

ORDINANCE NO. 099- 029

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 BURGER KING, LOCATED AT 3825 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 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:

BEING all of Lot A of Belt Line Marsh Business Park Addition, and containing 68,526 square feet, or 1.573 acres, recorded in the Deed Records of Dallas County on December 12, 1994, Volume 94238, page 1663.

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 floor plan, and the elevation drawings that 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 4,207 square feet.
- A 10-foot corner clip easement at the southwest corner of the site shall be provided to accommodate the required sidewalk and a signal pole.
 - The site plan shall be revised to include a five-foot sidewalk immediately back of curb on Belt Line Road and Business Avenue,
 - Prior to the issuance of a building permit, the property owner shall pay the Town \$25,000 (plus interest) for his portion of the cost of the traffic signal at Belt Line Road and Business Avenue.
 - The dumpster enclosure shall be constructed out of the same brick as the restaurant and should be large enough to hold all containers for trash and recycling.
 - All mechanical equipment shall be screened from view by a parapet wall.
 - The building façade shall be as depicted in the second rendering presented to the Commission, to include:
 - The upper half of the protruding façade shall be a sandstone colored stucco.
 - The blue trim on the "handlebar" shall be of blue tile.
 - Brick color shall be of two shades of sandstone as depicted in the rendering and samples presented to the Commission.

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 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 24th day of August, 1999.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1352-SUP

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON:

10/29/99

GENERAL NOTES:

