

ORDINANCE NO. 005-016

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 ONLY, ON APPLICATION FROM ASIAN FUSION RESTAURANT, LOCATED AT 4950 BELT LINE ROAD, SUITE 100, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; 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. 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 the sale of alcoholic beverages for on-premises consumption to Asian Fusion Restaurant. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

TRACT 1

BEING a 9,030 square-foot lease space, addressed as 4980 Belt Line Road, Suite 100, located on a 2.127-acre tract of land out of the Josiah Pancoast Survey, A-1146 in Dallas, County, Texas and being a part of a tract conveyed by deeds, recorded in Volume 67226, page -969, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at the northwest corner of Quorum, as recorded in Volume 79100, Page 1895; Plat Records, Dallas County, Texas, said point also being on the south right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE S 01 degrees 30'57" East along the west line of said Quorum Addition for a distance of 400.20 feet to a point for corner;

THENCE S 89 degrees 47'03" West for a distance of 334.08 feet to a point of curvature of a non-radial curve to the left which has a delta of 8 degrees 02'11", a radius of 1323.31 feet and a tangent of 92.96 feet;

THENCE along said curve to the left for a distance of 185.62 feet to the point of tangency;

THENCE N 0 degrees 12'57" West for a distance of 215.00 feet to a point for corner; said point being on the south right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE N 89 degrees 47'03" East along said south R.O.W. of Belt Line Road for a distance of 338.00 feet to a point for corner; said point being the POINT OF BEGINNING

CONTAINING 136,215.47 square feet or 3.127 acres of land.

TRACT 2

SITUATED in Dallas County, Texas being a tract of land out of the JOSIAH PANCOAST SURVEY< ABSTRACT NO> 1146, and also being out of Block 2 of Quorum, an Addition to the City of Addison, Texas, as recorded in Volume 79100, Page 1895, Plat Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the northwestern corner of Quorum, as recorded in Volume 79100, Page 1895, May 21, 1070, Plat Records, Dallas County, Texas. Said point being on the south right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE N 89 degrees 46'47" East along said Belt Line Road for a distance of 285.00 feet to a point for corner; said point being on the southwest corner of the intersection of Belt Lin Road (100 foot R.O.W.) and Quorum Drive (115.00 foot R.O.W.) at that point;

THENCE N 89 degrees 46'47" East along said Belt Line Road for a distance of 285.00 feet to a point for corner; said point being on the southwest corner of the intersection of Belt Line Road (100 foot R.O.W.) and Quorum Drive (115.00 foot R.O.W.) at that point;

THENCE S 00 degrees 13'13" East along the west right-of-way line of said Quorum Drive, for a distance of 97.60 feet to a point of curvature of a curve to the left, whose delta is 15 degrees 58'29", a radius of 408.00 feet, and a tangent of 57.25.

THENCE southerly along said curve for a distance of 113.76 feet to a point of curvature of a curve to the left whose delta is 43 degrees 53'55" a radius of 1726.75 feet, and a tangent of 73.86 feet;

THENCE southeasterly along said curve for a distance of 147.63 feet to a point for a corner;

THENCE S 89 degrees 46'47" West for a distance of 339.49 feet to a point for a corner; said point being on the west boundary line of Quorum;

THENCE N 01 degrees 30'57" West along said boundary line for a distance of 350.00 feet to a point for corner; said point being the POINT OF BEGINNING;

CONTAINING 104,241.82 square feet or 2.393 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 9,030 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.
8. 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.
9. 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.
10. 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.
11. 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 10th day of May, 2005.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1489-SUP/Asian Fusion Restaurant

