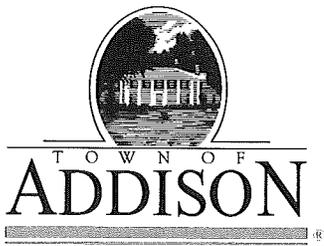


# 1683-SUP

**PUBLIC HEARING** Case 1683-SUP/Vernon's Gastropub. Public hearing, discussion, and consideration of approval of an ordinance changing the zoning on property located at 5290 Belt Line Road, Suite 142, by approving for that property an amendment to Ordinance 012-040, Section 2, Paragraph 9, which amended Ordinance 087-001, in order to delete a Special Condition from 012-040, Section 2, Paragraph 9 prohibiting the use of any terms or graphic depictions which relate to alcoholic beverages in any exterior signs, on application from Vernon E. Garcia, Inc., represented by Mr. Christopher Myrick.





December 11, 2013

**STAFF REPORT**

**RE:** Case 1683--SUP/Vernon's Gastropub

**LOCATION:** 5290 Belt Line Road, Suite 142

**REQUEST:** Consideration of approval of an ordinance by approving an amendment to Ordinance 012-040, Section 2, Paragraph 9, which amended Ordinance 087-001, in order to delete a Special Condition from 012-040, Section 2, Paragraph 9 prohibitin the use of any terms or graphic depictions which relate to alcoholic beverages in any exterior signs

**APPLICANT:** Vernon's Grille, represented by Mr. Christopher Myrick.

**DISCUSSION:**

Background. Vernon's Grille has been in business in the same location since 1987. It was originally approved through Ordinance 087-001 on January 20<sup>th</sup> of 1987. When it sought original approval, it was proposed as Vernon's Bar and Grill. However, the Town placed a condition on the approval, in Section 3, paragraph 2 of the ordinance, that the term "Bar" be eliminated from the exterior sign.

In December of 2012, Mr. Christopher Myrick, the current manager, requested that he be allowed to add a patio to the front of the restaurant. His argument was that a patio would allow his restaurant to sell more food because non-smoking guests could eat on the patio. He mentioned that he needed his smoking customers to keep his business operating, but would like to increase his food sales, and felt that adding the patio would allow him to increase food sales. That amendment to the original ordinance was approved through Ordinance 012-040 on December 11 of 2013. That amending ordinance carried the typical condition that all restaurant ordinances carry in Section 2, Paragraph 9, which states:

The applicant shall not use any term or graphic depiction that relates to alcoholic beverages in any exterior signs.

Current Request. At this point, Mr. Myrick is returning with a request to be allowed to use the term "Gastropub" in his exterior sign. The Commission and Council dealt with a similar request in January of 2013 when LaZaranda came forward and asked to add the term "tequila" to its exterior sign. That request was approved by the P&Z and Council through Ordinance 013-004 on February 12, 2013. The P&Z and Council have also dealt with the use of the term Bar in exterior signs for Pluckers Wing Bar and hopdoddy Burger Bar (on the agenda for December 19, 2014). The Pluckers Wing Bar request was approved based on the conditions that it was interior to the Village on the Parkway and referred to a wing bar, similar to way that a restaurant might promote a salad bar.

The staff looked up the definition of a "gastropub" and according to Wikipedia, a gastropub is defined as follows:

***Gastropub or gastrolounge*** refers to a bar and restaurant that serves high-end beer and food.

Wikipedia further notes:

*The term "gastropub" was coined in 1991 when David Eyre and Mike Belben took over The Eagle pub in Clerkenwell, London. <sup>1</sup>The concept of a restaurant in a pub reinvigorated both pub culture and British dining, though it has occasionally attracted criticism for potentially removing the character of traditional pubs. "Gastropub" was added to the 2012 update of Merriam Webster's Collegiate Dictionary in August 2012.*

Mr. Myrick lists roughly the same reasons in the letter that accompanied his application. It seems that by incorporating the term "gastropub" into his sign, he is actually seeking to promote his food business as opposed to his bar business. The staff finds that motivation consistent with his request to add a patio to accommodate non-smoking guests and improve his lunch business.

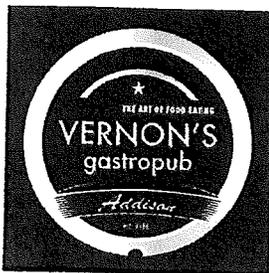
#### RECOMMENDATION:

Staff recommends approval of the request to amend Ordinance 012-040, Section 2, Paragraph 9, which in order to delete a Special Condition from 012-040 prohibiting the use of any terms or graphic depictions which relate to alcoholic beverages in any exterior signs, subject to no conditions.

Respectfully submitted,



Carmen Moran  
Director of Development Services



Dear Sir or Madam,

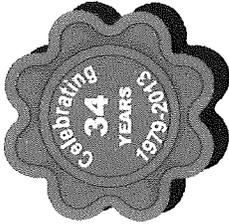
I am applying for a change in the ordinances regarding our Special Use Permit to allow us to incorporate the word Gastropub in our sign. With many changes among us we are currently in a rebranding phase and have changed our dba from "Vernon's Grille" to "Vernon's Gastropub" to give much more attention and focus on our quality, made from scratch food. A gastropub is a pub that serves alcoholic beverages but has an emphasis on high quality food. We feel that this change would better position us for success in the future for many more years and move us away from the tired branding of the "Irish style" pub through the use of "Grille". Thank you for your consideration for the change in our dba name and sign.

