

**TOWN OF ADDISON, TEXAS
ORDINANCE NO. 010-040**

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 010-009, AS HERETOFORE AMENDED, SO AS TO PROVIDE FOR AN AMENDMENT TO AN EXISTING SPECIAL USE PERMIT FOR A RESTAURANT, ON APPLICATION FROM SCHLOTZSKY'S SANDWICHES, LOCATED AT 3740 BELT LINE ROAD; 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. That Ordinance No. 010-009, passed by the Addison City Council on the 13th day of April, 2010 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, 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 only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 4,400 square feet.
3. 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.

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 November, 2010.



Mayor-Joe Chow

ATTEST:

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 010-040



City Secretary-Lea Dunn

CASE NO. 1609-SUP/Schlotsky's Sandwiches

APPROVED AS TO FORM:

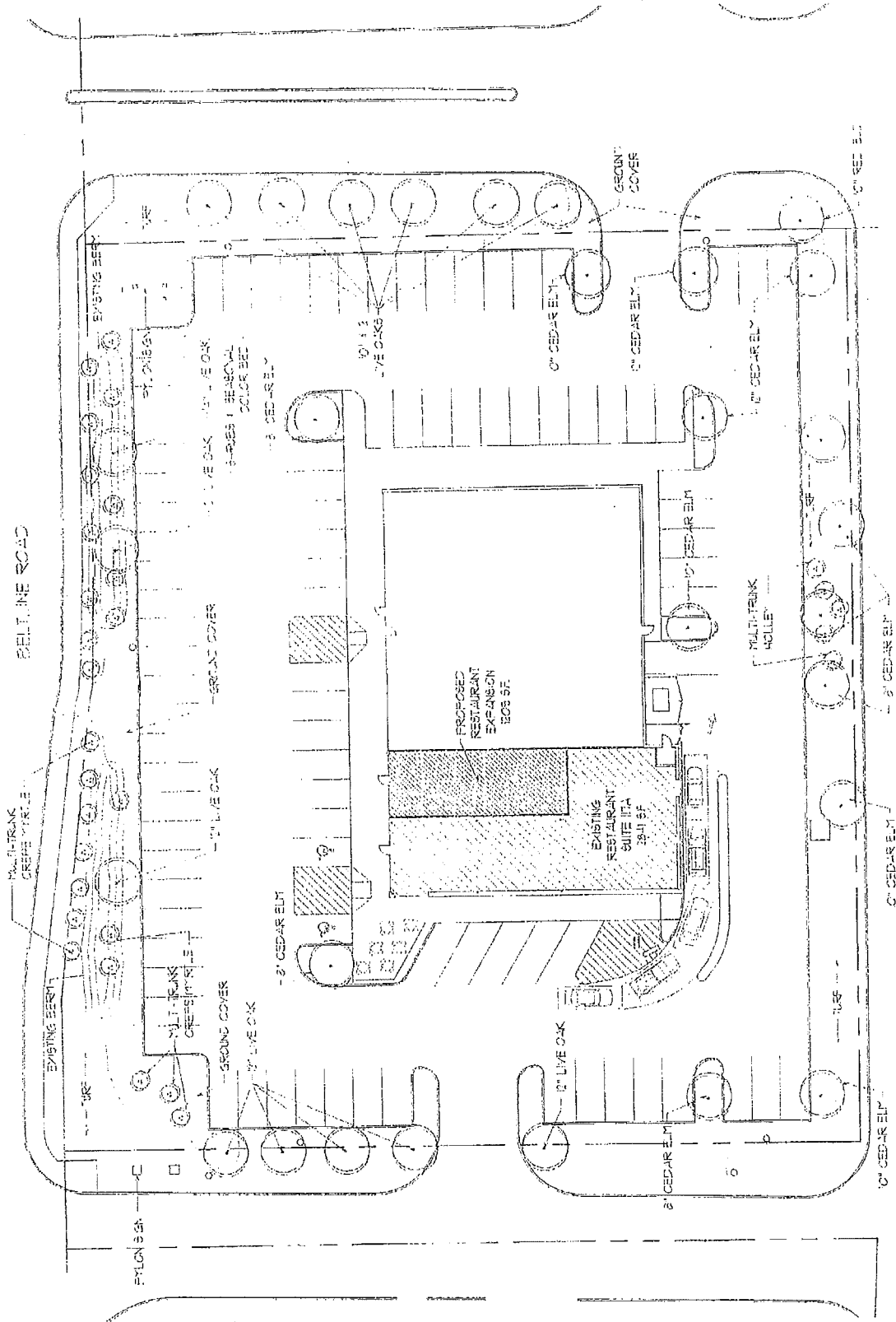


Director of Development Services
Carmen Moran

PUBLISHED ON: 1/9/2011