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

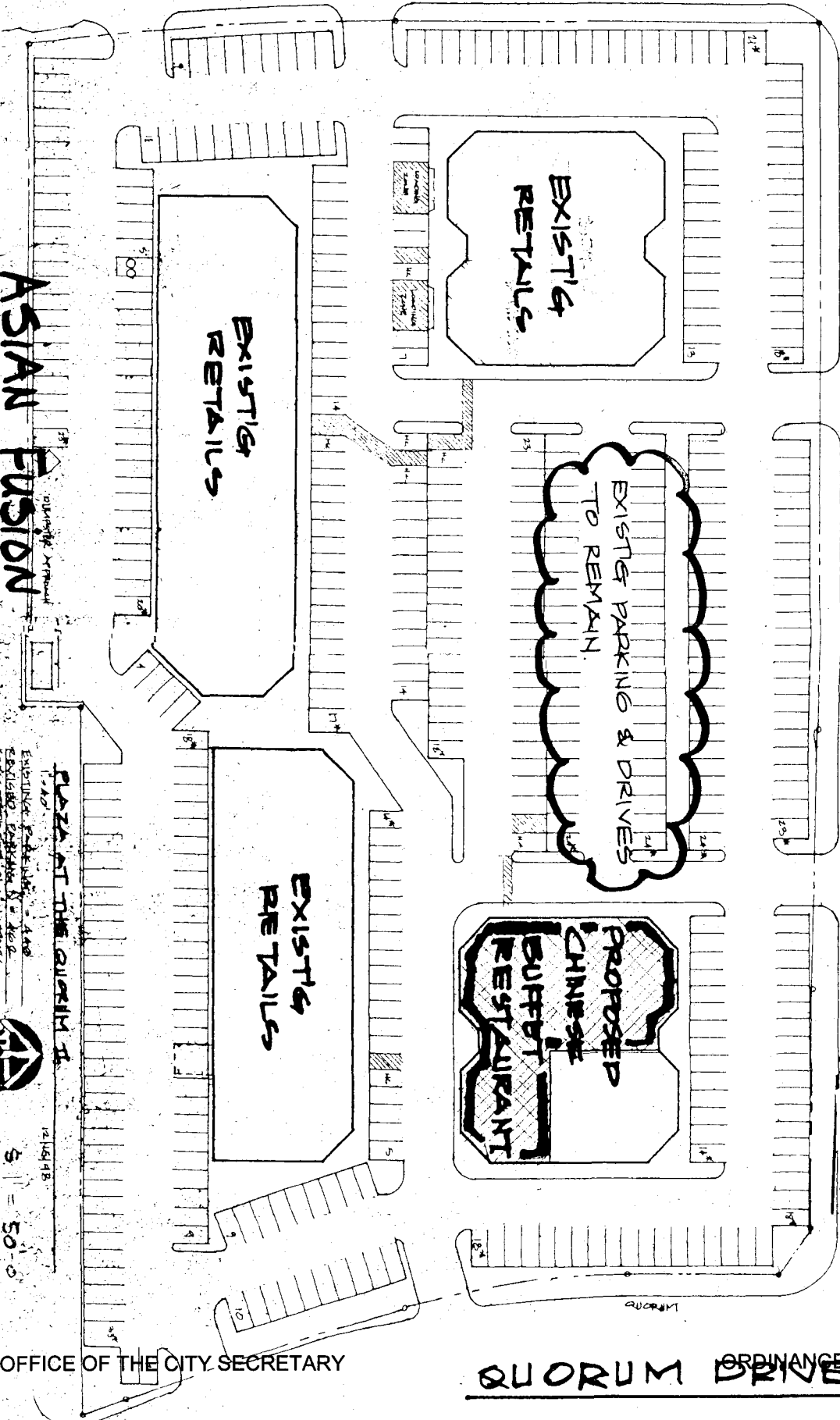
PUBLISHED ON: 6/17/05

LANDMARK BLVD.

BELT LINE ROAD

APPROVED PLANS
FOR ORDINANCE
NO. _____

QUORUM DRIVE



OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 005-016

R3.3

ASIAN FUSION
GRAND BUFFET
CHINESE RESTAURANT.