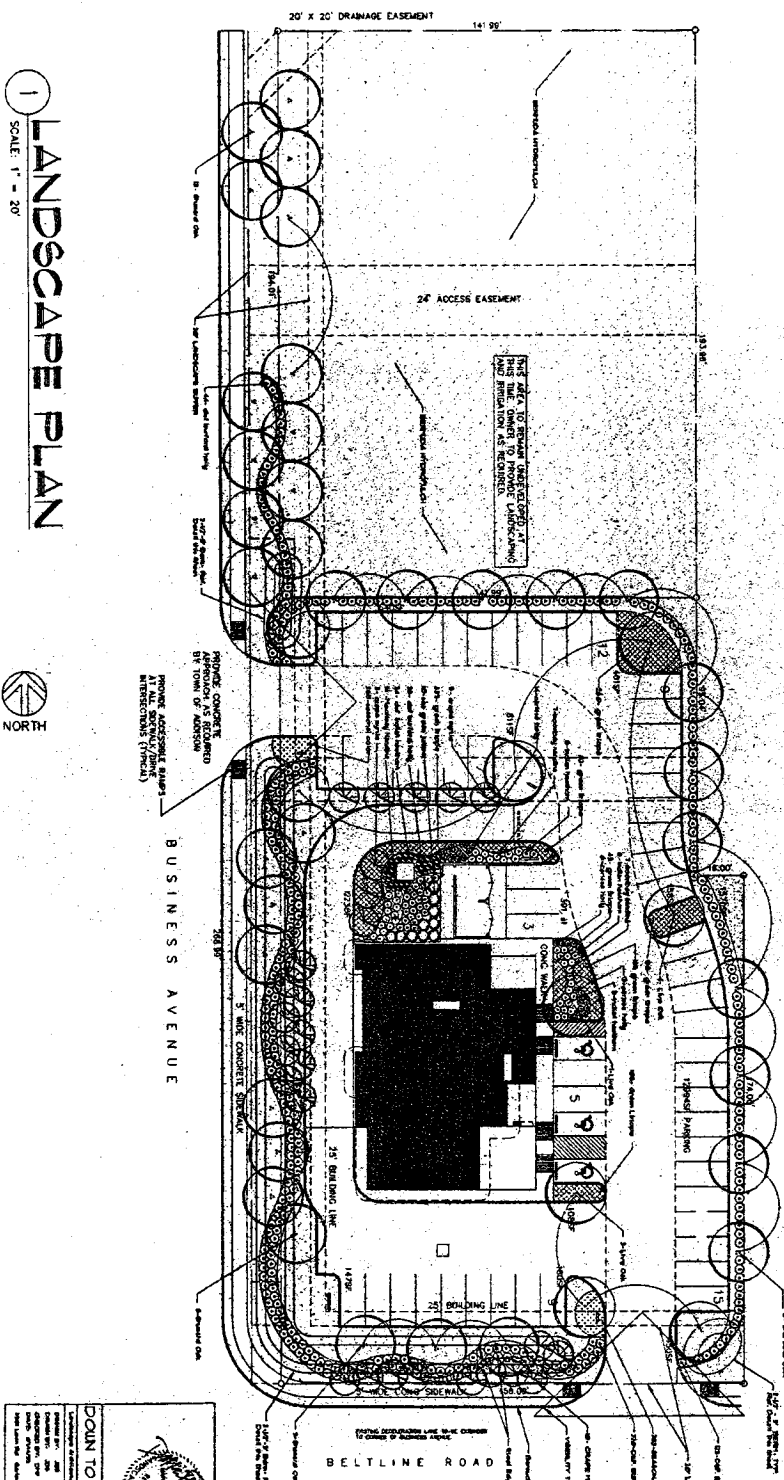
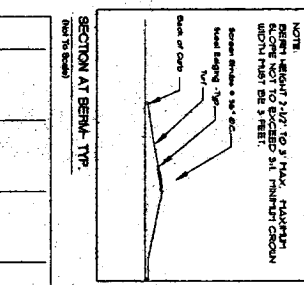
1. All notes on this plan shall be read in conjunction with the 7th of proposed...
2. All trees to be preserved in this area shall be protected by a 2' wide...
3. All trees to be removed shall be removed by the contractor...
4. All trees to be planted shall be planted by the contractor...
5. All trees to be maintained shall be maintained by the contractor...
6. All trees to be watered shall be watered by the contractor...
7. All trees to be fertilized shall be fertilized by the contractor...
8. All trees to be pruned shall be pruned by the contractor...
9. All trees to be staked shall be staked by the contractor...
10. All trees to be supported shall be supported by the contractor...
11. All trees to be mulched shall be mulched by the contractor...
12. All trees to be tagged shall be tagged by the contractor...
13. All trees to be measured shall be measured by the contractor...
14. All trees to be inventoried shall be inventoried by the contractor...
15. All trees to be protected shall be protected by the contractor...
16. All trees to be preserved shall be preserved by the contractor...
17. All trees to be removed shall be removed by the contractor...
18. All trees to be planted shall be planted by the contractor...
19. All trees to be maintained shall be maintained by the contractor...
20. All trees to be watered shall be watered by the contractor...
21. All trees to be fertilized shall be fertilized by the contractor...
22. All trees to be pruned shall be pruned by the contractor...
23. All trees to be staked shall be staked by the contractor...
24. All trees to be supported shall be supported by the contractor...
25. All trees to be mulched shall be mulched by the contractor...
26. All trees to be tagged shall be tagged by the contractor...
27. All trees to be measured shall be measured by the contractor...
28. All trees to be inventoried shall be inventoried by the contractor...
29. All trees to be protected shall be protected by the contractor...
30. All trees to be preserved shall be preserved by the contractor...

LANDSCAPE TABLETATIONS

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	REMARKS
1	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
2	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
3	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
4	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
5	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
6	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
7	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
8	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
9	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
10	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
11	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
12	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
13	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
14	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
15	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
16	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
17	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
18	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
19	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
20	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
21	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
22	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
23	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
24	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
25	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
26	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
27	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
28	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
29	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE
30	1" x 12" x 12" CONCRETE CURB	100	LINEAR FEET	ALONG DRIVE

