

ORDINANCE NO. O22-27

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY REZONING A 2.034 ACRE PROPERTY, LOCATED AT 3820 BELT LINE ROAD, FROM PLANNED DEVELOPMENT (PD) DISTRICT, ORDINANCE NO. 021-037, WITH MODIFIED BELT LINE DISTRICT (BL) STANDARDS TO A NEW PLANNED DEVELOPMENT (PD) DISTRICT WITH MODIFIED LOCAL RETAIL DISTRICT (LR) STANDARDS AND REPEALING ORDINANCE NO. 2005-036 AND GRANTING A SPECIAL USE PERMIT (SUP) FOR A PORTION OF THE PROPERTY TO BE USED AS A DRIVE-THRU RESTAURANT; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on August 16, 2022, the Planning & Zoning Commission considered and made recommendations on a request for a Rezoning to Planned Development (PD) with modified Local Retail (LR) District standards and a Special Use Permit (Case No. 1850-Z) for a portion of the property to be used as a drive-thru restaurant for the property located at 3820 Belt Line Road (the "Subject Property"); and

WHEREAS, this change of zoning is in conformance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this amendment promotes 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. The recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

SECTION 2. Ordinance No. 2005-036 granting a Special Use Permit to Humperdink's, shall be repealed in its entirety upon approval of this ordinance for the Subject Property.

SECTION 3. The Zoning Ordinance and official zoning map shall be amended so as to rezone the Subject Property, said property comprising all of Lot 1R, Block A of the Printemps Addition NO. 2, and being further described in the legal description on **Exhibit A** attached hereto, from Planned Development (PD) with modified Belt Line (BL) District standards to Planned Development (PD) with modified Local Retail (LR) District standards and a Special Use Permit, subject to the following conditions:

- (a) Prior to issuance of a Certificate of Occupancy, said Property shall be improved in

accordance with the site plan, landscape plan, floor plan, and façade plan, which are attached hereto as **Exhibit B** and made a part hereof for all purposes.

- (b) The Subject Property shall be developed in accordance with the Local Retail (LR) District standards with the following exceptions:
- i. Minimum Building Height = 20 feet
 - ii. Minimum Landscape Buffer = 19 feet, due to the existing setback from Belt Line Road.
 - iii. The previously approved retail building shall be developed in accordance with the development standards established by Ordinance O21-37 and the site plan, landscape plan, floor plan, and façade plan, which are attached hereto as **Exhibit C** and made a part hereof for all purposes.
- (c) No additional driveway connections to Belt Line Road from the Subject Property are permitted.
- (d) If the Subject Property was to be subdivided in the future, an easement or private agreement shall be established to allow for cross-access through the subject property to existing and future points of access on Business Avenue and Commercial Drive.

SECTION 4. 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, Section 1-7 of the Code of Ordinances for the Town of Addison.

SECTION 5. 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 6. 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 7. This ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas, on this the **13th** day of **SEPTEMBER 2022**.

TOWN OF ADDISON, TEXAS



Joe Chow, Mayor

ATTEST:


Irma G. Parker, City Secretary

APPROVED:


Whitt L. Wyatt, City Attorney

Published in the Dallas Morning News on 9/20/2022.



EXHIBIT A

Legal Description of the Property

BEING part of Lot 1-R, Block A, of Printemps Addition No. 2, and addition to the Town of Addison, according to the plat thereof, recorded in Volume 92162, Page 2251, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the South line of Belt Line Road, a variable width right-of-way, at the Northwest corner of Lot 1, Block E, of the Replat of Asbury Circle, an addition to the Town of Addison, according to the plat thereof, recorded In Instrument No. 200900017267, Official Public Records, Dallas County, Texas;

THENCE South 00°59'34" West, a distance of 30.50' to a 1/2" iron rod found at an interior corner of said Asbury addition;

