

ORDINANCE NO. 007-002

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 BERRY BERRY YOGURT, LOCATED AT 4145 BELT LINE ROAD, SUITE 218, 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 Berry Berry Yogurt. Said

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

Berry Berry Yogurt, being a 1,330 square foot lease space, addressed at 4145 Belt Line Road, Suite 218, located in a retail center that is beginning at an "X" cut set for corner at the southeast corner of said Lot 3A and the southwest corner of Goff Addition as recorded in Volume 80005, Page 3044, D.R.D.C.T., said "X" cut being in the north Right of Way line of Belt Line Road (100' ROW);

THENCE North 89 degrees 51 minutes 55 seconds West following the north ROW line of said Belt Line Road a distance of 30.00 feet to a ½ inch iron rod set for corner;

THENCE North 83 degrees 33 minutes 22 seconds West following the north ROW line of said Belt Line Road a distance of 100.12 feet to a ½ inch iron rod set for corner;

THENCE North 89 degrees 51 minutes 55 seconds West following the north ROW line of said Belt Line Road a distance of 152.00 feet to a ½ inch iron rod set for corner;

THENCE South 00 degrees 08 minutes 05 seconds West following the north ROW line of said Belt Line Road a distance of 11.00 feet to a ½ inch iron rod set for corner;

THENCE North 89 degrees 51 minutes 55 seconds West following the north ROW line of said Belt Line Road a distance of 464.64 feet to a 1 inch iron pipe found for corner;

THENCE North 00 degrees 03 minutes 55 seconds West a distance of 350.00 feet to a ½ inch iron rod found for corner in the south Right of Way line of Centurion Way (60' ROW);

THENCE South 89 degrees 51 minutes 55 seconds East following the north ROW line of said Centurion Way a distance of 747.36 feet to a 3/8 inch iron rod found for corner at the northwest corner of said Goff Addition;

THENCE South 00 degrees 08 minutes 05 seconds West a distance of 350.00 feet to the POINT OF BEGINNING and containing 259,142 square feet pr 5.949 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, 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 only and to that particular area designated on the final site plan as encompassing a total area not to exceed 1,300 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.
5. The floor plan shall be revised to include a separate, accessible restroom for males and females.

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 9th day of January, 2007.


MAYOR

ATTEST:


