ORDINANCE NO. 094-024

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, ON APPLICATION FROM BOSTON CHICKEN, LOCATED ON .884 ACRES ON THE EAST SIDE OF MARSH LANE, APPROXIMATELY 400 FEET SOUTH OF BELT LINE ROAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A 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. 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 OFFICE OF THE CITY SECRETARY ORDINANCE NO. 094-024 Special Use Permit for a restaurant. Said Special Use Permit shall be granted subject to the special conditions on the following described property, to-wit:

COMMENCING at the southwesterly end of a corner clip at the intersection of the east line of Marsh Lane (100-foot right-of-way), and the south line of Belt Line Road (100-foot right-of-way);

THENCE, South 00°56'06" West, with the east line of Marsh Lane, a distance of 204.43 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner at the POINT OF BEGINNING;

THENCE, South 89°03'54" East, departing the east line of Marsh Lane, a distance of 248.50 feet to a 1/2-inch rod with "Pacheco Koch" cap set;

THENCE South 00°56'06" West, passing at a distance of 28.77 feet a northwest corner of Lot 3, Block D of the Town Center Addition, an addition to the Town of Addison as recorded in Volume 93237, Page 3848, continuing with a west line of said Lot 3, Block D, a total distance of 148.00 feet to a point for corner;

THENCE N 89°03'54" West a distance of 248.50 feet to a point for corner;

THENCE N 00°56'06" East a distance of 148.00 feet to the point of beginning, and containing 0.843 acres more or less.

SECTION 2. That the Special Use Permit is granted subject to the following conditions:

- 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, 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 only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 3,060 square feet.
- 3. The use of gaming devices, such as billiards (pool) tables, pinball machines, marble tables, and other coin operated amusement machines, other than machines for music are hereby prohibited.

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- 4. The applicant shall revise the site plan to provide for the extension of the right-turn lane past his driveway. The revised plan shall maintain a five-foot sidewalk (back of curb) and a 20-foot landscaping buffer after the turn lane is extended.
- 5. The applicant shall revise the landscaping plan to provide a combination of berms and plants on the frontage adjacent to Marsh Lane.
- 6. The restaurant shall screen all mechanical equipment on the roof of the building with a sight-barring screen or parapet wall that screens the equipment from the view of anyone on the site, on the public streets, or on an adjacent property. Such screen shall be constructed of a material that is architecturally compatible with the building. The determination as to what is "architecturally compatible" shall be made by the Building Official

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 section 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

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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 12th day of April, 1994.

MAYO

ATTEST:

CITY

CASE NO. 1178-SUP

APPROVED AS TO FORM:

