

**ORDINANCE NO. 005-032**

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 093-037, AS HERETOFORE AMENDED, SO AS TO PROVIDE FOR AN AMENDMENT TO AN EXISTING SPECIAL USE PERMIT FOR A RESTAURANT AND AN AMENDMENT TO AN EXISTING SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ONLY, ON APPLICATION FROM KER'S WINGHOUSE, LOCATED AT 4080 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. 093-037, passed by the Addison City Council on the 8<sup>th</sup> day of June, 1993, (and amended by Ordinance No. 005-032, passed by the Addison City Council on the 9th day of August, 2005) 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, 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 7,350 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 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. Restaurants are hereby defined as establishments that receive at least sixty percent (60%) or 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 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. That 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. The applicant shall replace all dead and/or missing plant material shown on the approved landscape plan field for Fresh Choice.
10. The applicant shall install a rain and freeze sensor to the irrigation controller if they do not already exist.

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 9<sup>th</sup> day of August, 2005.

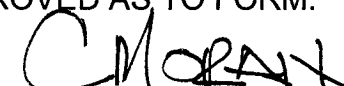
  
MAYOR

ATTEST:

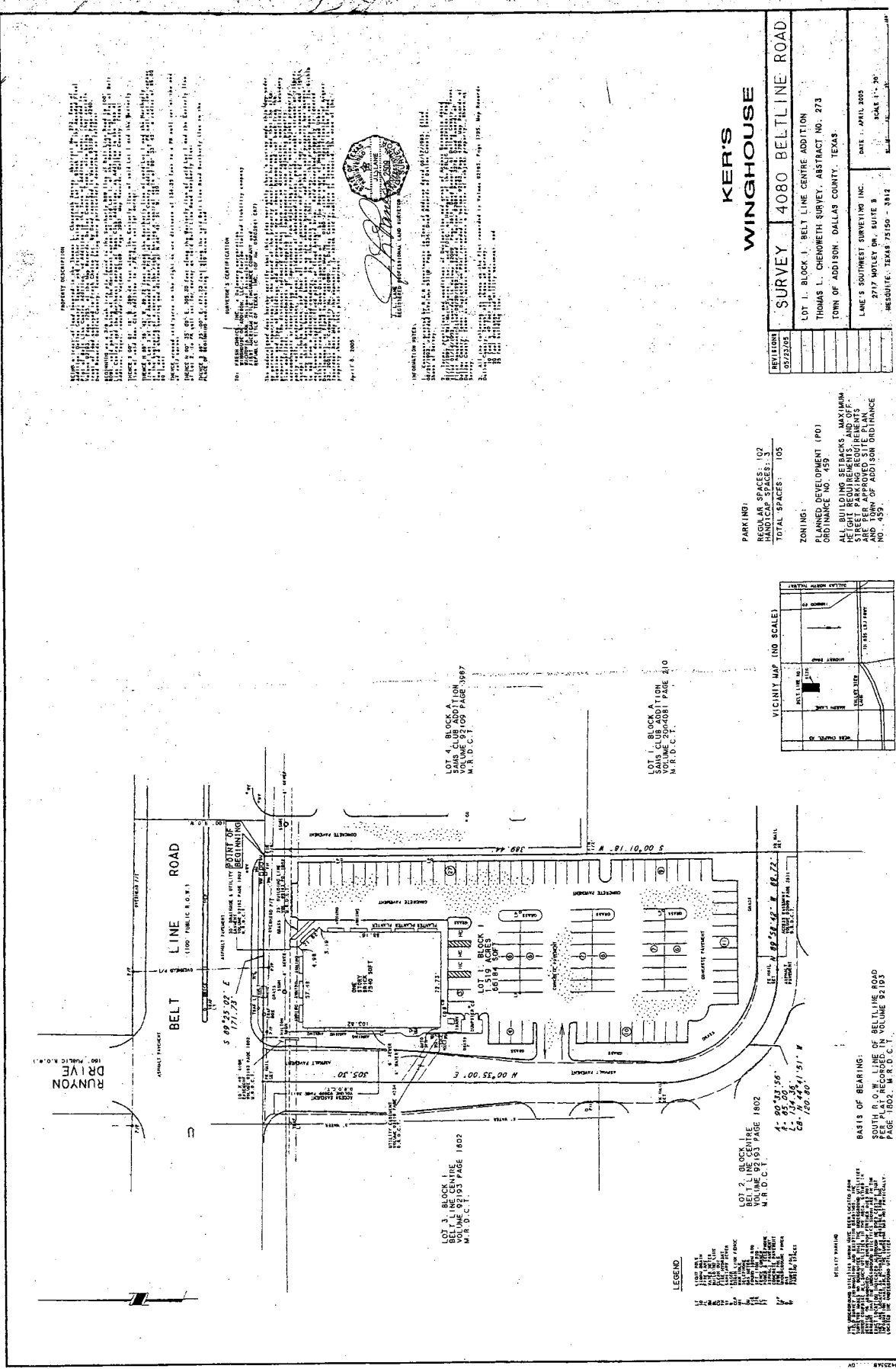
  
CITY SECRETARY

CASE NO. 1500-SUP/Ker's Winghouse

