

**TOWN OF ADDISON, TEXAS
ORDINANCE NO. 013-014**

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, SO AS TO APPROVE 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 BLUE MESA RESTAURANT, LOCATED AT 14866 MONTFORT DRIVE, 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 Blue Mesa Restaurant. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

Being a tract of land situated in the Allen Bledsoe Survey, Abstract No. 157, City of Addison, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron pin in the East right-of-way line of Montfort Drive (an 80-foot right-of-way), said point being the most Northwesterly corner of Montfort Office Park, and addition to the City of Addison, Texas as recorded in Volume 81131, Page 310 of the Deed Records of Dallas County, Texas;

THENCE: N 23°24'00" W, along said East line of Montfort Drive, a distance of 565.64 feet to an iron pin for corner;

THENCE: N 89°49'50" E, leaving said East line of Montfort Drive, a distance of 195.46 feet to an iron pin for corner;

THENCE: N 00°10'10" W, a distance of 197.00 feet to an iron pin for corner;

THENCE N 89°49'50" E, a distance of 485.00 feet to an iron pin for corner;

THENCE: S 00E, a distance of 97.56 feet to an iron pin for corner, said point being Oaks North Addition, an addition to the City of Addison, Texas, as recorded in Volume___, Page___, of the Deed Records of Dallas County, Texas;

THENCE: S 47°39'12" W, a distance of 335.00 feet to an iron pin for angle point;

THENCE: S 20°51'20" W, a distance of 390.71 feet to the POINT OF BEGINNING and containing 5.3886 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 site plan and floor plan, 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 11,505 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. The applicant shall revise the landscaping plans for the center to reflect The following changes/additions:
 - Street frontage along Montfort requires three additional trees,
 - Perimeter parking lot, northeast of proposed Blue Mesa site, requires four shade trees and 45 shrubs,
 - Show existing conditions and removal for the patio to be added,
 - Railroad tie planter bed adjacent to proposed patio shall be a minimum of 2'0" wide,Include enlargements of proposed landscape beds around the building,
Replace dead Photinia north of proposed 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.

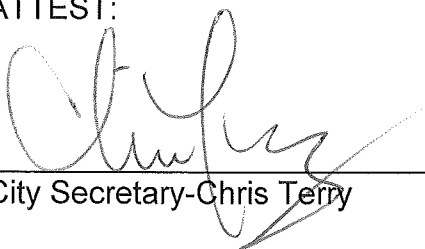
SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect. That this ordinance shall specifically repeal Ordinance

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 9th day of April, 2013.



Mayor-Todd Meier

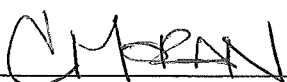
ATTEST:



City Secretary-Chris Terry

CASE NO. 1665-SUP/Blue Mesa Restaurant

APPROVED AS TO FORM:



Director of Development Services
Carmen Moran

PROPERTY DESCRIPTION
TRACT 11

BENEATH OF PRESTONWOOD POND II ADDITION, AN ADDITION IN THE CITY OF ADDISON, AS SHOWN ON THE ALLEN BLEDSOE SURVEY ABSTRACT NO. 137, AND FURTHER BEING PART OF LOT D, BLOCK 2, OAKS NORTHEAST NO. 4 ADDITION IN THE CITY OF ADDISON, TEXAS, AND ALSO BEING PART OF A TRACT DESCRIBED IN VOLUME 171, PAGE 310, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD FOUND IN THE NORTHEAST CORNER OF MONTFORT DRIVE, 14866 MONTFORT DRIVE, 14866 MONTFORT DRIVE, AN ADDITION IN THE CITY OF ADDISON, AN ADDITION IN THE CITY OF ADDISON, AND ALSO BEING PART OF LOT D, BLOCK 2, OAKS NORTHEAST NO. 4 ADDITION IN THE CITY OF ADDISON, AND ALSO BEING PART OF A TRACT DESCRIBED IN VOLUME 171, PAGE 310, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE: N 89°49'50" E, A DISTANCE OF 485.00 FEET TO AN IRON ROD FOUND FOR CORNER;

