

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 009-030

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 004-034, 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 ALCOHOL FOR ON-PREMISES CONSUMPTION ONLY, ON APPLICATION FROM VOLO'S MEDITERRANEAN TAVERNA, LOCATED AT 5000 BELT LINE ROAD, SUITE 300; 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. 004-034 passed by the Addison City Council on the 10th day of August, 2004 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:

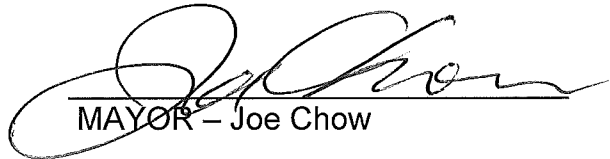
1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the floor plan, and the elevation drawings which are attached hereto and made a part hereof for all purposes.
2. That the Special Use Permit granted herein shall be limited to a restaurant only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 2,938 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", or any terms or graphic depictions that relate to the sale of alcoholic beverages shall be used on any signs visible from the exterior of the premises. However, the term "Taverna" shall be allowed.
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. That the landscaping contained within the proposed patio area shall remain.

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 8th day of September, 2009.


MAYOR – Joe Chow

ATTEST:


CITY SECRETARY – Lea Dunn

CASE NO. 1585-SUP/Volo's Mediterranean Taverna

APPROVED AS TO FORM:

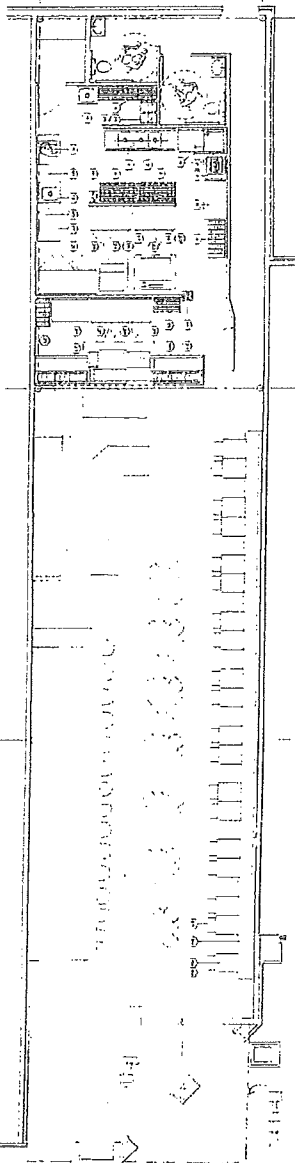

DIRECTOR OF DEVELOPMENT SERVICES-
Carmen Moran

PUBLISHED ON: 1/10/2010

2 EQUIPMENT SCHEDULE

EQUIPMENT SCHEDULE	
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1 EQUIPMENT PLAN



3 GENERAL NOTES

1. All equipment shall be installed in accordance with the manufacturer's instructions and the applicable codes and standards.

2. The equipment shall be installed in a clean, dry, and well-ventilated area.

3. The equipment shall be protected from physical damage and theft.

4. The equipment shall be maintained in good working order at all times.

5. The equipment shall be replaced when it is no longer functional.

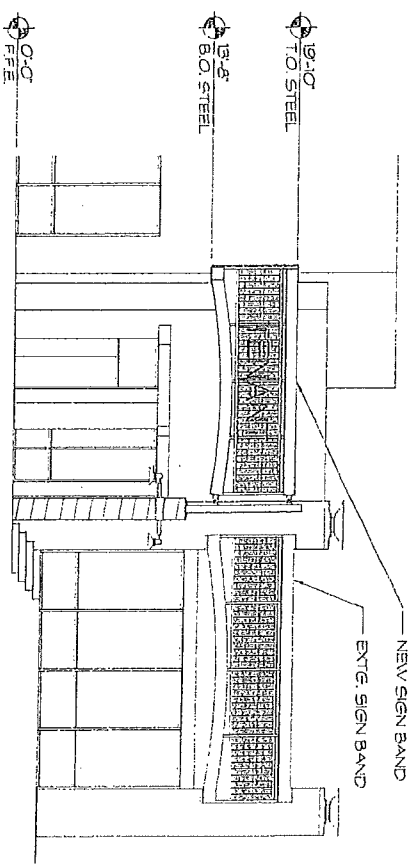
6. The equipment shall be disposed of in accordance with the applicable regulations.

7. The equipment shall be covered with a protective cover when not in use.

8. The equipment shall be labeled with the manufacturer's name and model number.

9. The equipment shall be inspected regularly for safety hazards.

10. The equipment shall be stored in a secure location when not in use.



○ PARTIAL NORTH ELEV. BLDG A
 1/8" = 1'-0"
 234-13-01 Partial North Elev 01-01

Seizer
 Associates
 5017 Travis Street
 Suite 202
 Dallas, Texas 75204
 214-358-4200 FAX 214-358-2271

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 PAUL E. SEIZER • TEXAS REGISTRATION NO. 2282
 CHRIS EPCAN • TEXAS REGISTRATION NO. 3784

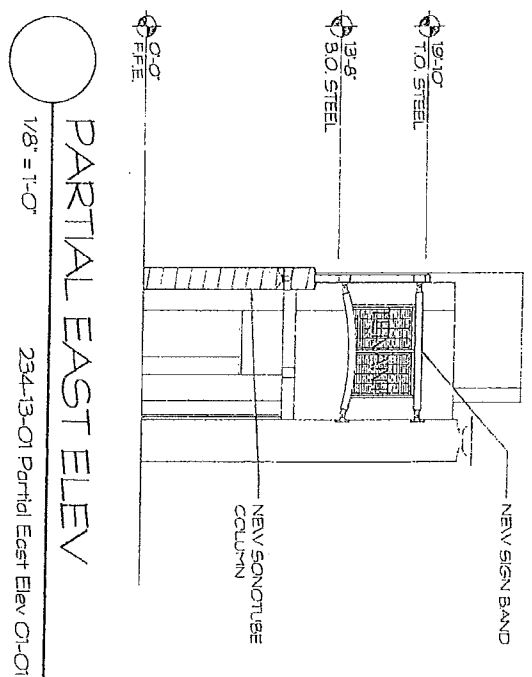
Sign Band Suite 300
 Addison Walk
 Addison, Texas
 North Elevation

Project No.: 234-13-01
 SHEET
 SK-2

Seizer
Associates
 ARCHITECTS
 4177 TRINITY STREET
 HOUSTON, TEXAS 77002
 713.229.4200 FAX
 713.229.2722 FAX

ISSUED
 5-20-09

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 ANY CHANGES TO THIS DOCUMENT SHALL BE MADE BY THE ARCHITECT.
 THE USER AGREES TO HOLD SEIZER ASSOCIATES HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS DOCUMENT.



PARTIAL EAST ELEV
 1/8" = 1'-0"
 234-13-01 Partial East Elev O1-01

Sign Band Suite 300
 Addison Walk
 Addison, Texas
 East Elevation

Project No. 234-13-01
 SHEET
SK-3