

ORDINANCE NO. 004-051

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 AND A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM CHIPOTLE MEXICAN GRILL, LOCATED AT 5290 BELT LINE ROAD, SUITE 102A, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR 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 a restaurant and a special use permit for the sale of alcoholic beverages for on-premises consumption to Chipotle Mexican Grill. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

Being a 2,554 square foot lease space, addressed as 5290 Belt Line Road, Suite 102A, and being a part of:

Tract1

BEING a tract of 5.000 acres of land in the Allen Bledsoe Survey, Abstract No. 157, Dallas County, Texas; and being more particularly described as follows:

COMMENCING at the point of intersection of the Northwest line of Celestial Road with the present Northeast line of Mont fort St. (25.0 ft from centerline); THENCE Northwesterly, along the present Northeast line of Montfort (parallel to and 25.0 ft Northeast of the centerline of same), as follows; 1st.. N 23° 49' 41" W, 1113.45 feet; 2nd. N 23° 24' 00" W, 825.16 ft. to its intersection with the Northwest line of a proposed road, this being the POINT OF BEGINNING of the 5.000 Acre tract described herein:

THENCE Northwesterly, continuing along the Northeast line of Montfort St. (parallel to and 25.0 ft Northeast of the centerline of same), as follows; 1st. N 23° 24' 00" W, 119.06 ft.' 2nd. N 41° 54' 00" W. 692.17 ft.;

THENCE N 28° 44' 55" E, along a cut-back corner with Belt Line Road, 29.59 ft. to a point in the South line of Belt Line Road;

THENCE N 89° 49' 50" E, along the South line of Belt Line Road, 628.48 ft. to its intersection with the West line of said proposed road;

THENCE Southerly, along the Westerly lines of said road, as follows: 1st. S 00° 10' 10" E, 194.78 feet to the beginning of a curve to the right that has a Central Angle of 30° 00' 00", a Radius of 460.0 feet and a Tangent of 123.26 feet; 2nd, Southwesterly, around said curve 240.85 ft.; 3rd, S 29° 49' 50" W, 6.65 ft. to the beginning of a curve to the left that has a Central Angle of 24° 49' 42", a Radius of 540.0 ft. and a Tangent of 118.87 ft.; 4th, Southwesterly, around said curve, 234.0 ft. to the POINT OF BEGINNING and containing 5.000 acres of land.

Tract 2

BEING a tract of 16.097 Acres of land in the ALLEN BLEDSOE SURVEY, ABST. NO. 157, Dallas County, Texas; and being more particularly described as follows:

COMMENCING at the point of intersection of the Northwest line of Celestial Road, with the present Northeast line of Montfort St. (25.0 ft. from centerline); Thence N 73° 22' 00" E, along the Northwest line of Celestial

Road, 15.13 ft. to its intersection with the proposed Northeast line of Montfort St.; Thence N 23° 49' 41" W, along the proposed Northeast line of Montfort St., 1115.23 ft. to the POINT OF BEGINNING of the 16.097 acre tract described herein:

THENCE Northerly, along the proposed Northeast line of Montfort St. and along the Easterly line of a proposed road, as follows: 1st. N 23° 24' 00" W, 568.31 ft. to the beginning of a curve to the right that has a Central Angle of 53° 13' 50", a Radius of 460.0 ft. and a Tangent of 230.5 ft.; 2nd Northeasterly, around said curve, 427.36 ft.; 3rd. N 29° 49' 50" E, 6.65 ft. to the beginning of a curve to the left that has a Central Angle of 30° 00' 00", a Radius of 540.0 ft. and a Tangent of 144.69 ft.; 4th. Northerly, around said curve, 282.74 ft.; 5th. N 00° 10' 10" W, 194.78 ft. to its intersection with the South line of Belt Line Road;

THENCE N 89° 49' 50" E, along the South line of Belt Line Road, 569.11 ft.;

THENCE S 00° 10' 10" E, 665.13 ft.;

THENCE S 75° 13' 25" E, 12.84 ft.;

THENCE S 00° 10' 10" E, 116.56 ft.;

THENCE S 48° 00' 10" W, 335.0 ft.;

THENCE S 20° 35' 30" W, 391.63 ft.;

THENCE S 66° 36' 00" W, 75.0 ft.; to the POINT OF BEGINNING and Containing 16.097 acres of land.