THENCE: S 0°10'10" E, A DISTANCE OF 197.00 FEET TO A CROSS FOUND FOR CORNER;

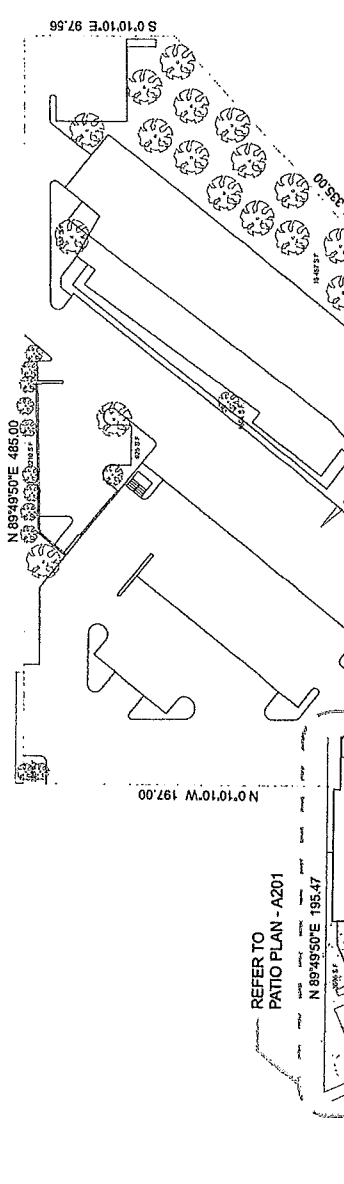
THENCE: N 89°49'50" E, A DISTANCE OF 195.47 FEET TO AN IRON ROD FOUND FOR CORNER;

THENCE: S 0°10'10" E, A DISTANCE OF 365.32 FEET TO AN IRON ROD FOUND FOR CORNER;

THENCE: S 47°37'42" W, A DISTANCE OF 50.133 FEET TO A POINT FOR CORNER IN POND;

THENCE: S 67°30'50" W, A DISTANCE OF 390.71 FEET TO A POINT FOR CORNER IN POND;

THENCE: S 67°30'50" W, A DISTANCE OF 75.80 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3,285 SQ. FEET OF LAND.



460 EXISTING PARKING SPACES
455 PROPOSED PARKING SPACES

PRESTONWOOD POND II

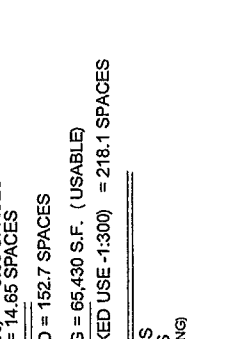
TOTAL SITE AREA = 234,728 S.F.
POND AREA = 13,800 S.F.
TOTAL AREA = 220,928 S.F.
TOTAL EXISTING LANDSCAPED AREA = 50,133 S.F. (22.7%)
TOTAL LANDSCAPE AFTER PATIO (S) REDUCTION = 46,668 S.F. (21.1%)

BLUE MESA GRILL RESTAURANT = 9775 S.F.
DINING/BARWAITING = 4854 S.F. (1:100) = 48.5 SPACES
BLUE MESA PROPOSED PATIO = 2000 S.F. (1:100) = 20 SPACES
SERVICE/KITCHEN/ COOLERS ETC = 4921 S.F. (1:100) = 4.9 SPACE

MI PIACI RESTAURANT = 11,015 S.F.
DINING/BARWAITING = 5550 S.F. (1:100) = 55.5 SPACES
SERVICE/KITCHEN/ COOLERS ETC = 5465 S.F. (1:100) = 5.5 SPACES
MI PIACI EXISTING PATIO = 365 S.F. (1:100) = 3.65 SPACES
MI PIACI NEW PATIO = 1465 S.F. (1:100) = 14.65 SPACES

TOTAL RESTAURANT PARKING REQUIRED = 152.7 SPACES
TWO STORY (POND II) OFFICE BUILDING = 65,430 S.F. (USABLE)
TOTAL OFFICE PARKING REQUIRED (MIXED USE -1:300) = 218.1 SPACES

