

ORDINANCE NO. 006-015

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 QUIZNO'S SUB SHOP, LOCATED AT 3716 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 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 Quizno's Sub

Shop. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

WHEREAS, SEC Beltline and Marsh Partners, L.P. and Exxon Corporation, a New Jersey corporation, are the owners of a tract or parcel of land situated in the Thomas L. Chenowith Survey, Abstract Number 273, in the Town of Addison, Dallas County, Texas, and being all of a 2.5434 acre tract (Tract 1) and part of a 0.9127 acre tract of land conveyed to SEC Beltline and Marsh partners, L.P. by Deeds recorded in Volume 93239, Page 3855 and Volume 94105 Page 2492 (respectively) Deed Records, Dallas County, Texas, and being all of that tract of land conveyed to Exxon Corporation a New Jersey corporation, by Deed recorded in Volume 96024, page 1398, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEING a 1,600 square foot lease space, addressed as 3900 Belt Line Road located on a tract identified as follows:

BEGINNING at a "+" cut set for corner at the south end of a corner-clip at the intersection of the East right-of-way line of Marsh Lane (100 foot wide right-of-way) and the South right-of-way line of Belt Line Road (100 foot wide right-of-way);

THENCE North 46 degrees 08'26" East along said corner clip, a distance of 28.18 feet to a "+" cut set for corner in the South right-of-way line of said Belt Line Road;

THENCE South 88 degrees 53'15" East along the south right-of-way line of said Belt Line Road and along the East line of said 2.5434 acre tract, a distance of 252.35 feet to a P.K. nail found for the southeast corner of said 2.5434 acre tract and the northeast corner of Lot 3, Block D of Town Center Addition, an addition to the Town of Addison according to the plat recorded in volume 93237, page 3848 of the Map Records of Dallas County, Texas;

THENCE North 88 degrees 53'11" West along the south line of said 2.5434 acre tract and the North line of said Lot 3, a distance of 230.72 feet to a "+" cut found for an ell corner in the south line of said 2.5434 acre tract and the northwest corner of said Lot 3 and being in the East line of Lot 1, Block A of Boston Chicken Addition, an addition to the Town of Addison according to the plat recorded in volume 94102, page 1418 of the Map Records of Dallas County, Texas;

THENCE North 00 degrees 56'06" East along a west line of said 2.5434 acre tract and along the East line of said Boston Chicken Addition, a distance of 28.77 feet to a ½ inch iron rod with red plastic cap stamped USA INC RPLS 2026" set for the northeast corner of said Boston Chicken Addition;

THENCE North 89 degrees 03'54" West leaving the said West line of said 2.5434 acre tract and along the North line of said Boston Chicken Addition, a distance of 248.50 feet to a "+" cut set for corner in the east right-of-way line of said Marsh lane and being the northwest corner of said Boston Chicken Addition;

THENCE North 00 degree 56'06" East along the east right-of-way line of said marsh Lane and the West line of the 0.9127 and 2.5434 acre tracts, a distance of 204.43 feet to the POINT OF BEGINNING and containing 113,775 square feet or 2.6119 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, 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 1,200 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 on any signs visible from the exterior of the premises.
12. All dead and missing landscape material shall be replaced on the site prior to the issuance of a Certificate of Occupancy for the space.

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 April, 2006 .


MAYOR

ATTEST:

C MORAN

CITY SECRETARY

CASE NO. 1514-SUP/Quizno's Sub Shop

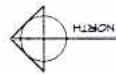
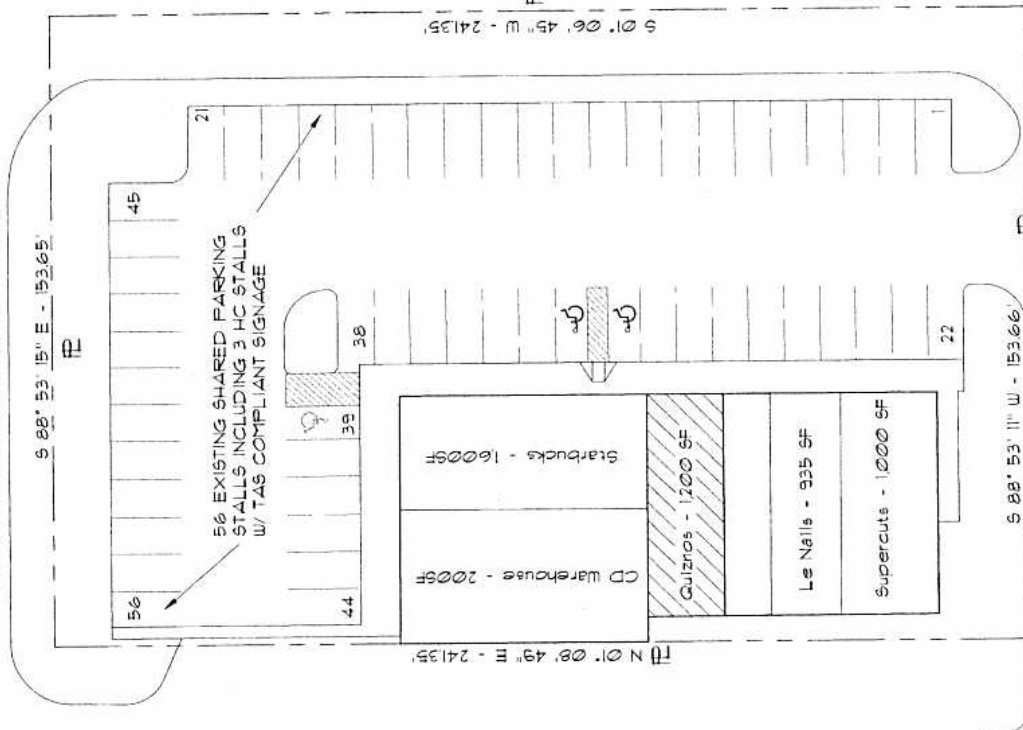
APPROVED AS TO FORM:

C MORAN

PUBLISHED ON: 4-29-06

BELT LINE ROAD

NOTE: EXISTING LANDSCAPING TO REMAIN



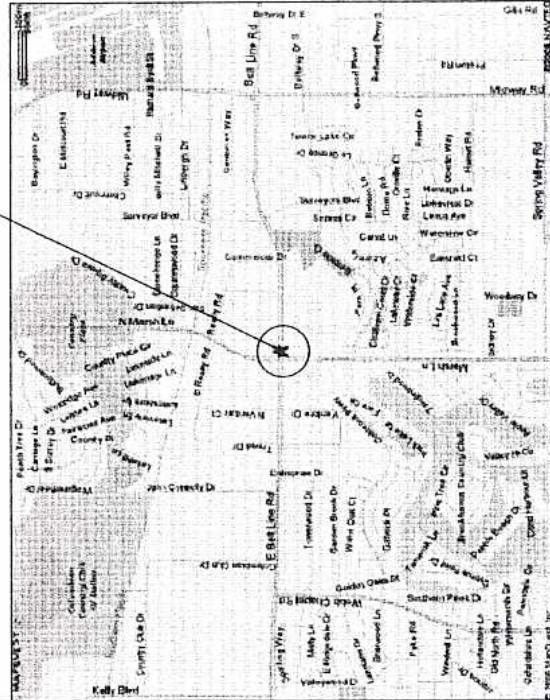
2 Site Plan
1" = 30'-0" (LANDSCAPED PROVIDED INFORMATION) 0 15 30 60'

PARKING REQUIREMENTS:

- Quinzos Sub @ 1 Stall per 100 s.f. - 1200 / 100 = 12 Stalls
 - Starbucks @ 1 Stall per 100 s.f. - 1600 / 100 = 16 Stalls
 - Supercuts @ 1 Stall per 200 s.f. - 1000 / 200 = 5 Stalls
 - Le Nails @ 1 Stall per 200 s.f. - 935 / 200 = 5 Stalls
 - CD Warehouse @ 1 Stall per 200 s.f. - 2000 / 200 = 10 Stalls
- Required Number of Parking Spaces: 48 Stalls
- Number of Parking Spaces Provided: 56 Stalls

3 Parking Analysis

PROJECT LOCATION



1 Vicinity Map
(N.T.S.)

Tenant Finish Remodeling

Quinzos Sub

Addison Town Center Shopping Center
3716 Belt Line Road
Addison, Texas 75001

PROJECT NO. 2006-006
DATE: 02/14/2006

Architecture - Interior Design
JFAA

Project Number: 2006-006
Date: 02/14/2006
Drawn By: [Blank]
Sheet Number: 7

Sheet Title: SITE PLAN - PARKING
A-1

THIS DOCUMENT IS ISSUED FOR
ADMINISTRATIVE PLAN APPROVAL
ONLY. IT IS NOT TO BE USED FOR
CONSTRUCTION OF BUILDING
WITHOUT THE NECESSARY
PERMITS.
ISSUE DATE: 14 FEBRUARY 2006

