

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 ZONING CHANGE REQUEST FROM S-1022-RETAIL (SPECIAL USE PERMIT-1022-RETAIL) TO S-1022R2-R (SPECIAL USE PERMIT-1022 REVISION 2-RETAIL), TO PERMIT THE ADDITION OF A SECOND DRIVE-THRU LANE, ORDER BOARD, RECONFIGURATION OF THE PARKING LOT LAYOUT, CHANGES TO THE EXTERIOR ELEVATIONS AND SIGNAGE PACKAGE ON APPROXIMATELY 0.9 ACRES OF PROPERTY LOCATED AT 125 SOUTH DENTON TAP ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES; PROVIDING FOR THE APPROVAL OF THE SITE PLAN, LANDSCAPE PLAN, BUILDING ELEVATIONS AND DETAIL SHEETS ATTACHED HERETO AS EXHIBITS "B", "C", "D" AND "E" RESPECTIVELY; 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 S-1022R2-R 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 to grant a change in zoning S-1022-Retail (Special Use Permit-1022-Retail) to S-1022R2-R (Special Use Permit-1022 Revision 2-Retail), to permit the addition of a second drive-thru lane, order board, reconfiguration of the parking lot layout, changes to the

exterior elevations and signage package on approximately 0.9 acres of property located at 125 South Denton Tap Road, and being more particularly described in Exhibit “A”, attached hereto and made a part hereof for all purposes.

SECTION 2. That the property shall be developed and used only as permitted in a Retail District and in accordance with following development conditions as set forth herein below;

- A) Except as amended herein, the property shall be used and developed in accordance with Ordinance 91500-A-50 that is incorporated herein as set forth in full and hereby republished.
- B) The northern drive-thru lane, located closest to the residential property line (2nd lane), shall be closed from 11:00 p.m. to 5:00 a.m., 7 days a week.
- C) Red/green lighting or signage shall be used to indicate closed/opened drive-thru lanes.
- D) The audio and speaker system and order point for the northern and southern drive-thru shall be oriented and directed eastward and parallel to Denton Tap Road as depicted on the Site Plan Exhibit B
- E) The audio and speaker systems for both drive-thru lanes shall be metered with decibel-regulated volume levels in accordance with the following:
 - a. When outside ambient noise is greater than or equal to 45 dB, the sound level of the drive-thru speaker shall be no greater than 48 dB (measured 4 feet from the speaker).
 - b. When outside ambient noise is less than 45 dB, the sound level of the drive-thru speaker shall be no greater than 24 dB (measured at 72.3 feet to the west of the audio and speaker system as depicted on Exhibit “B”).
- F) The new monument sign, as depicted on the detail sheet attached and incorporated herein as Exhibit “E”, will be designed in accordance with the Comprehensive Zoning Ordinance.
- G) The two order point canopy designs, as reflected in Exhibit “B” through Exhibit “E”, shall be limited to a brown or grey color to match the building and the support columns

shall be wrapped in either brick or stone to meet the masonry requirement of the Comprehensive Zoning Ordinance.

- H) Landscaping shall be installed in the area northwest of the northern drive-thru as depicted on Exhibits “B” and “C”.
- I) The (3) three-foot median shall be extended 15 feet to the north as depicted on Exhibits “B” and “C”.
- J) Additional landscaping shall be added along the west side of the drive; said landscaping shall include approved plant palette vegetation as provided in the Comprehensive Zoning Ordinance as depicted on Exhibit “C”.

SECTION 3. That the Site Plan, Landscape Plan, Building Elevations, and Detail Sheet, attached hereto as Exhibits “B”, “C”, “D” and “E” respectively, and made a part hereof for all purposes as special conditions, are hereby approved and incorporated herein.

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

SECTION 5. 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 6. 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 7. 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 8. 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 9. 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:

KAREN SELBO HUNT

ATTEST:

CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

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