SECTION 2. That the Special Use Permits are 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 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 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 2,554 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.

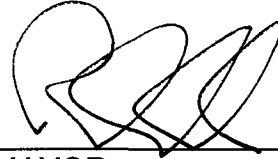
5. Said establishment shall make available to the city or its agents, during reasonable hours its bookkeeping records for inspection, if required, by the city to insure that the conditions of Paragraph 4 are being met.
8. Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the Town of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
9. 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.
10. 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.
11. The establishment shall not use the term "bar", "tavern", or any other terms or graphic depictions that relate to the sale of alcoholic beverages in any exterior signs.

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 9th day of November, 2004.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1477-SUP

APPROVED AS TO FORM:



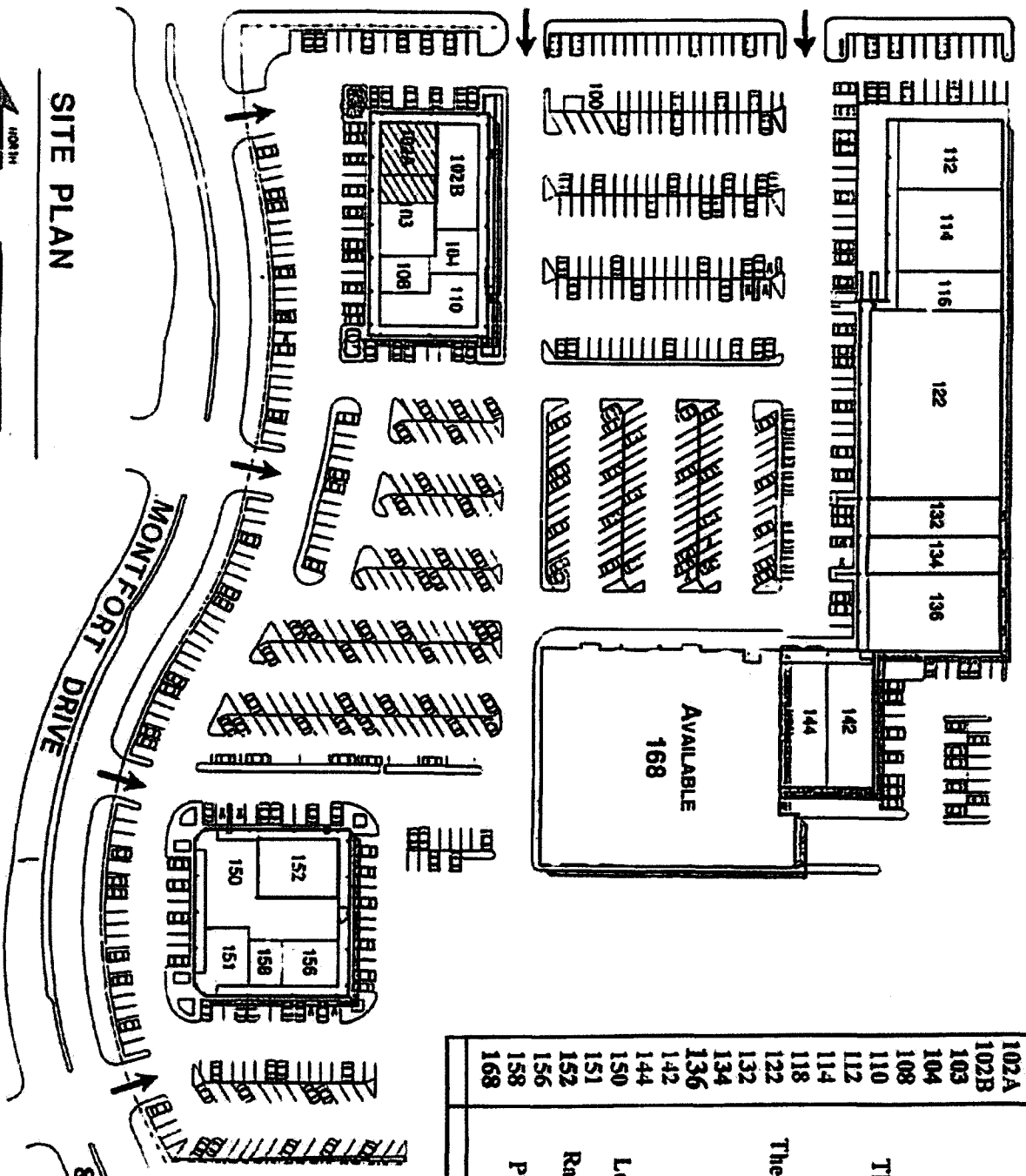
DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON:

