ORDINANCE NO. 005-015

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 ON THE BORDER MEXICAN GRILL AND CANTINA, LOCATED AT A TRACT OF 1.76 ACRES ON THE NORTH SIDE OF BELT LINE ROAD, APPROXIMATELY 300 FEET EAST OF THE INTERSECTION OF BELT LINE ROAD AND ADDISON ROAD, 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 to On the Border Mexican Grill and Cantina. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

Being all of Lot 1A, Block A, a 1.76 acre lot, of the Final Plat of BELTWAY-QUORUM ADDITION, an addition to the Town of Addison, Dallas County, Texas, as thereof recorded in Volume 2004014, Page 00009 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows (bearing system based on the said Final Plat of BELTWAY-QUORUM ADDITION):

BEGINNING at an "X" cut in concrete found in the northerly right-of-way line of Belt Line Road (100-foot wide public right-of-way) for the most southerly southeast corner of Lot 1, Block A of the beforementioned BELTWAY-QUORUM ADDITION, same being the southwesterly corner of Lot 2, Block A of BELTWAY-CENTRE ADDITION, an addition to the Town of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 2003101, Page 00021 of the Deed Records of Dallas County, Texas;

THENCE with the northerly right-of-way line of Belt Line Road and the southerly line of Lot 1, Block A, the following courses and distances to wit:

- --North 89°57'28" West, a distance of 15.16 feet to an "X" cut in concrete set for corner;
- --South 45°02'23" West, a distance of 14.14 feet to a 5/8-inch iron rod with a plastic "KHA" cap set for corner;
- --North 89°57'28" West, a distance of 155.90 feet to a point for the most southerly southwest corner of Lot 1, Block A, from which a ¾-inch iron rod found bears South 33°57' East, a distance of 0.30 feet, said corner being the southeast corner of a tract of land described in deed to Mark A. Albert, recorded in Volume 97002, Page 3045 of the Deed Records of Dallas County, Texas;

THENCE leaving the northerly right-of-way line of Belt Line Road, with the east line of the Albert tract, North 00°02'30" East, a distance of 200.14 feet a 5/8-inch iron rod found for the northeast corner of the Albert tract;

THENCE with the north line of the Albert tract, North 89°57'30" West, a distance of 187.99 feet to a 1/2-inch iron rod found in the easterly right-of-way line of Addison Road (variable width public right-of-way);

THENCE with the easterly right-of-way line of Addision Road, North 00°17'00" East, a distance of 307.80 feet to a ½-inch iron rod found for the southwest corner of Lot 1 of ADDISON ROAD-QUORUM ADDITION, an addition the Town of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 93041, Page 2824 of the Deed Records of Dallas County, Texas;

THENCE leaving the easterly right-of-way line of Addison Road, with the south line of Lot 1 of ADDISON ROAD-QUORUM ADDITION, South 89°43'00" East, a distance of 271.46 feet to a ½ inch iron rod found for the southeast corner of said Lot 1;

THENCE with the westerly line of Lot 1, Block A of BELTWAY-QUORUM ADDITION, North 00°17'00" East, a distance of 238.29 feet to a ½-inch iron rod found for corner in the easterly line of Lot 1, Block A of MAINSTAY SUITES OF ADDISON ADDITION, an addition to the Town of Addison, Dallas County, Texas, according to the revised plat thereof recorded in Volume 98237, Page 37 of the Plat Records of Dallas County, Texas same being the southwest corner of Lot 1, Block A of SUMMERFIELD/ARAPAHO/ADDISON ADDITION, an addition to the Town of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 95119, page 4232 of the Deed Records of Dallas County, Texas;

THENCE with the common line of Lot 1, Block A of BELTWAY-QUORUM ADDITION and Lot 1, Block A of SUMMERFIELD/ARAPHO/ADDISON ADDITION, South 89°43'00" East, a distance of 346.07 feet to a 5/8-inch iron rod with plastic "KHA" cap set for the most northeasterly corner of Lot 1, Block A and the most westerly northwest corner of Lot 2, Block A, both of BELTWAY-QUORUM ADDITION;

THENCE leaving the southerly line of Lot 1, Block A of SUMMERFIELD/ARAPAHO/ADDISON ADDITION, with the common line of said Lots 1 and 2, Block A of BELTWAY-QUORUM ADDITION, the following courses and distances to wit:

- --South 00°11'24" East, a distance of 132.40 feet to a 5/8-inch iron rod with plastic "KHA" cap set for corner;
- --Due East, a distance of 8.66 feet to a 5/8-inch iron rod with plastic "KHA" cap set for corner;
- --South 00°17'34" East, a distance of 230.61 feet to a 5/8-inch iron rod with plastic "KHA" cap set for the most southerly common corner of said Lots 1 and 2, Block A of BELTWAY-QUORUM ADDITION, and being in the northerly line of Lot 2, Block A of BELTWAY-CENTRE ADDITION;