CITY SECRETARY

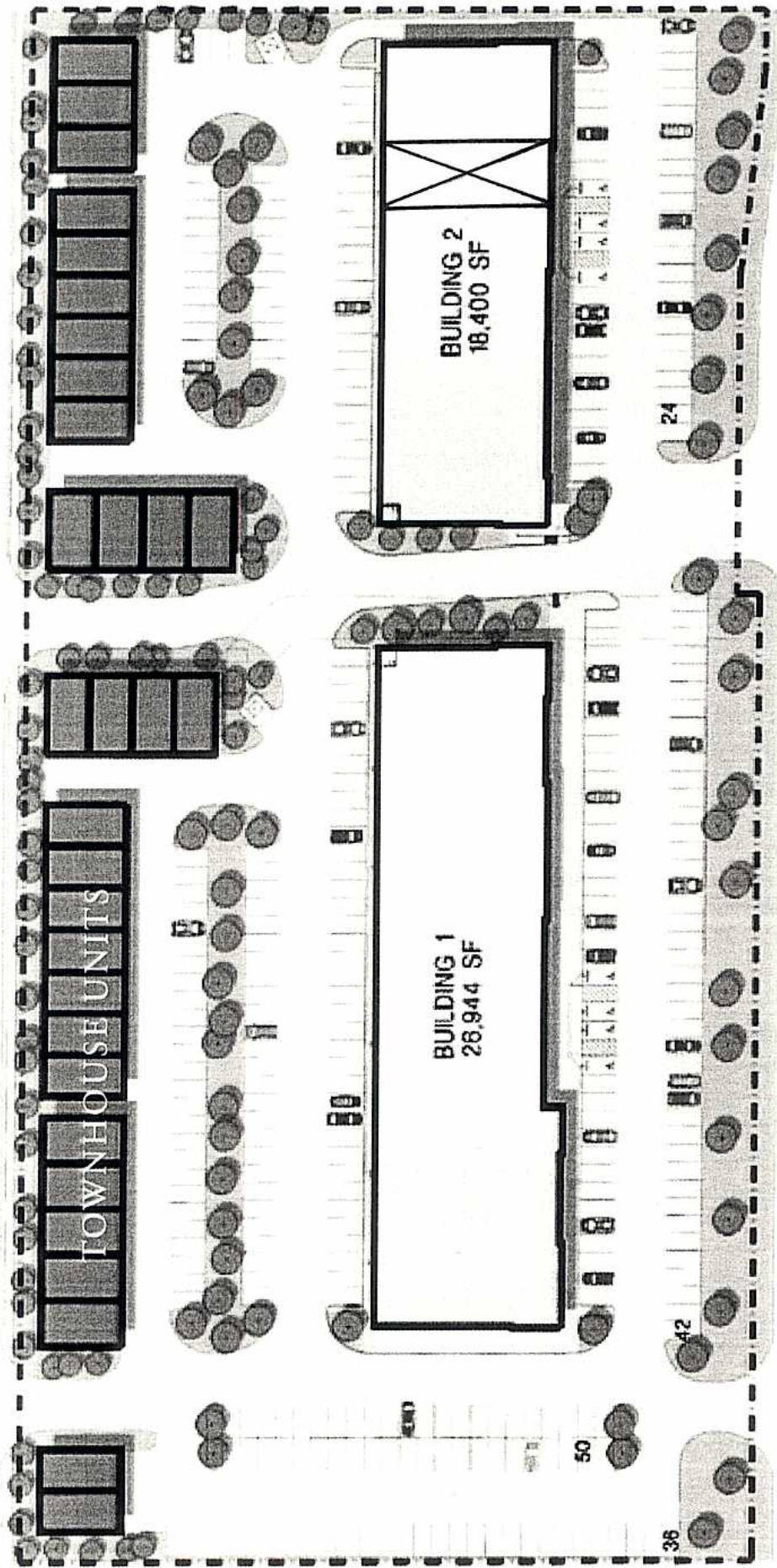
CASE NO. 1530-SUP/Berry Berry Yogurt

APPROVED AS TO FORM:


Director of Development Services

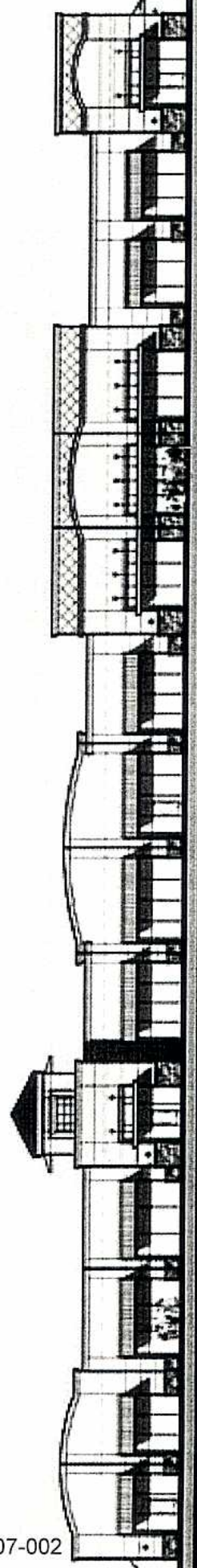
PUBLISHED ON: 3-01-2007

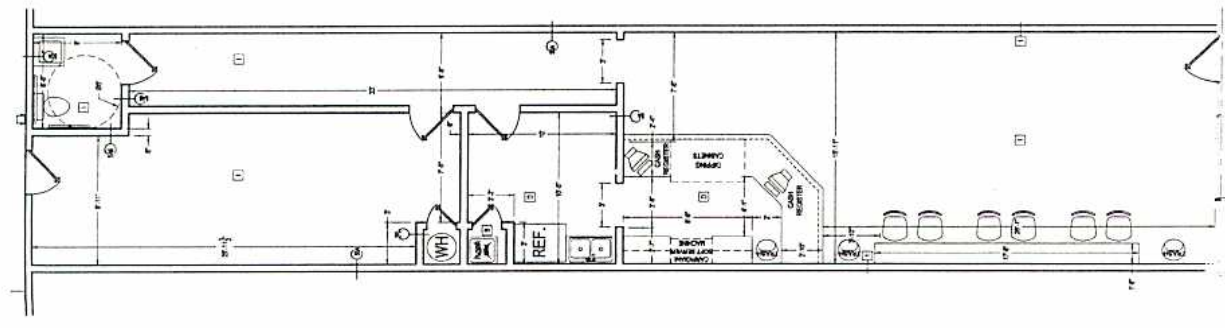
CENTURION WAY



BELT LINE ROAD

4135 BELT LINE ROAD ADDISON, TEXAS

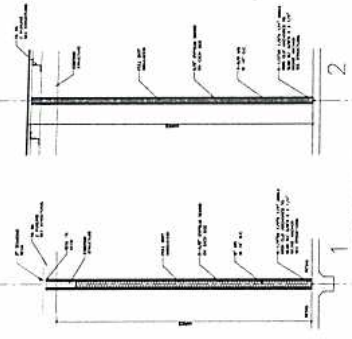




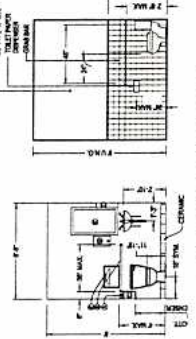
FLOOR PLAN
SCALE: 1/4"=1'-0"