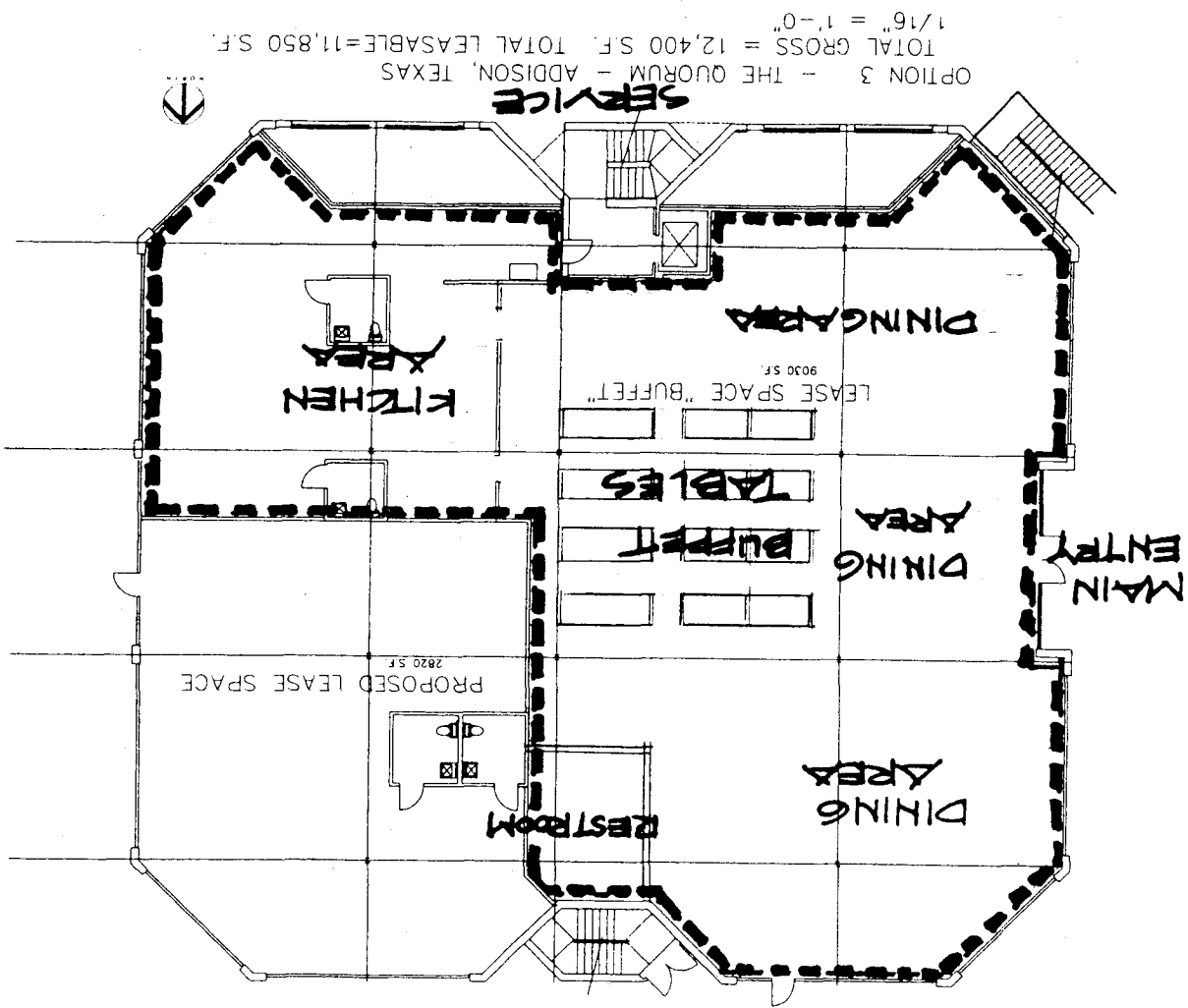
SITE PLAN

PLAZA AT THE GALLERIA II
EXISTING RESTAURANT - 4,400
EXISTING RESTAURANT - 4,400
EXISTING RESTAURANT - 4,400
EXISTING RESTAURANT - 4,400



