

ORDINANCE NO. 005-021

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 STARBUCKS COFFEE, LOCATED AT 15099 MIDWAY ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; 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 and a special use permit for the sale of alcoholic beverages for on-premises consumption to Starbuck's. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

WHEREAS, PIEDMONT MIDWAY PARTNERS, L.P., is the owner of all that certain lot, tract or parcel of land situated in the Thomas Chenoweth Survey, Abstract No. 273, in the Town of Addison, Dallas County, Texas, and being a portion of a tract of land described in a deed to Piedmont Midway Partners, L.P., recorded in Volume 2004009, Page 06138, of the Deed Records of Dallas County, Texas, and being a portion of Addison Plaza Addition, an addition to the Town of Addison, Dallas County, Texas as record in Volume 79069, Page 1416, of the Map Records of Dallas County, Texas;

BEGINNING at a 5/8 inch iron rod found for corner in the southerly right-of-way line of Belt Line Road, (variable width right-of-way), said iron rod being the northwest corner of said Addison Plaza Addition, and being the northeast corner of Lot 2, Block "A" of Sam's Club Addition, an addition to the Town of Addison, Dallas County, Texas, as recorded in Volume 92109, Page 3687, of the Map Records of Dallas, County, Texas;

THENCE South 89°36'53" East along said southerly right-of-way line of Belt Line Road, for a distance of 109.06 feet to a 5/8 inch iron rod found for corner and beginning of a curve to the right, said curve having a central angle of 89°37'14" and a radius of 31.50 feet with a chord bearing South 44°48'27" East of a distance of 44.40 feet;

THENCE Southeasterly along said curve to the right, a distance of 49.27 feet to a 5/8 inch iron rod found for corner in the west right-of-way line of Midway Road, (variable width right-of-way);

THENCE South 00°00'18" East along said west right-of-way line of Midway Road, for a distance of 86.22 feet to a 5/8 inch iron rod found for corner, said point being the beginning of a curve to the left, said curve having a central angle of 03°00'06" with a radius of 908.50 feet and a chord bearing South 01°30'24" East at a distance of 47.59 feet;

THENCE Southeasterly along said curve to the left and continuing along said west right-of-way line of Midway Road, for an arc distance of 47.60 feet to a 5/8" iron rod found for corner;

THENCE departing said west right-of-way line of Midway Road, for a distance of 137.83 feet to a 5/8" iron rod found for corner in the west line of said Addison Plaza Addition, and being in the easterly line of said Lot 2, Block "A";

THENCE along the common line of said Addison Plaza Addition and said Lot 2, Block "A", North 01°18'15" West, a distance of 166.07 feet to the POINT OF BEGINNING AND CONTAINING 0.5219 ACRES OF LAND, more or less.

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, and elevation drawing, 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 1,885 square feet.
3. 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.
4. The irrigation controllers for this center will need to be inspected to ensure the rain and freeze sensors are operable before issuance of a Certificate of Occupancy.
5. A proposed utility easement, located approximately at the intersection of Belt Line Road and Midway Road, must be included in the final plat prior to filing.
6. Engineering plans, including drainage and grading improvements, must be approved by the Public Works Department prior to the issuance of a building permit.
7. The staff will work with the developer to try and relocate the sidewalk from its current back-of-curb location.

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. That should any paragraph, sentence, subdivision, clause phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

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 May, 2005.


MAYOR

ATTEST:

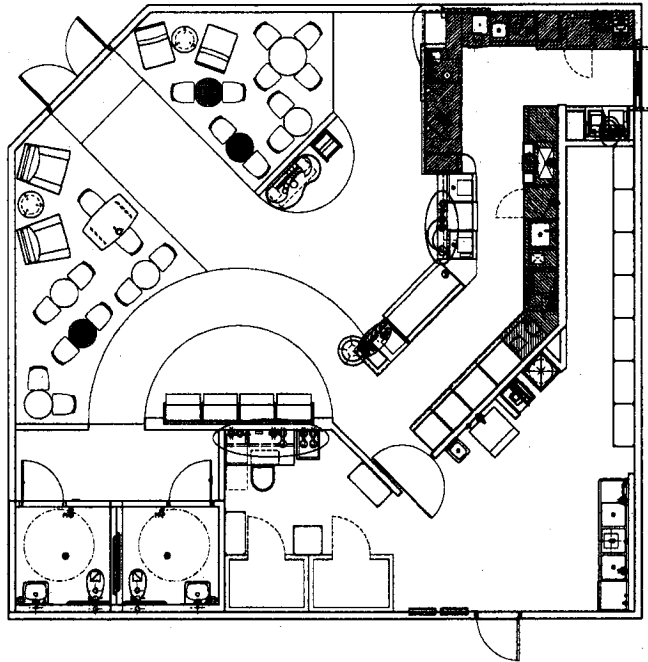

CITY SECRETARY

CASE NO. 1491-SUP/Starbucks Coffee

APPROVED AS TO FORM:


DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: 10-13-05



① COMPOSITE FLOOR PLAN
SCALE: 1/4" = 1'-0"