GENERAL NOTES

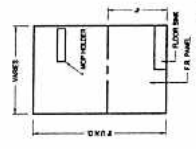
- PARTITION AND WALLS
 - PARTITIONS SHALL BE FINISH FACE OF PARTITIONS, FACE OF EXTERIOR WALLS OR CENTER LINE OF COLUMNS UNLESS NOTED OTHERWISE.
 - PARTITIONS SHALL BE 5-1/8" MCH METAL STUDS AND 1/2" GYPSUM BOARD ON EITHER SIDE OF STUDS UNLESS NOTED OTHERWISE.
 - CLEARING HEIGHT IS 8'-0". NOTIFY ARCHITECT IF OTHER CONDITION THAT REQUIRE ANOTHER HEIGHT.
 - ALL PARTITIONS SHALL EXTEND FROM FLOOR TO CEILING UNLESS NOTED OTHERWISE.
 - EXTEND ALL SOUND RATED PARTITIONS TO THE STRUCTURE ABOVE TO PREVENT SOUND TRANSMISSION FROM PENETRATING TO THE VOID ABOVE THE PARTITION UNLESS NOTED OTHERWISE.
 - CONTROL JOINTS SHALL BE PROVIDED ABOVE DOORS AT EACH END IN STUD AND UNREINFORCED COLUMNS WITHIN OPEN PARTITIONS. UNREINFORCED COLUMNS SHALL BE REINFORCED WITH #4 BARS UNLESS OTHERWISE SHOWN OR DETAIL.
 - WITH APPROVED JOINT PIPES AND JOINTS AS REQUIRED, ALL OPENINGS MORE THAN 12" IN DIAMETER SHALL HAVE LANTERNS SCHEDULED ON THE STRUCTURAL DRAWINGS.
- DOORS AND FRAMES
 - WHERE LABELED DOORS ARE SCHEDULED, THESE SHALL BE ON DOORS AND FRAMES UNLESS NOTED OTHERWISE.
 - HOLLOW METAL FRAMES SHALL BE ANCHORED TO THE STRUCTURE, FLOOR OR CEILING UNLESS NOTED OTHERWISE.
 - ALL PARTITIONS SHALL BE AT MINIMUM 2" ABOVE DOORS BEFORE SETTING IN PLACE.
 - DOORS SHALL BE 3'-0" UNLESS SHOWN OTHERWISE.
 - DOORS ON INTERIOR DOORS SHALL HAVE 4" ABOVE DOORS TO PREVENT AIR FROM ENTERING FROM UNDESIRABLE AREAS OR UNDESIRABLE AREAS.
 - ELEVATION 100'-0" ON THE ARCHITECTURAL DRAWINGS = [-] ON THE ARCHITECTURAL DRAWINGS.
 - ALL WALL HANG CASTERWORK, GRAB BARS, DOOR HARDWARE AND EQUIPMENT SHALL BE ANCHORED TO 2 X 4 WOOD BLOTTING ANCHORS BETWEEN STUDS UNLESS OTHERWISE NOTED.
 - CONTROLS AND LOCATED BOTH AT BOTTOM AND TOP OF EQUIPMENT.
 - COMPATIBLE WITH ALL LOCAL AND STATE CODES.



DEMISING @ PARTITION WALL
SCALE: 1/4"=1'-0"



ENLARGED BATHROOM
SCALE: 1/4"=1'-0"



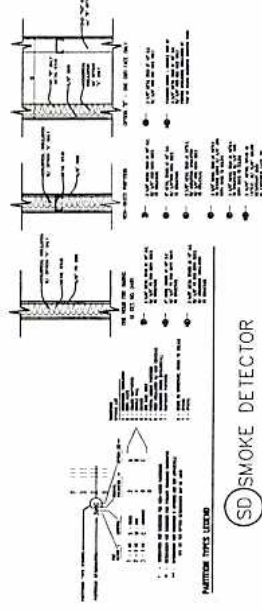
JAN, TYP
SCALE: 1/4"=1'-0"

TYP	NO.	DESCRIPTION	REMARKS

TOILET ACCESSORY SCHEDULE

ACCESSORY SCHEDULE NOTES

- ELEVATION 100'-0" ON THE ARCHITECTURAL DRAWINGS = [-] ON THE ARCHITECTURAL DRAWINGS.
- ALL WALL HANG CASTERWORK, GRAB BARS, DOOR HARDWARE AND EQUIPMENT SHALL BE ANCHORED TO 2 X 4 WOOD BLOTTING ANCHORS BETWEEN STUDS UNLESS OTHERWISE NOTED.
- CONTROLS AND LOCATED BOTH AT BOTTOM AND TOP OF EQUIPMENT.
- COMPATIBLE WITH ALL LOCAL AND STATE CODES.



PARTITION TYPES LISTED

SD SMOKE DETECTOR

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

