## ORDINANCE NO. 094-026

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 CHICK-FIL-A, LOCATED ON 1.23 ACRES ON THE NORTH SIDE OF BELT LINE ROAD, 945 FEET EAST OF MARSH LANE; 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

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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:

WHEREAS, DARYL N. SNADON is the owner of a tract of land situated in the D. Meyers Survey, Abstract No 923 and T.L. Chenoweth Survey, Abstract No. 273 and also being part of the Belt Line-Marsh Business Park, an addition to the Town of Addison, Dallas County, Texas as recorded in Volume 78155, page 0001 Deed Records, Dallas County, Texas and further being part of the replat of Belt Line-Marsh Business Park, an addition to the City of Addison, Dallas County, Texas, as recorded in Volume 79252, Page 0210, Deed Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at an 5/8 inch iron rod set for the most southerly end of a corner clip situated at the intersection of the north line of Belt Line Road, a 100 foot right-of-way, and the west line of Business Avenue, a 60 foot right-of-way,

THENCE North 89°54'31" West along the north line of Belt Line Road a distance of 202.00 feet to a 5/8 inch iron rod set for corner;

THENCE North 00°05'29" East departing the north line of Belt Line Road a distance of 265.00 feet to a 5/8 inch iron rod set for corner

THENCE South 89°54'31" East a distance of 202.00 feet to a 5/8 inch iron rod set for corner;

THENCE South 00°05'29" West a distance of 265.00 feet to the POINT OF BEGINNING;

CONTAINING within the metes recited 1.229 acres of land, more or less.

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, 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.
- 4. The applicant shall construct a drive across the adjacent site to Business Avenue at the time the restaurant is constructed. The drive shall be completed prior to the issuance of a Certificate of Occupancy for the restaurant.
- 5. The facades shall be 80% brick. The cooler at the rear of the building shall be covered with a brick screening wall.
- 6. The playground shall be deleted from the plans and that area replaced with landscaping.
- 7. The subdivider of the tract shall provide a master access, drainage, and utility plan for the entire tract prior to developing any tract.
- 8. Cross access shall be provided on this tract for future developments.
- 9. The proposed monument sign, berms and shrubs shall not be placed within the sight visibility triangle.
- 10. The landscaping against the frontage of the Chick-fil-A shall be consistent with the landscaping plan for the frontage of the previously-approved shopping center.

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.

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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 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.

MAYOR

ATTEST:

CITY SECRETARY

CASE NO. 1156-SUP-1

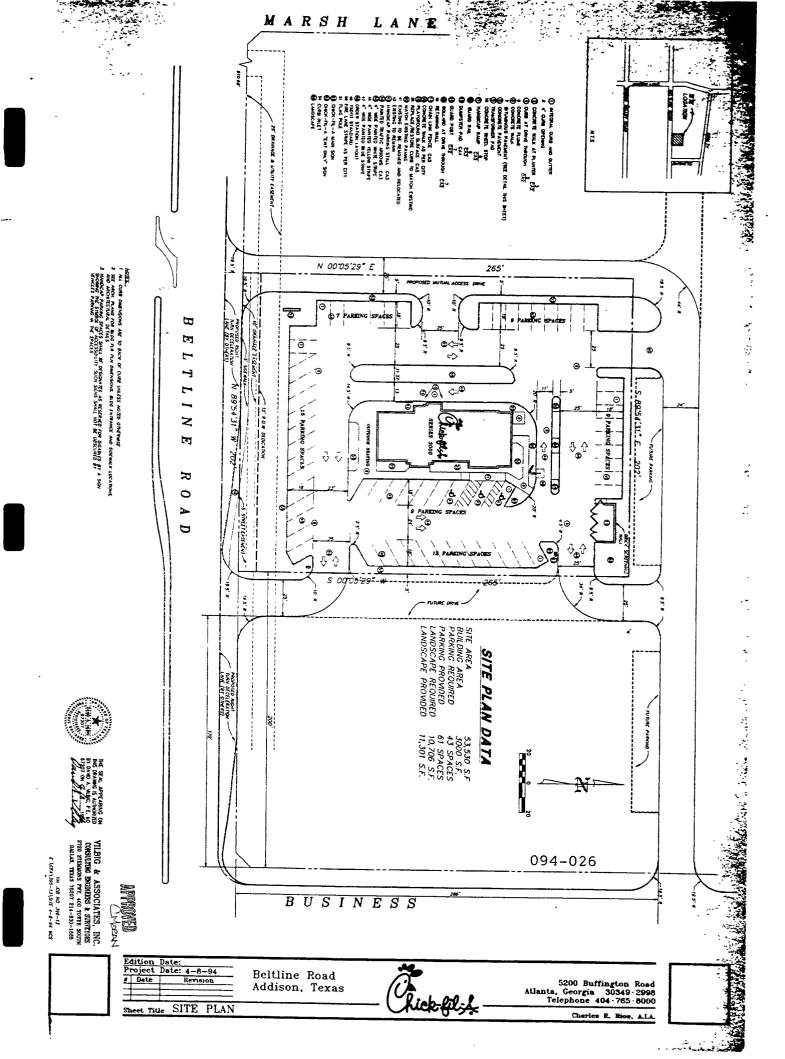
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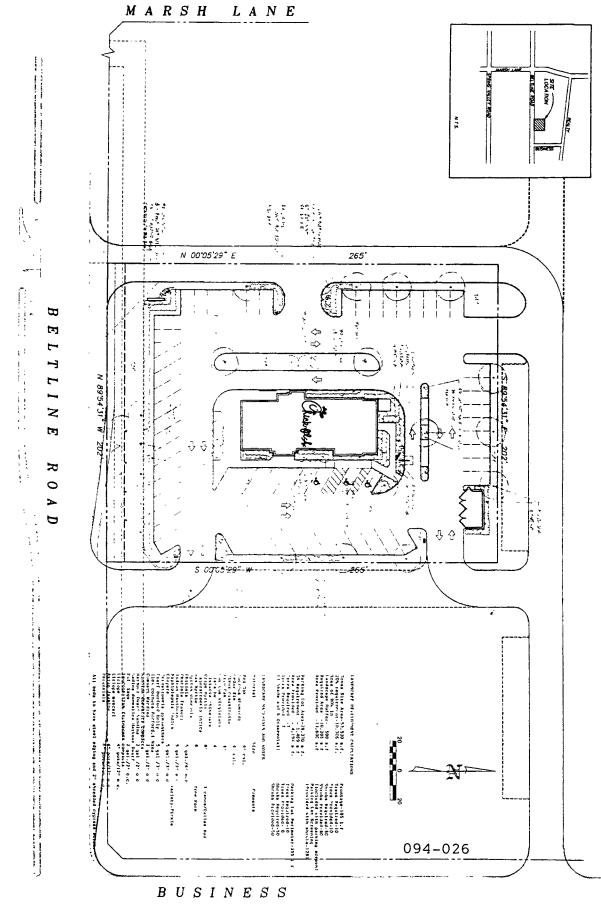
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HICH LANDSCAPE ARCHITECTS INC / 720 EAST PARK HOLH EVARD SUITE 108 PLANO, TEXAS 74074 214-424-6156