EXISTING
TURN L/I

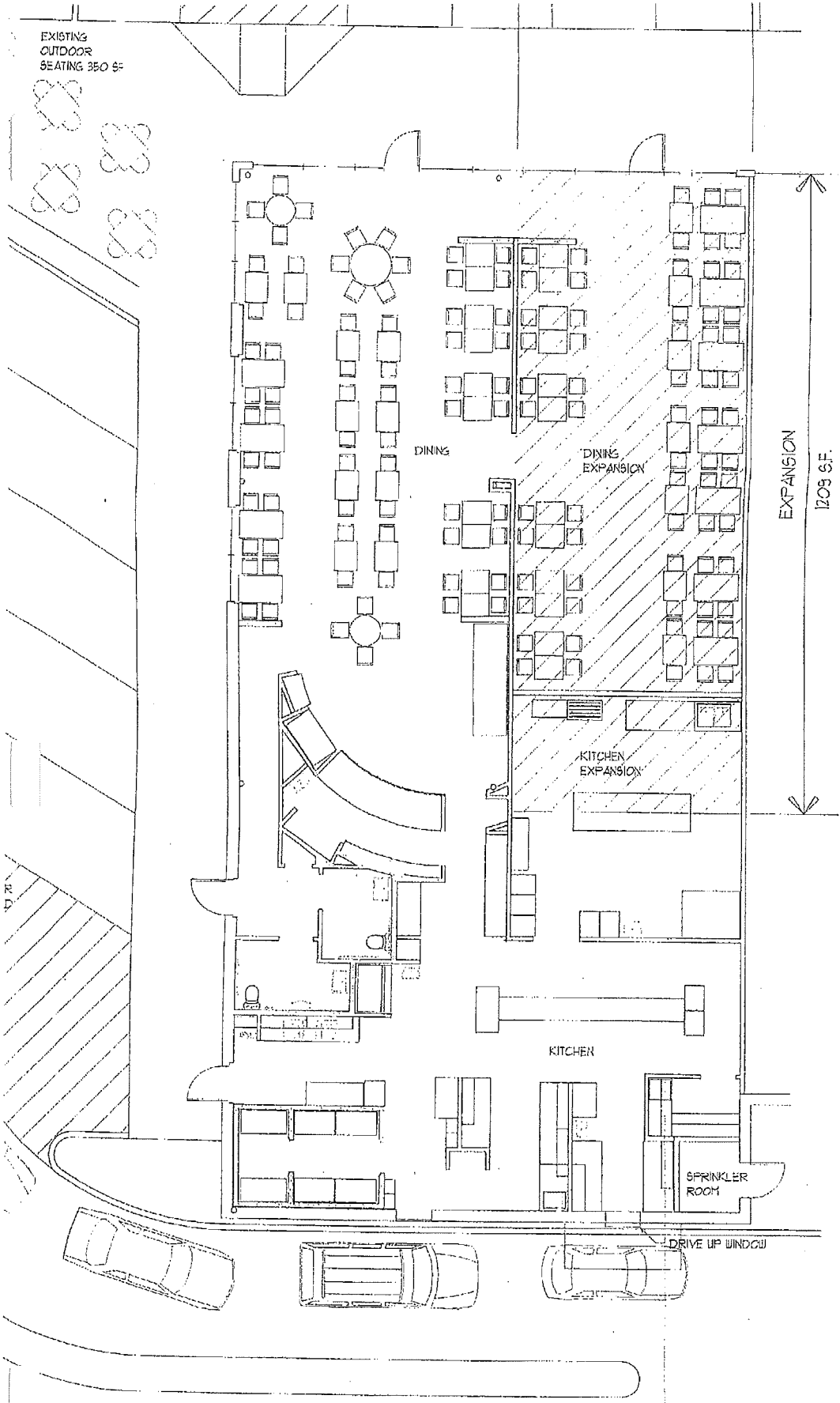
010-040



2 LANDSCAPE PLAN

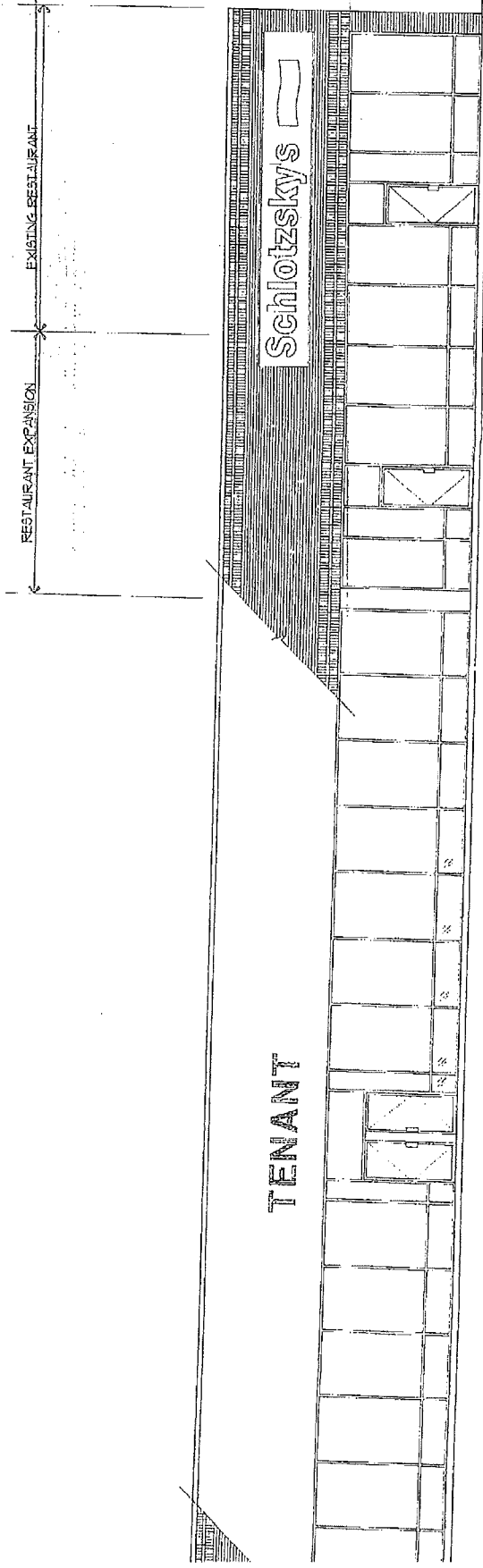
SHOPPING CENTER ROAD

EXISTING
OUTDOOR
SEATING 380 S.F.



4 PROPOSED RESTAURANT PLAN

1/8" = 1'-0"



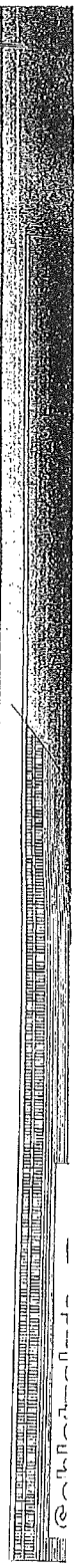
TENANT

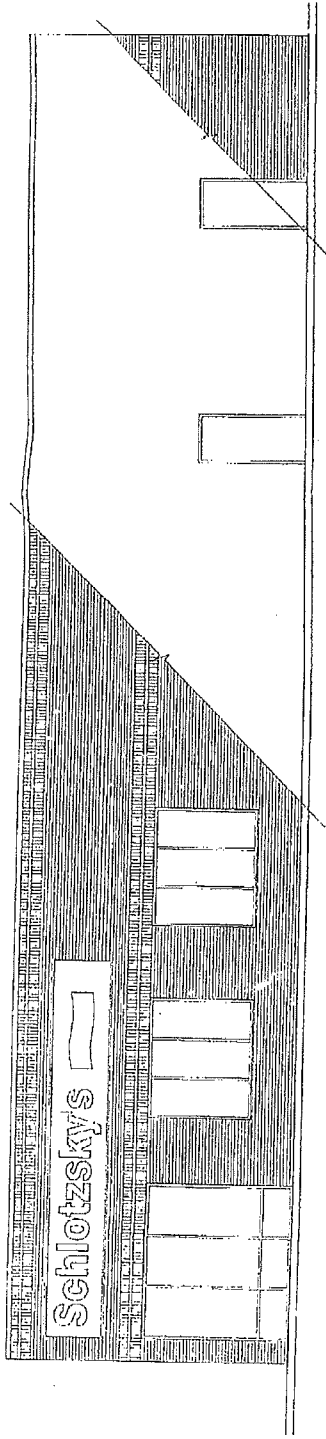
Schlotzsky's

RESTAURANT EXPANSION

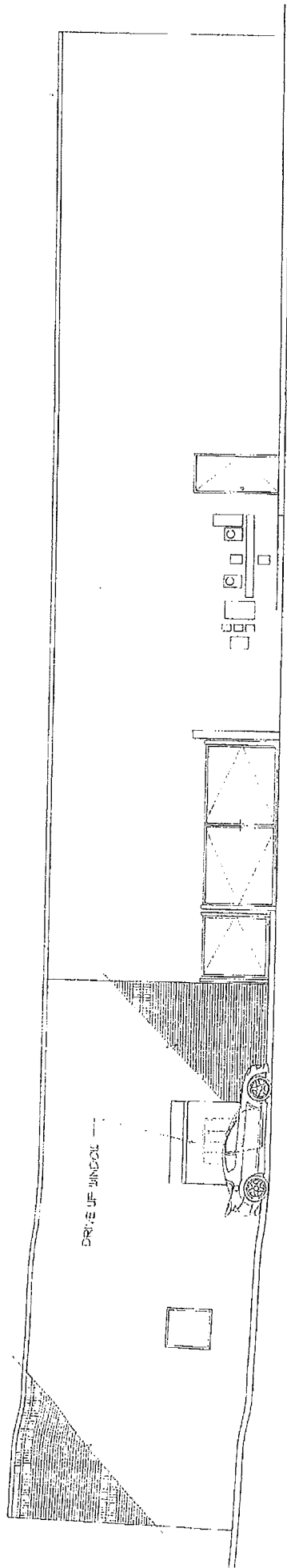
EXISTING RESTAURANT

3 NORTH ELEVATION
1/8" = 1'-0"





2 WEST ELEVATION
1/8" = 1'-0"



1 SOUTH ELEVATION
1/8" = 1'-0"