PLANT LIST

PLANT	QUANTITY	REMARKS
1. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
2. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
3. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
4. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
5. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
6. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
7. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
8. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
9. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
10. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
11. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
12. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
13. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
14. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
15. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
16. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
17. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
18. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
19. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
20. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
21. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
22. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
23. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
24. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
25. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
26. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
27. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
28. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
29. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE
30. LIVE OAK / 12" DBH	10	PLANTED AT DRIVE



LANDSCAPE PLAN
SCALE: 1" = 20'



DOWN TO EARTH, INC.
SHEET NO. LP-1
DATE: 22 MAY 1998
BY: [Signature]

OFFICE OF THE CITY SECRETARY
Wainscott & Associates Inc.
Architectural Services

BURGER KING
BELTLINE ROAD AND BUSINESS AVENUE ADDISON, TEXAS

ORDINANCE NO. 99-029
The purchaser, builder, or contractor must verify compliance with all governing codes and ordinances, and ensure that the project complies with all applicable laws and regulations. This plan is an instrument of service and shall remain the property of Wainscott & Associates, Inc. and shall not be reproduced in any manner without the written consent of Wainscott & Associates, Inc.

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS CONSTRUCTION CODES AND SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. ALL UTILITIES SHALL BE PROTECTED AND DEEPENED AS NECESSARY TO ACCOMMODATE THE PROPOSED CONSTRUCTION.
5. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURBS AND SIDEWALKS THROUGHOUT THE PROJECT.
6. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY ENGINEER.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
8. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.

CONSTRUCTION NOTES

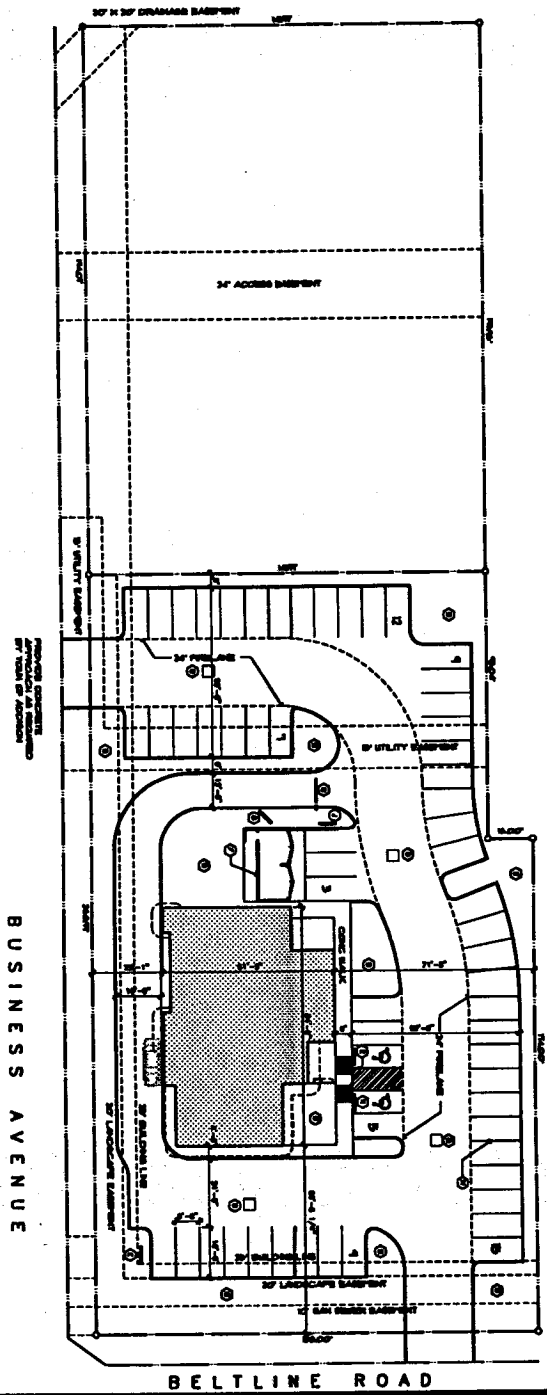
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SITE DATA

