

ORDINANCE NO. 004-014

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING ORDINANCE NO. 087-023, AS HERETOFORE AMENDED, SO AS TO AMEND AN EXISTING SPECIAL USE PERMIT FOR A RESTAURANT AND AN EXISTING SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ONLY, ON APPLICATION FROM RED BARON, LOCATED AT 4440 BELT LINE ROAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A 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. That Ordinance No.087-023, passed by the Addison City Council on the 12th day of May 1987, is hereby amended by amending Section 2 to read as follows:

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 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 only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 3,525 square feet.
3. No signs advertising the 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. No terms such as "bar", "tavern" or any terms or graphic depictions that relate to the sale of alcoholic beverages shall be used in exterior signs.
4. That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. The applicant will adhere to the Town's Ordinance requirement in that at least sixty percent (60%) of their gross revenues will be 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. If the property for which the special use permit is granted 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 purposed of considering a change of zoning.
8. 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 for considering a change of zoning.
9. 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.
10. A revised landscaping plan shall be submitted by the applicant that includes all landscaping on the site. A Landscape Architect licensed in the state of Texas must provide the plan.
11. Any new mechanical equipment shall 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. There shall not be any "live" performances outdoors on the deck.
13. Landscaping shall not be allowed to be less than 20% of site. The site shall not have less than 20% landscaping.

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 9th day of March, 2004.

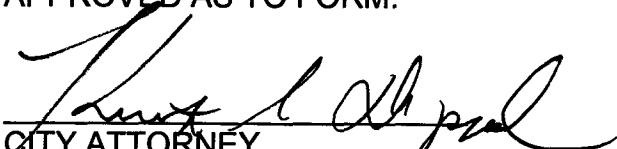

MAYOR

ATTEST:

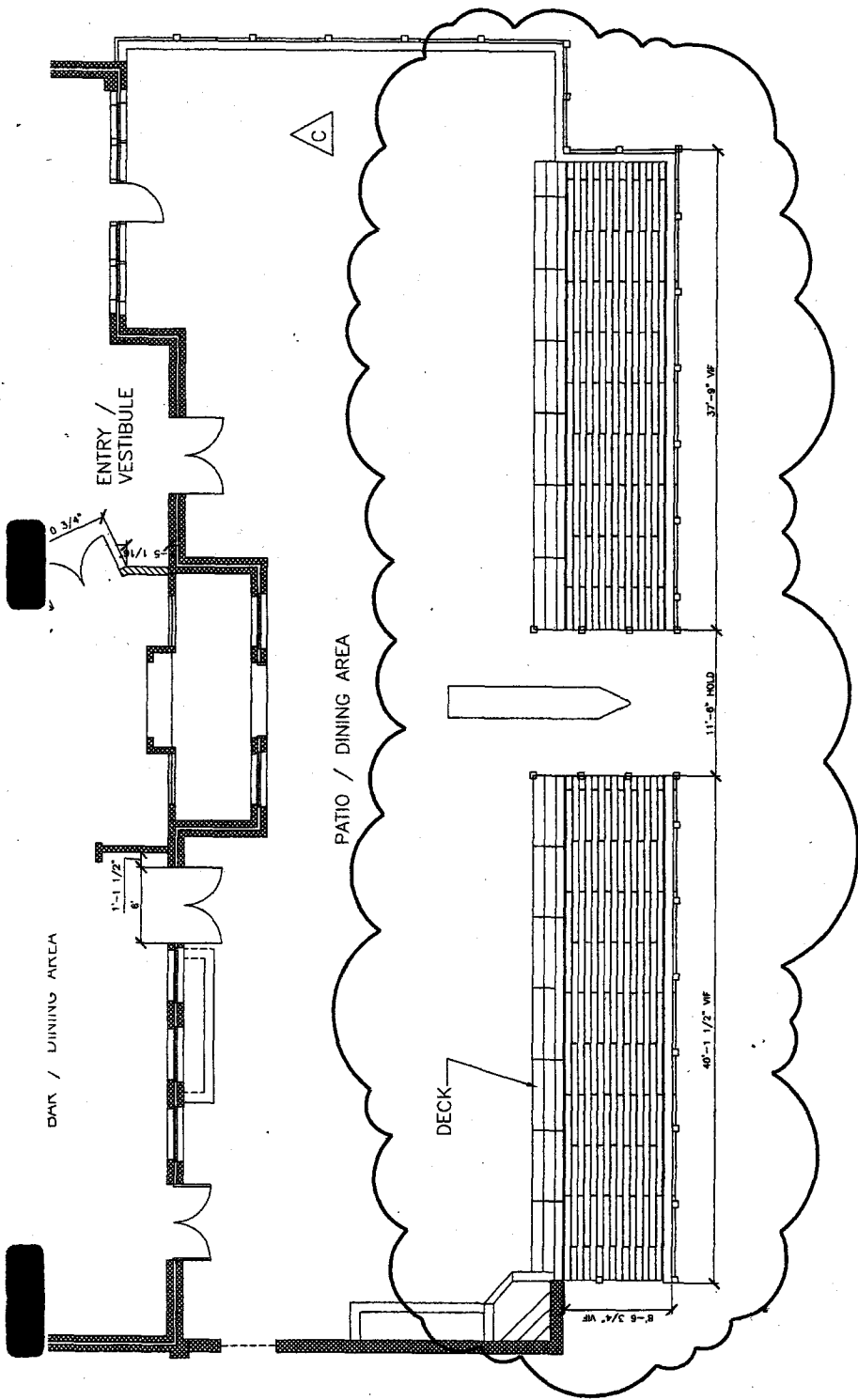

CITY SECRETARY

CASE NO. 1447-SUP

APPROVED AS TO FORM:


CITY ATTORNEY

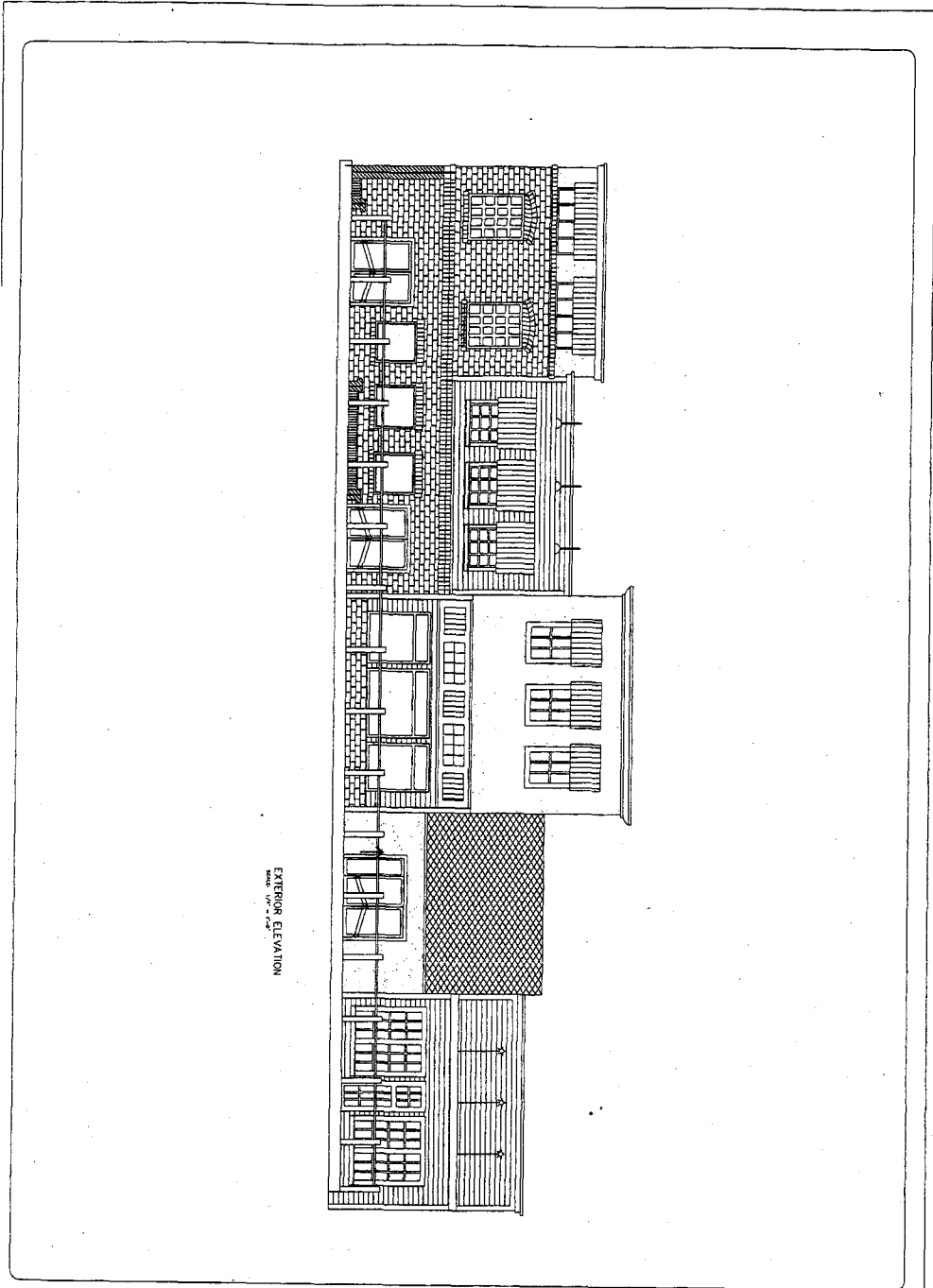
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VISION 360
 5714 MC COMMAS
 SUITE 1
 DALLAS, TX. 75206

