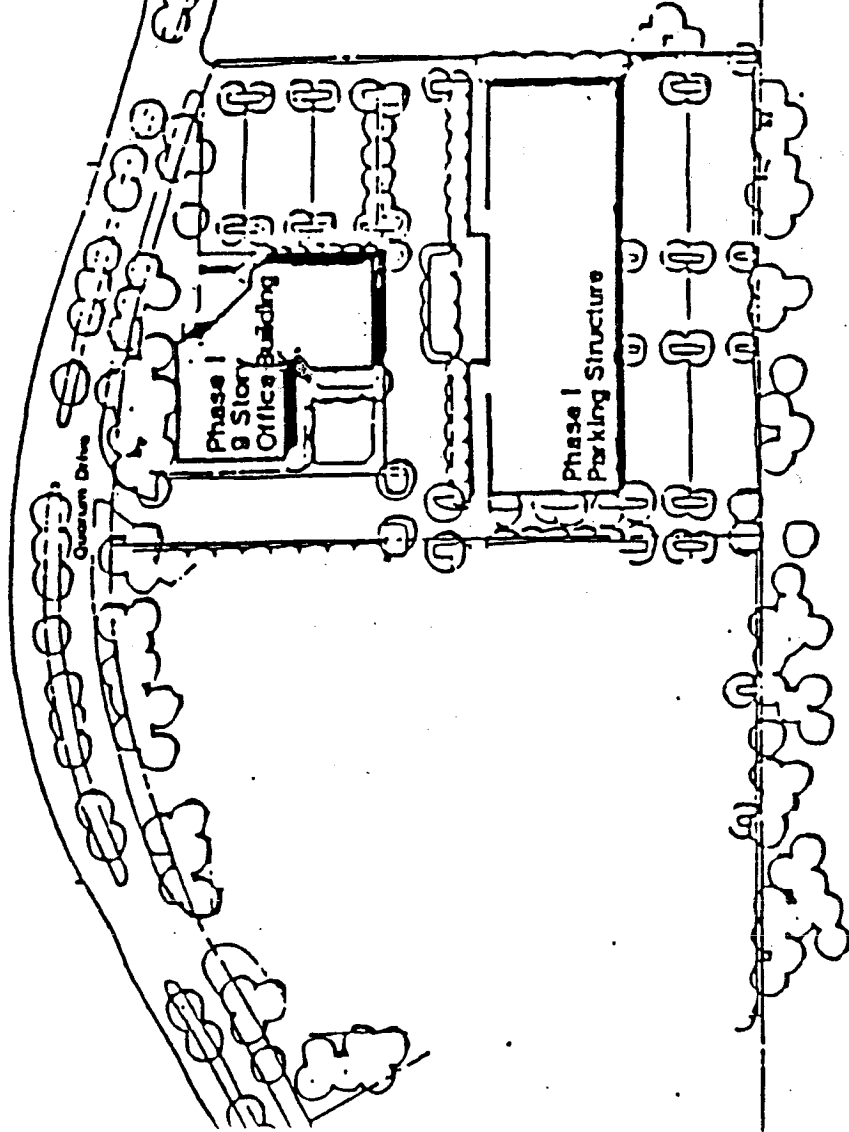


CarrAmerica
Quorum Place
Building Dept

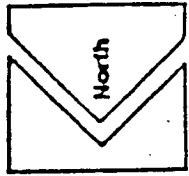
GroundZero

QUORUM PLACE

SITE MAP



Vicinity Plan



Scale - 1" = 100'