PROJECT NO.	DATE
CLIENT	SCALE
DESIGNER	BY
CHECKER	DATE
APPROVER	

KEYED NOTES

1. EXISTING PAVED DRIVE, SEE PLAN SHEET 01-01.
2. EXISTING DRIVE, SEE PLAN SHEET 01-01.
3. EXISTING DRIVE, SEE PLAN SHEET 01-01.
4. EXISTING DRIVE, SEE PLAN SHEET 01-01.
5. EXISTING DRIVE, SEE PLAN SHEET 01-01.
6. EXISTING DRIVE, SEE PLAN SHEET 01-01.
7. EXISTING DRIVE, SEE PLAN SHEET 01-01.
8. EXISTING DRIVE, SEE PLAN SHEET 01-01.
9. EXISTING DRIVE, SEE PLAN SHEET 01-01.
10. EXISTING DRIVE, SEE PLAN SHEET 01-01.



1 SITE PLAN



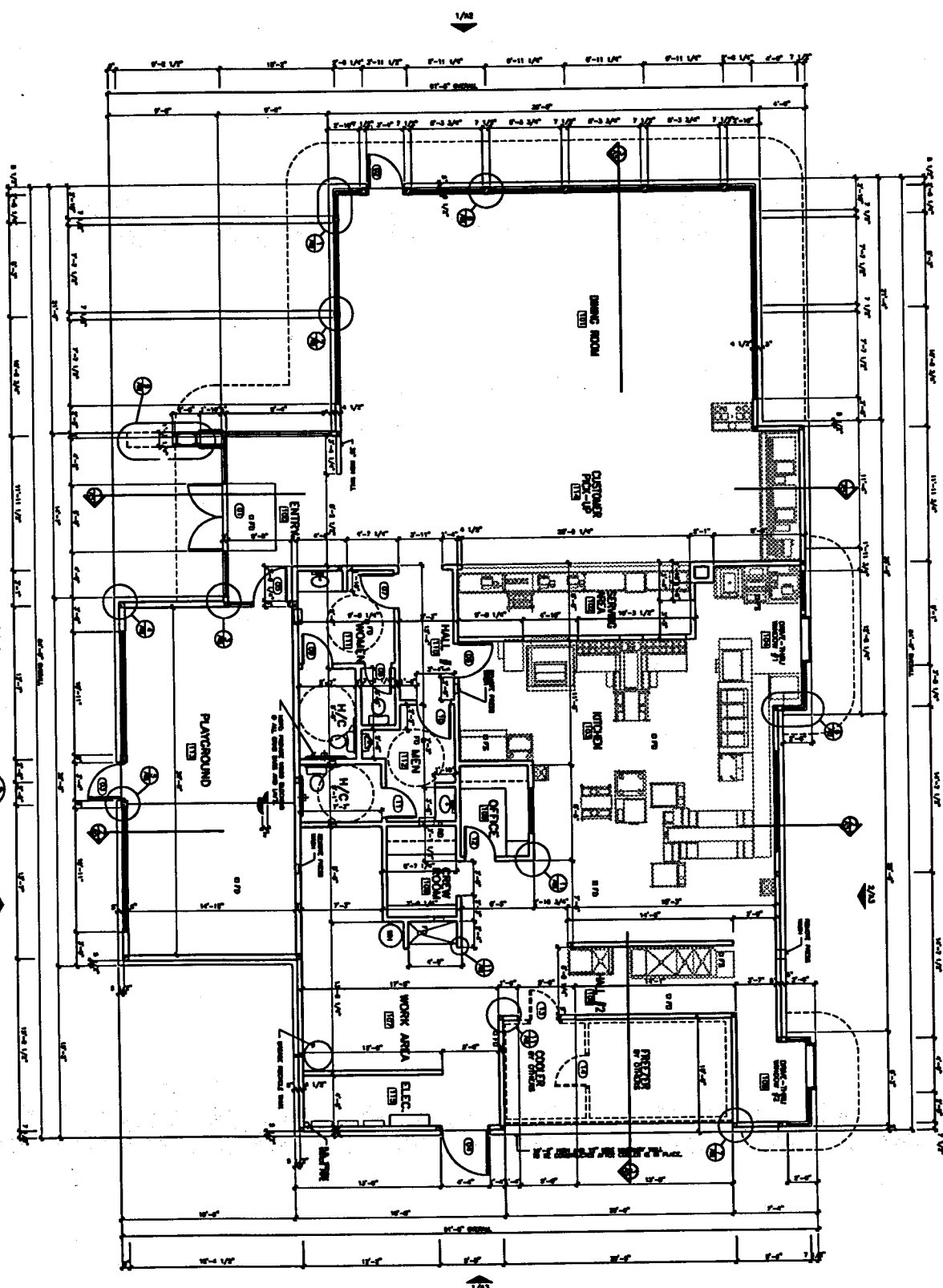
<p>WAINSCOTT & ASSOCIATES INC.</p>	<p>BURGER KING</p> <p>BELTLINE ROAD AND BUSINESS AVENUE ADDICK, TEXAS</p>	<p>These specifications & conditions are subject to the terms and conditions of the contract. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The contractor shall maintain access to all adjacent properties at all times. All materials and workmanship shall be subject to inspection and approval by the city engineer. The contractor shall be responsible for the protection and repair of all existing utilities and structures. All construction shall be completed within the specified time frame. The contractor shall maintain adequate records of all construction activities. All construction shall be in accordance with the city engineer's requirements.</p>
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1 FIRST FLOOR PLAN