12/14/13
3" = 50'-0"

4980 BELT LINE RD.

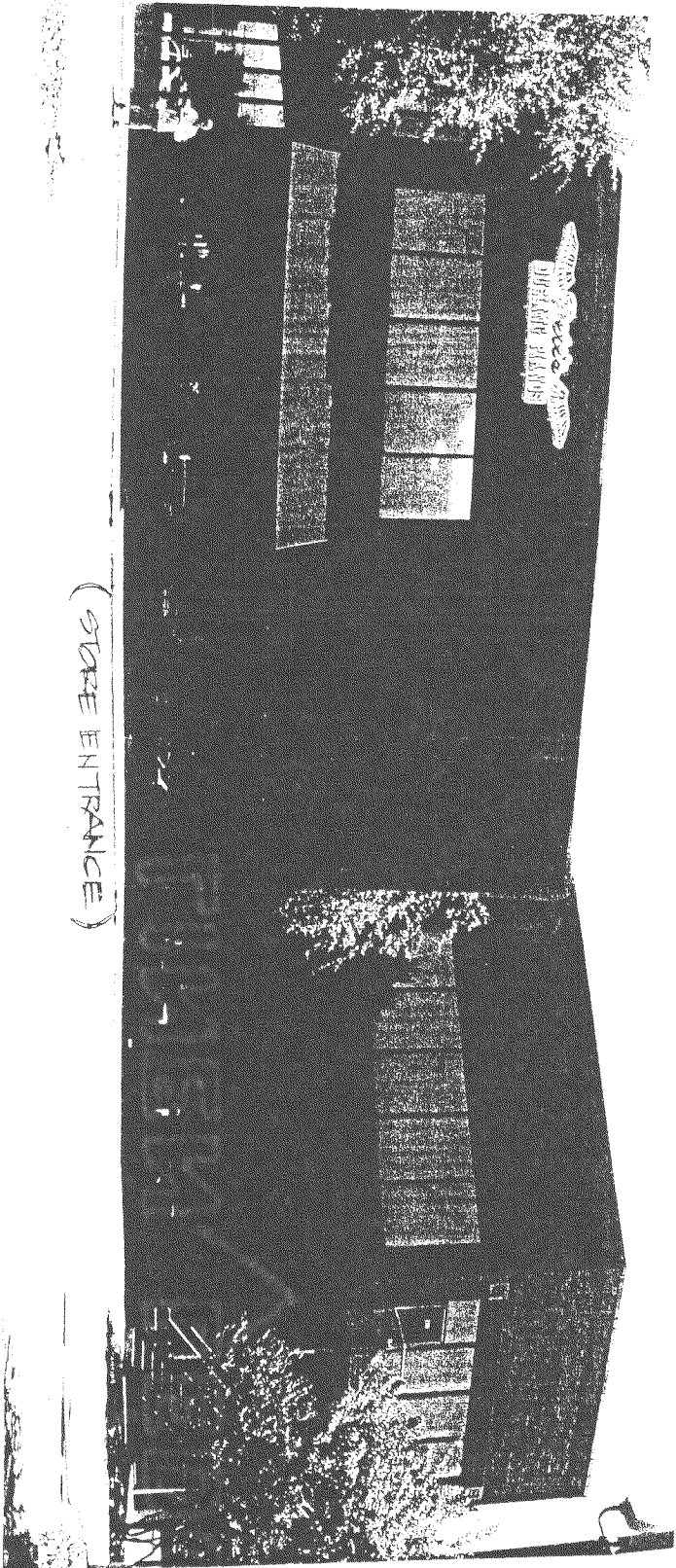


OPTION 3 - THE QUORUM - ADDISON, TEXAS
 TOTAL GROSS = 12,400 S.F. TOTAL LEASABLE=11,850 S.F.
 1/16" = 1'-0"

