

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM INDUSTRIAL-1 TO LOCAL RETAIL AND GRANTING A SPECIAL USE PERMIT FOR A GASOLINE SERVICE STATION, FOR A RESTAURANT, AND FOR THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION FOR PROPERTY GENERALLY LOCATED AT 15196 MARSH LANE; 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; SAVINGS, NO SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the “City”) is a home rule municipality having full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, at its regular meeting held on December 19, 2017, the Planning & Zoning Commission considered and made recommendations on a request for a rezoning, from I-1, Industrial-1, to LR, Local Retail, and request for Special Use Permits for a gasoline service station, for a restaurant, and for the sale of alcoholic beverages for off-premise consumption only (Case No.1769-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. That the property located at 15196 Marsh Lane, more specifically described in **Exhibit A**, attached hereto, and incorporated herein (the “Property”), is hereby rezoned from I-1, Industrial-1, to LR, Local Retail, and that a Special Use Permit authorizing a gasoline service station, a restaurant, and the sale of alcoholic beverages for off-premise consumption only are hereby granted subject to the following conditions:

- (a) Prior to the issuance of a Building Permit, the property owner shall replat said Property.
- (b) Prior to the issuance of a Certificate of Occupancy, said Property shall be improved in accordance with the development plans (site plan, floor plan, building elevations, and landscape plan) which are attached hereto as **Exhibit B** and made a part hereof for all purposes.
- (c) The Special Use Permit granted herein for the sale of alcoholic beverages for off-premise consumption only shall be limited to that particular area designated on the final site plan as encompassing 5,413 square feet.
- (d) The Special Use Permit granted herein for a restaurant shall be limited to that particular area designated on the final site plan as encompassing a total area not to exceed 1,073 square feet.
- (e) 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.
- (f) 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.
- (g) 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 Permit granted herein.
- (h) 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 repeal of the Special Use Permit granted herein.
- (i) 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.
- (j) The Town of Addison Staff shall review the recently submitted traffic engineering study with the applicant to determine if a variance is warranted for a second access point to the property. The Staff determination maybe appealed to City Council.

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. That 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.

Section 6. That 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 9th day of January 2018.

Joe Chow, Mayor

ATTEST:

Christie Wilson, Interim City Secretary

CASE NO: 1769-SUP/Race Trac

APPROVED AS TO FORM:

Brenda N. McDonald, City Attorney

PUBLISHED ON: _____

Ordinance No. _____

EXHIBIT A

Being 3.133 acres (136,464 sq. ft.) of land situated in the D. Myers Survey, Abstract Number 923, Dallas County, Texas, and being all of Lot 2, Block 1, Belt Line/Marsh Business Park, an addition to the City of Addison by plat thereof recorded in Instrument Number 200100100113, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) as conveyed to Mesquite Creek Development, Inc. by deed recorded in Volume 2000229, Page 11119, Deed Records, Dallas County, Texas (D.R.D.C.T.) and all of that tract of land conveyed to Gingercrest, Inc. by deed recorded in Instrument Number 201200358777, (O.P.R.D.C.T.). Said 3.133 acre tract of land bearings are based on the Texas State Plane Coordinate System of 1983 (2011), North Central Zone and is more particularly described by metes and bounds as follows:

Commencing at a 1/2" iron rod with yellow cap stamped "BGT" found at the southeast corner of a tract of land conveyed to Town of Addison for right-of-way dedication by instrument recorded in Volume 94138, Page 4334, (D.R.D.C.T.) at the southwest corner of Lot 1, Block 1, Belt Line - Marsh Business Park, an addition to the City of Addison by plat thereof recorded in Volume 83042, Page 425, (D.R.D.C.T.) and being in the original north line of Arapaho Road (60' right-of-way formerly known as Realty Road) as dedicated by Belt Line/Marsh Business Park, an addition to the City of Addison by plat thereof recorded in Volume 81060, Page 170, (D.R.D.C.T.);

Thence North 11 Degrees 46 Minutes 02 Seconds East, along the west line of the above mentioned Lot 1, Block 1 and the common east line of the above mentioned Town of Addison tract, a distance of 12.00 feet to a 1/2" iron rod found at the southeast corner of the above mentioned Gingercrest, Inc. tract, same being the northeast corner of said Town of Addison tract for the POINT OF BEGINNING of the herein described 3.133 acre tract;

