

ORDINANCE NO. 004-021

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 003-042, AS HERETOFORE AMENDED, SO AS TO PROVIDE FOR A PATIO AREA, ON APPLICATION FROM POTBELLY SANDWICH WORKS, LOCATED AT 4945 BELT LINE ROAD; 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. That Ordinance No. 003-042, passed by the Addison City Council on the 9th day of December, 2003, is hereby amended by amending Section 2 to read as follows:

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, irrigation plan, and the elevation drawings showing a 144 square foot

patio area to be added to the restaurant, which is 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 2,615 square feet.
3. No signs advertising the 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 that receive at least sixty percent (60%) or 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 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 purposed 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 canceled by proper authorities, the City Council may authorize hearings to be held for the purpose for 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. All dead and missing landscaping on the site shall be replaced according to the plan approved for the Container Store. A freeze and rain sensor shall be added to the irrigation controller, if it has not already been installed. The Parks Department will do a final landscape and irrigation inspection before the Certificate of Occupancy is released.

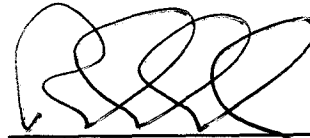
12. 144 square feet of additional space may be allotted to the restaurant for outside tables, but no landscaping shall be removed to accommodate the tables.

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.

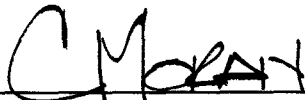
SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 13th day of April, 2004.



MAYOR

ATTEST:



CITY SECRETARY

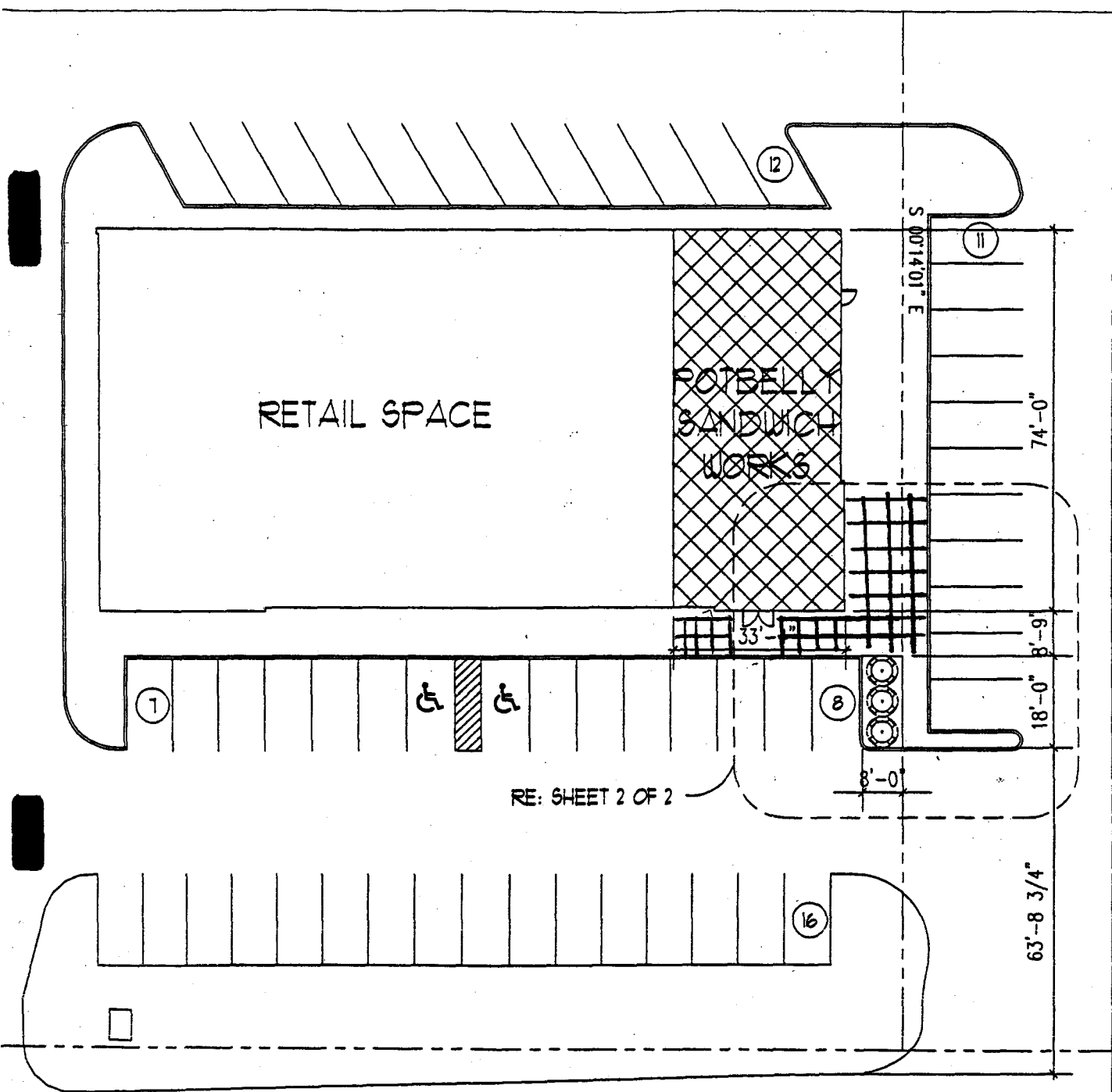
CASE NO. 1451-SUP

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

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RE: SHEET 2 OF 2

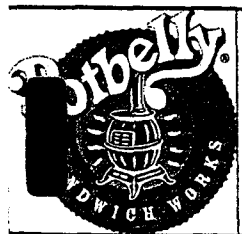
BELT LINE ROAD

SITE PLAN
1"=30'-0"



TABLES MAY
BE ADDED IN
HATCHED AREA

TOTAL SQUARE FOOTAGE OF SEATING AREA: 144 SF.
TOTAL SEATING: 12 SEATS



SITE PLAN
POTBELLY SANDWICH WORKS
4939 BELTLINE RD.
ADDISON, TX

ISSUED:
OUTDOOR SEATING
VARIANCE
2/19/04

SHEET

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