

ORDINANCE NO. O14-017

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 BRICK HOUSE RESTAURANT, LOCATED AT 4535 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 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 Brick House restaurant. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING a tract of land situated in the E. Cook Survey, Abstract No. 326 and the E. Fike Survey, Abstract No. 478, Dallas County, Texas, said 1.727 acre tract of land being a portion of Addison Restaurant Park, an addition to the City of

Addison, Texas, according to the plat of same recorded in Volume 88066, Page 4219, Dallas County Deed Record, and also being a portion of that certain tract of land as conveyed to Camden Financial Corporation as recorded in Volume 86170, Page 2523 and Volume 84189, Page 1651, said Deed Records, said 1.727 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod, found; the southeast corner of said Addison Restaurant Park and said Camden Financial tract, and being in the northerly right-of-way line of Belt Line Road, a 100 foot wide public right-of-way, said iron rod also being the southwest corner of a tract of land conveyed to the City of Dallas by deed recorded in Volume 4942, Page 629, said Deed Records;

THENCE, N 89° 40' 00" W, 144.90 feet, along said northerly right-of-way line, to a 5/8 inch iron rod with cap stamped "Carter & Burgess," found, the beginning of a curve concave to the north, whose radius is 2,814.79 feet and whose longchord bears N 89° 14' 46" W, 41.31 feet;

THENCE, along said curve in a westerly direction, and continuing along said northerly right-of-way line, through a central angle of 00° 50' 27" an arc distance of 41.31 feet to a 5/8 inch iron rod with cap stamped "Carter & Burgess," found, the southeast corner of Lot 2, Addison Oaks Addition, an addition to the City of Addison according to the plat of same recorded in Volume 89166, Page 1974, said Deed Records;

THENCE, N 00° 10' 53" E, 399.42 feet, along the easterly line of said Lot 2, to a 5/8 inch iron rod with cap stamped "Carter & Burgess," found, the northeast corner of said Lot 2;

THENCE, S 89° 51' 01" E, 189.94 feet, to a 5/8 inch iron rod with cap stamped "Carter & Burgess," set, in the easterly line of the aforementioned Addison Restaurant Park and said Camden Financial tract and the westerly line of the aforementioned City of Dallas tract;

THENCE, S 00° 43' 00" W, 400.34 feet along the common line of said tracts to the POINT OF BEGINNING and containing 1.727 acres of land, more or less.

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 8,991 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.
11. The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signs, with the exception of the terms

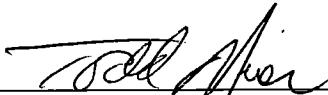
"Tavern and Tap" when used as part of and in proportion to the sign package included in the attached plans.

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.

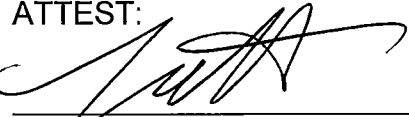
SECTION 4. It is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said 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 8th day of April, 2014.



Todd Meier, MAYOR

ATTEST:


Matt McCombs, CITY SECRETARY

CASE NO. 1688-SUP/Brick House

APPROVED AS TO FORM:



Charles Goff, ASSISTANT DIRECTOR OF DEVELOPMENT SERVICES & PLANNING

PUBLISHED ON: DMN 8/16/14 & MuniCode 8/19/14