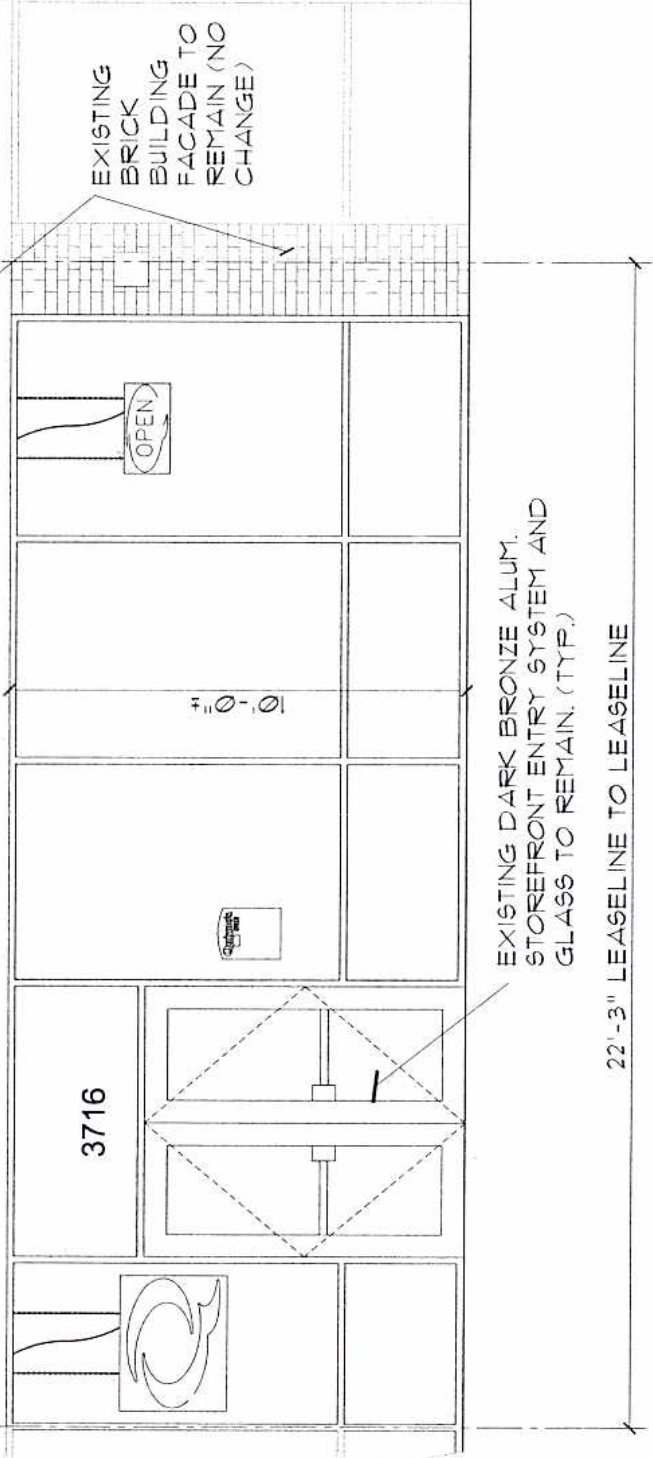
ADJACENT QUIZNOS TENANT

INTERNALLY ILLUMINATED SIGN CONFORMING TO LANDLORD AND ZONING STD.'S UNDER SEPARATE PERMIT BY SIGN CONTRACTOR.

QUIZNOS ADJACENT TENANT

QUIZNOS SUB

19'-9 1/2"



22'-3" LEASELINE TO LEASELINE

1 Front Elevation
3/4" = 1'-0"

THIS DOCUMENT IS SUBJECT TO THE ADMINISTRATIVE PLAN APPROVAL ONLY AND IS NOT INTENDED FOR CONSTRUCTION. ANY CHANGES TO THIS DOCUMENT MUST BE MADE DATE: 24 FEBRUARY 2006

Tenant Finish Remodeling
Quiznos Sub
Addison Town Center Shopping Center
3716 Belt Line Road
Addison, Texas 75001

NOT FOR CONSTRUCTION!
QUZNOS FORM NO. 842

STYLED SIGN SOLUTIONS
JAA
Architecture • Interior Design

Project: 3716 Belt Line Rd
4000 North Central Expressway
Addison, TX 75001
Phone: 972.333.2222
Fax: 972.333.2222
Project Number: 03253
Date: 24 FEB 2006
Drawn By: JAA
Sheet Number: A-3

Sheet Title: EXTERIOR ELEVATION