THENCE with the common line of Lots 1 and 2, Block A of BELTWAY-CENTRE ADDITION, the following courses and distances to wit:

- -- Due West, a distance of 218.19 feet to an "X" cut in concrete set for corner;
- --South 00°14'17" East, a distance of 242.61 feet to an "X" cut in concrete found for corner and being the beginning of a tangent curve to the right.
- --Southwesterly with said curve to the right, through a central angle of 37°45'26", having a radius of 115.00 feet, a chord bearing and distance of South 18°38'23" West, 74.42 feet, an arc distance of 75.78 feet to an "X" cut in concrete found for corner and the beginning of a reverse curve to the left;
- --Southwesterly with said curve to the left, through a central angle of 35°27'53", having a radius of 100.00 feet, a chord bearing and distance of South 19°47'07" West, 60.90 feet, an arc distance of 61.90 feet to the POINT OF BEGINNING and containing 6.407 acres (279.069 square feet) of land, more or less.

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 8,923 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 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. However, the restaurant shall be allowed to use the term "cantina" in exterior signs.
- 10. All engineering plans and specifications must be approved prior to the issuance of a building permit.
- 11. The proposed east-west ingress/egress design must be coordinated directly with proposed engineering design of Addison Road.
- 12. All cementitious siding shown on the proposed elevations for On the Border be replaced with either stone or brick, with the drawings for the revised elevations subject to the approval of the Director of Development Services.

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 12th day of April, 2005.

MAYOR

ATTEST:

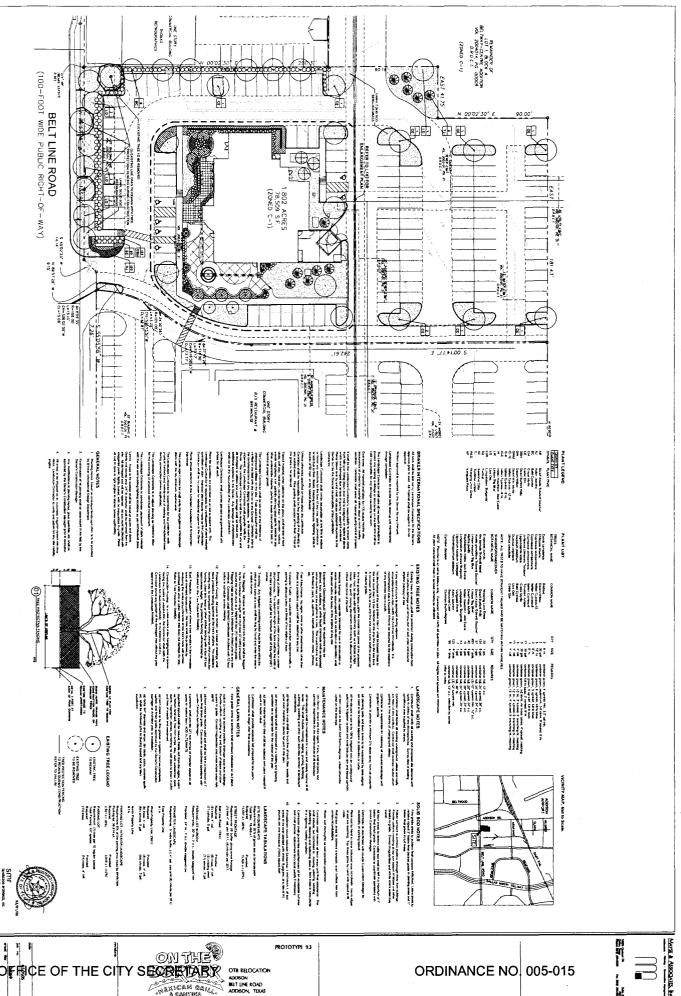
CITY SECRETARY

CASE NO. 1488-SUP/On the Border

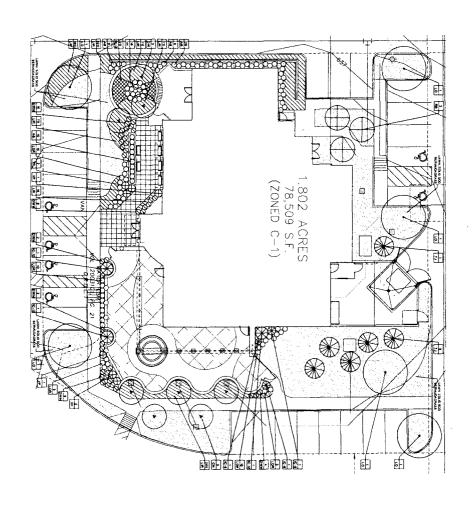
APPROVED AS TO FORM:

DIRECTOR OF DEVEL OPMENT SERVICES

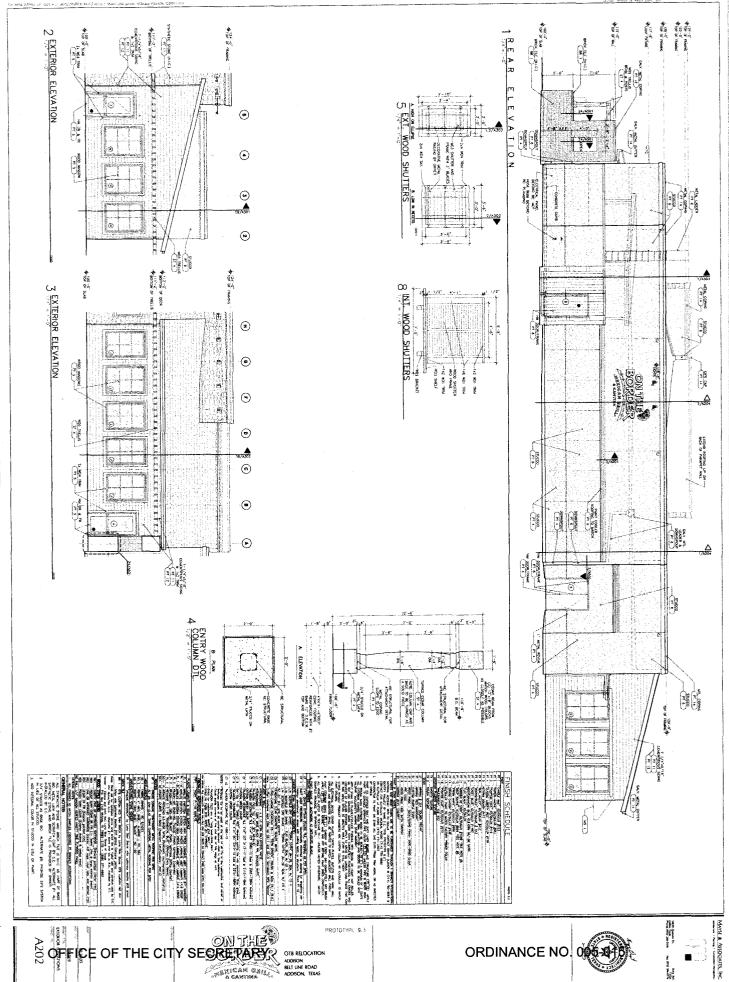
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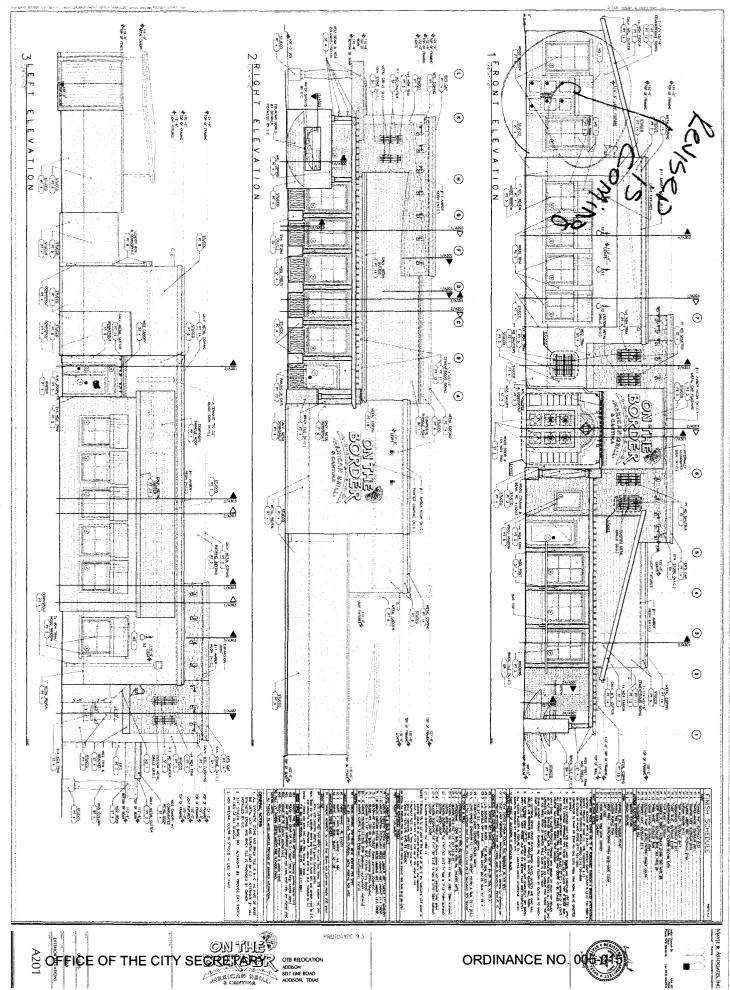


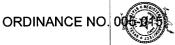
OFFICE OF THE CITY SECRETARY A202

ORDINANCE NO.









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