

ORDINANCE NO. 005-036

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 097-054, AS HERETOFORE AMENDED, SO AS TO PROVIDE FOR AN AMENDMENT TO AN EXISTING SPECIAL USE PERMIT FOR A RESTAURANT, AN AMENDMENT TO AN EXISTING SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ONLY, AND AN AMENDMENT TO AN EXISTING SPECIAL USE PERMIT FOR A BREWPUB, ON APPLICATION FROM HUMPERDINK'S, LOCATED AT 3820 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. 097-054, passed by the Addison City Council on the 9th day of December, 1997, (and amended by Ordinance No. 005-036, passed by the Addison City Council on the 23rd 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, landscape plan, irrigation 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 11,000 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. 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. Seven of the disfigured canopied Bradford Pear trees are to be replaced along the south side of the site with 3-inch caliper container grown Cedar Elms to match the existing Cedar Elms in the Target Center parking lot.

10. All missing shrubs shall be replaced where gaps exist in the hedgerow along Belt Line.
11. Nine additional crape myrtle trees shall be added on the Belt Line frontage to match the quantity shown on the plan submitted by the applicant.
12. All dead or missing shrubs on the entire property shall be replaced.
13. A rain sensor and freeze sensor will need to be installed and wired 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 23rd day of August, 2005.


MAYOR

ATTEST:

C MORAN
CITY SECRETARY

CASE NO. SUP-1499/Humperdink's

APPROVED AS TO FORM:

C MORAN
DIRECTOR OF DEVELOPMENT SERVICES

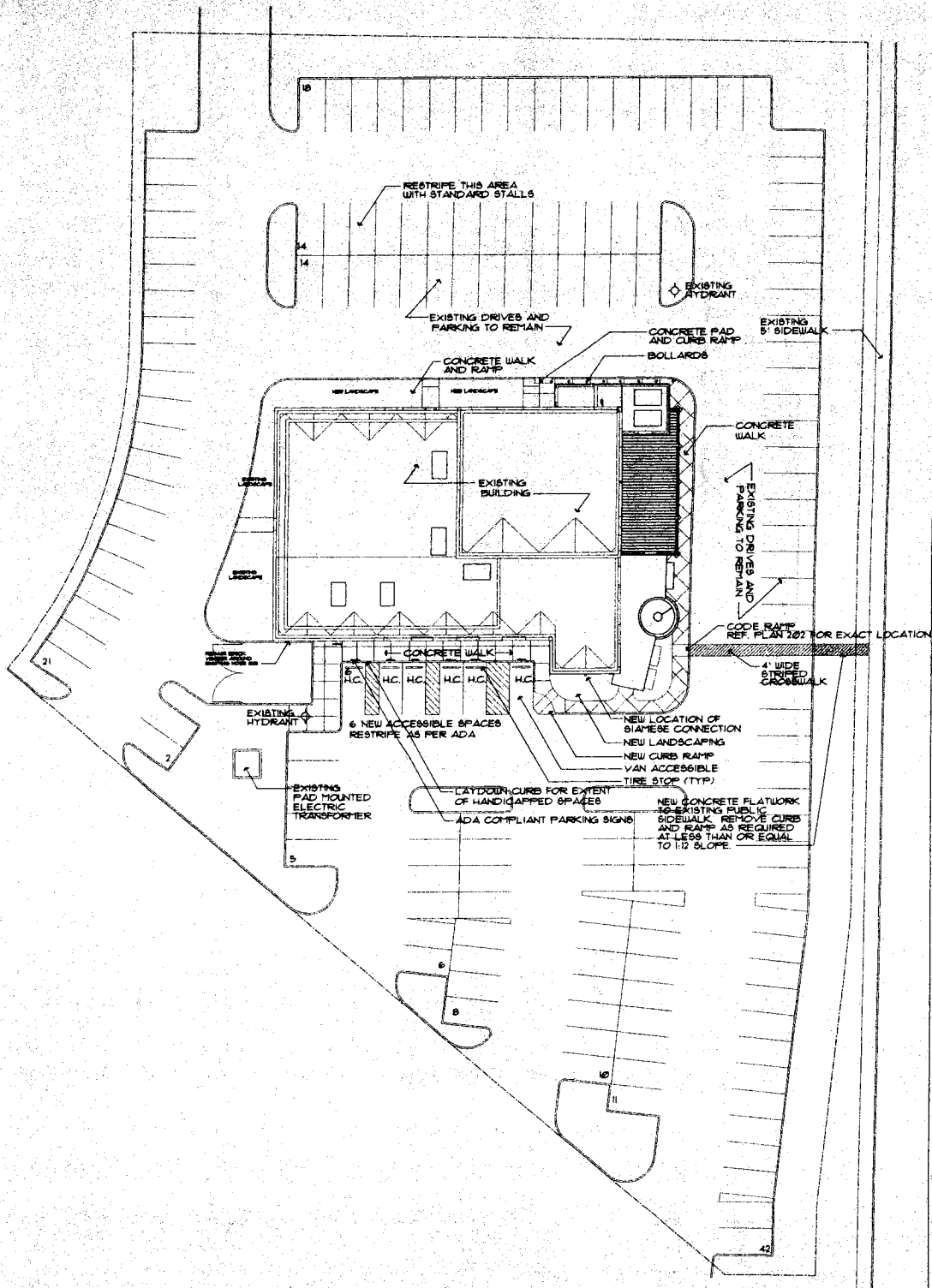
PUBLISHED ON: 9/12/05



Revisions

Date: 1/15/98

© COPYRIGHT



HUMPERDINK'S
 3620 BELT LINE ROAD
 ADDISON, TEXAS

NELSEN ARCHITECTS, INC.
 ARCHITECTS
 7031 E. CAMERON ROAD SUITE 100 SCOTTSDALE, ARIZONA 85251
 PHONE (602) 949-8800 FAX (602) 949-8801



01

PROPOSED SITE PLAN

SCALE: 1/20

BARGREEN ELLINGSON
 FOODSERVICE SUPPLY & DESIGN
 6676 TACOMA MALL BLVD
 TACOMA WASHINGTON 98429
 TOLL FREE 1-800-337-4411
 PHONE (253) 419-9287
 FAX (253) 419-9275

HUMFRINK'S
 ADDISON TX

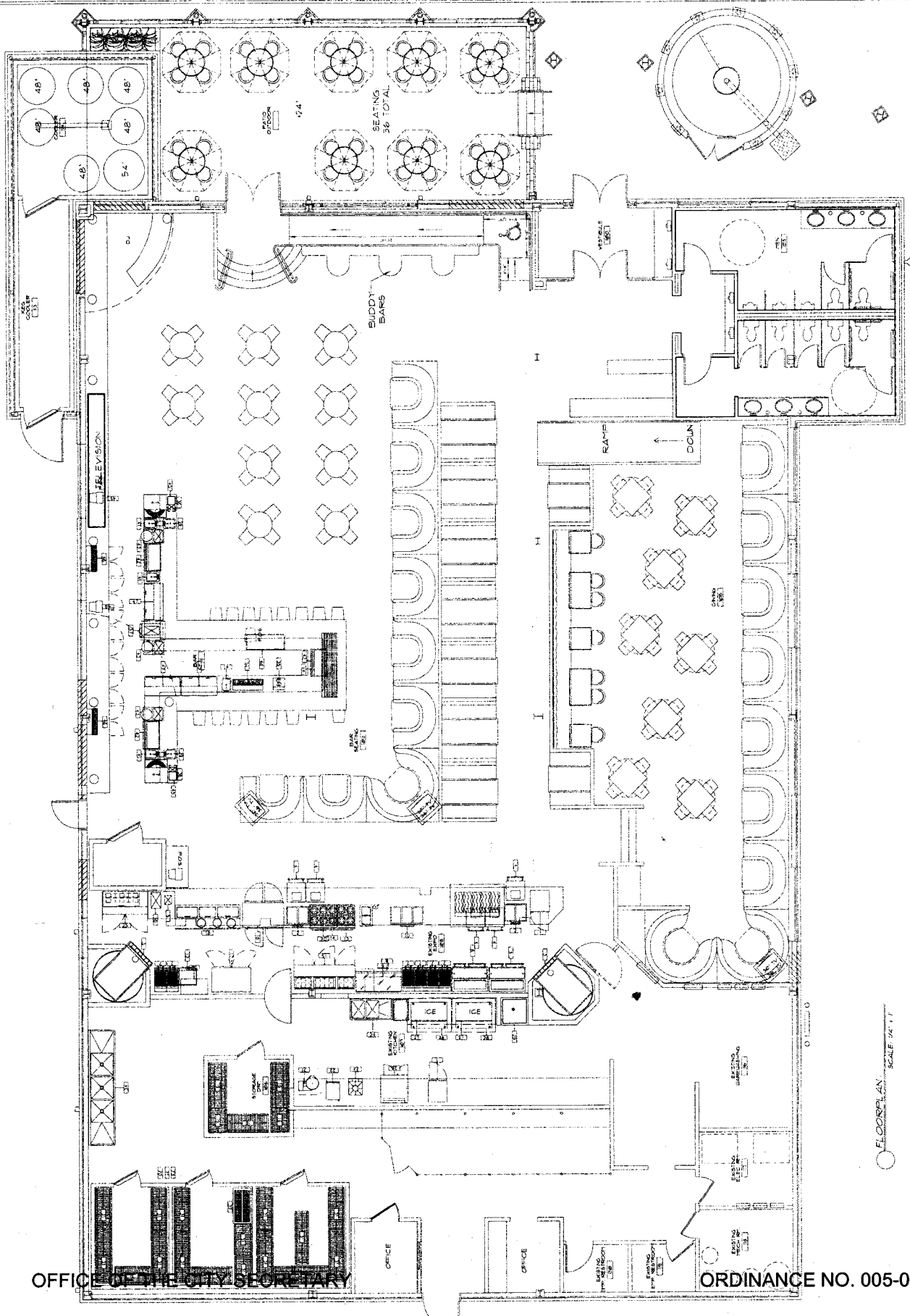
REVISIONS
 3/7/05
 5/4/05
 6/10/05
 6/23/05 DR

