

**TOWN OF ADDISON, TEXAS
ORDINANCE NO. 007-039**

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, ON APPLICATION FROM JOEY'S SEAFOOD AND GRILL, LOCATED AT 4145 BELT LINE ROAD 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 a restaurant and a special use permit for the sale of alcoholic beverages for on-premises

consumption to Joey's Seafood and Grill. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

Joey's Seafood Restaurant, being a 3,520 square foot lease space, addressed at 4145 Belt Line Road, located in a retail center that is beginning at an "X" cut set for corner at the southeast corner of said Lot 3A and the southwest corner of Goff Addition as recorded in Volume 80005, Page 3044, D.R.D.C.T., said "X" cut being in the north Right of Way line of Belt Line Road (100' ROW);

THENCE North 89 degrees 51 minutes 55 seconds West following the north ROW line of said Belt Line Road a distance of 30.00 feet to a ½ inch iron rod set for corner;

THENCE North 83 degrees 33 minutes 22 seconds West following the north ROW line of said Belt Line Road a distance of 100.12 feet to a ½ inch iron rod set for corner;

THENCE North 89 degrees 51 minutes 55 seconds West following the north ROW line of said Belt Line Road a distance of 152.00 feet to a ½ inch iron rod set for corner;

THENCE South 00 degrees 08 minutes 05 seconds West following the north ROW line of said Belt Line Road a distance of 11.00 feet to a ½ inch iron rod set for corner;

THENCE North 89 degrees 51 minutes 55 seconds West following the north ROW line of said Belt Line Road a distance of 464.64 feet to a 1 inch iron pipe found for corner;

THENCE North 00 degrees 03 minutes 55 seconds West a distance of 350.00 feet to a ½ inch iron rod found for corner in the south Right of Way line of Centurion Way (60' ROW);

THENCE South 89 degrees 51 minutes 55 seconds East following the north ROW line of said Centurion Way a distance of 747.36 feet to a 3/8 inch iron rod found for corner at the northwest corner of said Goff Addition;

THENCE South 00 degrees 08 minutes 05 seconds West a distance of 350.00 feet to the POINT OF BEGINNING and containing 259,142 square feet pr 5.949 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, landscape 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 3,520 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 on any signs visible from the exterior of the premises.
10. The plans shall be revised to eliminate the exterior patio.

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 13th day of November, 2007.



MAYOR

ATTEST:

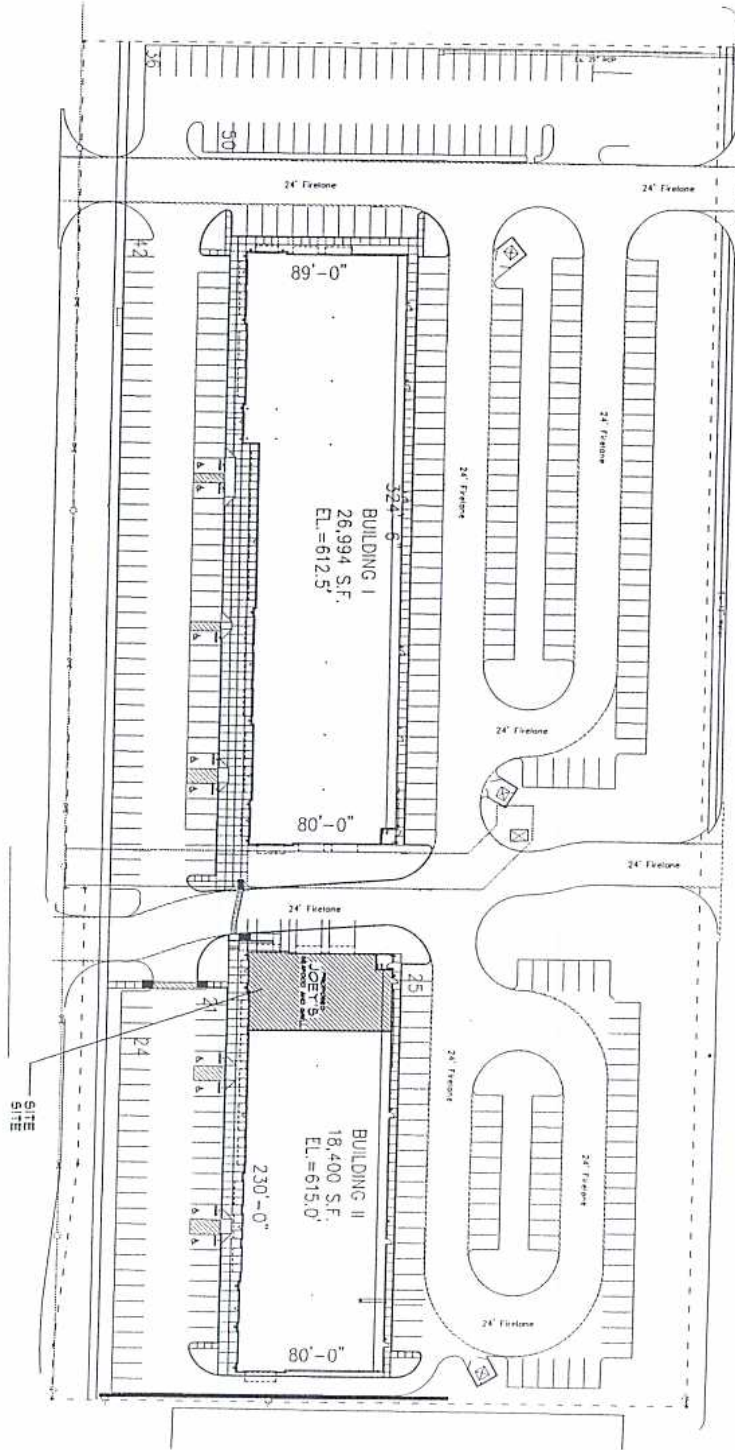

CITY SECRETARY

CASE NO. 1550-SUP/Joey's Seafood and Grill

APPROVED AS TO FORM:


Director of Development Services

PUBLISHED ON: 12/15/2007



Tabulations

AREA	ACRE	BLDG. AREA	COV.	PARKING REQUIRED	PKG. PROV.	PKG. RATIO	LANDSCAPE
SF							
259,153	5.95	45,394 SF	17.52%	19,380 sf/200 = 97 spaces 24,000 sf/100 = 240 spaces	358	413 spaces	10,000/1000 60,344 23.28%

01 SITE PLAN

City Secretary

No. 007-039

Consultant:
C.A.S. Engineers/Consultants, Inc.
6120 Fawcett Court
Arlene, Texas, 76010
(817) 619-8007



JOEY'S
SEAFOOD & GRILL
BELTLINE PLAZA
BLDG II
ADDISON, TEXAS

Issue Date:
OCTOBER 2, 2007

NOT FOR CONSTRUCTION

This set of drawings was prepared by the Architect and Engineer for the purpose of securing zoning and building permits. It is not to be used for any other purpose without the written consent of the Architect and Engineer. The Architect and Engineer assume no responsibility for the accuracy of the information provided by the client or for the results of any action taken by the client based on these drawings.

DATE	DESCRIPTION

EXISTING
SITE
PLAN

SP

Case File # 1550-SUP

CODE CRITERIA:
 44 SF SIGNAGE ALLOWED
 29 SF SIGNAGE SHOWN

NEW INTERNALLY ILLUMINATED SIGNAGE
 MOUNTED ON METAL RACEWAY. RACEWAY
 IS TO BE PAINTED TO MATCH EXISTING
 ADJACENT BUILDING FINISH

SIGN IS TO BE SUPPLIED AND INSTALLED BY
 OWNER. POWER PROVIDED BY GC.

EXISTING BLDG. - NIC.