TOTAL PARKING REQUIRED = 371 SPACES
TOTAL PARKING PROVIDED = 455 SPACES
(285 SURFACE PARKING, 160 STRUCTURED PARKING)



PRESTONWOOD POND II
PART OF LOT D BLOCK 2, OAKS NORTHEAST NO. 4 ADDN.
ALLEN BLEDSOE SURVEY ABSTRACT NO. 157
CITY OF ADDISON, DALLAS COUNTY, TEXAS

REFER TO PATIO PLAN - A201

BLUE MESA
14866 MONTFORT DRIVE

MI PIACI
3825 DAVENPORT BLVD.
ADDISON, TEXAS

POND
13,800 S.F.

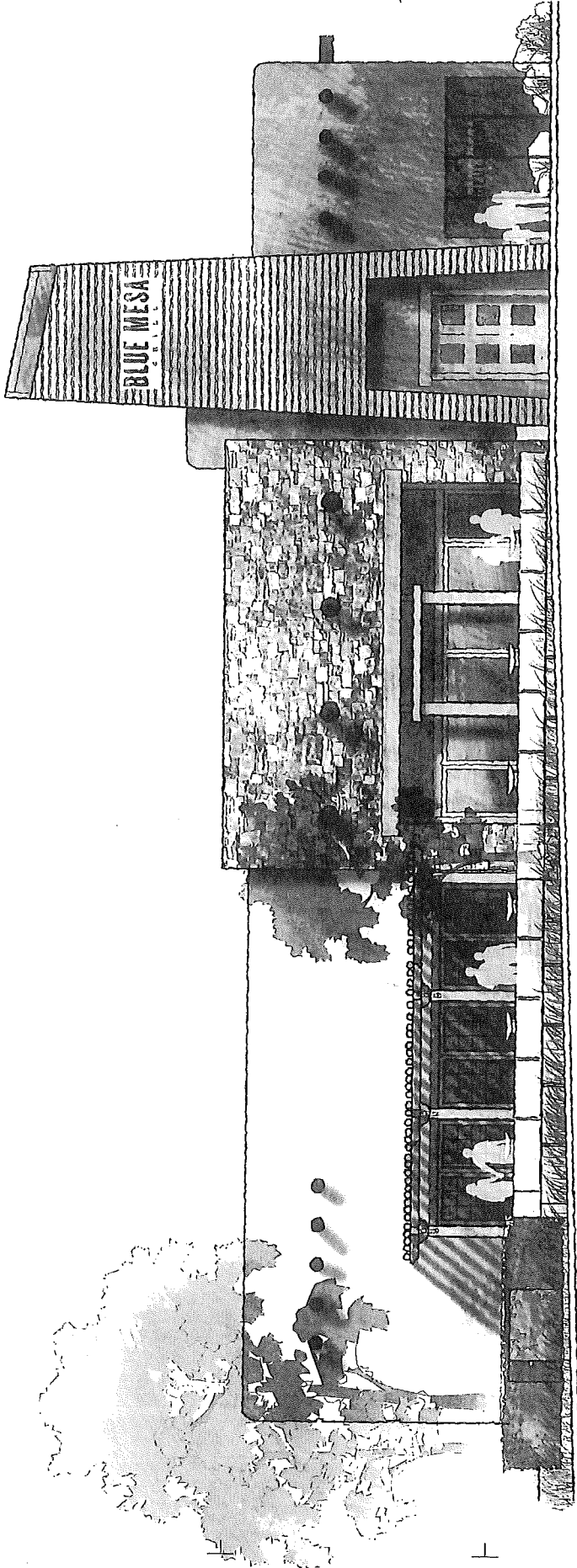
MONTFORT DRIVE

1"=40'-0"

0' 20' 60' 120'