THENCE South 39°49'52" West, passing at a distance of 262.96' the West corner of said Lot 1, same being a Northerly corner of Lot 3C-1, Block D, of the Replat of Lots 3A, 38, 3C-1, 4R-1 and 5, an addition to the Town of Addison, Dallas County, Texas, and continuing a total distance of 324.75' to an "X" found in concrete, at an interior corner of said Replat, said point being the in a curve to the left having a central angle of 38°50'18", a radius of 184.12' and a chord bearing and distance of North 69°35'17" West, 122.43';

THENCE Northwesterly, along said curve to the left, an arc distance of 124.81' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the interior North line of said Lot 3C-1;

THENCE North 89°00'26" West, a distance of 101.42' to an "X" cut set in concrete at an interior corner of said Lot 3C-1;

THENCE North 00°59'34" East, a distance of 212.25' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the most Northerly East line of said Lot 3C-1;

THENCE North 45°59'34" East, a distance of 56.57' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 531 0" set in the said South line of Belt Line Road;

THENCE South 89°00'26" East, along said South line, a distance of 256.29' to an "X" set in concrete for corner;

THENCE South 83°34'49" East, continuing along said South line, a distance of 100.45' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 531 0" set for corner;

THENCE South 89°00'26" East, continuing along said South line, a distance of 24.25' to the PLACE OF BEGINNING and containing 88,597 square feet or 2.034 acres of land.

