

**TOWN OF ADDISON, TEXAS  
ORDINANCE NO. 011-070**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, SO AS TO APPROVE A SPECIAL USE PERMIT FOR A RESTAURANT, A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, AND A SPECIAL USE PERMIT FOR A BILLIARD PARLOR, ON APPLICATION FROM MC FADDEN'S RESTAURANT, LOCATED AT 4050 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 only, on application from McFadden's Restaurant. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

Being a 15,492 square foot building, addresses as 4050 Belt Line Road, and located on a tract of land situated in the TTHOMAS CHENOWETH SURVEY, ABSTRACT NO. 273, in the City of Addison, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the southerly line of Belt Line Road (100 foot R.O.W.) with the easterly line of Surveyor Boulevard (60 foot R.O.W.);

THENCE along the southerly R.O.W. of Belt Line Road, in a northeasterly direction along a curve to the right having a central angle of 15°47'42", a radius of 1860.00 feet, a tangent of 258.01 feet and a chord which bears N 74°41'48" E, 511.13 feet, an arc distance of 512.75 feet to a ½-inch iron rod set for the POINT OF BEGINNING:

THENCE continuing along the southerly R.O.W. of Belt Line Road and along a curve to the right having a central angle of 5°26'48", a radius of 1860.00 feet, a tangent of 88.47 feet and a chord which bears N 85°19'03", 176.75 feet, an arc distance of 176.82 feet to a ½-inch iron rod found for the northeast corner of the herein described tract;

THENCE S 00°35'00" W, departing the southerly R.O.W. of Belt Line Road, a distance of 412.00 feet to a ½-inch iron rod found for the northeast corner of the Levitz Furniture Company of Texas tract as recorded in Volume 83056, page 1571;

THENCE N 89°25'00" W, along the common line with the Levitz tract, a distance of 176.00 feet to a ½-inch iron rod set for corner;

THENCE N 00°35'00" E, a distance of 395.78 feet to the POINT OF BEGINNING and containing 71,332 square feet or 1.64 acres of land.

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, and 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 15,492 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.
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. The applicant/operator shall not use any terms (such as "bar", "tavern", etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs.
10. Prior to a Certificate of Occupancy:
  - All dead or missing shrubs and ground cover on the site shall be replaced
  - The Belt Line Road landscape buffer shall be refurbished
  - Crape myrtle trees in the Belt Line Road landscape buffer shall be removed
  - The existing tree lighting in the front of the building shall be removed
  - The irrigation system shall be inspected to make sure the freeze and rain sensors are operational, and that the overall site is receiving 100% sprinkler coverage.


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. That this ordinance shall specifically repeal Ordinance

**DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,** on this the 8<sup>th</sup> of November, 2011.

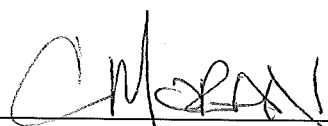
  
\_\_\_\_\_  
Mayor-Todd Meier

ATTEST:

  
\_\_\_\_\_  
City Secretary-Chris Terry

CASE NO. 1645-SUP/McFadden's Restaurant

APPROVED AS TO FORM:

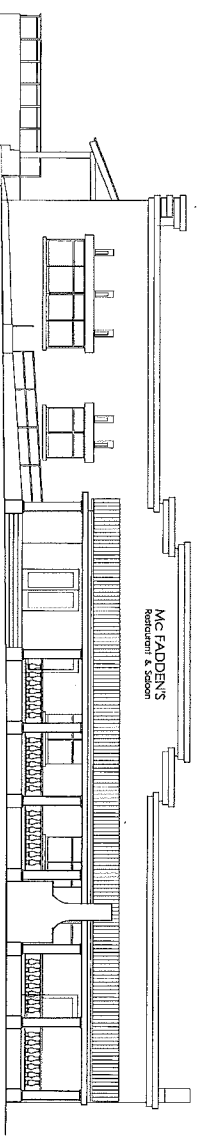
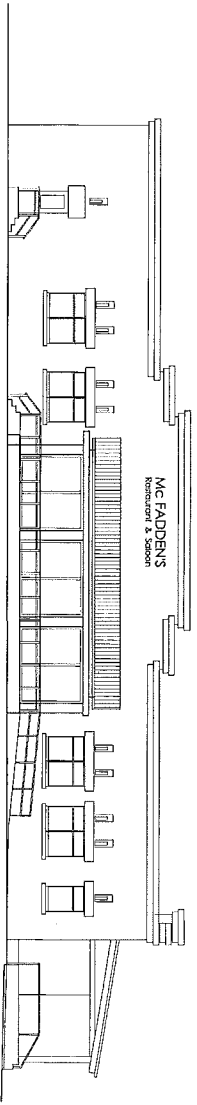
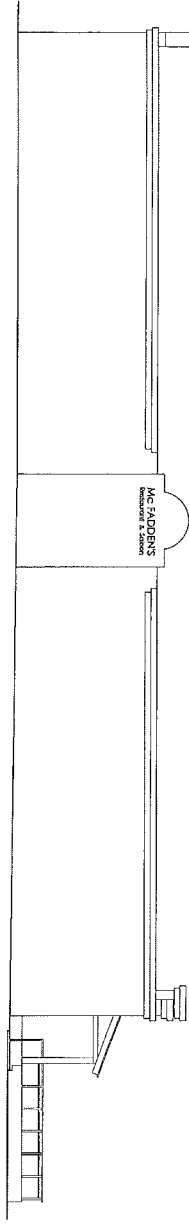
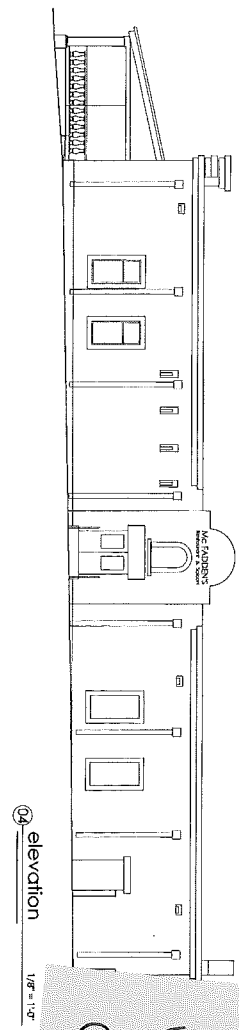
  