FLOOR PLAN
CHINESE RESTAURANT
GRAND BUFFET

OFFICE OF THE CITY SECRETARY

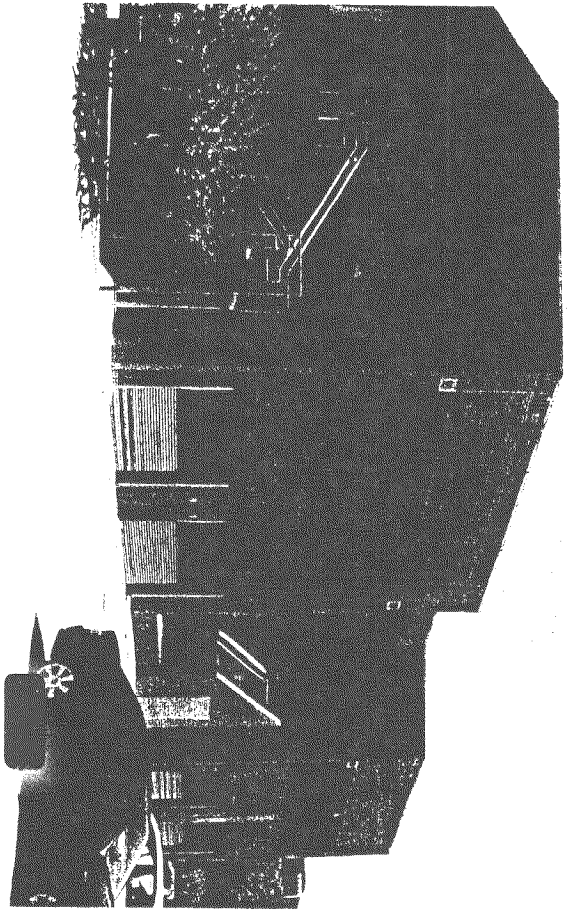
ORDINANCE NO. 005-016



(STORE ENTRANCE)

WEST ELEVATION
N.T.S.

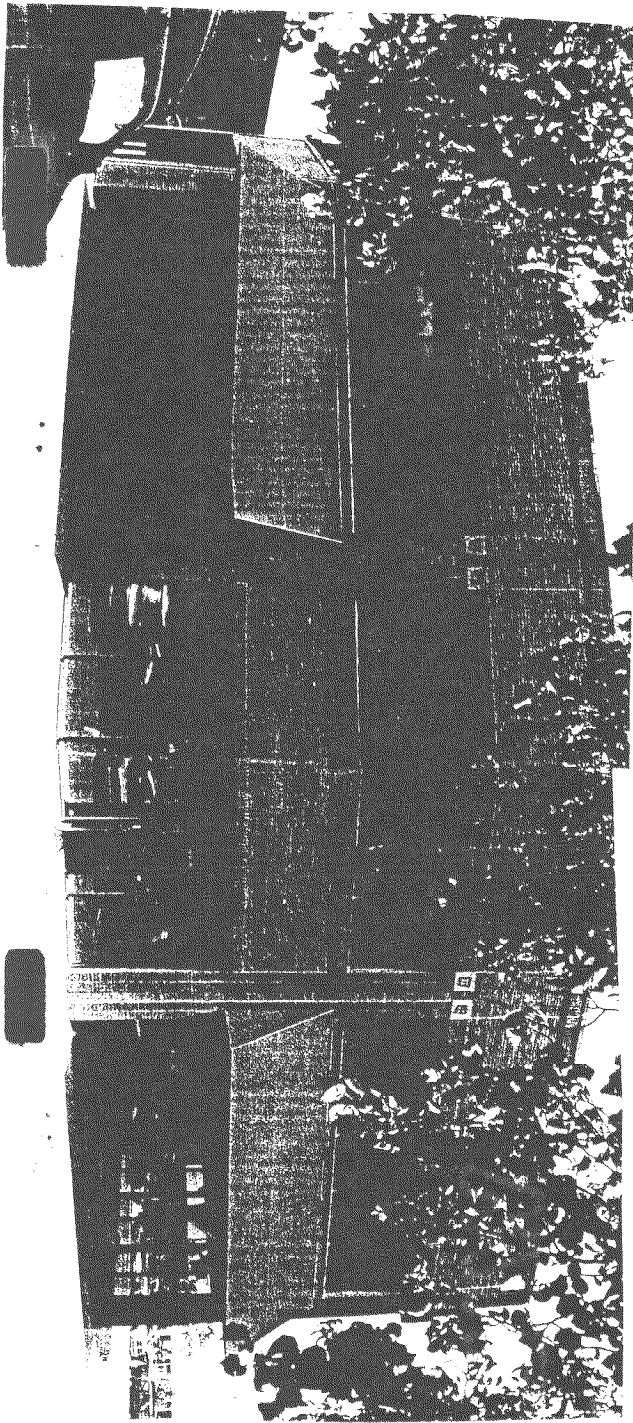
SOUTH ELEVATION
N.T.S.