Published NWJMN 12-17-04

PRESTONWOOD PLACE

BELTLINE ROAD



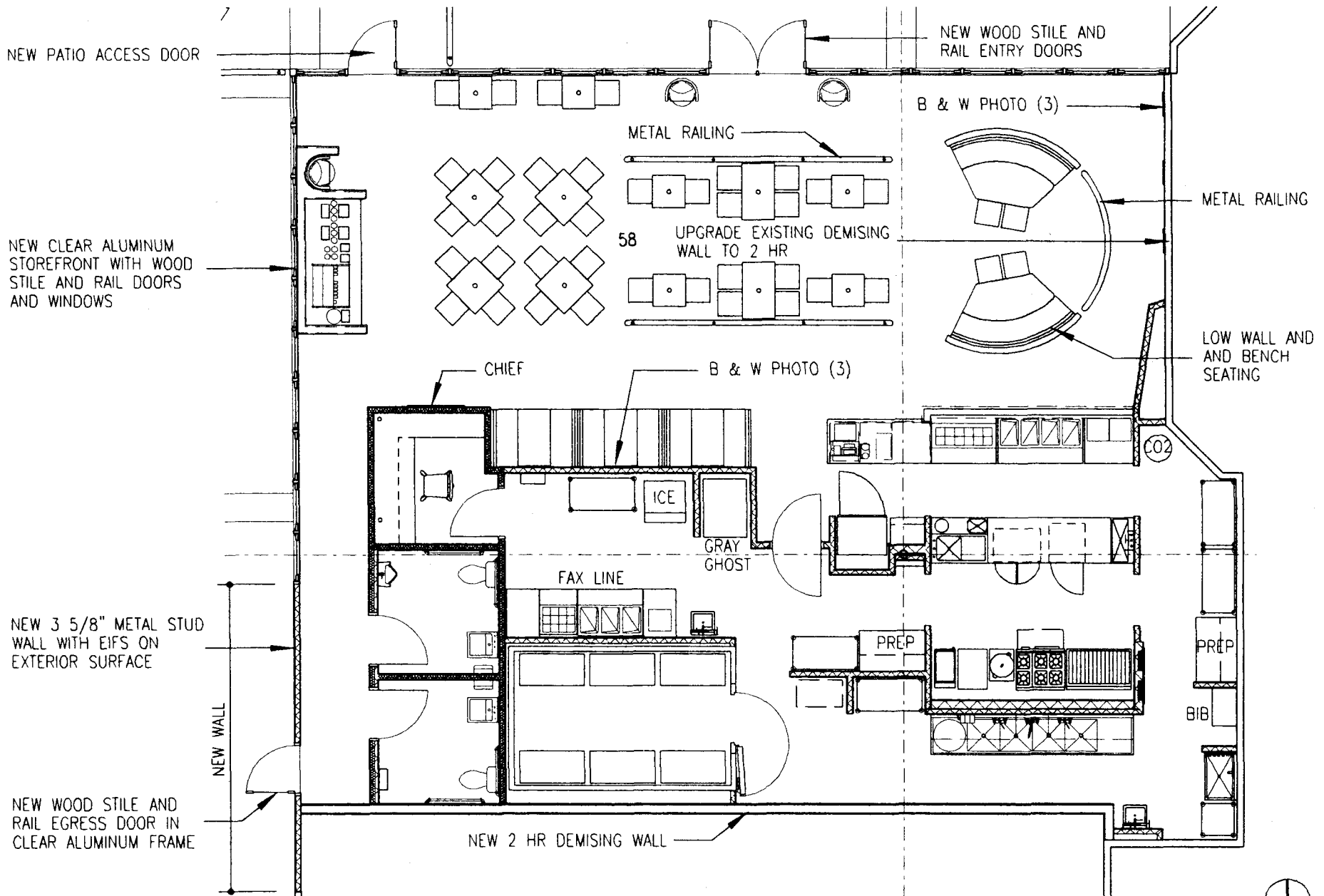
SITE PLAN

Suite	Tenant	Sq. Ft.
100	Joe's Keys	168
102A	Pearle Vision	1,782
102B	Soho Jazz Cafe	1,443
103	Available	3,179
104	Available	1,227
108	Addison Cafe	2,000
110	The Great Outdoors	2,300
112	La Madeleine	5,840
114	Enchilada's	5,200
118	Cafe Gecko	2,440
122	The Consignment Store	14,925
132	MomMo's Pasta	3,000
134	Available	2,994
136	Available	6,000
142	Vernon's Grille	3,500
144	Chow Thai	3,500
150	Logan's On the Belt	5,200
151	K Ralan Tailor	1,800
152	Raymond Stark Salon	2,010
156	Weight Watchers	1,517
158	Planned Parenthood	999
168	Available	62,608

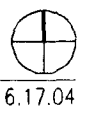
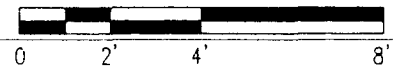