EXHIBIT B

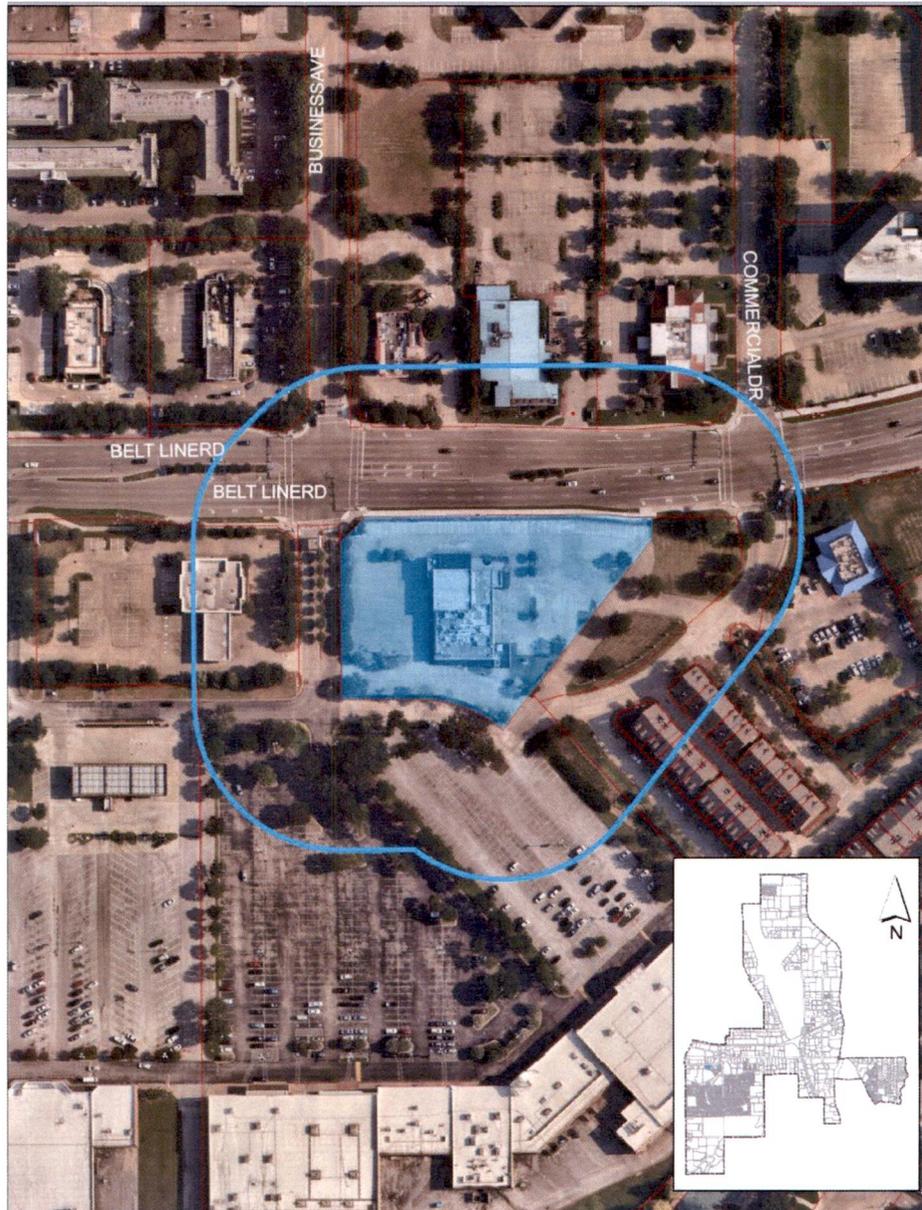


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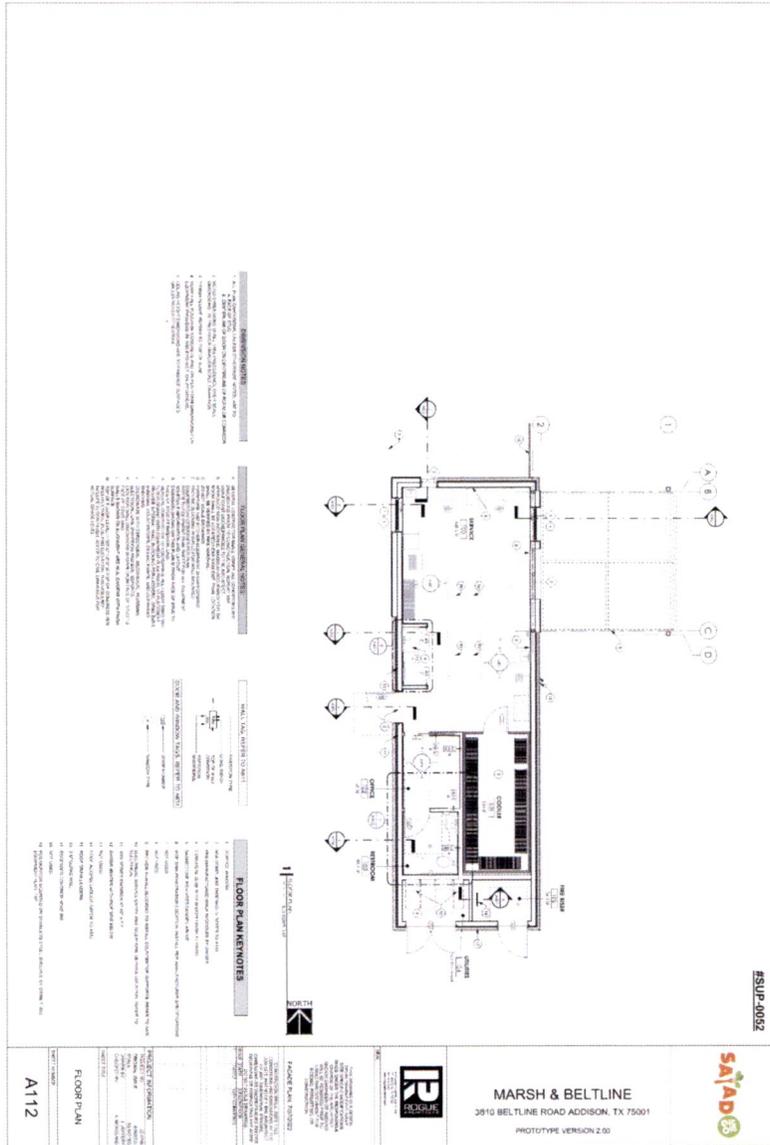


