

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 009-043

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 092-049, AS HERETOFORE AMENDED BY ORDINANCE 095-030, ORDINANCE 095-031, AND ORDINANCE 097-009, 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 THE BACK NINE RESTAURANT, LOCATED AT 4060 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. 092-049, passed by the Addison City Council on the 28th day of July, 1992, which was amended by Ordinance 095-030, passed by the Addison City Council on the 27th day of June, 1995, by Ordinance 095-031, passed by the Addison City Council on the 27th day of June, 1995, and by Ordinance 097-009, passed by the Addison City Council on the 11th day of March, 1997, 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 revised 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 only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 6,582 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 any 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 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 canceled by proper authorities, the City Council may authorize hearings to be held for the purpose for considering a change of zoning.
9. All dead or missing landscaping on the site shall be replaced prior to the issuance of a Certificate of Occupancy.


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 8thth day of December, 2009.


MAYOR-Joe Chow

ATTEST:


CITY SECRETARY-Lea Dunn

CASE NO. 1590-SUP/Back Nine Restaurant

APPROVED AS TO FORM:


DIRECTOR OF DEVELOPMENT SERVICES-
Carmen Moran

PUBLISHED ON: 1/10/2010

BACK 9 RESTAURANT

400 BRUNNEN RD
ANDOVER, VT

DESIGN CONSULTANT

400 BRUNNEN RD
ANDOVER, VT

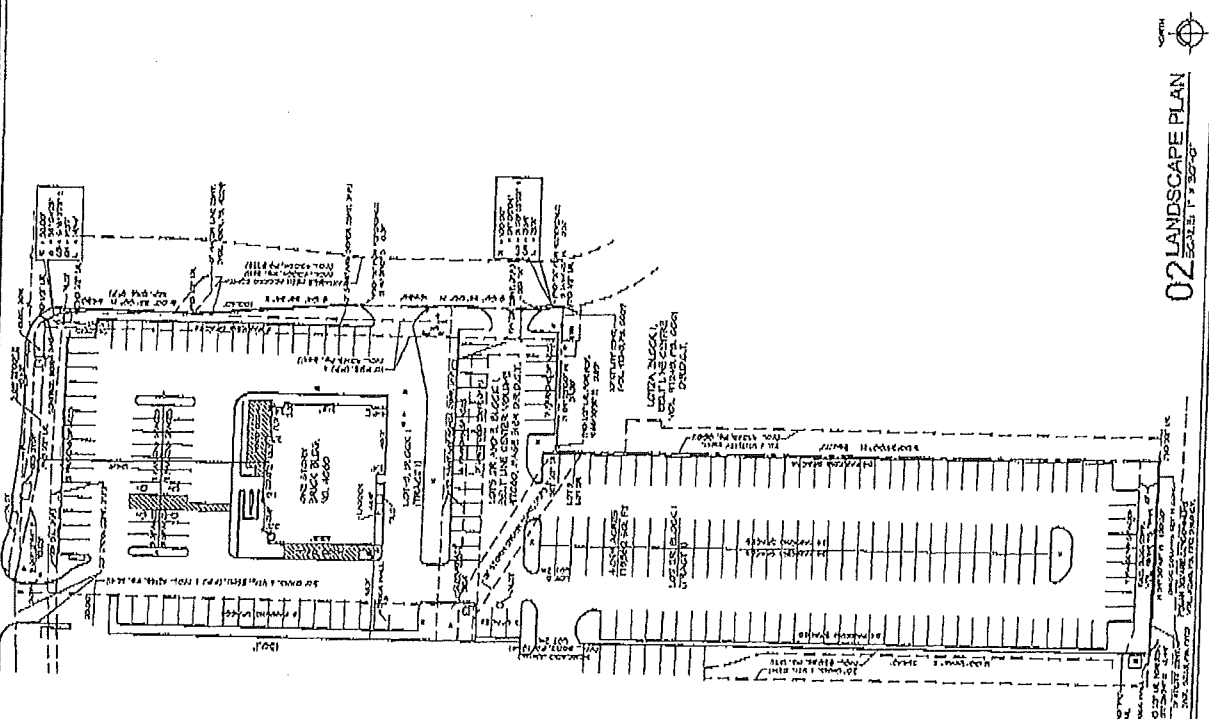
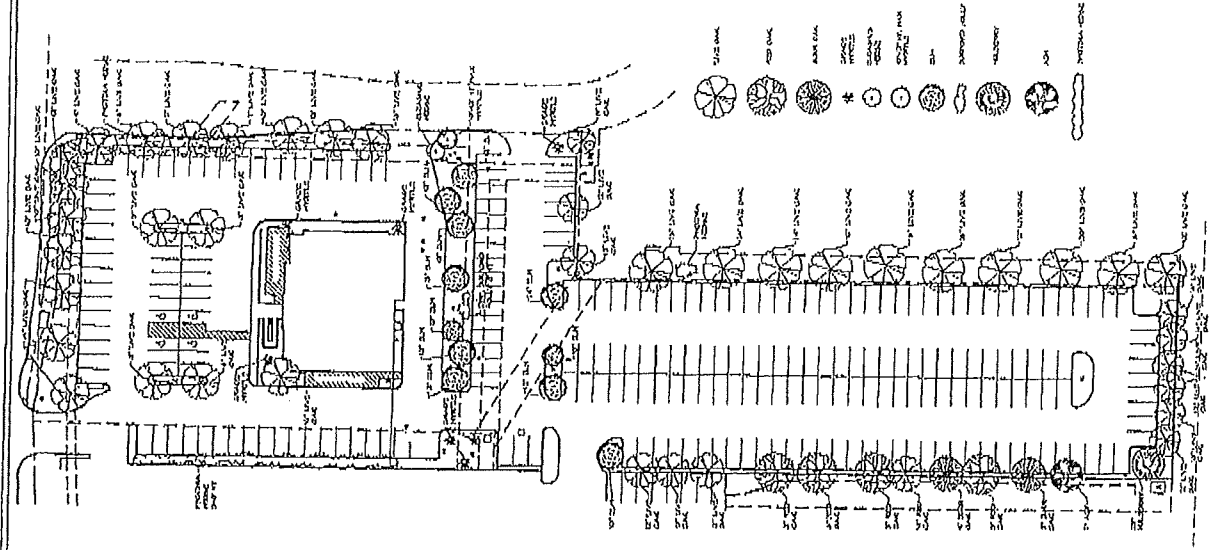
DUNCAN DESIGN GROUP