DATE: 08.17.00

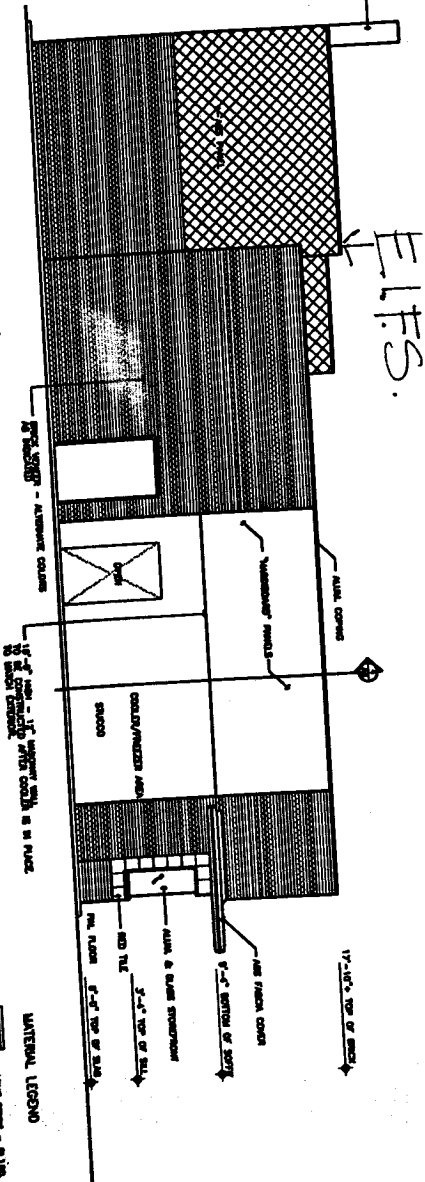


1/8"

