

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY REPEALING ORDINANCE NOS. 430 AND 095-062, AND REZONING A 1.24 ACRE PROPERTY LOCATED AT 14999 MONTFORT DRIVE, FROM LOCAL RETAIL (LR) TO PLANNED DEVELOPMENT (PD) DISTRICT WITH MODIFIED LOCAL RETAIL DISTRICT STANDARDS, AND TO GRANT A SPECIAL USE PERMIT (SUP) FOR A RESTAURANT AND FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, NO SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on August 17, 2021 the Planning & Zoning Commission considered and made recommendations on a request to rezone to the Planned Development District and to grant a Special Use Permit for a restaurant and for the sale of alcoholic beverages for on-premises consumption (Case No.1832-Z); and

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this amendment promotes 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. That the recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

SECTION 2. Ordinance Nos. 430 and 095-062, granting Special Use Permits for a restaurant and the sale of alcoholic beverages for on-premises consumption, are hereby repealed in their entirety.

SECTION 3. The Zoning Ordinance and official zoning map shall be amended so as to rezone a 1.24 acre property located at 14999 Montfort Drive, said property being described in the legal description on **Exhibit A** attached hereto, from Local Retail (LR) to Planned Development (PD) district with modified Local Retail (LR) district standards, and granting a Special Use Permit (SUP) authorizing a restaurant and the sale of alcoholic beverages for on-premises consumption subject to the following conditions:

- (a) Prior to the issuance of a Certificate of Occupancy, said Property shall be improved in accordance with the site plan, landscape plan, floor plan, and building elevations, which are attached hereto as **Exhibit B** and made a part hereof for all purposes.
- (b) The property shall be improved in accordance with the Local Retail (LR) district standards, as amended, with the following exceptions:
 - i. Off street parking shall be provided at a minimum ratio of one space per 100 square feet of interior floor area, outdoor dining, and outdoor waiting area.
 - ii. Outside storage of wood and other smoker accessory materials is permitted where said materials are screened from view from the right-of-way and from adjacent properties by hardscape features such as building façade elements, fences, or screening walls.
 - iii. A minimum of eighteen percent of the gross lot area shall be maintained as landscape area.
 - iv. A variable width street landscape buffer and parking lot perimeter landscaping shall be provided in accordance with the landscape plan adopted herein.
- (c) The Special Use Permit (SUP) granted herein for a restaurant with the sale of alcoholic beverages for on-premises consumption, shall be limited to that particular area designated on the final site plan as encompassing a total area not to exceed 7,764 square feet.
- (d) 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.
- (e) 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.
- (f) Said establishment shall, upon request by the town, make available to the city or its agents, during reasonable hours its bookkeeping records for inspection to ensure that the conditions of subparagraph (e) above are being met.
- (g) 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.
- (h) If the property for which this Special Use Permit is granted is not used for the purposes for which said permits were 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 and repeal of the Special Use Permits granted herein.

- (i) If a license or permit to sell alcoholic beverages on property subject to 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 and repeal of the Special Use Permits granted herein.
- (j) The establishment shall not use the term “bar”, “tavern”, or any other terms or graphic depictions that relate to the sale of alcoholic beverages on any signs visible from the exterior of the premises.

SECTION 4. The provisions of the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect save and except as amended by this ordinance.

SECTION 5. 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 6. The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

SECTION 7. 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.

SECTION 8. This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas, on this the 14TH day of SEPTEMBER 2021.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Whitt Wyatt, City Attorney

EXHIBIT A

LEGAL LAND DESCRIPTION

BEING a portion of that certain tract of land in the Allen Bledsoe Survey, Abstract No. 157, City of Addison, Dallas County, Texas, described as Lot C, Block 1, Oaks North - West No. 2 (hereinafter referred to as Lot C), an addition to the City of Addison, Dallas County, Texas, according to the plat recorded in Volume 79121, Page 579, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described, by metes and bounds, as follows:

BEGINNING at a one-half inch iron rod found for the Southerly corner of said Lot C, same being the intersection of the existing Westerly right-of-way line of Montfort Drive (80' right-of-way), as recorded in Volume 82006, Page 1290, D.R.D.C.T. and the existing Northeasterly line of the Abandoned Sakowitz Drive retained as Utility Easement (hereinafter referred to as Utility Easement), as recorded in Instrument Number 201300139206, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), same also being the beginning of a curve to the right, whose long chord bears North 62 degrees 04 minutes 40 seconds West, a distance of 67.81 feet;

THENCE Northwesterly, departing the existing Westerly right-of-way line of said Montfort Drive, with the common line between said Lot C and said Utility Easement, with said curve to the right, having a radius of 100.00 feet, through a central angle of 39 degrees 38 minutes 17 seconds, for an arc distance of 69.18 feet;

THENCE North 42 degrees 15 minutes 31 seconds West, continue with the common line between said Lot C and said Utility Easement, a distance of 207.17 feet to the Southerly corner of that certain tract of land described as Lot B, Block 1, Oaks North - West No. 1 (hereinafter referred to as Lot B), an addition to the City of Addison, Dallas County, Texas, according to the plat recorded in Volume 79121, Page 563, D.R.D.C.T.;

THENCE North 47 degrees 44 minutes 29 seconds East, departing the existing Northeasterly line of said Utility Easement, with the common line between said Lot C and said Lot B, a distance of 157.38 feet to the Southeast corner of said Lot B;

THENCE North 00 degrees 31 minutes 41 seconds West, continue with the common line between said Lot C and said Lot B, a distance of 12.48 feet to the Northwesterly corner of said Lot C, same being the Southwest corner of that certain tract of land described as Lot D, Block 1, Oaks North - West No. 3 (hereinafter referred to as Lot D), an addition to the City of Addison, Dallas County, Texas, according to the plat recorded in Volume 79121, Page 571, D.R.D.C.T.;

THENCE North 89 degrees 28 minutes 19 seconds East, a distance of 184.78 feet to the Northeast corner of said Lot C, same being the Southeast corner of said Lot D, same being the existing Westerly right-of-way line of said Montfort Drive, same also being the beginning of a non-tangent curve to the right, whose long chord bears South 16 degrees 50 minutes 36 seconds West, a distance of 179.48 feet;

THENCE Southerly with the common line between said Lot C and the existing Westerly right-of-way line of said Montfort Drive, with said non-tangent curve to the right, having a radius of 460.00 feet, through a central angle of 22 degrees 29 minutes 58 seconds, for an arc distance of 180.64 feet to the beginning of a non-tangent curve to the left, whose long chord bears South 20 degrees 31 minutes 08 seconds West, a distance of 142.35 feet;

THENCE Southerly, continue with the common line between said Lot C and the existing Westerly right-of-way line of said Montfort Drive, with said non-tangent curve to the left, having a radius of 540.00 feet, through a central angle of 15 degrees 08 minutes 54 seconds, for an arc distance of 142.77 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 1.240 acres (54,004 square feet) of land.