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



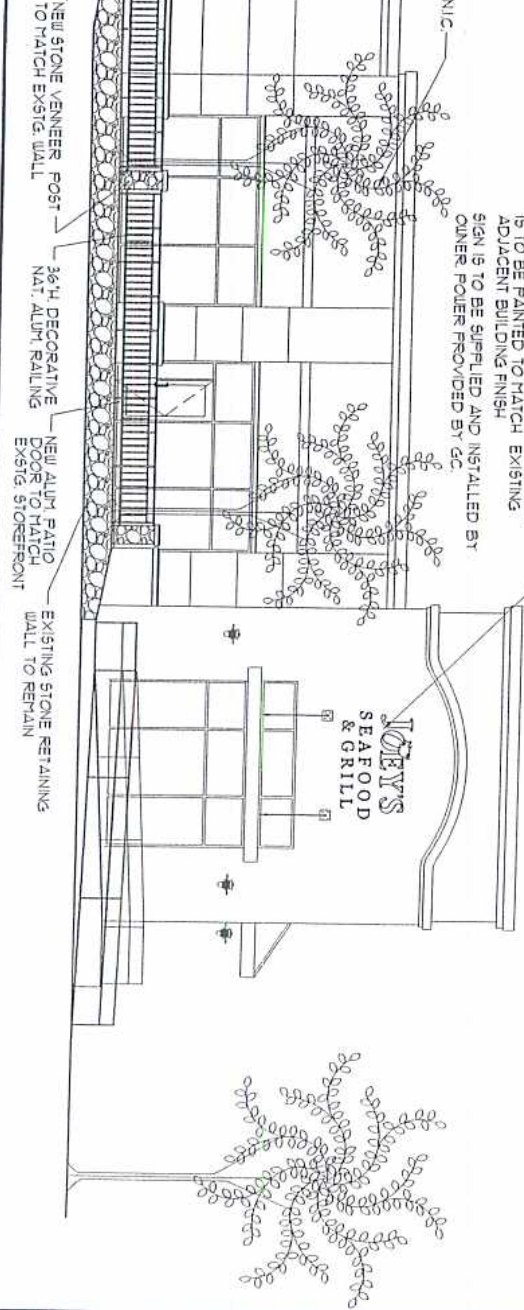
CODE CRITERIA:
 80 SF SIGNAGE ALLOWED
 29 SF SIGNAGE SHOWN

NEW INTERNALLY ILLUMINATED SIGNAGE
 MOUNTED ON METAL RACEWAY. RACEWAY
 IS TO BE PAINTED TO MATCH EXISTING
 ADJACENT BUILDING FINISH

SIGN IS TO BE SUPPLIED AND INSTALLED BY
 OWNER. POWER PROVIDED BY GC.

EXISTING BLDG. - NIC.

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



Client:
 D.A.S. Property Consultants, Inc.
 8120 Fawcett Court
 Fort Worth, TX 76124
 (817) 874-8272

JOEY'S
 SEAFOOD & GRILL

BELTLINE PLAZA
 BLDG. II
 ADDISON, TEXAS

Job No.
 Issue Date:
 OCTOBER 21, 2007

NOT FOR CONSTRUCTION
 These are "Preliminary" drawings for
 informational purposes only. They are not
 intended for construction. No contract
 and Engineer's signature are shown on
 these drawings. No construction should be
 started until the contract is signed and
 the drawings are approved by the City.
 ©2007 D.A.S. Property Consultants, Inc.
 All Rights Reserved. This document is
 the property of D.A.S. Property Consultants, Inc.