Thence along the south line of said Gingercrest, Inc. tract and the above mentioned Lot 2, Block 1, same being the common north line of said Town of Addison tract North 78 Degrees 09 Minutes 59 Seconds West, at a distance of 234.29 feet pass a 5/8" iron rod with yellow cap stamped "BHB" found at the southwest corner of said Gingercrest, Inc. tract, same being the southeast corner of said Lot 2, Block 1, and continuing for a total distance of 256.69 feet to a 5/8" iron rod found at the beginning of a tangent curve to the left having a delta angle of 8 Degrees 06 Minutes 35 Seconds, a radius of 542.00 feet and a long chord that bears North 82 Degrees 13 Minutes 16 Seconds West for a distance of 76.65 feet;

Thence North 11 Degrees 56 Minutes 01 Seconds East, a distance of 222.31 feet to a 1/2" iron rod with red cap stamped "ONEAL 6570" set in the west line of the above mentioned Gingercrest, Inc. tract and being at the northeast corner of said Lot 2, Block 1 and the southeast corner of the above mentioned Pfluger Addition, from which a 5/8" iron rod with yellow cap stamped "BHB" found bears North 54 Degrees 32 Minutes 40 Seconds West, a distance of 0.71 feet;

Thence North 11 Degrees 56 Minutes 01 Seconds East, a distance of 110.29 feet to a 5/8" iron rod found (bent) in the south line of the St. Louis & Southwestern Railroad (100' right-of-way) at the northeast corner of said Pfluger Addition and the northwest corner of said Gingercrest, Inc. tract;

EXHIBIT A

Thence South 78 Degrees 14 Minutes 57 Seconds East, along the south line of said St. Louis & Southwestern Railroad right-of-way, a distance of 233.32 feet to a 1/211 iron rod found at the northeast corner of said Gingercrest, Inc., same being the northwest corner of the above mentioned Lot 1, Block 1 Belt Line - Marsh Business Park (Vol. 83042, Pg, 425);

Thence South 11 Degrees 46 Minutes 02 Seconds West, along the west line of said Lot 1, Block 1 Belt Line - Marsh Business Park and the common east line of said Gingercrest, Inc. tract, a distance of 333.01 feet to the point of beginning and containing 1.786 acres (77,820 square feet) of land, more or less.

RaceTrac
 THESE PLANS ARE SUBJECT TO FEDERAL AND STATE REGULATIONS AND MAY BE SUBJECT TO CHANGE WITHOUT NOTICE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND NOT TO BE BOUND BY ANY "TYPICAL" CONTRACT.



REVISIONS
 DATE DESCRIPTION
 2.10.17 REVISION 1
 3.10.17 REVISION 2
 4.10.17 REVISION 3

RaceTrac
 15108 MARSH LANE
 ADDISON, TEXAS 75002
 PROJECT NAME
MARSH LANE
 ADDISON, TEXAS
 15108 MARSH LANE
 PROJECT #**#064**
 PROJECT TYPE: STORE, RETAIL
 PROJECT NO: 2017 BR-BK-064-R-0603
 DATE: 03.13.17
 PROJECT NO: 2017 BR-BK-064-R-0603
 PROJECT TYPE: STORE, RETAIL
 PROJECT NO: 2017 BR-BK-064-R-0603
 DATE: 03.13.17