EXHIBIT A



EXHIBIT B

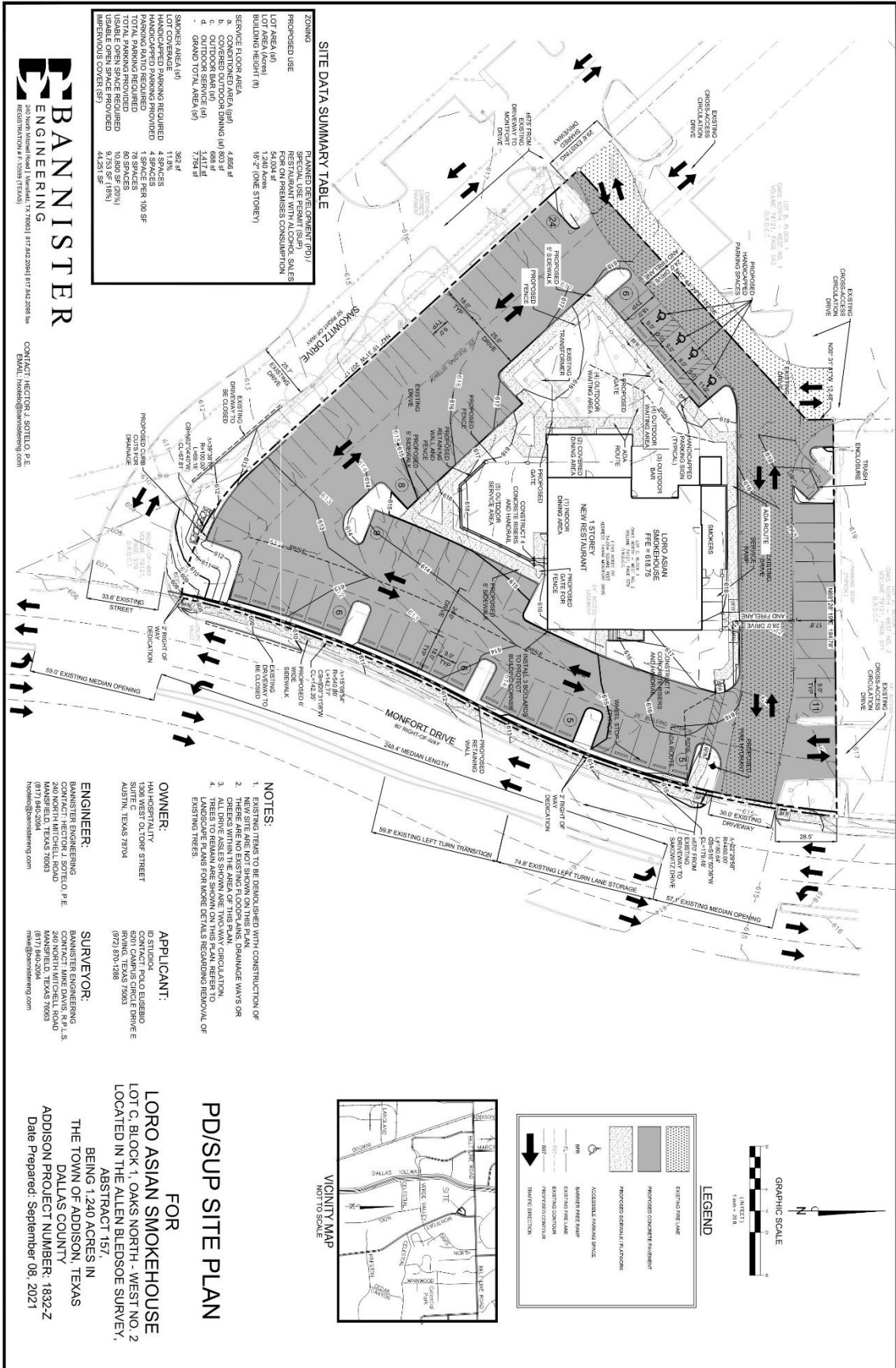


EXHIBIT B

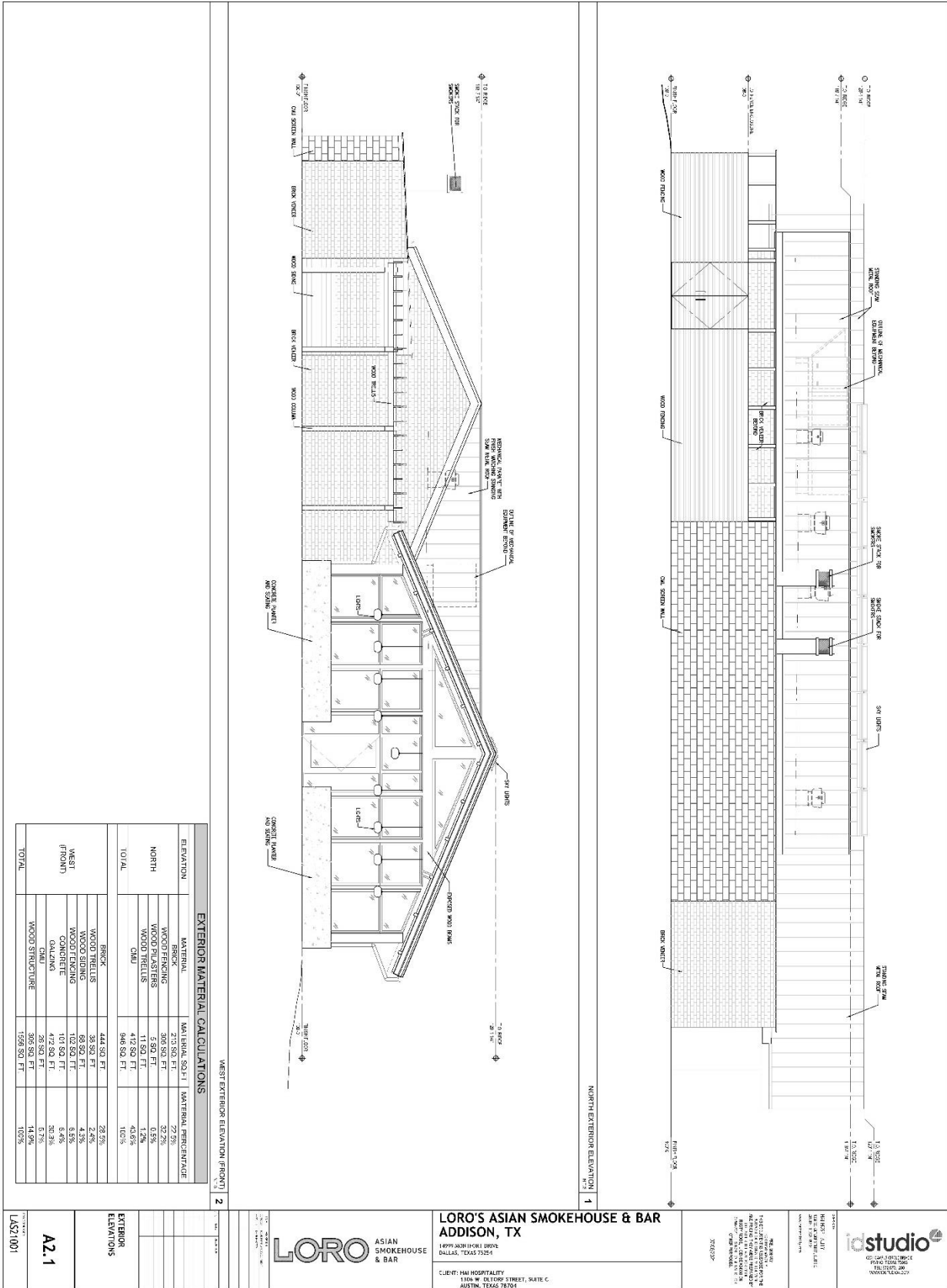


EXHIBIT B

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| <p style="text-align: center;">SOUTH EXTERIOR ELEVATION 1</p> | <p style="text-align: center;">EAST EXTERIOR ELEVATION 2</p> | <p style="text-align: center;">NORTH EXTERIOR ELEVATION 3</p> |
| <p style="text-align: center;">WEST EXTERIOR ELEVATION 4</p> | | |
| | LORO'S ASIAN SMOKEHOUSE & BAR ADDISON, TX 1499 WARD HILL DRIVE DALLAS, TEXAS 75251 CLIENT: HUI HOSPITALITY 1100 W. GILROY STREET, SUITE C AUSTIN, TEXAS 78704 | |
| LASZ1001 | <p style="font-size: small;"> 401.501.1011 401.501.1012 401.501.1013 401.501.1014 401.501.1015 401.501.1016 401.501.1017 401.501.1018 401.501.1019 401.501.1020 </p> | |