

ORDINANCE NO. 004-004

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 THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN AN EXISTING RESTAURANT, ON APPLICATION FROM DUNN BROTHERS COFFEE RESTAURANT (FORMERLY CC'S COFFEE), LOCATED AT 3725 BELT LINE ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A NO 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 the sale of alcoholic beverages for on-premises consumption only in an existing restaurant on application

from Dunn Brothers Coffee. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 2,100 square-foot lease space in a shell building addressed at 3725 Belt Line Road, located on Lots 3 and 4 of a plat named Marsh-Belt Line Shopping Center, and described as follows:

COMMENCING at a 5/8" iron rod found for corner being the most southerly point on a corner clip situated at the intersection of the north line of Belt Line Road (a 100' R.O.W.) and the west line of Business Avenue (a 60' R.O.W.);

THENCE N89 degrees 54'31" West, along the north line of Belt Line Road, a distance of 407.00 feet to an "x" cut found for the POINT OF BEGINNING and being the southwest corner of CHICK-FIL-A ADDITION, an addition to the City of Addison recorded in Volume 94249, Page 03638;

THENCE continuing along the north line of said Belt Line Road the following:

N 89 degrees 54'31" West, a distance of 233.05 feet to a 1/2" iron rod found for corner;

N 89 degrees 52'23" West, a distance of 119.98 feet to a 1/2" iron rod found for corner;

N 89 degrees 49'34" West, a distance of 150.76 feet to a 5/8" iron rod set for corner;

N 85 degrees 56'04" West, a distance of 67.19 feet to a 5/8" iron rod set for corner;

N 89 degrees 49'34" West, a distance of 230.84 feet to a 5/8" iron rod set For corner at the southeast corner of a corner clip at the intersection.

THENCE N 46 degrees 06'57" West, departing said north line of Belt Line Road And along said corner clip, a distance of 22.32 feet to a 5/8" iron rod set for corner in the said east line of Marsh Lane;

THENCE along the east line of said Marsh Lane the following:

N 00 degrees 07'01 West, a distance of 130.02 feet to an iron rod found for corner;

N 89 degrees 49'34" West, a distance of 3.94 feet to an iron rod found for corner;

N 00 degrees 06'34" West, a distance of 50.25 feet to an iron rod found for corner being the point of curvature to the right having a central angle of 14 degrees 48'56", a radius of 1223.24, a tangent of 159.04 feet and a chord that bears N 07 degrees 17'58" East, 315.42;

Along said curve a distance of 316.31 feet to an "x" found for corner;

THENCE S 89 degrees 55'22" East, departing the east line of said Marsh Lane a distance of 1199.66 feet to an "x" found for corner, said "x" being in the west line of said Business Avenue;

THENCE S 00 degrees 04'38" West, along the west line of said Business Avenue a distance of 249.23 feet to a 5/8" iron rod found for corner;

THENCE N 89 degrees 54'31" West, departing the west line of said Business Avenue, a distance of 416.93 feet to an "x" cut found for corner being the northwest corner of said CHICK-FIL-A ADDITION;

THENCE S 00 degrees 05'29" West, along the west line of said CHICK-FIL-A ADITIION, a distance of 265.00 feet to the POINT OF BEGINNING and containing 520,289 square feet or 11.9441 acres of land.

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 revised site plan, the revised floor plan and the revised elevation drawings, 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 and the sale of alcoholic beverages for on-premises consumption only and to that particular area designated on the final site plan as encompassing a total area not to exceed 2,100 square feet.
3. 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.
4. That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. Restaurants are hereby defined as establishments which receive at least sixty percent (60%) of their gross revenues from the sale of food.

5. Said establishment shall make available to the city or its agents, during reasonable hours its bookkeeping records for inspection, if required, by the city to insure that the conditions of Paragraph 4 are being met.
6. 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.
7. That if the property for which the special use permit is granted and is not used for the purposes for which said permit was 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.
8. That 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.
9. The applicant/operator shall not use any terms (such as "bar", "tavern", etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs.
10. The building must meet all applicable food service, building and fire safety codes.
11. The applicant must meet all requirements of the Food Service Code.