APPROVED AS TO FORM:

  
DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: 9/12/05



PROPERTY DISPOSITION

THIS PLAN WAS PREPARED FOR THE CITY OF ADDISON, TEXAS, BY THE SURVEYOR AND ENGINEER, JAMES L. CHENEY, SURVEYOR, DALLAS COUNTY, TEXAS, AND HIS ASSOCIATES, JAMES L. CHENEY & ASSOCIATES, L.P., 2717 MOLEY DRIVE, SUITE B, ADDISON, TEXAS 75105. THE PLAN WAS PREPARED IN ACCORDANCE WITH THE SURVEYING AND ENGINEERING ACT, CHAPTER 79, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND ENGINEERING, CHAPTER 79, ACTS 79-0001 AND 79-0002, PASSED BY THE 78TH LEGISLATIVE SESSION OF THE STATE OF TEXAS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND ENGINEERING, CHAPTER 79, ACTS 79-0001 AND 79-0002, PASSED BY THE 79TH LEGISLATIVE SESSION OF THE STATE OF TEXAS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND ENGINEERING, CHAPTER 79, ACTS 79-0001 AND 79-0002, PASSED BY THE 80TH LEGISLATIVE SESSION OF THE STATE OF TEXAS.

THE SURVEYOR AND ENGINEER HAS BEEN ADVISED THAT THE PROPERTY SHOWN ON THIS PLAN WAS ACQUIRED BY THE CITY OF ADDISON, TEXAS, BY DEED FROM THE STATE OF TEXAS, AND THAT THE CITY OF ADDISON, TEXAS, HAS BEEN ADVISED THAT THE PROPERTY SHOWN ON THIS PLAN WAS ACQUIRED BY THE STATE OF TEXAS, BY DEED FROM THE STATE OF TEXAS.

THE SURVEYOR AND ENGINEER HAS BEEN ADVISED THAT THE PROPERTY SHOWN ON THIS PLAN WAS ACQUIRED BY THE CITY OF ADDISON, TEXAS, BY DEED FROM THE STATE OF TEXAS, AND THAT THE CITY OF ADDISON, TEXAS, HAS BEEN ADVISED THAT THE PROPERTY SHOWN ON THIS PLAN WAS ACQUIRED BY THE STATE OF TEXAS, BY DEED FROM THE STATE OF TEXAS.