EXHIBIT B

1 | ELEVATION NORTH

2 | ELEVATION EAST

3 | ELEVATION SOUTH

4 | ELEVATION WEST

NO.	NAME	DESCRIPTION	AREA	UNIT PRICE	TOTAL
1	PAINT	PRIMER	100	1.00	100.00
2	PAINT	EXTERIOR	200	2.00	400.00
3	PAINT	INTERIOR	150	1.50	225.00
4	PAINT	WOOD	50	0.50	25.00
5	PAINT	TRIM	20	0.20	4.00
6	PAINT	CEILING	100	1.00	100.00
7	PAINT	FLOOR	100	1.00	100.00
8	PAINT	WALL	100	1.00	100.00
9	PAINT	DOOR	10	1.00	10.00
10	PAINT	WINDOW	10	1.00	10.00
11	PAINT	ROOF	100	1.00	100.00
12	PAINT	SKYLINE	100	1.00	100.00
13	PAINT	LANDSCAPE	100	1.00	100.00
14	PAINT	DRIVE THRU	100	1.00	100.00
15	PAINT	DRIVE THRU	100	1.00	100.00
16	PAINT	DRIVE THRU	100	1.00	100.00
17	PAINT	DRIVE THRU	100	1.00	100.00
18	PAINT	DRIVE THRU	100	1.00	100.00
19	PAINT	DRIVE THRU	100	1.00	100.00
20	PAINT	DRIVE THRU	100	1.00	100.00
21	PAINT	DRIVE THRU	100	1.00	100.00
22	PAINT	DRIVE THRU	100	1.00	100.00
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28	PAINT	DRIVE THRU	100	1.00	100.00
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37	PAINT	DRIVE THRU	100	1.00	100.00
38	PAINT	DRIVE THRU	100	1.00	100.00
39	PAINT	DRIVE THRU	100	1.00	100.00
40	PAINT	DRIVE THRU	100	1.00	100.00
41	PAINT	DRIVE THRU	100	1.00	100.00
42	PAINT	DRIVE THRU	100	1.00	100.00
43	PAINT	DRIVE THRU	100	1.00	100.00
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45	PAINT	DRIVE THRU	100	1.00	100.00
46	PAINT	DRIVE THRU	100	1.00	100.00
47	PAINT	DRIVE THRU	100	1.00	100.00
48	PAINT	DRIVE THRU	100	1.00	100.00
49	PAINT	DRIVE THRU	100	1.00	100.00
50	PAINT	DRIVE THRU	100	1.00	100.00