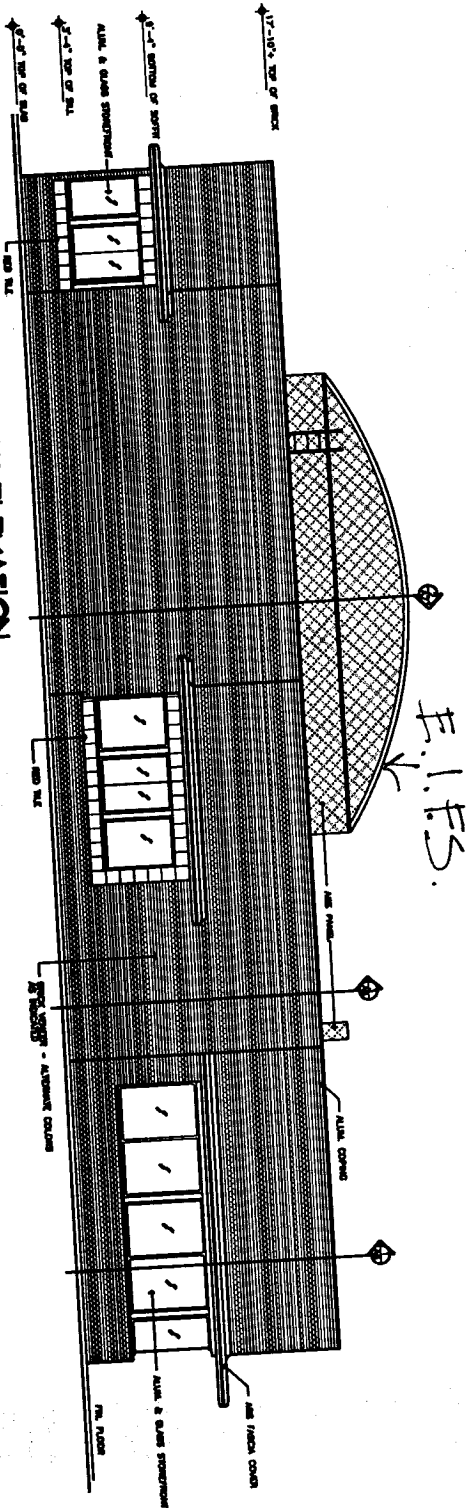


<p>DATE: 08.17.00</p> <p>SCALE: 1/8"</p> <p>PROJECT: BURGER KING</p> <p>NO. 099-029</p>	<p>Wainscott & Associates Inc.</p> <p>Architectural Services</p> <p>4010 Keller Springs Road • Addison, Texas • (972) 547-9119</p>	<p>BURGER KING</p> <p>WELLSIDE ROAD AND BUSINESS AVENUE ADDISON, TEXAS</p>	<p>This architectural & association, Inc. assumes no liability for the structure built from these plans. Before construction, the contractor, builder, or contractor must verify dimensions, elevations, and conditions. The architect, engineer, or draughtsman shall not be responsible for any errors or omissions on these plans. These plans are the property of Wainscott & Associates, Inc. and are not to be copied, reproduced, or otherwise used without the written permission of Wainscott & Associates, Inc.</p>
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1 REAR ELEVATION



2 LEFT SIDE ELEVATION



- LEGEND
- [Cross-hatch pattern] ALUMINUM COLUMN
 - [Horizontal lines] ALUMINUM LOGGERS
 - [Vertical lines] ALUM. BRICK - 8" X 16" BRICK, 3/4" JOINT
 - [Diagonal lines] ALUM. BRICK - 8" X 16" BRICK, 3/4" JOINT
 - [Dotted pattern] ALUM. BRICK - 8" X 16" BRICK, 3/4" JOINT
 - [Stippled pattern] ALUM. BRICK - 8" X 16" BRICK, 3/4" JOINT
 - [Solid black] ALUM. BRICK - 8" X 16" BRICK, 3/4" JOINT

<p>Wainscott & Associates Architectural Services</p> <p>15775 Addison Road, Suite 200 Dallas, Texas (972) 447-9110</p>	<p>BURGER KING</p> <p>15775 ADDISON ROAD AND BUSINESS AVENUE ADDISON, TEXAS</p>	<p>These documents and drawings, in witness whereof, the architect has signed these plans. These drawings are the property of the architect and shall remain the property of the architect. No part of these drawings shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect.</p>	<p>PERMANENCE NO. 096 029</p>