

ORDINANCE NO. 004-034

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 ONLY, ON APPLICATION FROM BAKER BROS. DELI, LOCATED AT 5000 BELT LINE ROAD, SUITE 300, 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 only on application from Baker Bros. Deli. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

Being a 3,038 square foot lease space, addressed as 5000 Belt Line Road, Suite 300, and being a part of Site 4 Block 1, an 8.000 acre tract of land situated in the Josiah Pancoast Survey, Abstract No. 1146, and the G. W. Fisher Survey Abstract No. 482, included in a 70 acre tract conveyed to Fannie Noell by deed filed October 14, 1926, in volume 1358, page 20, and all of the land conveyed to Carroll N. Rather by Fannie Noell Rather in two deeds recorded in volume 70244, page 1539, and volume 70244, page 1533 together with the Gifford Touchstone tract recorded in volume 759, page 1992, all recorded in the deed records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the South right-of-way line of Belt Line Road (100 foot R.O.W.), said point being N 89° 46' 47" E, a distance of 400.00 feet from the Northwest corner of said 70 acre tract.

THENCE N 89° 46' 47" E along the South line of said Belt Line Road for a distance of 755.10 feet to a point for corner;

THENCE S 89° 24' 30" E, continuing with said South line of Belt Line Road for a distance of 203.19 feet to a point for corner;

THENCE S 00° 10' 14" E for a distance of 175.00 feet to a point for corner;

THENCE S 89° 58' 48" E for a distance of 208.35 feet to a point in the West right-of-way line of Dallas Parkway (120 foot R.O.W.) said point being in a curve to the right whose center bears N 83° 01' 59" W, said curve having a radius of 894.93 feet a tangent of 78.33 feet, and an internal angle of 10° 00' 14";

THENCE Southwesterly along said curve to the right and along said West line of Dallas Parkway for an arc distance of 156.26 feet to a point for corner;

THENCE S 89° 46' 47" W for a distance of 1117.79 feet to a point in a curve to the right whose center bears N. 72° 06' 50" E, said curve having a radius of 590.88, a tangent of 123.39 feet, and an internal angle of 23° 35' 26";

THENCE along said curve to the right for an arc distance of 243.48 feet to the point of tangency thereof;

THENCE N 05° 42' 16" E for a distance of 91.47 feet to the POINT OF BEGINNING, Containing 348,476.28 square feet of 8.000 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 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 3,038 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. The applicant/operator shall not use any terms (such as "bar", "tavern", etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs.
10. The building must meet all applicable food service, building and fire safety codes.
11. The landscaping for the site shall be installed and the irrigation system for the site inspected prior to the issuance of a Certificate of Occupancy for this restaurant.

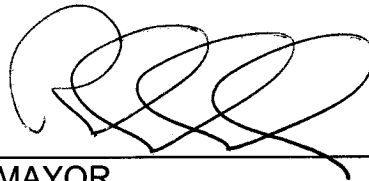
SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the

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.

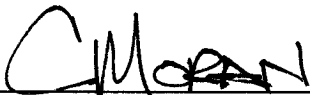
SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 10th day of August, 2004.



MAYOR

ATTEST:



CITY SECRETARY

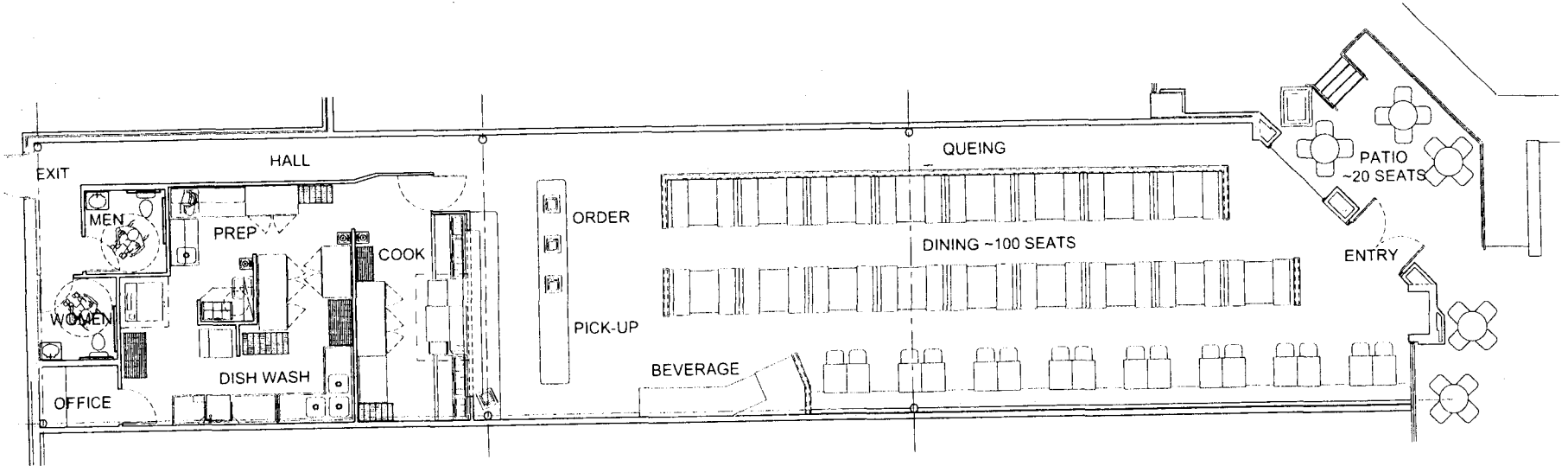
CASE NO. 1466-SUP

APPROVED AS TO FORM:

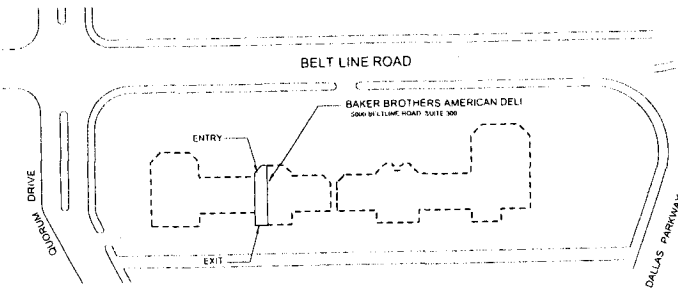


DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: NUOM News 9-17-04



01 BAKER BROTHERS FLOOR PLAN
1/8"=1'-0"



01 ADDISON WALK SITE PLAN
NO SCALE

BAKER BROTHERS AMERICAN DELI

5000 BELTLINE ROAD STE 300
ADDISON, TX 75001

SUBMITTED FOR:

FLETCHER BROS. ADDISON, LTD
4945 CARNEGIE DRIVE
FRISCO, TX 75034

PROPERTY OWNER:

BELTLINE QUORUM, LTD.
8150 N CENTRAL EXPWY #1515
DALLAS, TX 75206

CURRENT AND PROPOSED ZONING 'PD'

PROPERTY:

LAND AREA -7.376 ACRES (321,000 SQ FT)
BUILDING AREA (INCLUSIVE) 78,700 SQ FT

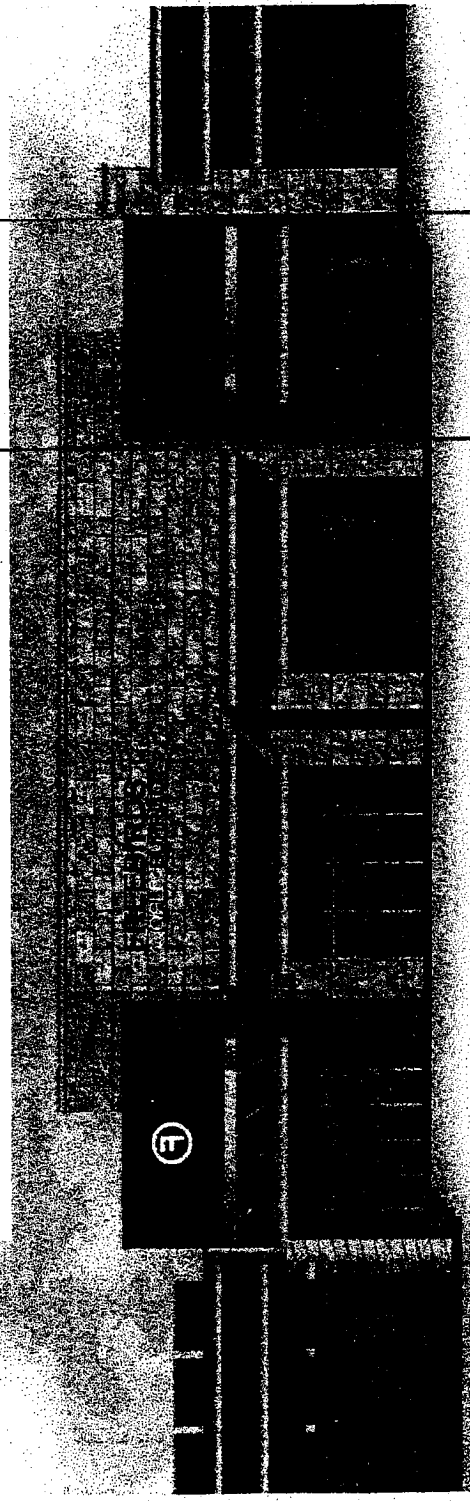
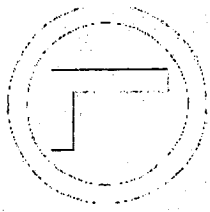
BAKER BROTHERS AMERICAN DELI

2,938 SQ FT - IN-LINE LEASE SPACE
17 PARKING SPACES REQ'D @ 1/180
100 DINING SEATS

<p>LANDLORD BELTLINE QUORUM, LTD. 8150 N CENTRAL EXPRESSWAY #1515 DALLAS TX 75206 ATTN: MARK HENDERSON 214 881 3326</p>	<p>TOWN OF ADDISON DEVELOPMENT SERVICES DEPARTMENT 16501 WESTGRIVE DRIVE ADDISON TX 75001 ATTN: LYNN CHANDLER 972 459 2680</p>	<p>ARCHITECT ARCVISION, INC 1311 AIRPORT FWY W, STE 307 FUESS, TX 75049 MATTHEW GREEN 817 688 8007</p>	<p>OWNER FLETCHER BROS. ADDISON, LTD 4945 CARNEGIE DRIVE FRISCO, TX 75034 ATTN: ROSE FLETCHER 214 539 0223</p>	<p>ARCVISION INCORPORATED 2111 SOUTH WILLOW STREET SUITE 300 DALLAS TX 75206 PHONE: 817 688 8007 FAX: 817 688 1887</p>	<p>REGISTRATION SEAL</p>	<p>I hereby certify that these plans and specifications were prepared by me or under my direct supervision and to the best of my knowledge comply with all applicable codes. I am a duly registered architect under the laws of the State of TEXAS and supervised by the State Board of Architecture.</p>	<table border="1"> <thead> <tr> <th>PROJECT NO.</th> <th>DATE</th> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>NAME</th> </tr> </thead> <tbody> <tr> <td>041046</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="6">DRAWN BY: _____</td> </tr> <tr> <td colspan="6">CHECKED BY: _____</td> </tr> <tr> <td colspan="6">ISSUE DATE: _____</td> </tr> <tr> <td colspan="6">SUP PLAN SUBMITTAL</td> </tr> </tbody> </table>	PROJECT NO.	DATE	REV.	DATE	DESCRIPTION	NAME	041046						DRAWN BY: _____						CHECKED BY: _____						ISSUE DATE: _____						SUP PLAN SUBMITTAL						<p>SUP1</p>
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BAKER
BROS.
DELI



1 FRONT ELEVATION
Scale: 1/4" = 1'-0"