DIRECTOR SERVICES

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 094-024

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P.W. Slylan

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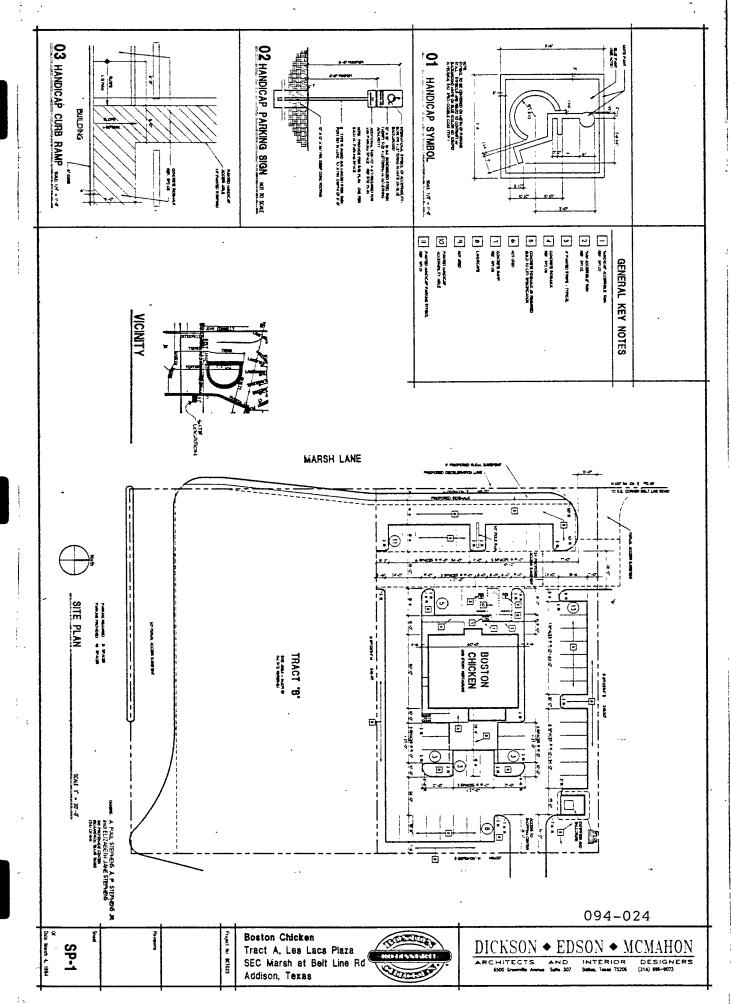
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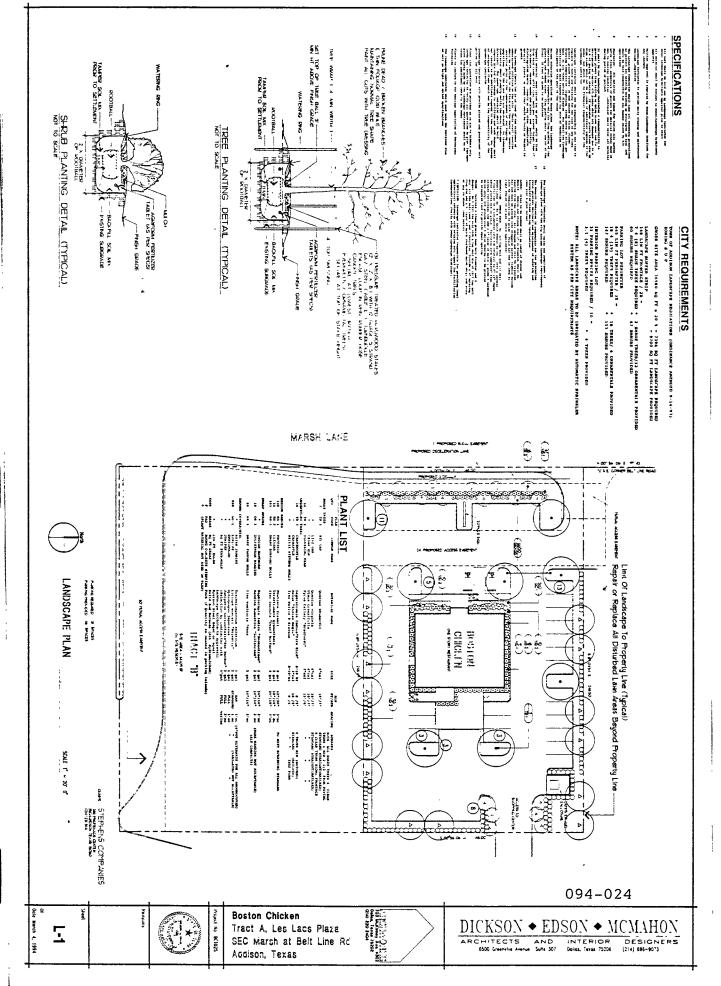
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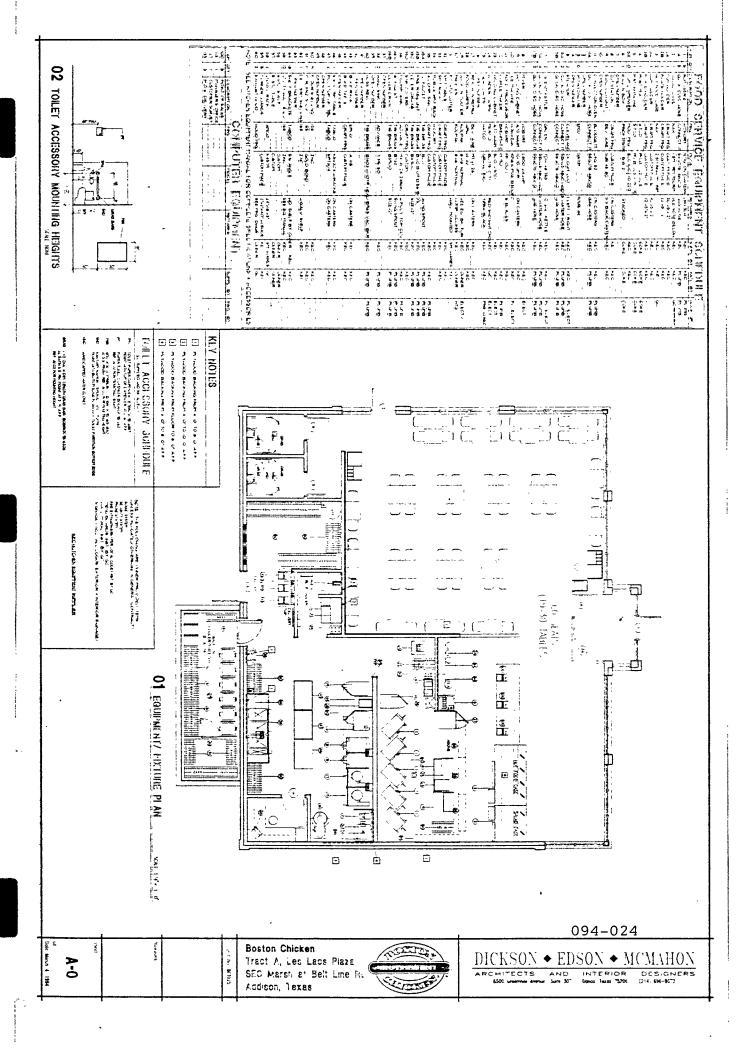
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