

**TOWN OF ADDISON, TEXAS
ORDINANCE NO. 010-049**

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 LIQUOR STORE WITH SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION ONLY, RED KOOLMAN'S BEER AND WINE, LOCATED AT 14647 INWOOD ROAD; AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR NO SEVERABILITY CLAUSE; PROVIDING FOR A REPEAL CLAUSE; AND DECLARING AN EMERGENCY.

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 ORDAINED 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 the sale of alcoholic beverages as follows:

"Sale of alcoholic beverages for off-premise consumption only." Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 4.335 square-foot lease space, addressed at 14647 Inwood Road, and located on a tract of land situated in the Josiah Pancoast Survey, Abstract no. 1146, and being part of Lot 3 of Inwood Park North, an addition to the City of Addison as recorded in Volume 79234, Page 0001, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found for corner situated I the Westerly line of Inwood Road (a 60' R.O.W.) said iron rod being the Northeast corner of the aforementioned Inwood Park North:

THENCE S 16 degrees 40;00" E along said Inwood Road a distance of 351.13 feet to a cross set for corner situated in the North line of a 50 foot Access, Utility and Drainage Easement;

THENCE S 89 degrees 49' 46" W departing said Inwood Road and along the North line of the aforementioned Easement a distance of 224.48 feet to an iron rod set for corner;

THENCE N 16 degrees 49' 00" W departing said Easement a distance of 216.67 feet to an iron rod set for corner;

THENCE N 09 degrees 15'00" W a distance of 97.88 feet to an iron rod set for corner situated in the Northerly line of said Inwood Park North;

THENCE N 80 degrees 45'00" E along said Inwood Park North a distance of 203.96 feet to the POINT OF BEGINNING and containing 1.6309 acres of land, more or less.

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, which is attached hereto and made a part hereof for all purposes.
2. That the Special Use Permit granted herein shall be limited to the sale of alcoholic beverages to that portion of the building designated on the site plan attached hereto, and encompassing approximately 4,335 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, as well as the approved elevations of the building.
4. 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.
5. That prior to the issuance of the staffs release of the Special Use Permit, a landscape plan showing the renovation of the street landscape buffer to include new shrubbery and ornamental trees.
6. That a new "smart" controller shall be installed on the existing irrigation system.

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.

SECTION 6. The importance of this ordinance creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 14th day of December, 2010.


Mayor-Joe Chow

ATTEST:


City Secretary-Lea Dunn

CASE NO. 1611-SUP/Red Koolman's Beer and Wine

APPROVED AS TO FORM:


Director of Development Services
Carmen Moran

PUBLISHED ON:

1/09/2011



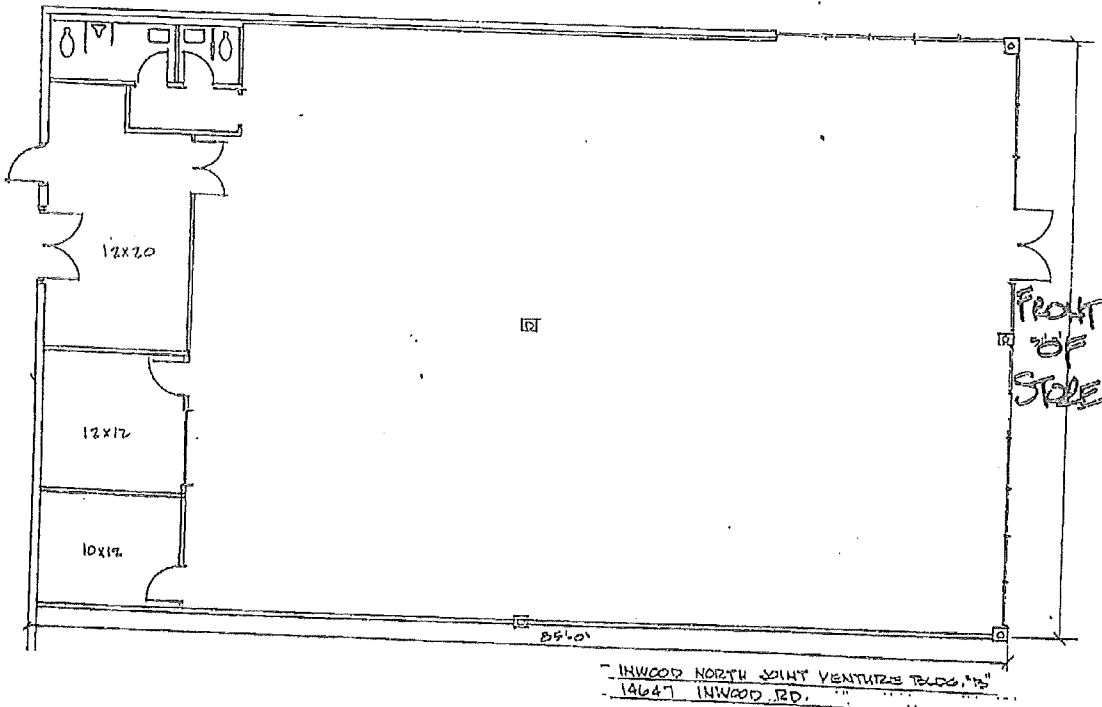
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EXHIBIT "B"

Tenant accepts premises in "as is" condition, except that Landlord at his sole cost and expense will perform the following:

1. Provide vinyl composition tile floor in the sales area of the premises. Any additional cost associated with this flooring due to Tenant's color scheme over a "building standard" type scheme shall be borne by Tenant.
2. Replace and/or repair any damaged or stained ceiling tile.
3. Replace and repair all existing ceiling light fixtures to make sure they are in good working order.
4. Service all rooftop HVAC systems and provide Tenant 120 day warranty on such equipment.

Tenant will be responsible for all interior fixturing of the premises and agrees that prior to initiating his work, will provide Landlord with plans and specifications for prior approval. Such plans should show detailed information concerning not only all items to be installed inside the premises, but also any additional equipment that Tenant is desirous to install to the roof such as cooling compressors, additional HVAC equipment, etc. Landlord will submit such plans to a certified structural engineer for appropriate placement to make certain that the existing structure can support all Tenant's required equipment. Tenant agrees to reimburse Landlord the fees associated with the structural engineering work.



INITIAL
[Signature]

BOB COLEMAN'S RED-E NEAT BEER WINE DELI

OPEN

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