PLAN NUMBER: DB

DATE: 11/4/05

PROJECT: PRELIMINARY FLOORPLAN

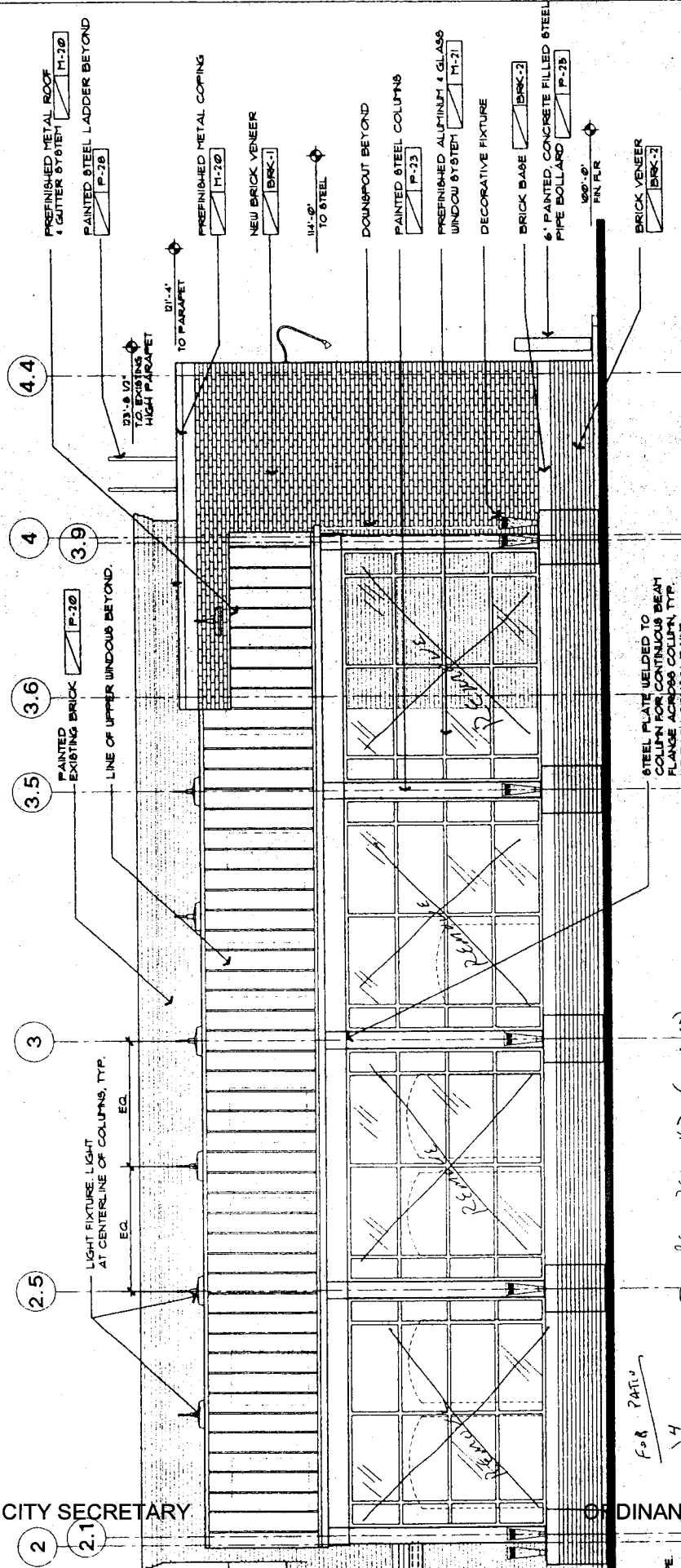
DATE: 11/9/05
 DRAWN BY: KJ
 CHECKED BY: JCF



OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 005-036

FLOORPLAN SCALE 1/4" = 1'



01 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"

