

ORDINANCE NO. 005-053

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 002-016, AS HERETOFORE AMENDED, SO AS TO PROVIDE FOR AN AMENDMENT TO AN EXISTING SPECIAL USE PERMIT FOR A RESTAURANT AND AN AMENDMENT TO AN EXISTING SPECIAL USE PERMIT FOR THE SALE OF ALCOHOL FOR ON-PREMISES CONSUMPTION ONLY, ON APPLICATION FROM BURGER HOUSE, LOCATED AT 14248 MARSH LANE; 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. 002-016, passed by the Addison City Council on the 14th day of May, 2002, (and amended by Ordinance No. 005-053, passed by the Addison City Council on the 11th day of October, 2005) 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, 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 only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 2,268 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. No terms such as "bar", "tavern" or any terms or graphic depictions that relate to the sale of alcoholic beverages shall be used in exterior signs.
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 shall provide irrigated landscaping along the east side of the property that complies with the plant quantity requirements in the landscape regulations.
10. The applicant shall substitute crape myrtles for the tree-form wax leaf ligustrum shown just to the east of the building by the proposed drive-thru.

11. The applicant shall substitute a more suitable shrub for the Tam Juniper shown in Front of the building.
12. The applicant shall remove the abandoned sidewalk area and low concrete retaining wall in front of the building and convert that area to landscaping.
13. The applicant shall substitute a perennial shrub for the fountain grass shown on the plan.
14. The applicant shall top-dress and level all turf areas up to the grade of surrounding concrete areas.
15. The applicant shall submit a plan that shows existing and new irrigation, which needs to include a plan to connect a freeze and rain sensor to an automatic irrigation controller.

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 11th day of October, 2005.


MAYOR

ATTEST:

C MORAN

CITY SECRETARY

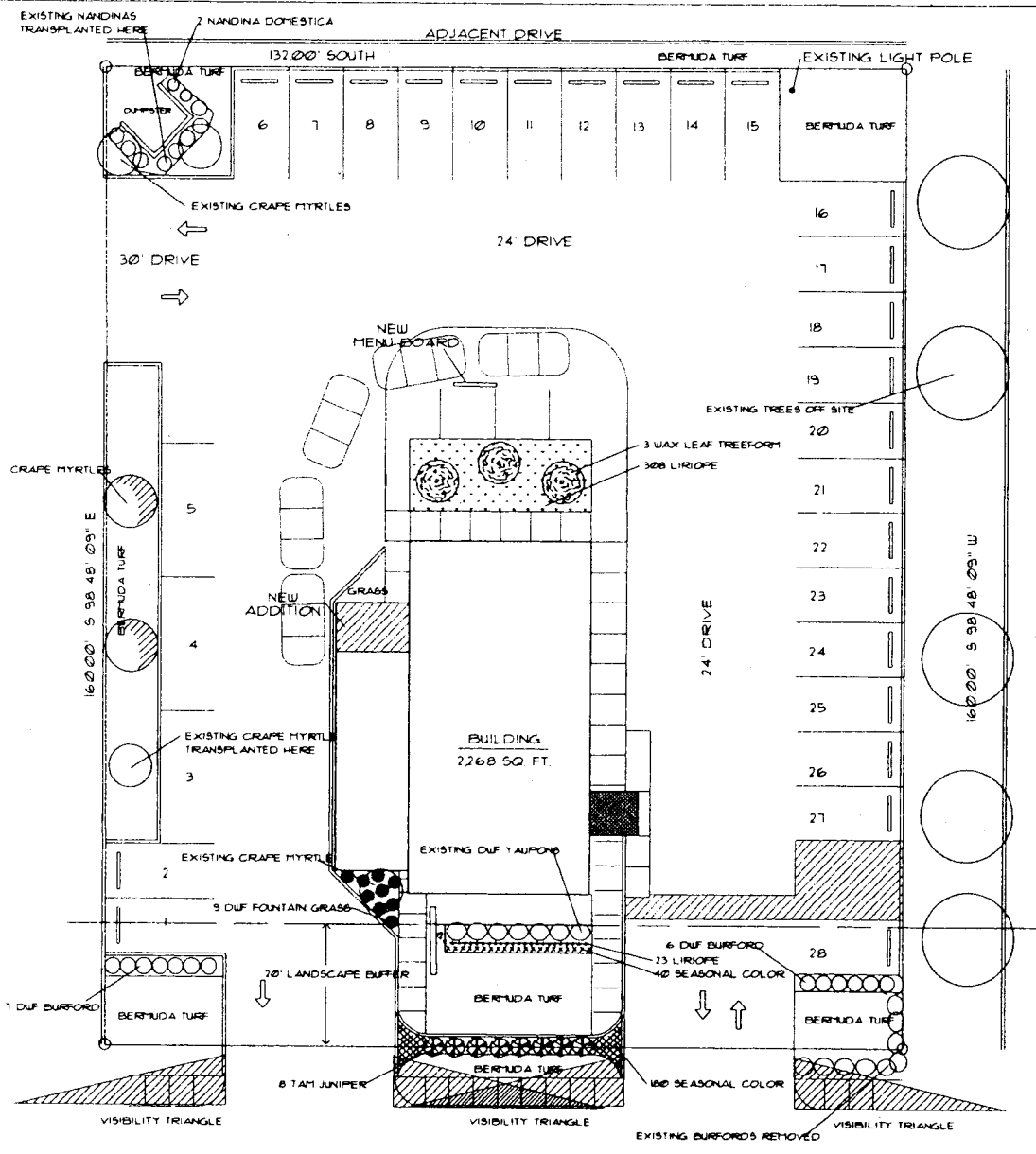
CASE NO. 1507-SUP/Burger House

APPROVED AS TO FORM:

C MORAN

DIRECTOR OF DEVELOPMENT SERVICES

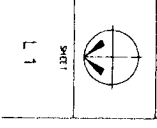
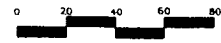
PUBLISHED ON: 10-20-05



PLANT TABLE

2	CRAPE MYRTLE	6-8' B&B
3	WAX LIGUSTRUM TREE	6-8' B&B
2	NANDINA DOMESTICA	5G 4'OC
13	DWF BURFORD HOLLY	5G 3'OC
9	DWF FOUNTAIN GRASS	3G SPACE TO FIT
8	TAM JUNIPER	5G 4' OC
331	LIRIOPE	1G 12"OC
220	SEASONAL COLOR	4" 8'OC

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LANDSCAPE PLAN
1-20



DESIGNED BY
DANIEL J. JENSEN, C.E.D., L.C.
DATE: 11/18/11
DRAWN BY: DANIEL J. JENSEN

BURGER JOINT
14248 MARSH LANE
ADDISON, TX

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11/18/11