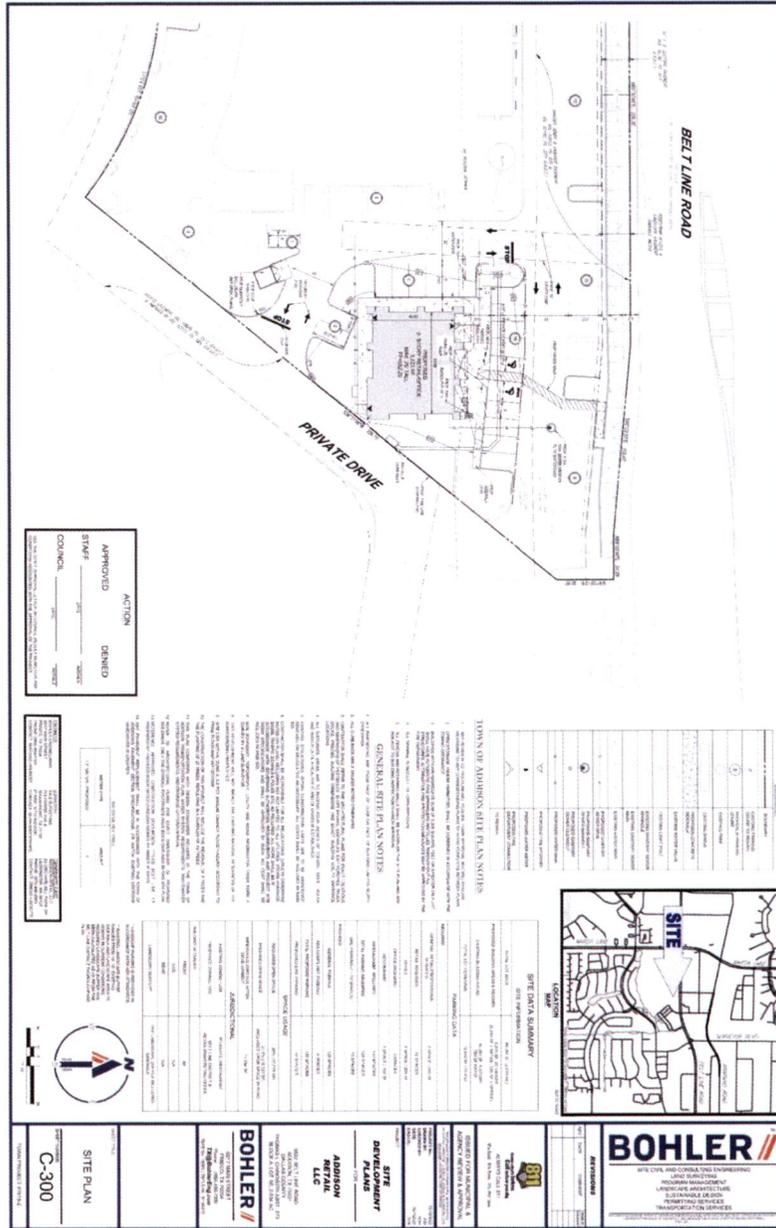
5 | FACADE PLAN NOTES

RESTAURANT WITH DRIVE THRU
ADDISON RETAIL LLC
ADDISON, TX 75001
LO#SP-0082

MARSH & BELTLINE
 3810 BELTLINE ROAD ADDISON, TX 75001
 PROTOTYPE VERSION 2.00

FP001

EXHIBIT C

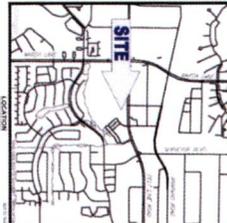


ACTION	
APPROVED	DENIED
SITING	_____
COUNCIL	_____

DATE	DESCRIPTION

TOWN OF ADDISON SITE PLAN NOTES

1. THE SITE PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE TOWN OF ADDISON SUBDIVISION ACT AND THE TOWN OF ADDISON ZONING ORDINANCES.
2. THE SITE PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE TOWN OF ADDISON SUBDIVISION ACT AND THE TOWN OF ADDISON ZONING ORDINANCES.
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10. THE SITE PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE TOWN OF ADDISON SUBDIVISION ACT AND THE TOWN OF ADDISON ZONING ORDINANCES.