400 BRUNNEN RD
ANDOVER, VT

DATE	
PROJECT	
SCALE	
PROJECT NO.	
PROJECT NAME	
PROJECT ADDRESS	
PROJECT CITY	
PROJECT STATE	
PROJECT ZIP	
PROJECT PHONE	
PROJECT FAX	
PROJECT EMAIL	
PROJECT WEBSITE	
PROJECT URL	
PROJECT CONTACT	
PROJECT TITLE	

SITE PLAN & LANDSCAPE PLAN

A.D.O.



02 LANDSCAPE PLAN
SCALE: 1" = 30'-0"

01 SITE PLAN
SCALE: 1" = 30'-0"

BACK 9
RESTAURANT

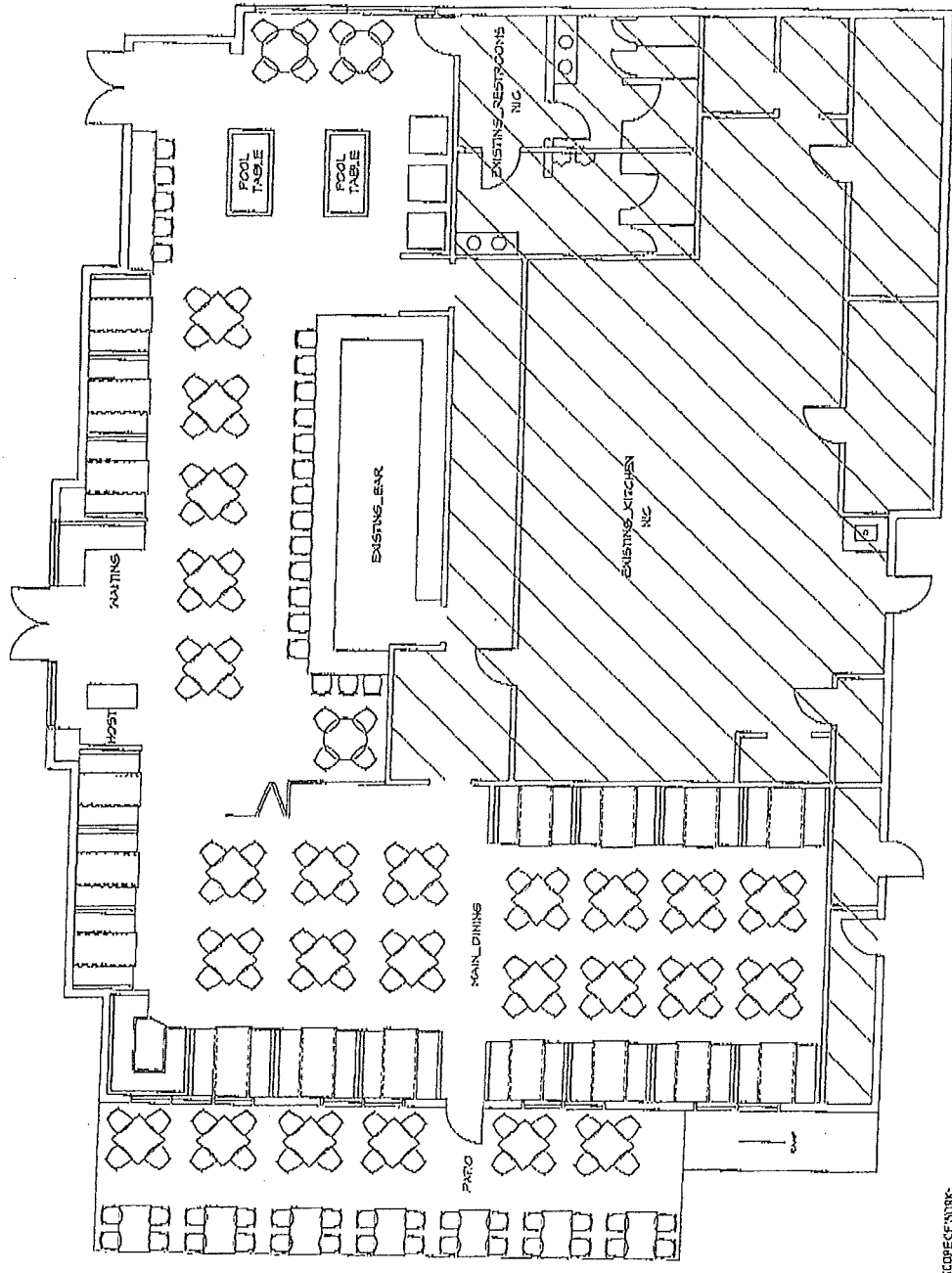
404 BUCKLE DR.
ANNAPOLIS, MD

DESIGN CONSULTANT

Duncan Design Group
1000 W. BROADWAY
ANNAPOLIS, MD 21403
P. 410.291.1000
F. 410.291.1001

TITLE	
DATE	09/30/09
PROJECT #	
SHEET NUMBER	04/04
TOTAL SHEETS	04/04
SCALE	
REVISIONS	
BY	
DATE	

PROJECT NAME	
PROJECT ADDRESS	
PROJECT PHONE	
PROJECT FAX	
PROJECT EMAIL	
PROJECT WEBSITE	
PROJECT ARCHITECT	
PROJECT ENGINEER	
PROJECT CONTRACTOR	
PROJECT OWNER	
PROJECT DATE	