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 13th day of January, 2004.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1446-SUP

APPROVED AS TO FORM:



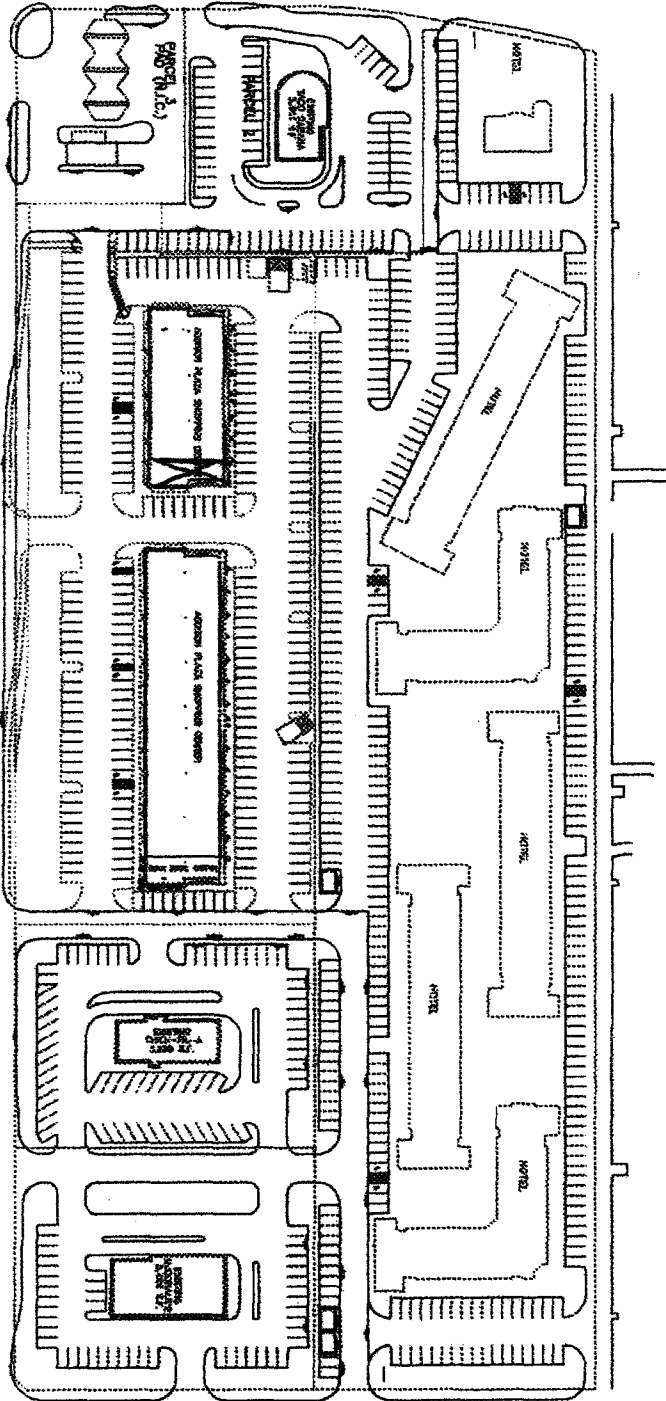
DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: MidMorning News 3-19-04