Date	Description

PRELIMINARY
 EXTERIOR
 ELEVATIONS

A.201

5/2007

EXISTING GRASS AREA TO REMAIN

EXISTING TREE TO REMAIN

NEW PLANTING BED

EXISTING TREE TO REMAIN

EXISTING STONE RETAINING WALL TO REMAIN

NEW STONE POST TO MATCH STONE WALL

NEW DECORATIVE ALUM. PATIO ENCLOSURE RAILING

EXISTING TREE TO REMAIN

EXISTING GRASS AREA TO REMAIN

EXISTING ACCESSIBLE RAMP AND RAILINGS TO REMAIN

NEW CONCRETE PATIO

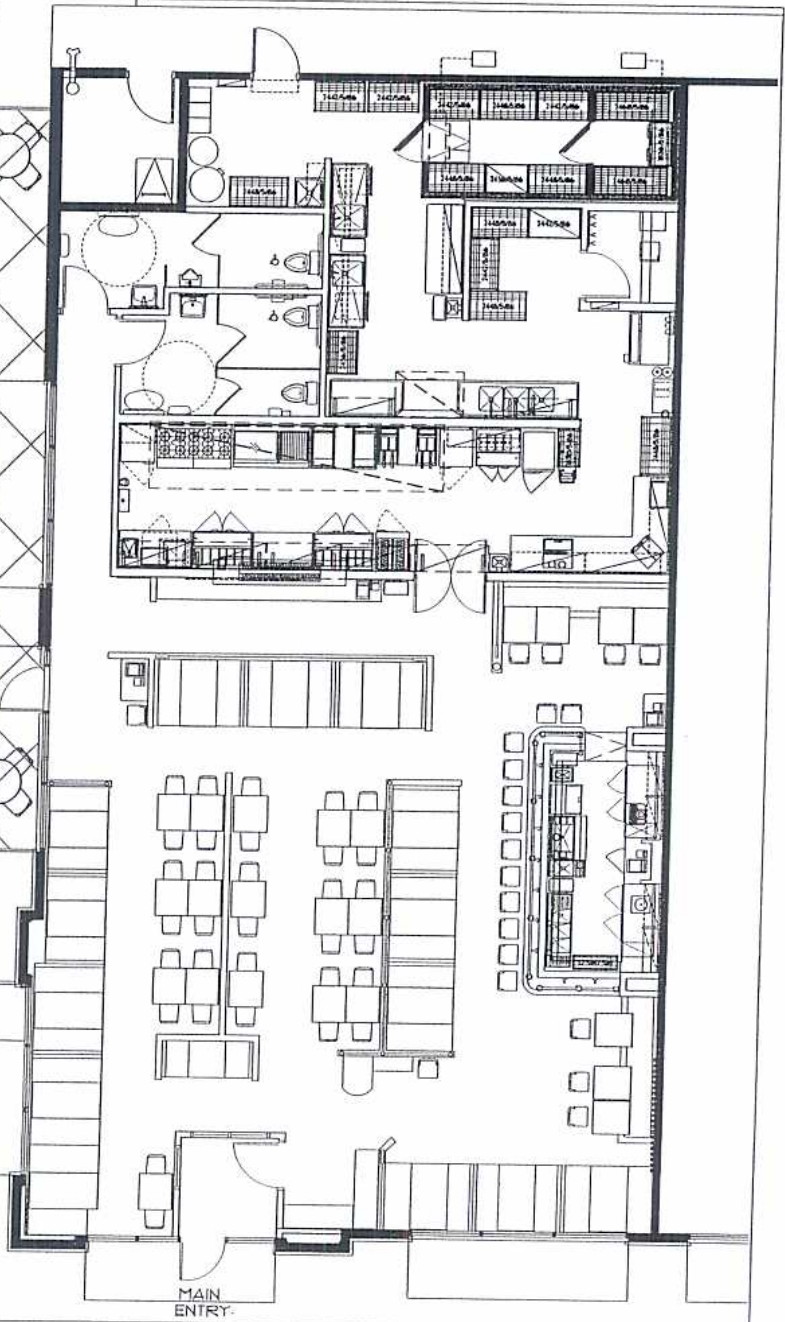
EXISTING GRASS AREA AND TREE TO REMAIN

EXISTING GRASS AREA TO REMAIN

PRELIMINARY FLOOR PLAN

2-tops x (05) = 10
4-tops x (23) = 92
Bar x (01) = 14

Total: 28 Parties = 116 Seats
+ 32 outdoor seating



NORTH

JOEY'S

SEAFOOD & GRILL
ADDISON, TEXAS

PRELIMINARY SITE PLAN

PROPOSED REVISIONS TO
EXISTING SITE PLAN