DATE: APRIL 8, 2003

REVISIONS:

NO.	DESCRIPTION	DATE
1	ISSUED	02/23/03

SCALE: AS SHOWN

### KER'S WINGHOUSE

REVISED	SURVEY	4080 BELTLINE ROAD
DATE	LOT 1 - BLOCK 1 - BELT LINE CENTRE ADDITION	
	THOMAS L. CHENEY & ASSOCIATES, L.P.	
	TOWN OF ADDISON, DALLAS COUNTY, TEXAS	
	LANE'S SURVEYING INC.	DATE - APRIL 2003
	2717 MOLEY DR., SUITE B	SCALE 1" = 30'
	ADDISON, TEXAS 75105	

PARKING:

REGULAR SPACES: 102  
HANDICAP SPACES: 3

TOTAL SPACES: 105

ZONING:

PLANNED DEVELOPMENT (PD)  
ORDINANCE NO. 459  
REQUIREMENTS FOR MAXIMUM  
PERCENTAGE OF OPEN SPACE  
STREET PARKING REQUIREMENTS  
AND TOWN OF ADDISON DISTANCE  
NO. 459

LEGEND

- 1" = 1' SCALE
- 2" = 2' SCALE
- 3" = 3' SCALE
- 4" = 4' SCALE
- 5" = 5' SCALE
- 6" = 6' SCALE
- 7" = 7' SCALE
- 8" = 8' SCALE
- 9" = 9' SCALE
- 10" = 10' SCALE
- 12" = 12' SCALE
- 15" = 15' SCALE
- 18" = 18' SCALE
- 24" = 24' SCALE
- 30" = 30' SCALE
- 36" = 36' SCALE
- 48" = 48' SCALE
- 60" = 60' SCALE

VICINITY MAP (NO SCALE)

BELTLINE ROAD

ADDISON DRIVE

SPRING CREEK

W. ADDISON

W. 300

W. 400

W. 500

W. 600

W. 700

W. 800

W. 900

W. 1000

BASIS OF BEARING:

SOUTH D. O. W. LINE OF BELTLINE ROAD

PER PLAT RECORDED IN VOLUME 92193

PAGE 1802, M. R. D. C. T.

LOT 3 - BLOCK 1 - BELT LINE CENTRE ADDITION  
VOLUME 92193 PAGE 1802  
M. R. D. C. T.

LOT 2 - BLOCK 1 - BELT LINE CENTRE ADDITION  
VOLUME 92193 PAGE 1802  
M. R. D. C. T.


LOT 1 - BLOCK 1 - BELT LINE CENTRE ADDITION  
VOLUME 92193 PAGE 1802  
M. R. D. C. T.