- SCOPE OF WORK:**
- 1. EXISTING STRUCTURE BRICK TO REMAIN.
 - 2. NEW DEEP PATTY RECESSOR LIGHTING.
 - 3. NEW FRONTS ENTRY DOORS.
 - 4. NEW CHAIRS.
 - 5. NEW ASPEN OVERHANGING TO REMAIN PARO.
 - 6. NEW FLOORING THROUGH OUT INTERIOR.
 - 7. RELOC EXISTING BAR TOE WALL.
 - 8. NEW STONE BAR TOP.
 - 9. REMOVE EXISTING GRID CEILING RAISE CEILING.
 - 10. REWORK EXISTING DUCT WORK TO BE EXPOSED.
 - 11. EXISTING KITCHEN AND RESTROOMS TO REMAIN.
 - 12. NEW ARCHITECTURAL AND DECORATIVE INTERIOR LIGHTING.
 - 13. REMOVE EXISTING BUFFET LINE.
 - 14. NEW MOVABLE SCREEN PARTITION WALL AS SHOWN PER PLAN.

01 FURNITURE PLAN
SCALE: 1/4" = 1'-0"

BACK9
RESTAURANT

400 BETHUNE
ALBANY

DESIGN CONSULTANT

DUNCAN DESIGN GROUP

1000 W. 10TH ST.
ANN ARBOR MI 48106

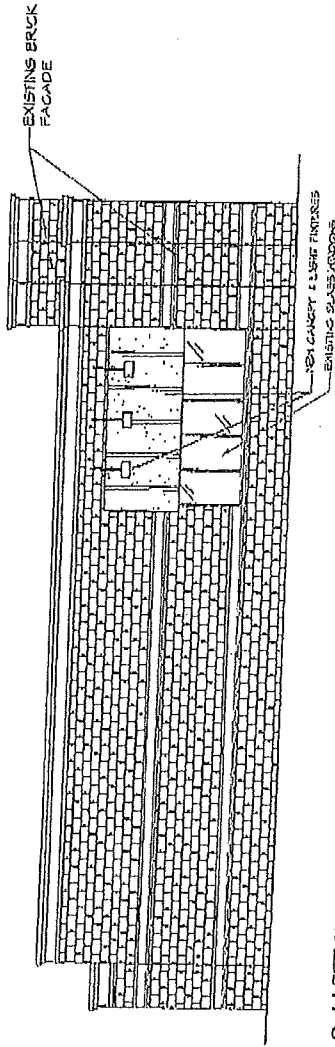
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REVISION	
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PROJECT	
CLIENT	
LOCATION	

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PROJECT
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LOCATION

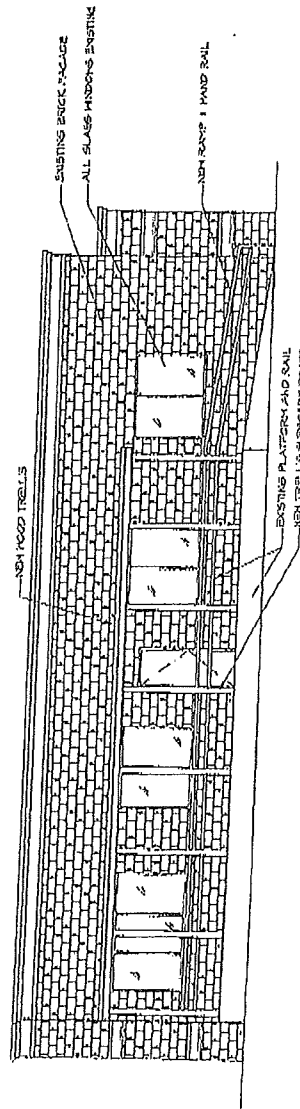
400 BETHUNE
ALBANY
DESIGN CONSULTANT
DUNCAN DESIGN GROUP
1000 W. 10TH ST.
ANN ARBOR MI 48106

DATE
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CLIENT
LOCATION

400 BETHUNE
ALBANY
DESIGN CONSULTANT
DUNCAN DESIGN GROUP
1000 W. 10TH ST.
ANN ARBOR MI 48106



01 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



02 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