8235 Douglas Avenue, Suite 720
Dallas, TX 75225

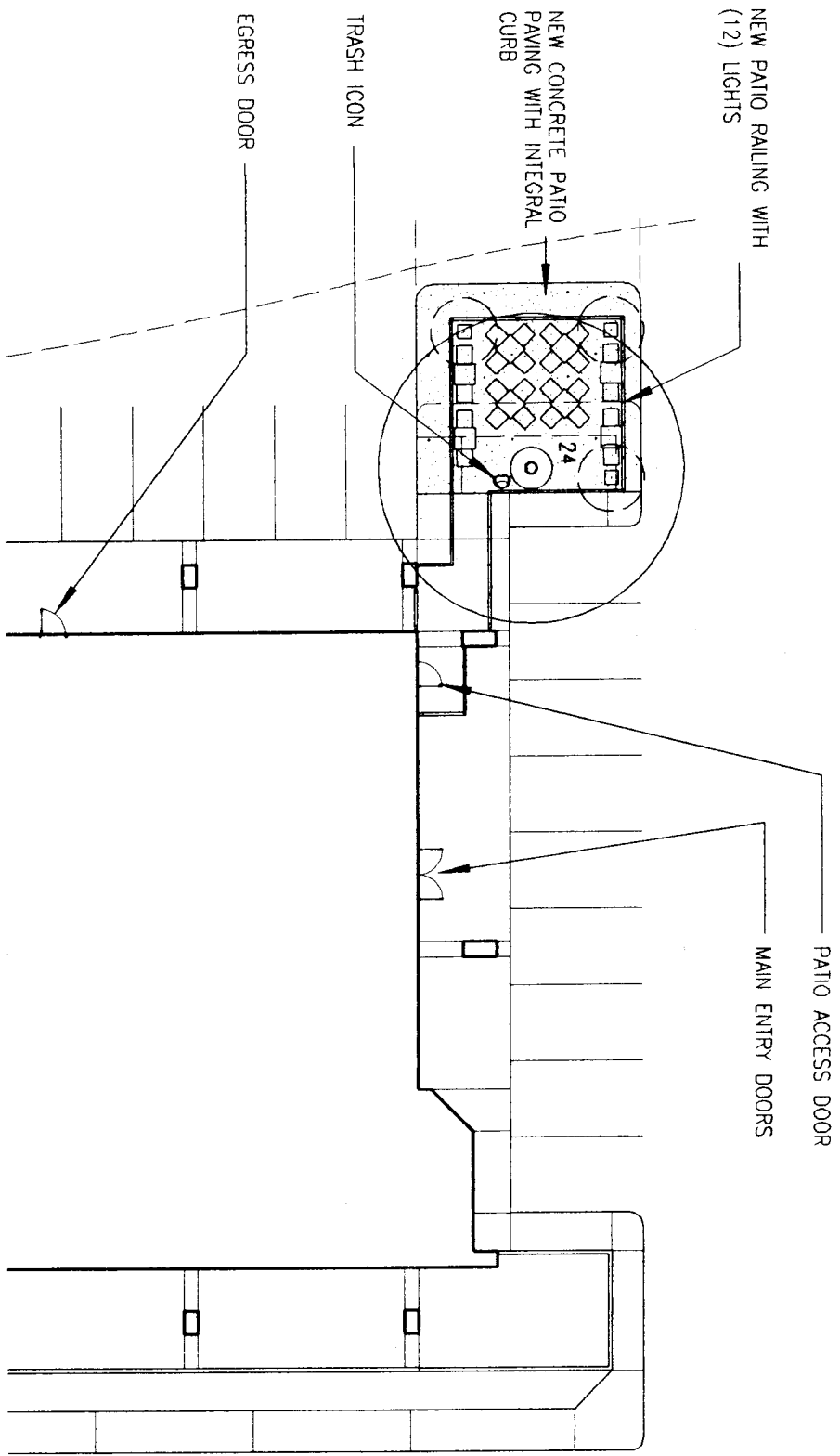
Phone: 214-378-1212
Fax: 214-378-1212



2 NORTH DALLAS: FLOOR PLAN
 1/8" = 1'-0"



6.17.04



NEW PATIO RAILING WITH
(12) LIGHTS