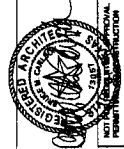


PIERMONT CAPITAL



C.M. ARCHITECTURE, P.A. SUITE 310
FORT WORTH, TX 76107-1210
PHONE: (817) 707-0044 FAX: (817) 707-0418

STARBUCKS SHELL BUILDING
MIDWAY & BELTLINE
ADDRESS: TBD
ADDISON, TX

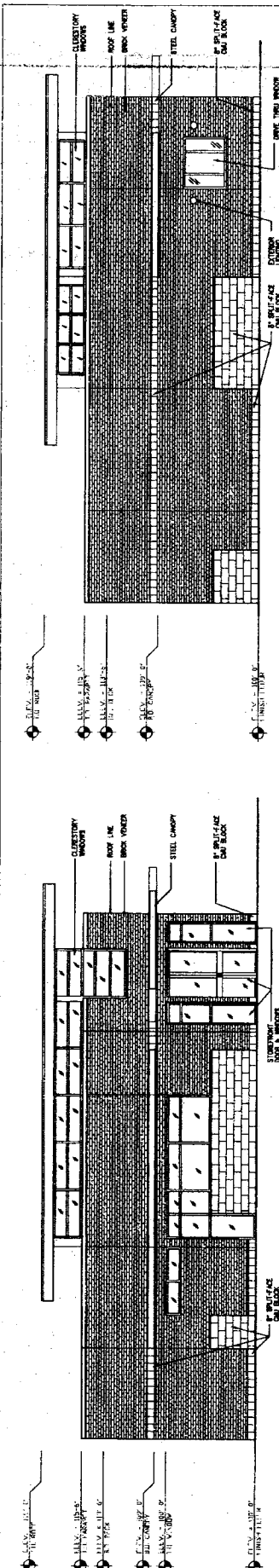


PRELIMINARY PHASE
COMPOSITE PLAN
BY OTHERS

PRELIMINARY SITE PLAN

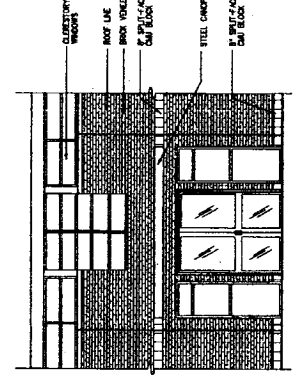
PROJ MGR: _____
DRAWN BY: _____
DATE: 28 MAR 2005
PROJ NO: _____

A4

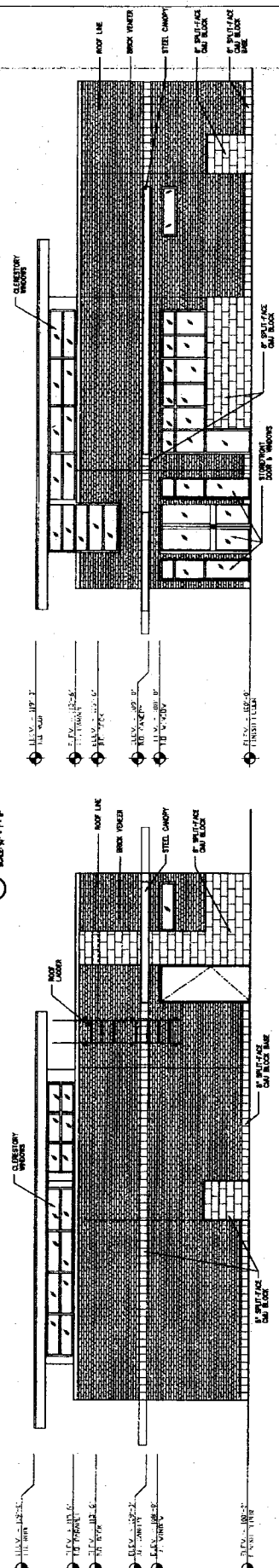


1 EAST ELEVATION
SCALE: 1/8\"/>

2 SOUTH ELEVATION
SCALE: 1/8\"/>



3 NORTHEAST ELEVATION
SCALE: 1/8\"/>



4 WEST ELEVATION
SCALE: 1/8\"/>

5 NORTH ELEVATION
SCALE: 1/8\"/>

PRELIMINARY PHASE

PIEDMONT CAPITAL

STARBUCKS SHELL BUILDING
MIDWAY & BELTLINE
ADDRESS: TBD
ADDISON, TX

PRELIMINARY ELEVATIONS

PROJ. NO. _____
DRAWN BY: _____
DATE: 28 JUNE 2005
PROJ. NO. _____

A3

CM
C.M. ARCHITECTURE, P.A.
200 BALLEW AVENUE, SUITE 310
ADDISON, TX 75001
PHONE: (972) 381-4419
FAX: (972) 381-4418

REGISTERED ARCHITECT
STATE OF TEXAS
NO. 10717
EXPIRES 12/31/06

COPYRIGHT C.M. ARCHITECTURE, P.A. 2005