

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO GRANT A SPECIAL USE PERMIT FOR A RESTAURANT ONLY ON PROPERTY LOCATED AT 3820 BELT LINE ROAD; 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 property located at 3820 Belt Line Road, is zoned PD, Planned Development, through Ordinance O93-018, as amended by Ordinance O15-030; and

WHEREAS, at its regular meeting held on May 21, 2019, the Planning & Zoning Commission considered and made recommendations on a request for a Special Use Permit for a restaurant only (Case No.1799-SUP); 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 a Special Use Permit authorizing a restaurant only, on the property located at 3820 Belt Line Road, is hereby granted 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, floor plan, and building elevations, which are attached hereto as **Exhibit A** and made a part hereof for all purposes.
- (b) The Special Use Permit granted herein for a restaurant only shall be limited to that particular area designated on the final site plan as encompassing a total area not to exceed 1,447 square feet.

- (c) 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.
- (d) Any drive-up or drive through speaker system shall emit no more than fifty (50) decibels and at no time shall any speaker system be audible from the residential properties in the Asbury Circle neighborhood.

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 11th day of June 2019.

Joe Chow, Mayor

ATTEST:

Brenda N. McDonald, City Attorney

Irma Parker, City Secretary

PUBLISHED ON:

CASE NO: 1799-SUP/Smoothie King

APPROVED AS TO FORM:

Ordinance No. _____

[illegible]

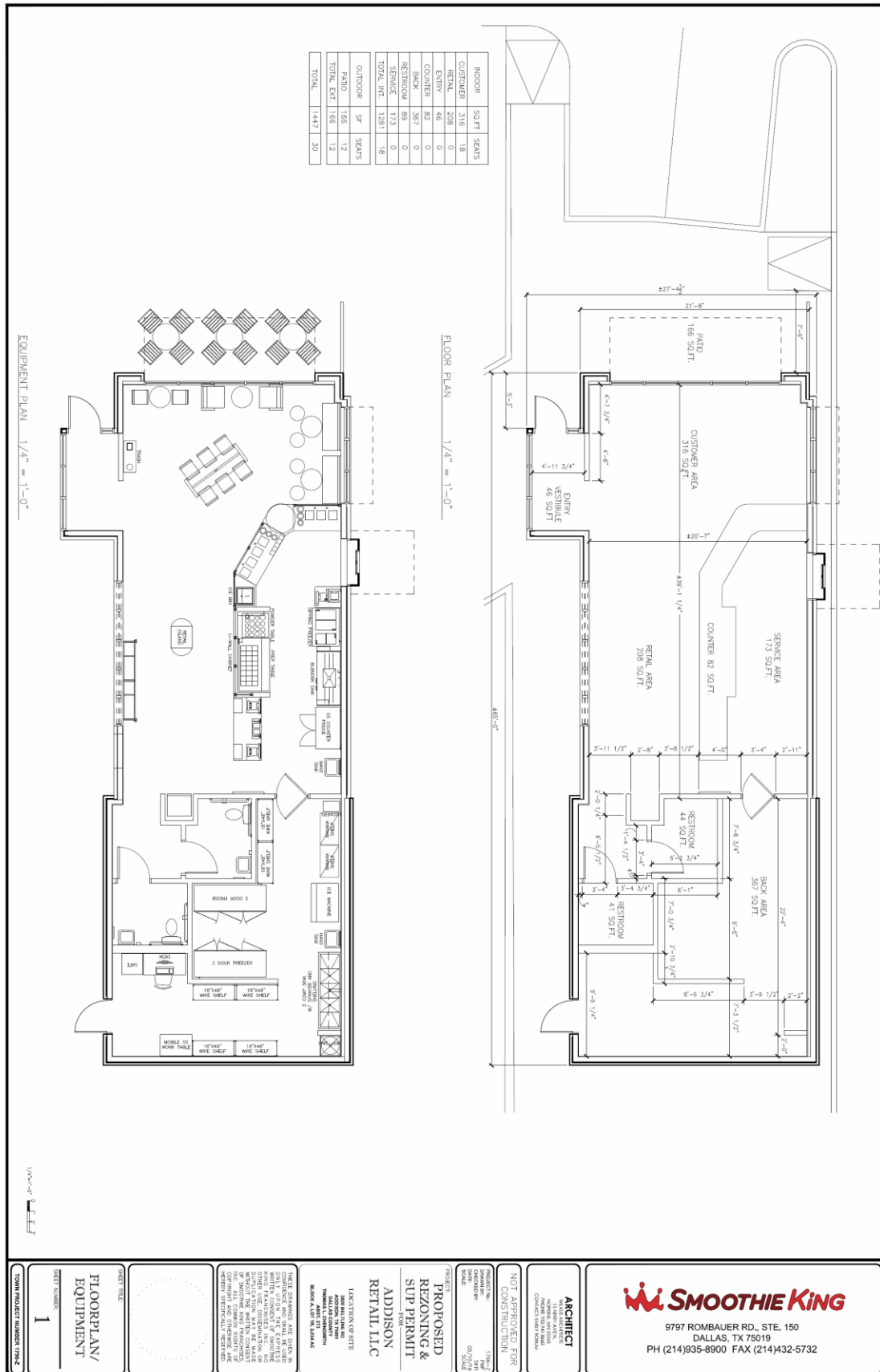
EXHIBIT A

EXHIBIT A



EXHIBIT A

SCENE 1. 1st



SCENE 2. 1st



ARCHITECT
MAYO ARCHITECTS
10000 W. LAKESIDE
SUITE 100
DALLAS, TEXAS 75243
PHONE (214) 935-8900
FAX (214) 432-5732

NOT APPROVED FOR
CONSTRUCTION

PROJECT No. 1799-SUP
SUBMITTER ADDISON RETAIL LLC
DATE 05/21/18
SCALE 1/8" = 1'-0"

PROPOSED
REZONING &
SUP PERMIT
FOR
ADDISON
RETAIL LLC

1.500 TOWN OF DALLAS
1.000 BUILDING AND
1.000 ZONING
1.000 PLANNING
1.000 PUBLIC WORKS
1.000 UTILITIES
1.000 FIRE DEPARTMENT
1.000 POLICE DEPARTMENT
1.000 HEALTH DEPARTMENT
1.000 ENVIRONMENTAL SERVICES
1.000 COMMUNITY DEVELOPMENT
1.000 ECONOMIC DEVELOPMENT
1.000 LEGAL COUNSEL
1.000 CITY CLERK
1.000 CITY MANAGER

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PROJECT TITLE

RENDERINGS

DRAFT NUMBER
3

TOWN PROJECT NUMBER 1799-SUP

Ordinance No. _____