Sincerely,

Christopher Myrick

President/ GM

**signs manufacturing**  
 Corporation  
 (214) 339-2227 (817) 861-1234  
 (972) 850-3300 fax (214) 339-9987



**Vernon's Gastropub**

5290 Bellline Road #132  
 Addison TX

11/25/2013

**Customer Representative:**  
*Charles Russell*

**Customer Approval**



**Underwriters Laboratories**



QUALITY SERVICES  
 YOUR TECHNICAL  
 AUTHORITY



BETTER  
 BUSINESS  
 RATING

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107 IN  
**VERNON'S**  
**gastropub**  
 38 IN  
 12.5 IN  
 15 IN



36 IN

36 IN



**2. CHANNEL LETTERS ON BACKPLATE**



**3. THREE FOOT LOGO**

ORDINANCE NO. 087-001

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 THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ON APPLICATION FROM VERNON GARCIA, LOCATED AT 5290 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 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,

Published 1/29/87

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 the sale of alcoholic beverages for on-premises consumption to Vernon Garcia. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

BEGINNING at the intersection of the South line of Belt Line Road (a 100' R.O.W.), with the East line of Montfort Drive (a proposed 80' R.O.W.), an iron stake for corner;

THENCE, N 89 deg 49' 50" E, along said Belt Line Road South line, a distance of 609.11 feet to an iron stake for corner;

THENCE, S 0 deg 10' 10" E, leaving said Belt Line Road South line, a distance of 366.58 feet to an iron stake for corner;

THENCE, S 89 deg 49' 50" W, a distance of 604.08 feet to a point on the said Montfort Drive East line, an iron stake for corner;

THENCE, along the said Montfort Drive East line, the following:

Around a curve to the left, having a central angle of 28 deg 22' 34" and a radius of 540.00 feet, a distance of 267.44 feet to the end of said curve and the beginning of a curve to the right, having a central angle of 12 deg 48' 08" and a radius of 460.00 feet, an iron stake for corner;

Around said curve, a distance of 102.78 feet to the PLACE OF BEGINNING and containing 5.00 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, landscape plan, and the elevation drawings showing four exterior walls which are attached hereto and made a part hereof for all purposes. The landscaping shall be maintained in the condition as set forth in such drawings.
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 being outlined in red and encompassing a total area not to exceed 3,500 sq. ft.
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, and all permitted signs must be shown on the elevation drawings.
4. That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. Restaurants if hereby defined as establishments which receives 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.
6. The use of gaming devices, such as billiards (pool) tables, pinball machines, marble table, and other coin operated amusement machines, other than machines for music are hereby prohibited.
7. Where the sale or serving of alcoholic beverages is permitted, dancing is hereby prohibited.
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.

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. The following Special Conditions are placed on the above described property:

1. The landscaping along Belt Line Road be installed prior to a Certificate of Occupancy.
2. The word "BAR" be deleted from the name and signage of this restaurant.
3. The sidewalks be installed along Belt Line Road and Montfort Drive prior to a Certificate of Occupancy.

SECTION 4. 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 not to exceed the sum of One Thousand Dollars (\$1,000.00) and not less than Five Hundred Dollars (\$500.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 5. 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 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 20th day of January, 1987.

MAYOR

ATTEST:

*Jaqueline Kruse*  
CITY SECRETARY

CASE NO. 999-SUP

APPROVED AS TO FORM:

*C. TURNER 1-27-87*

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 012-040**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO.087-001, BY AMENDING THE SITE PLAN TO PROVIDE FOR A PATIO AREA, ON APPLICATION WITH VERNON'S GRILLE, LOCATED AT 5290 BELT LINE ROAD, SUITE 142; PROVIDING FOR SPECIAL CONDITONS; 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. That Ordinance No. 087-001, passed by the Addison City Council on the 20th day of January, 1987, is hereby amended by amending Section 2 to read as follows:

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 3,979 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. No terms such as "bar", "tavern" or any terms or graphic depictions that relate to the sale of alcoholic beverages shall be used in any exterior signs.
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%) 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 7 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 purpose 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 shall not use any term or graphic depiction that relates to alcoholic beverages in any exterior signs.

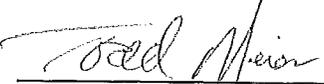
SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance 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

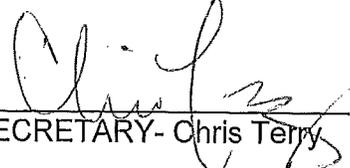
unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

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 11<sup>TH</sup> day of December, 2012.

  
\_\_\_\_\_  
MAYOR- Todd Meier

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY- Chris Terry

CASE NO. 1658-SUP/Vernon's Grille

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DIRECTOR OF DEVELOPMENT SERVICES-  
Carmen Moran

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

Case 1683-SUP/Vernon's Gastropub  
December 26, 2013

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on December 19, 2013, voted to recommend approval of an ordinance changing the zoning on property located at 5290 Belt Line Road, Suite 142, by approving for that property an amendment to Ordinance 012-040, Section 2, Paragraph 9, which amended Ordinance 087-001, in order to delete a Special Condition from 012-040, Section 2, Paragraph 9 prohibiting the use of any terms or graphic depictions which relate to alcoholic beverages in any exterior signs, subject to no conditions.

Voting Aye: Doherty, Groce, Oliver, Stockard, Wheeler

Voting Nay: none

Absent: Hewitt, Hughes