NEW CONCRETE PATIO
PAVING WITH INTEGRAL
CURB

TRASH ICON

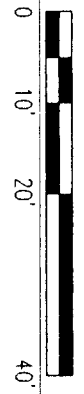
EGRESS DOOR

PATIO ACCESS DOOR

MAIN ENTRY DOORS

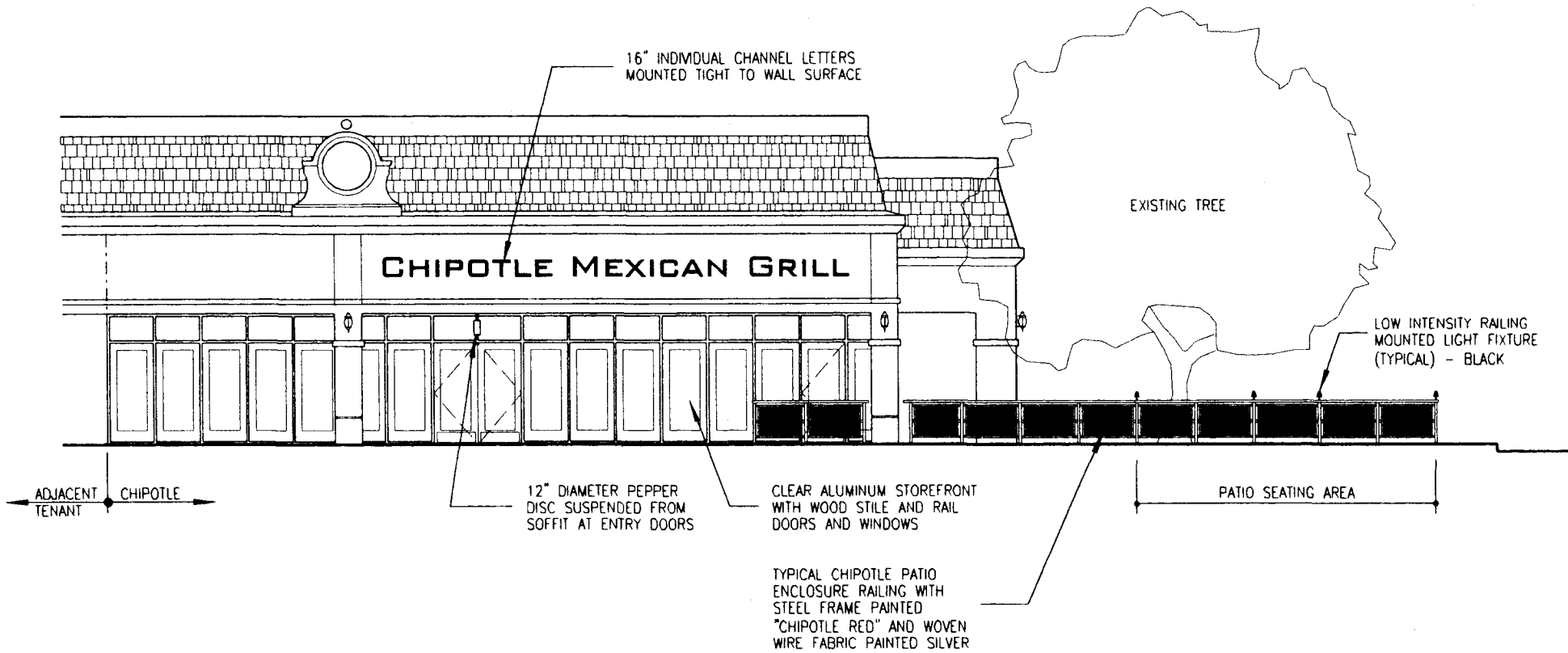
1 NORTH DALLAS: SITE PLAN

1" = 20'-0"