BOHLER
 SITE DEVELOPMENT
 ADDISON
 TEXAS

EXHIBIT C

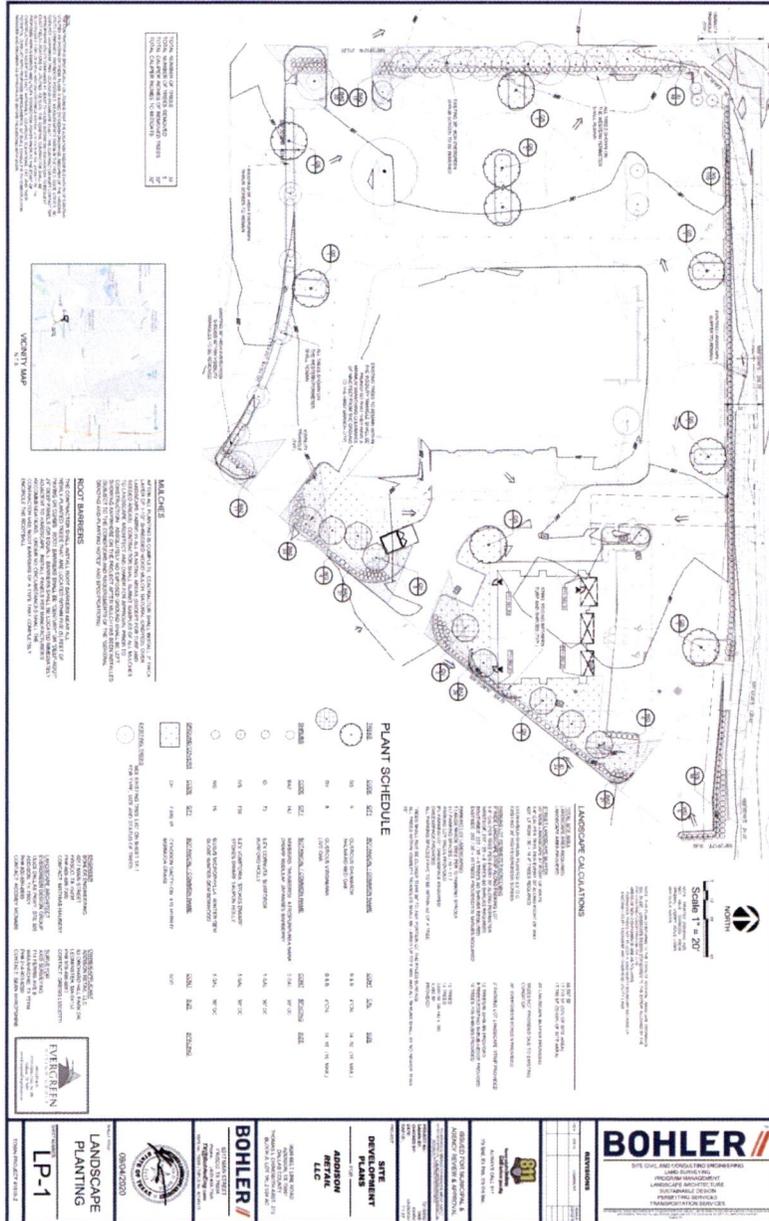


EXHIBIT C

NORTHWEST CORNER

PROPOSAL
 PROJECT NAME: SALAD & GO
 PROJECT ADDRESS: 3820 BELT LINE ROAD, ADDISON, TX 75001
 PROJECT NUMBER: 1850-Z/3820 BELT LINE ROAD
 DATE: 08/14/2023

ARCHITECT
 BOHLER ARCHITECTURE
 1000 WEST 19TH STREET, SUITE 100
 ADDISON, TX 75001
 (972) 382-1111
 WWW.BOHLERARCHITECTURE.COM

OWNER/DEVELOPER
 SALAD & GO
 1000 WEST 19TH STREET, SUITE 100
 ADDISON, TX 75001
 (972) 382-1111
 WWW.SALADANDGO.COM

BOHLER	BOHLER ARCHITECTURE				
1000 WEST 19TH STREET, SUITE 100 ADDISON, TX 75001 (972) 382-1111 WWW.BOHLERARCHITECTURE.COM	1000 WEST 19TH STREET, SUITE 100 ADDISON, TX 75001 (972) 382-1111 WWW.SALADANDGO.COM	1000 WEST 19TH STREET, SUITE 100 ADDISON, TX 75001 (972) 382-1111 WWW.SALADANDGO.COM	1000 WEST 19TH STREET, SUITE 100 ADDISON, TX 75001 (972) 382-1111 WWW.SALADANDGO.COM	1000 WEST 19TH STREET, SUITE 100 ADDISON, TX 75001 (972) 382-1111 WWW.SALADANDGO.COM	1000 WEST 19TH STREET, SUITE 100 ADDISON, TX 75001 (972) 382-1111 WWW.SALADANDGO.COM

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WE DESIGN. WE BUILD. WE DELIVER.

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