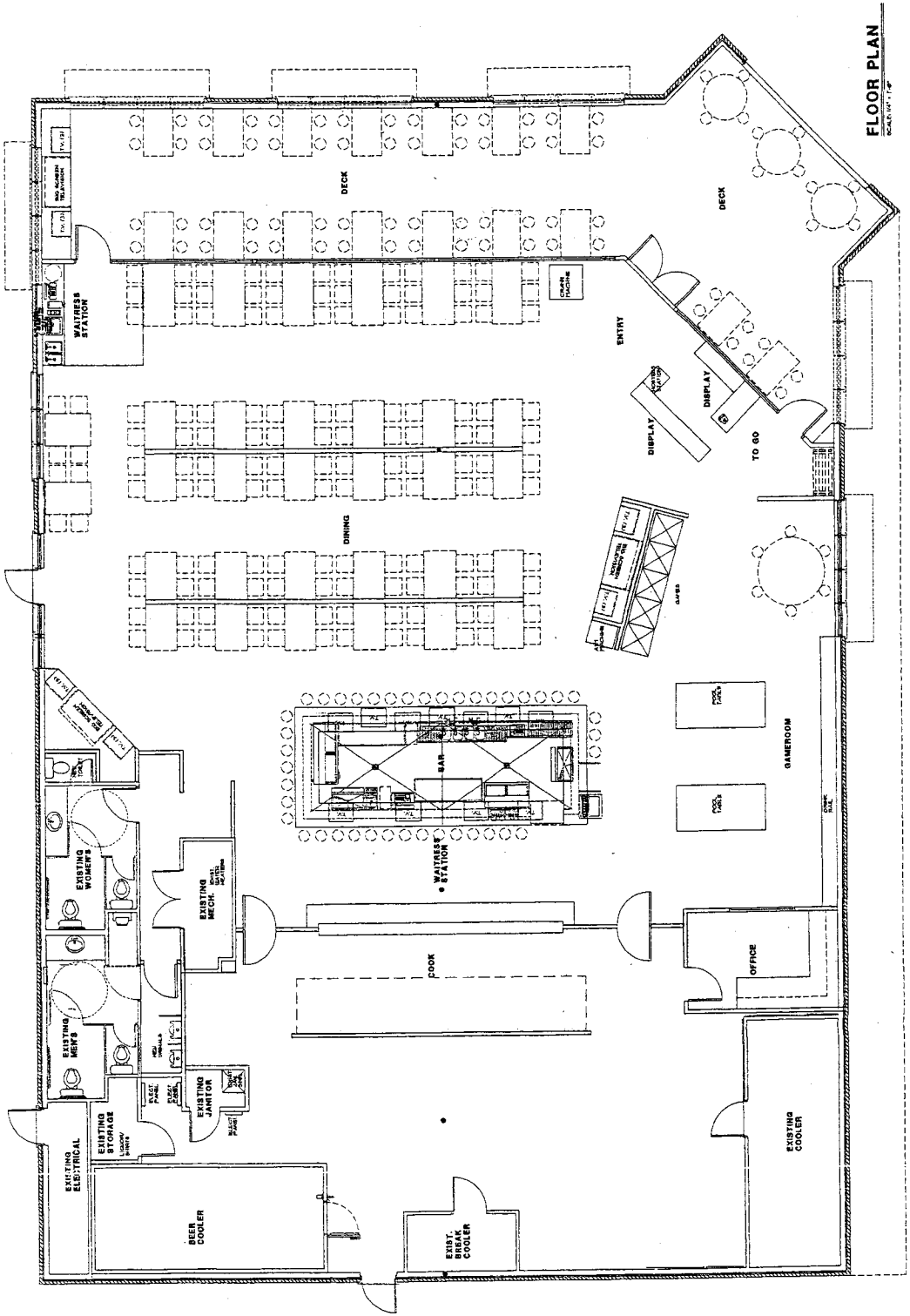
LOT 4 - BLOCK A - SANS CLUB ADDITION  
VOLUME 2044081 PAGE 210  
M. R. D. C. T.

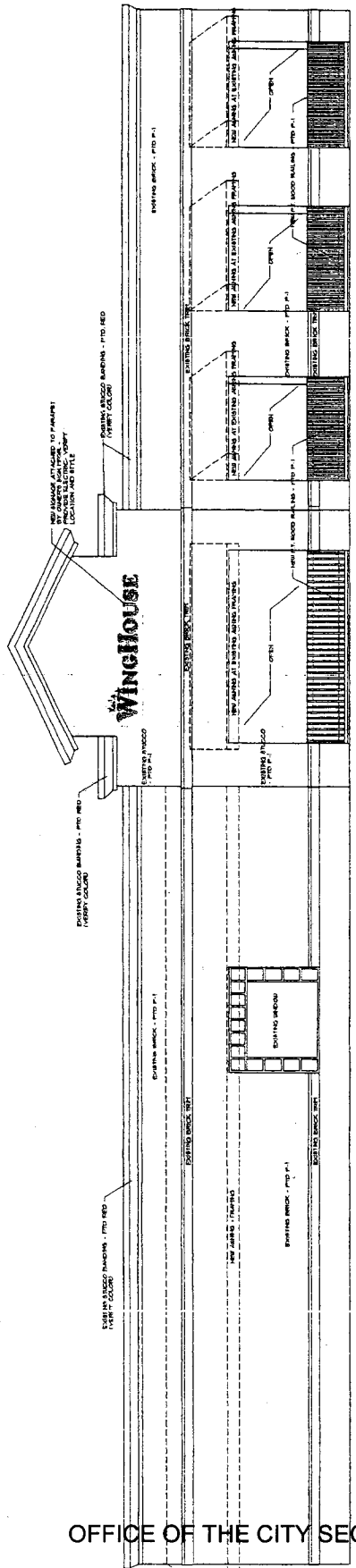
LOT 1 - BLOCK 109  
VOLUME 2044081 PAGE 210  
M. R. D. C. T.