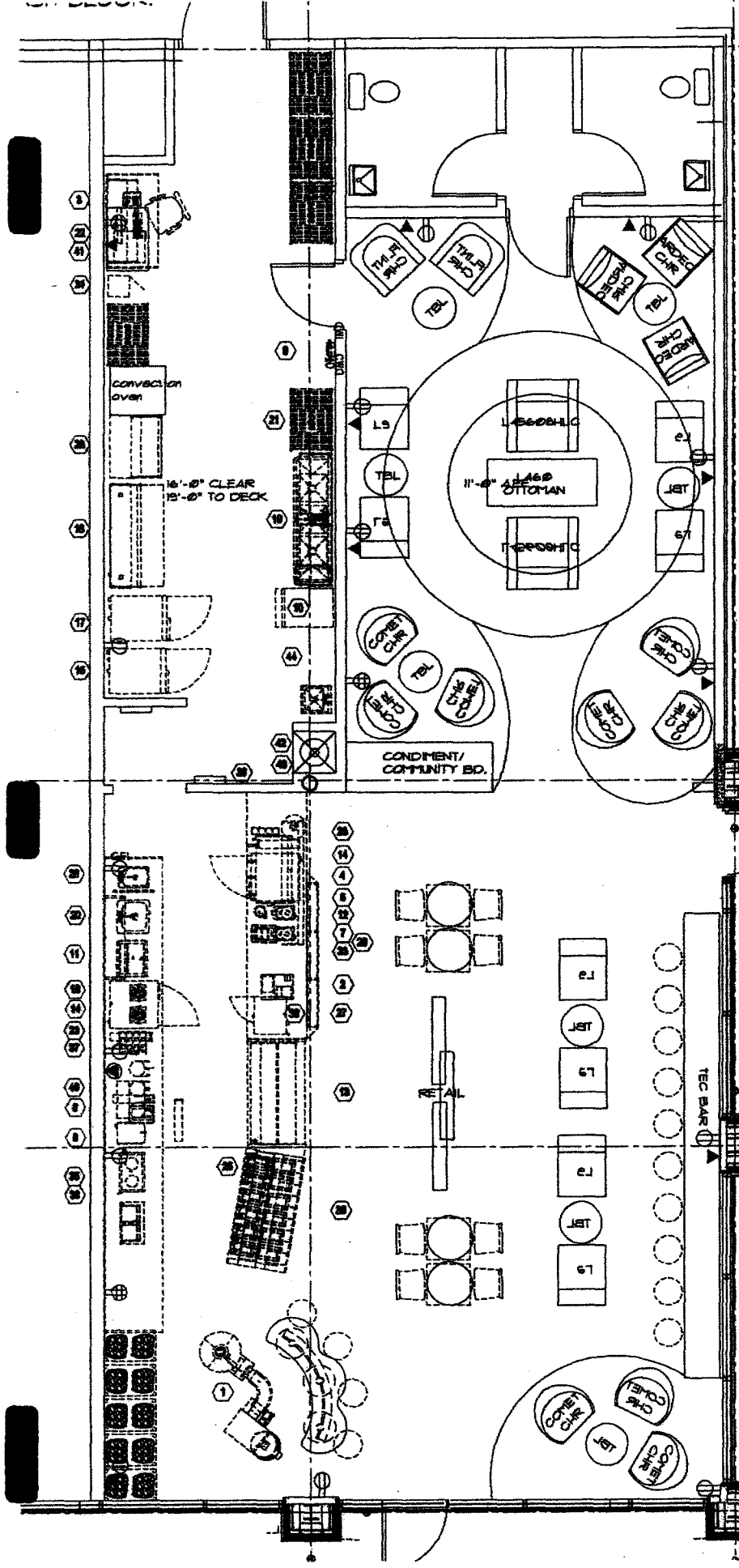
MARSH LANE

ARCHITECTURAL SITE PLAN

BELT LINE ROAD



BUSINESS AVENUE



EQUIPMENT LIST

- | | |
|-----------------------------|-------------------------------|
| 1 Roaster | 23 Cup Dispenser |
| 2 Cash Register | 24 Outside Trash Can |
| 3 Sound System | 25 Scale |
| 4 Espresso Machine (2-head) | 26 Hand Sink w/Faucet, Splash |
| 5 Espresso Grinders | 27 Microwave |
| 6 Felco Brewer | 28 Work Table |
| 7 Barista Package | 29 Waste Basket |
| 8 Bulk Grinder | 30 Fire Extinguisher |
| 9 Water Filter | 31 Sals |
| 10 Ice Maker | 32 Roaster |
| 11 Ice Bin | 33 Knock Box |
| 12 Dipperwell - UC | 34 Sneeze Guard |
| 13 Display Refrigerator | 35 Toaster |
| 14 Refrigerator-L/C | 36 Soup Warmer |
| 15 Refrigerator-Single | 37 Sympa |
| 16 Blender-Kao 3-cup | 38 Bean Bar |
| 17 Freezer-Single Upright | 39 Counter |
| 18 Milk Refrigerator-24 cu. | 40 Shelves |
| 19 Triple Sink w/Faucet | 41 Desk |
| 20 Drop-In Sink | 42 Mop Strik |
| 21 Standing SS Shelves | 43 Water Heater |
| 22 Wall Mounted Shelves | 44 Trash |

DUNN BROS. COFFEE - ADDISON, TX
 FLOORPLAN #1
 DATE: 11 NOVEMBER 2003