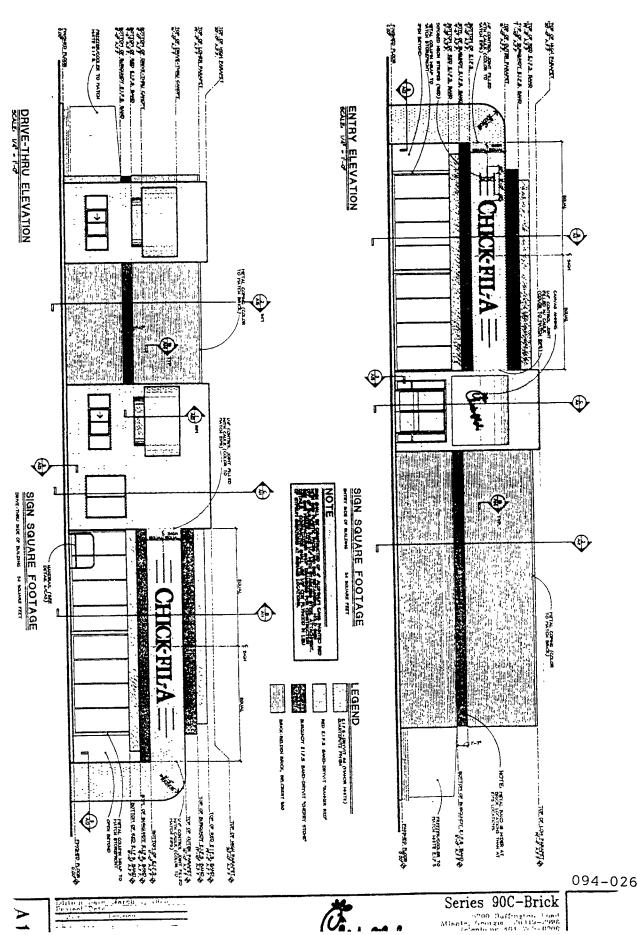
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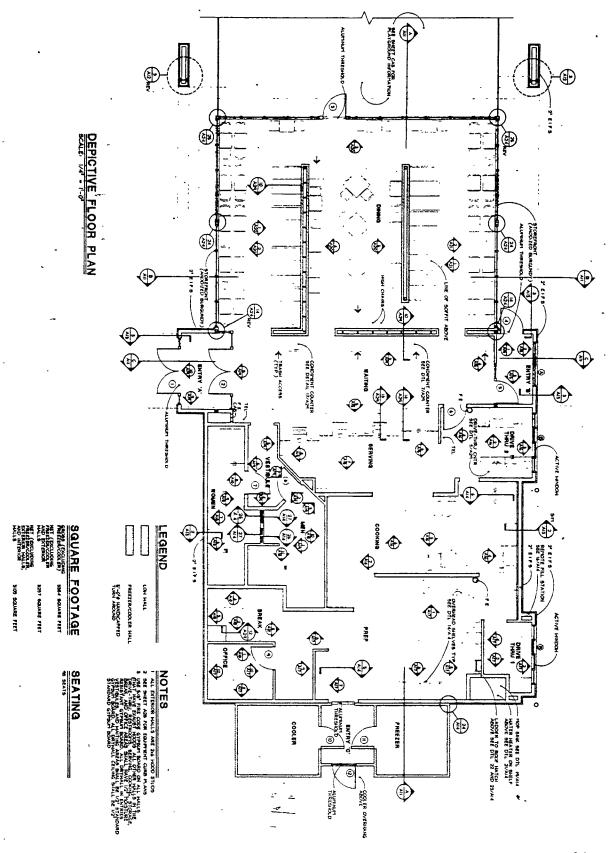
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