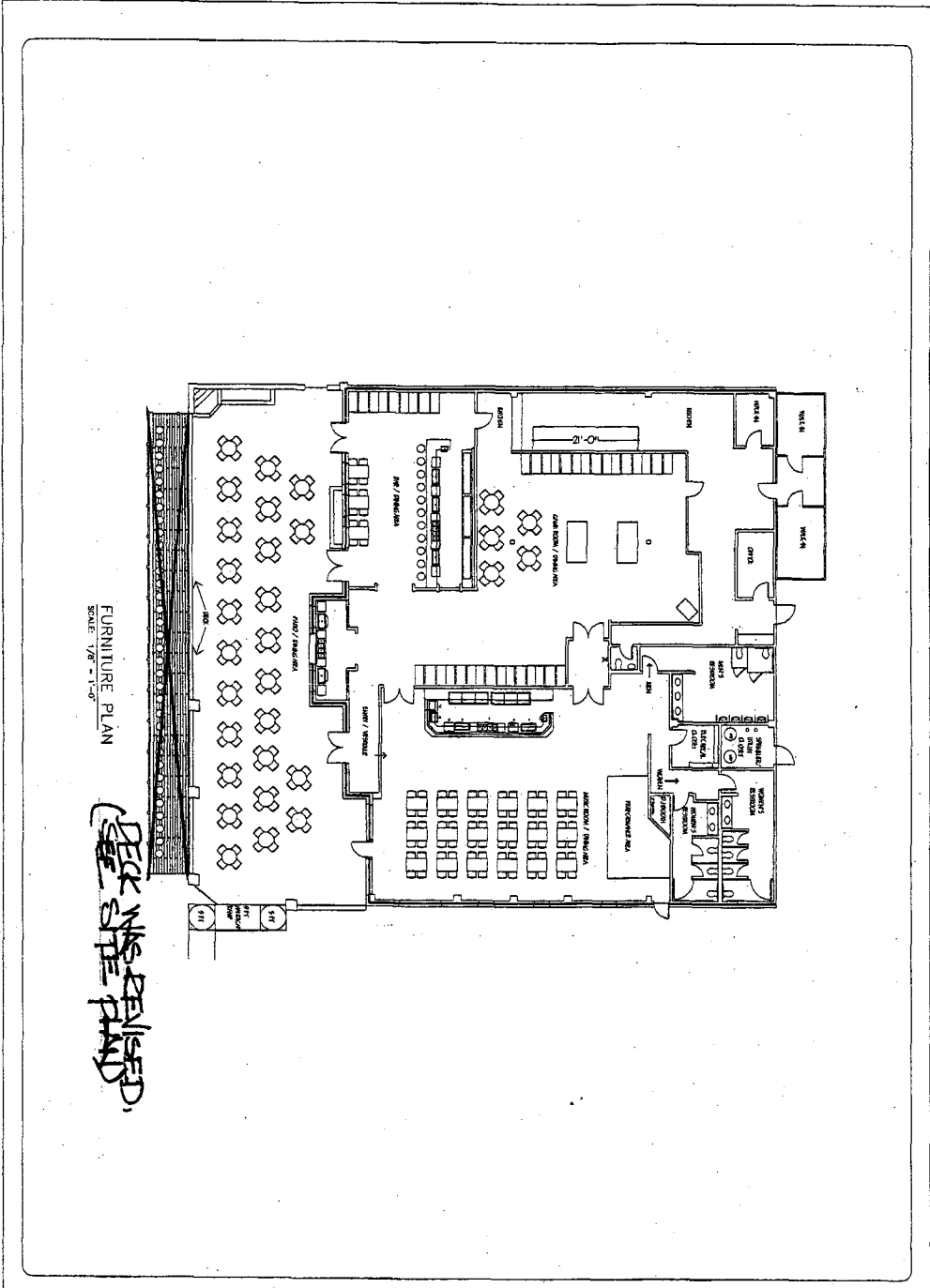
PATIO DECK REVISION
 TOTAL DECK SQUARE
 FOOTAGE IS 692 S.F.
 SCALE: 1/8" = 1'-0"

NAME OF RESTAURANT
 PENDING
 4440 BELTLINE RD.
 ADDISON ROAD, TX.



EXTERIOR ELEVATION
North 1/4" = 1'-0"

REVISIONS DATE: 12/21/04 BY: J. W. WOOD A2.1 SHEET NUMBER		VISION 360 5714 McCOMMAS BLVD. SUITE 1 DALLAS, TX 75206	4440 BELTLINE, LTD	RED BARON (TBD) 4440 BELTLINE ROAD ADDISON, TX 75001	DATE: 2/21/05 JOB#: 5031
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SHEET NUMBER A1.2		VISION 360 5714 McCOMMAS BLVD. SUITE 1 DALLAS, TX 75206	4440 BELTLINE, LTD	RED BARON (TBD) 4440 BELTLINE ROAD ADDISON, TX 75001	FURNITURE PLAN	DATE: 2/21/03 JOB#: 5031
		REMARKS:				