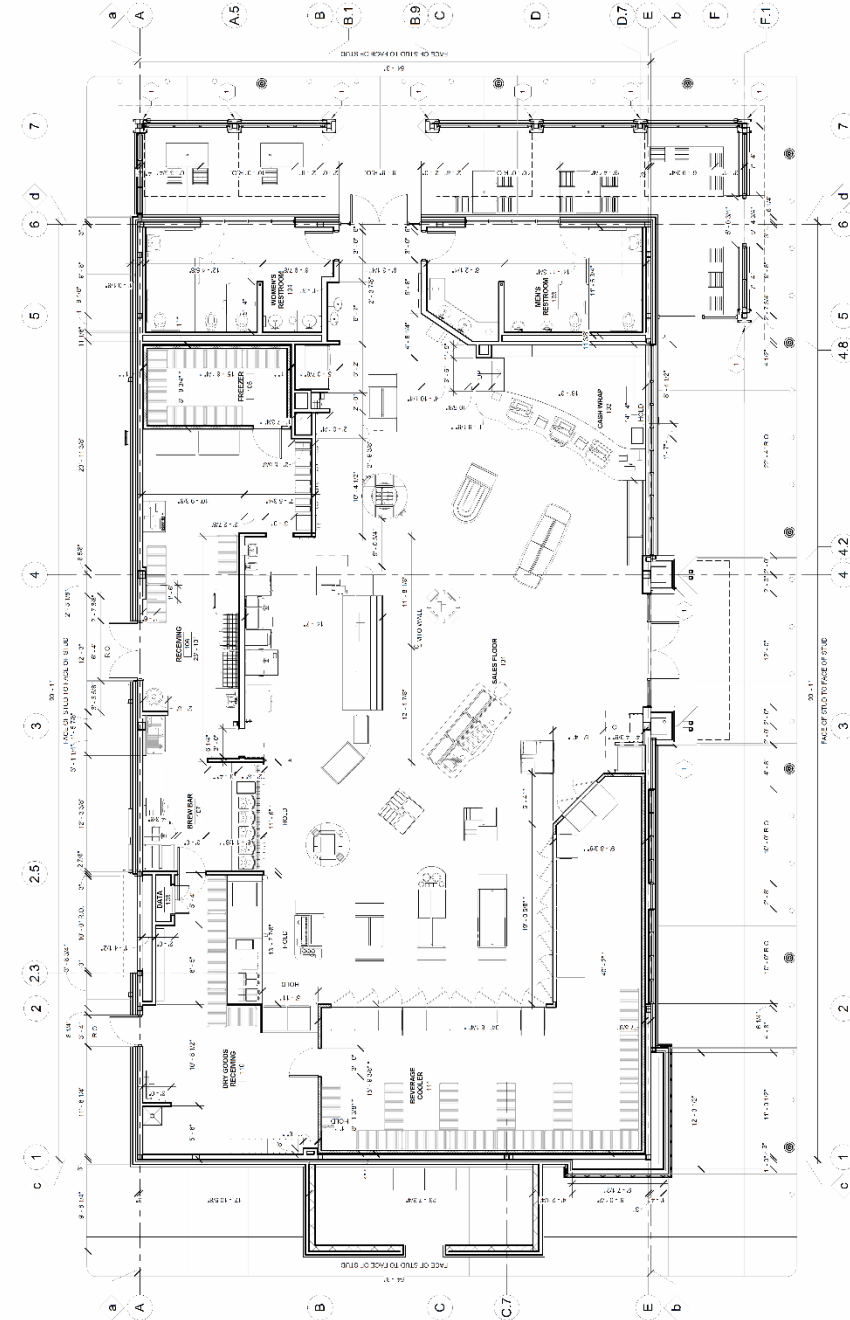
PROFESSIONAL SEAL
 ARCHITECT: GPD GROUP
 ARCHITECT NO: 2017 BR-BK-064-R-0603
 ARCHITECT DATE: 03.13.17
 ARCHITECT TYPE: STORE, RETAIL
 ARCHITECT NO: 2017 BR-BK-064-R-0603
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 ARCHITECT: GPD GROUP
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 ARCHITECT DATE: 03.13.17
 ARCHITECT TYPE: STORE, RETAIL
 ARCHITECT NO: 2017 BR-BK-064-R-0603
 ARCHITECT DATE: 03.13.17

GENERAL NOTES
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

FLOOR PLAN KEYNOTES
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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FLOOR DIMENSION PLAN LEGEND
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

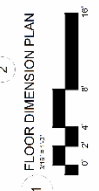


PROPOSED SEATS:

INSIDE	0
OUTSIDE	23
TOTAL	23

BUILDING AREA CALCULATIONS:

INTERIOR	2,754 SF
CUSTOMER/RETAIL AREA	2,173 SF
WORK ROOM/COOLER/FREEZER	184 SF
CASH WRAP	302 SF
PAVING	771 SF
EXTERIOR	6,182 SF
TOTAL	6,182 SF



1 FLOOR DIMENSION PLAN
 1/8" = 1'-0"



2 SITE PLAN
 1" = 30'-0"

EXHIBIT B

