

ORDINANCE NO. 014-007

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 RESTAURANT AND A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM NHS RESTAURANT, LOCATED AT 5100 BELT LINE ROAD SUITE 795, 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; 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 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 a restaurant and a special use permit for the sale of alcoholic beverages for on-premises consumption to NHS

Restaurant. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING A 4,145 square-foot lease space, addressed as 5100 Belt Line Road, Suite 795, and located on a tract of land situated in the G.W. Fisher Survey, Abstract. No. 482, J. Pancoast Survey, Abstract no. 1145 and the Allen Bledsoe Survey, Abstract no. 1145, City of Addison, Dallas County, Texas and being all of Lots 1A, 1B and 2A of the Village on the Parkway, a subdivision and addition to the City (Town) of Addison, Texas as described and shown on the Amended Replat of Lot 1A, Lot 1B, & Lot 2A, Village on the Parkway recorded in Volume 2001019, Page 914 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at the north end of a right-of-way corner clip at the intersection of the southwest right-of-way line of Sakowitz Drive (65-foot wide right-of-way) with the south right-of-way line of Belt Line Road (100 foot wide right-of-way);

THENCE South $65^{\circ}51'30''$ East, a distance of 29.57 feet to a point for corner at the south end of said right-of-way corner clip in the said southwest right-of-way line of Sakowitz Drive;

THENCE with said southwest right-of-way line, South $41^{\circ}57'00''$ East, a distance of 757.56 feet to a point for corner in the west right-of-way line of Montfort Drive (80 foot wide right-of-way);

THENCE with said west right-of-way line, South $23^{\circ}24'00''$ East, a distance of 887.39 feet to a point for the southeast corner of said Village on the Parkway Addition;

THENCE departing said west right-of-way line and along the south line of said Parkway Village Addition, the following courses and distances:

South $85^{\circ}31'25''$ West, a distance of 691.03 feet to an angle point;
North $85^{\circ}30'06''$ West, a distance of 807.47 feet to a point for corner in the east right-of-way line of Dallas Parkway (a variable width right-of-way) at the beginning of a non-tangent curve to the right having a central angle of $06^{\circ}56'16''$, a radius of 668.20 feet, a chord bearing and distance of North $06^{\circ}43'06''$ East, 80.86 feet;

THENCE with the east right-of-way line of said Dallas Parkway, the following courses and distances:

In a northerly direction, with said curve to the right, an arc distance of 80.91 feet to a point at the end of said curve;
North $10^{\circ}11'14''$ East, a distance of 225.13 feet to a point for corner at the beginning of a tangent curve to the right having a central angle of

16°08'42", a radius of 1,140.92 feet, a chord bearing and distance of North 18°15'27" East, 320.43 feet;
In a northeasterly direction, with said curve to the right, an arc distance of 321.49 feet to a point at the end of said curve;
North 26°19'54" East, a distance of 252.26 feet to a point for corner at the beginning of a tangent curve to the left having a central angle of 01°00'19", a radius of 1,262.92 feet, a chord bearing and distance of North 25°49'46" East, 22.16 feet;
In a northeasterly direction, with said curve to the left, an arc distance of 22.16 feet to a point at the beginning of a curve to the right having a central angle of 04°59'52", a radius of 100.00 feet, a chord bearing and distance of North 27°49'34" East, 8.72 feet;
In a northeasterly direction, with said curve to the right, an arc distance of 8.72 feet to a point at the end of said curve;
North 30°19'34" East, a distance of 89.93 feet to an angle point;
North 20°38'23" East, a distance of 5.88 feet to a point for corner at the beginning of a tangent curve to the left having a central angle of 15°43'45", a radius of 1,274.92 feet, a chord bearing and distance of North 12°46' 31" East, 348.90 feet;
In a northerly direction, with said curve to the left, an arc distance of 350.00 feet to a point at the end of said curve;
North 04°54'38" East, a distance of 24.73 feet to a point for corner at the beginning of a tangent curve to the right having a central angle of 85°05'19" a radius of 79.36 feet, a chord bearing and distance of North 47°27'19" East, 107.32 feet;
In a northeasterly direction, with said curve to the right, an arc distance of 117.86 feet to a point in the said south right-of-way line at the end of said curve;

THENCE along said south right-of-way line, North 90°00'00" East, a distance of 126.98 feet to the POINT OF BEGINNING and containing 30.717 acres or 1,338,020 square feet of land.

SECTION 2. That the Special Use Permits are 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, landscape plan, irrigation plan, and the elevation drawings showing four exterior walls, 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 and the sale of alcoholic beverages for on-premises consumption only and to that particular area designated on the final site plan as encompassing a total area not to exceed 4,145 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.
4. That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. Restaurants are hereby defined as establishments which receive at least sixty percent (60%) of 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.
8. 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.
9. 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.
10. That if a license or permit to sell alcoholic beverages on property covered by this special use permit is revoked, terminated or cancelled by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.

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 11th day of February, 2014.



Todd Meier, MAYOR

ATTEST:



Matt McCombs, CITY SECRETARY

CASE NO. 1684-SUP/NHS Restaurant

APPROVED AS TO FORM:



Charles Goff, ASSISTANT TO THE CITY MANAGER

PUBLISHED ON: _____