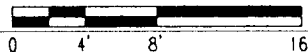
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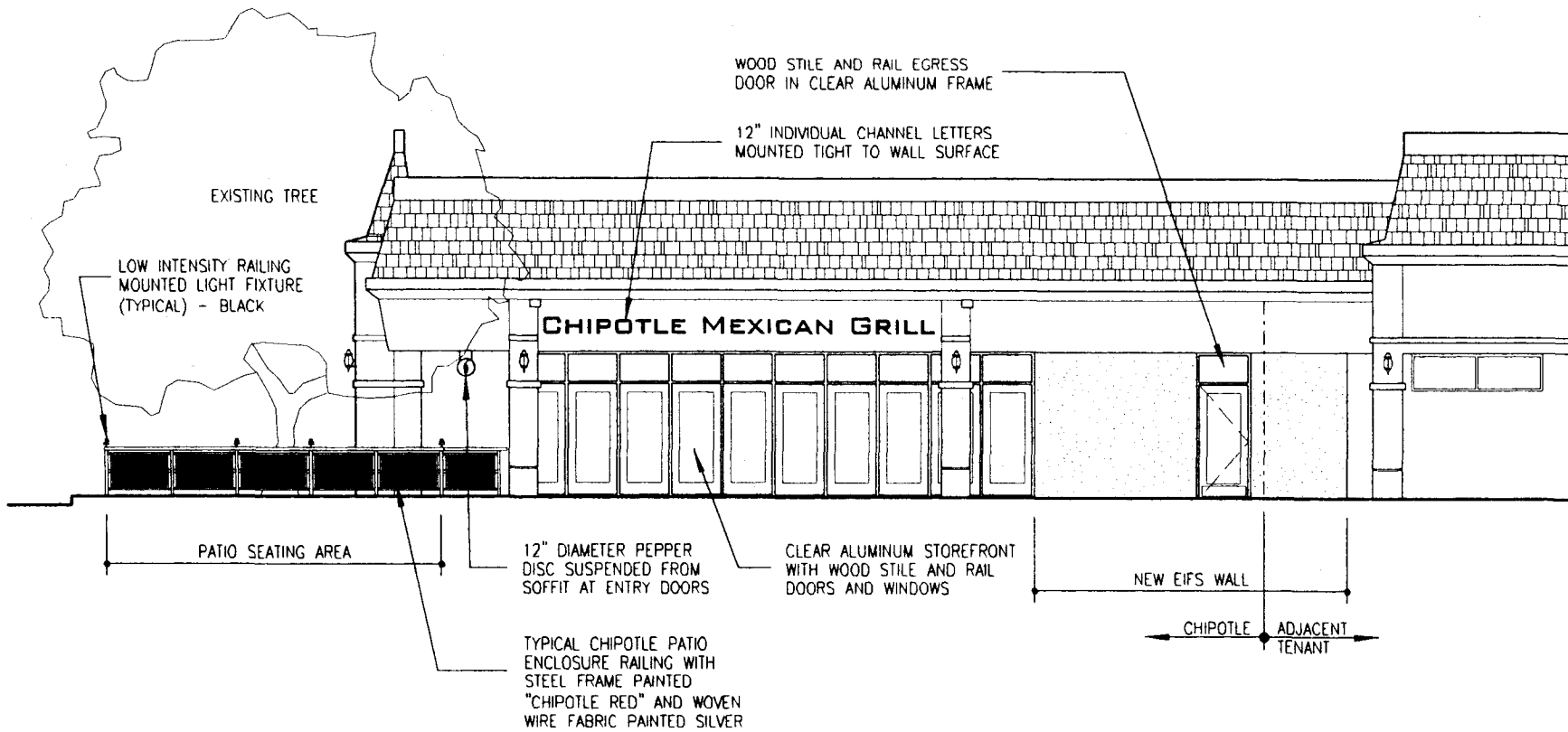


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NORTH DALLAS: NORTH ELEVATION
 1/8" = 1'-0"



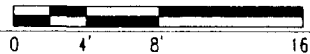
10.4.04



5

NORTH DALLAS: WEST ELEVATION

1/8" = 1'-0"



10.4.04