\_\_\_\_\_  
Director of Development Services  
Carmen Moran

PUBLISHED ON: \_\_\_\_\_

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 011-070

*Planned  
As per  
McFaddens  
011-070*



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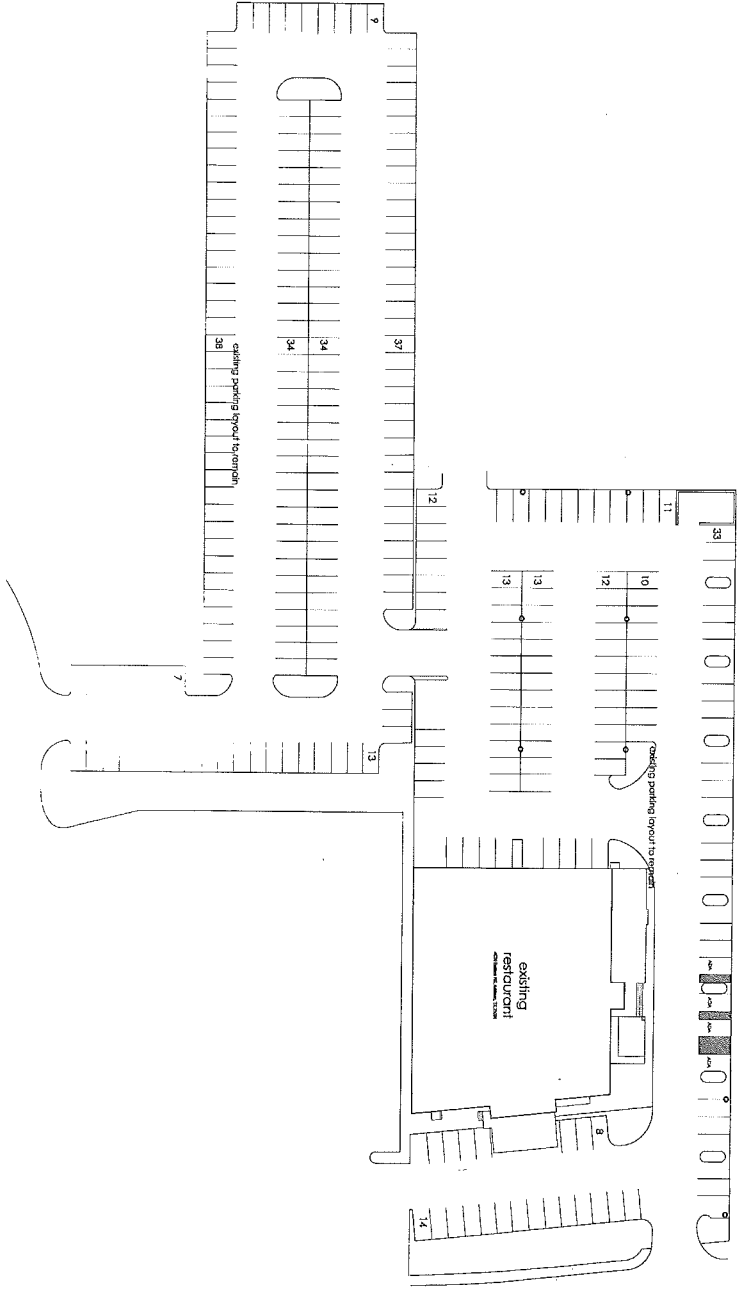
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**McFADDEN'S**  
Addison, TX  
4050 Belthe Rd. Addison, TX 75001

PROJECT NUMBER  
**CD04**  
REVISIONS

DATE: 08/22/2011  
NOT FOR CONSTRUCTION





(a) site plan  
 1/32" = 1'-0"  
 ⊕

DATE PLOTTED  
 08/22/07  
 NOT FOR  
 CONSTRUCTION

PROJECT NUMBER  
 CB04  
 REVISIONS

**McFADDEN'S**  
 Addison, TX

4750 Belline Rd. Addison, TX 75001

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