BLUE MESA GRILL OWNER - BMG 25, LLC
JIM BARON, MANAGING PARTNER

PRESTONWOOD POND II - SITE / LANDSCAPE PLAN



BLUE MESA

CARRELL
PARTNERS
& YOST
ARCHITECTURE

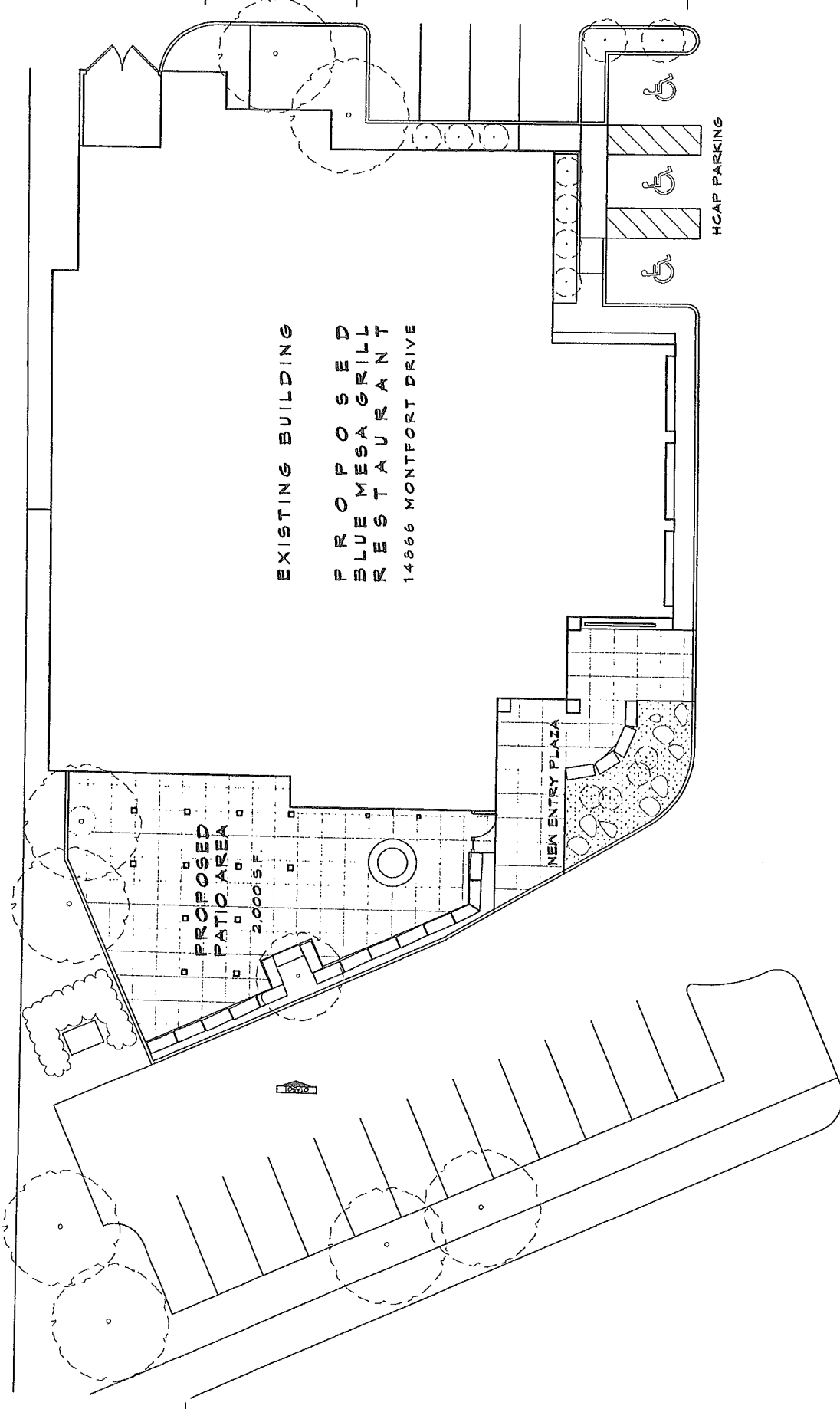
5445 Alden Street
Dallas, Texas 75236
214-507-0300 FAX
214-507-0300
214-507-0300

DRAWN BY: YH
CHECKED BY: XXXX
DATE:

REVISED:

PRODUCT NO. 12064
SHEET NO. A501

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



01 PATIO PLAN
SCALE: 1/8" = 1'-0"