GRAND BUFFET

ELEVATIONS

N.T.S.

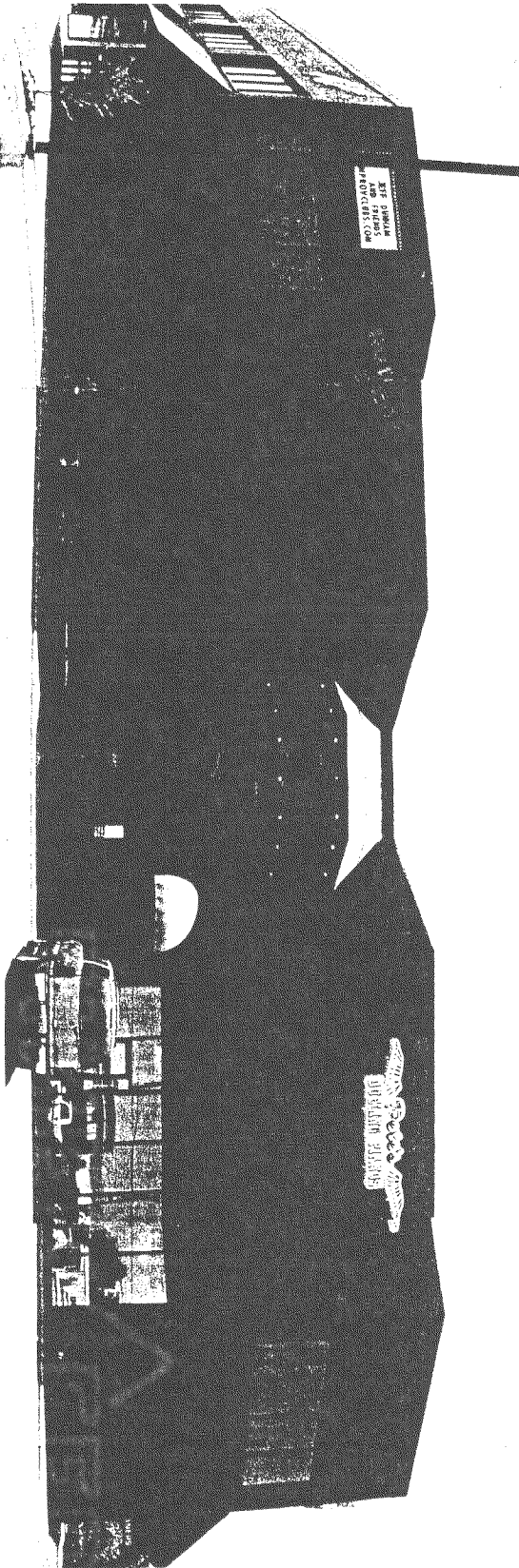


EAST ELEVATION

N.T.S.

N.T.S.

NORTH ELEVATION



GRAND BUFFET
ELEVATIONS.

N.T.S.

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 005-016