OFFICE OF THE CITY SECRETARY

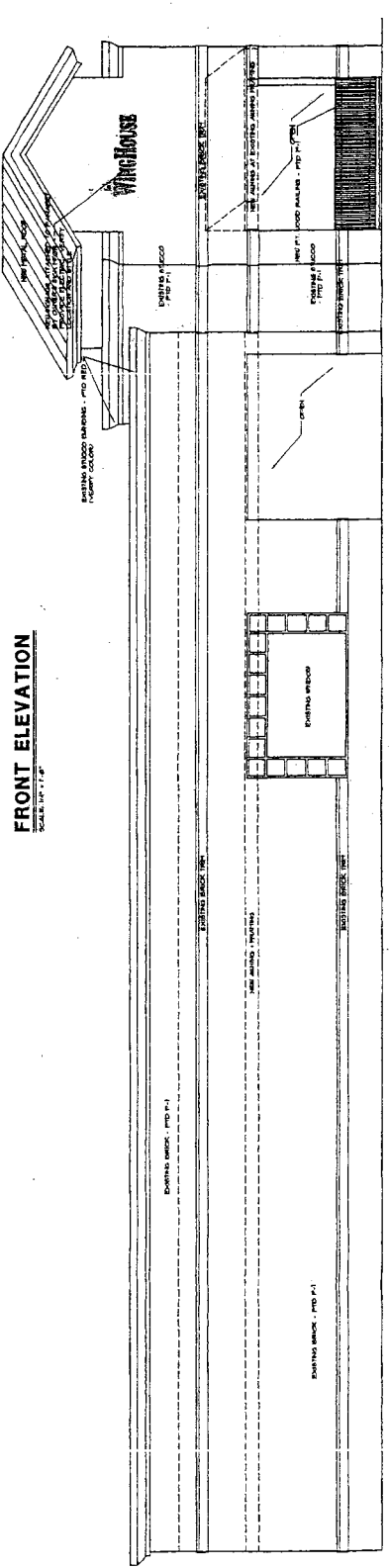
ORDINANCE NO. 005-032

 <b>Architects Studio</b> L.L. • AA-003347 219 8th Ave. N. St. Petersburg, FL 33701 P: 727-323-8370   F: 727-323-8330 email: lloyd@architectsstudio.com   web: www.architectsstudio.com	<b>WingHouse</b> Addis, Ballline Road, Texas	Project No. 2005-78C	Date June 21, 2005
		<b>Floor Plan</b>	Scale 1/4" = 1'-0"

