

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF COPPELL, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM H (HISTORIC) TO PD-262-H (PLANNED DEVELOPMENT-262-HISTORIC), TO DEMOLISH THE EXISTING RESTAURANT AND TO ESTABLISH A DETAIL SITE PLAN FOR THE PROPOSED 1,995-SQUARE-FOOT RESTAURANT/ CONVENIENCE STORE WITH A 850-SQUARE-FOOT PATIO ON 9,481 SQUARE FEET OF PROPERTY LOCATED AT 449 W. BETHEL ROAD AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE APPROVAL OF THE SITE/FLOOR PLAN, LANDSCAPE PLAN, AND ELEVATIONS, ATTACHED HERETO AS EXHIBITS “B”, “C”, AND “D”; PROVIDING FOR DEVELOPMENT REGULATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Planning and Zoning Commission and the governing body of the City of Coppel, Texas, in compliance with the laws of the State of Texas and pursuant to the Comprehensive Zoning Ordinance of the City of Coppel, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Zoning Application No. PD-262- H should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance and Map of the City of Coppel, Texas, duly passed by the governing body of the City of Coppel, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from H (Historic) to PD-262-H (Planned Development-262-Historic), to demolish the existing structure and to permit the construction of restaurant/convenience store uses for a proposed 1,995-square-foot

enclosed structure with a 850-square-foot patio on 9,481 square feet of property located at 449 W. Bethel Road, provided for in a detailed Site Plan as depicted on Site/Floor Plan as set forth Exhibit B, on 3.9 acres of property described in Exhibit “A” attached hereto and made a part hereof for all purposes.

**SECTION 2.** That PD-262-H (Planned Development-262-Historic) is hereby approved subject to the following development regulations:

- A) Except as amended herein and as provided in this Ordinance, the property shall be developed and used as provided herein in accordance with H, Historic District, as set forth in Ordinance No. 91500-A-564 [codified in Chapter 12, Article 28A], which is incorporated herein as set forth in full and hereby republished.
- B) The development of said use and structure as restaurant and convenience store shall be in accordance with the Site/Floor Plan, Landscape Plan, and Elevations as set forth in Section 3 of this ordinance.
- C) 9’ x 17’ parking spaces with 1’ overhang shall be allowed in lieu of 9’x17’ parking spaces with 2’ overhang as depicted on the Site/Floor Plan, Exhibit “B”.
- D) On the south property line adjacent to a residential land use, a 6’ board on board cedar fence with a trim cap shall be permitted in lieu of the required masonry wall as depicted on Exhibit “B”, Site/Floor Plan.
- E) An exterior window treatment [replica of Coppell Deli awning] shall, as indicated on Exhibit “C” be constructed and maintained on the west elevation.
- F) An eight-foot wide sidewalk shall be provided adjacent to Bethel Road within a sidewalk easement.

- G) The Planning Director in conjunction with the municipal solid waste provider for waste collection shall approve both location and servicing times.
- H) All mechanical equipment shall be screened from view from public rights-of-way.
- I) The Director of Planning, or his designee, shall have the authority to administratively approve the proposed blade signage for this restaurant in accordance with the Historic District regulations as adopted in the Code of Ordinances prior to the issuance of a sign permit.
- J) The property owner shall be responsible for the installation, irrigation and maintenance of all landscaping located onsite and within the rights-of-way of Burnet St., West Bethel Road and South Coppell Road as depicted on the Landscape Plan, Exhibit “C”, as provided under a license agreement with the City of Coppell.
- K) The hours of operation shall be between the hours of 6 a.m. to 12 a.m.
- L) Compliance with other applicable ordinances or state law for the use described herein.
- M) The on-site and on-street parking are allowed to fulfill the parking requirements as depicted on the Site/Floor Plan, Exhibit “B”, with 16 parking spaces on-site, 8 parking spaces on the east side of Burnet Street, and 3 parallel parking spaces on the south side of W Bethel Road.

**SECTION 3.** That Site/Floor Plan, Landscape Plan and Elevations attached hereto as Exhibits “B”, “C” and “D” made a part hereof for all purposes, are hereby approved

**SECTION 4.** That the property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Coppell, as heretofore amended, and as amended herein.

**SECTION 5.** That the development of the property herein shall be in accordance with building regulations, zoning ordinances, and any applicable ordinances except as may be specifically altered or amended herein.

**SECTION 6.** That all provisions of the Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 7.** That should any sentence, paragraph, 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 provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 8.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 9.** 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 of Coppell, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense;

and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 10.** That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Coppell, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

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KAREN SELBO HUNT, MAYOR

ATTEST:

\_\_\_\_\_  
CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

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ROBERT E. HAGER, CITY ATTORNEY  
(REH/mpm)