

**TOWN OF ADDISON, TEXAS
ORDINANCE NO. 011-012**

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, BY AMENDING PLANNED DEVELOPMENT ORDINANCE 083-043, SECTION 2. IN ORDER TO ALLOW THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION ONLY, WITH A SPECIAL USE PERMIT, AND APPROVING A SPECIAL USE PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION ONLY, LOCATED ON THE PROPERTY GENERALLY LOCATED AT 16601 ADDISON ROAD, ON APPLICATION FROM C-STORE # 104, PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY 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 ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Ordinance, 083-043, Section 2, in order to read as follows:

SECTION 2. In the hereinabove described land, no land or building shall be used, erected or converted to any use other than:

Antique shop
Aquarium
Art gallery
Automotive goods, retail sales only
Automotive service, limited to the K-Mart store only
Bakery, retail sales only
Bank, office, wholesale sales office or sample room
Barber and beauty shops
Bird and pet shops, retail
Book or stationery store
Camera shop
Candy, cigars and tobaccos, retail sales only
Caterer and wedding service, offices only
Cleaning, dyeing and laundry pick-up station for receiving and delivery of articles to be cleaned
Cleaning and pressing shops having an area of not more than 6,000 square feet
Curtain cleaning shop having an area of not more than 6,000 square feet
Department store, novelty or variety shop, retail sales only
Drug store, retail sales only
Florist, retail sales only
Furniture store, retail only
Grocery store, retail sales only
Hardware, sporting goods, toys, paints, wallpaper, clothing, retail sales only
Household and office furniture, furnishings, and appliances, retail only
Job printing
Jewelry, optical goods, photographic supplies, retail sales only
Library, rental
Meat market, retail sales only
Office building
Photographers or artists studio
Parking lot without public garage or automobile facilities for the parking of passenger cars and trucks of less than one (1) ton capacity only
Professional offices for architect, attorney, engineer, and real estate
Piano and musical instruments, retail sales only
Restaurant with or without sale of alcohol for on-premises consumption (subject to Special Use Permit approval)
Retail store/shop for custom work or the making of articles to be sold for retail on the premises
Sale of beer and wine for off-premises consumption only (subject to Special Use Permit approval)
Seamstress, dressmaker or tailor
Shoe repair shop, retail sales only

Studios, dance, music, drama, health, reducing
Studio for the display and sale of glass, china, art objects, cloth and draperies
Taxi stand
Video stores, sales and rental of video cassettes and players
Washateria, equipped with automatic washing machines of the type customarily
found in a home and where the customers may personally supervise the
washing and handling of their laundry
Wearing apparel, including clothing, shoes, hats, millinery and accessories
Accessory buildings and uses customarily incident to the above uses.

SECTION 2. That Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, is hereby amended so as to grant a special use permit for the sale of beer and wine for off-premises consumption only, said zoning amendment shall be noted on the official zoning map of the Town of Addison, Texas, and is situated on the following described land:

BEING a tract or parcel of land situated in the City of Addison, Dallas County, Texas, and being part of the William Lomax Survey, Abstract No. 792, and also being a part of the Sunbelt Business Park, an addition to the City of Addison, Texas, as recorded in Volume 77215 at page 2835 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point for corner in the west line of Addison Road (60-feet wide) and the north line of Sunbelt Drive (70 feet wide at this point),

THENCE 89°59'00" along the north line of Sunbelt Drive a distance of 124.95 feet to the beginning of a curve to the left,

THENCE in a northeasterly direction along said curve to the left having a radius of 200.00 feet, a central angle of 09°04'07" and an arc length of 31.66 feet to the beginning of a curve to the right,

THENCE in a southeasterly direction along said curve to the right having a radius of 280.00 feet, a central angle of 09°04'07" and an arc length of 31.66 feet to the end of said curve to the right,

THENCE 89°59'00" continuing along the north line of Sunbelt Drive a distance of 62.26 feet to a point for corner,

THENCE 00°01'00" E a distance of 200.00 feet to a point for corner

THENCE 89°59'00" a distance of 250.00 feet to a point for corner in the west line of Addison Road,

THENCE 00°03'31" E along the west line of Addison Road a distance of 195.00 feet to the POINT OF BEGINNING and containing 1,1307 acres of land.

SECTION 3. That the Special Use Permit for the sale of beer and wine for off-premises consumption only is granted subject to the following conditions:

1. That the Special Use Permit granted herein shall be limited to sale of alcoholic beverages for off-premises consumption only and to that particular area designated on the final site plan as encompassing a total area not to exceed 3,600 square feet.
2. 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.
3. 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.
4. 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. 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.
6. The existing landscaping on the site shall be renovated with the installation of new shrubs to replace those that are dead or missing prior to the issuance of a Certificate of Occupancy.
7. The irrigation system shall be updated to comply with the current irrigation regulations, which include the installation of an ET (Evapo-transpiration) based controller and freeze and rain sensors, prior to the issuance of a Certificate of Occupancy.

SECTION 4. 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.

SECTION 5. 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 6. 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 8th day of February, 2011


MAYOR

ATTEST:


CITY SECRETARY

CASE NO.: 1621-SUP/C-Store #104

APPROVED AS TO FORM:


DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: 4-6