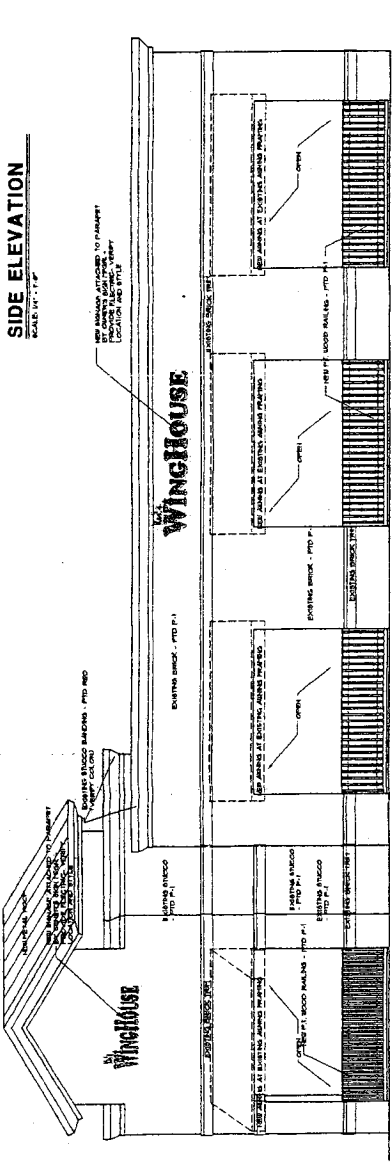




**FRONT ELEVATION**  
 SCALE: 1/4" = 1'-0"



**SIDE ELEVATION**  
 SCALE: 1/4" = 1'-0"



**SIDE ELEVATION**  
 SCALE: 1/4" = 1'-0"

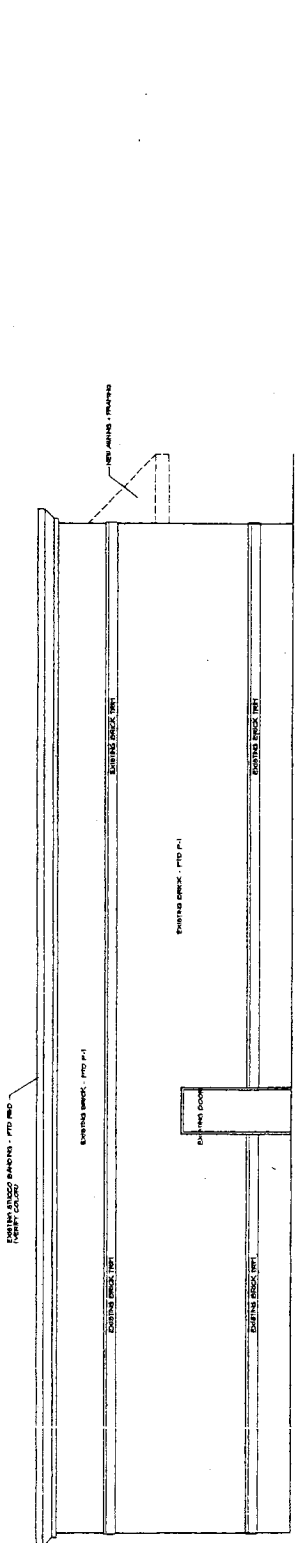
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 (813) 737-8233-8270 fax (813) 737-8233-8238  
 south beach10 temp@architectonicstudio.com http://www.architectonicstudio.com

**WINGHOUSE**  
 Addison, Texas  
 Bellline Road

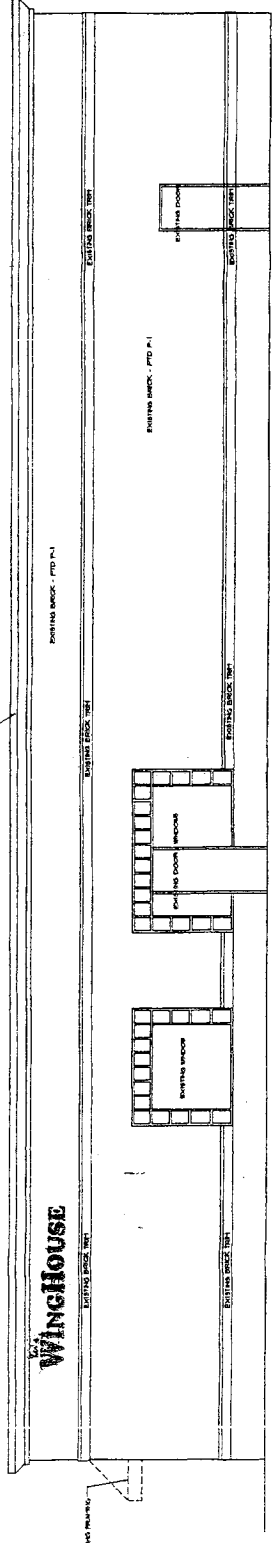
**Elevations**  
 Project No. 2005-780  
 Date: June 21, 2005

REAR ELEVATION  
 Lic. No. A.A. 000347

**a2.2**



**REAR ELEVATION**  
 SCALE: 1/4" = 1'-0"



**REAR ELEVATION**  
 SCALE: 1/4" = 1'-0"