

**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 PD-295-HC (PLANNED DEVELOPMENT-295- HIGHWAY COMMERCIAL) TO PD-295R5-HC (PLANNED DEVELOPMENT-295 REVISION 5- HIGHWAY COMMERCIAL) TO REVISE THE PLANNED DEVELOPMENT TO ALLOW FOR A 1,600-SF RESTAURANT WITH A DOUBLE DRIVE THROUGH, AS PROVIDED HEREIN IN A DETAIL SITE PLAN, ON 0.76 ACRES OF PROPERTY LOCATED AT THE SOUTH SIDE OF SH 121 BETWEEN FREEPORT PARKWAY AND NORTHWESTERN DRIVE, FOR THE PROPERTY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE APPROVAL THE DETAIL SITE PLAN, LANDSCAPE PLAN, BUILDING ELEVATIONS, AND SIGNAGE; ATTACHED HERETO AS EXHIBITS “B” THOUGH “E”; AND 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-295R5-HC 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 PD-295-HC (Planned Development-295- Highway Commercial) to PD-295R5-HC (Planned Development-295R5- Highway Commercial) to allow for a restaurant with a double drive-through, as provided herein in a Detail Site Plan, on 0.76 acres of property located on the south side of SH 121 between Freeport Parkway and Northwestern Drive, for the property described in Exhibit “A” attached hereto and made a part

hereof for all purposes; to provide for those uses of said buildings to allow in Highway Commercial District zoning except as provided herein; and, to approve the Detail Site Plans, Detail Landscape Plan, Building Elevations, and Signage for said development, and made part hereof for all purposes, subject to the detailed Site Plan and development regulations as amended and provided in this ordinance.

**SECTION 2.** That the Property will be used and developed for a restaurant with a double drive-through as provided in PD-295R6-HC and Code of Ordinances, is hereby approved subject to the following development regulations:

- A. The property shall be platted prior to the issuance of a building permit.
- B. A tree removal permit shall be required prior to the removal of any trees on the site.
- C. PD Additional Regulations:
  - 1. To allow for the fifty square feet (50 sq. ft.) (combined) attached building signage as depicted on the elevations, Exhibit “D”.
  - 2. Plans for the future focal point/linear park shall require administrative approval.
  - 3. Parking shall be allowed in the front yard as depicted in Exhibit “B”.
  - 4. The brick on the trash enclosure shall match the brick on the building and have a pedestrian opening.
  - 5. That all other signage shall comply with City sign ordinance and regulations.
  - 6. Future sidewalk adjacent to 121 Service Road shall be constructed by property owner when deemed necessary by the City Engineer.
  - 7. The building materials shall be as indicated on the building elevations, Exhibit “D” and notes contained on the attached Exhibits “B” through “E”.
- D. All on-site lighting elements on the parking and building provided will not exceed the maximum standard of the City of Coppell Development Code article 36 standards for glare and lighting.

**SECTION 3.** That the Detail Site Plan, Landscape Plan, Building Elevations, and Signage attached hereto as Exhibits “B” through “E”; respectively shall be deemed as development regulations to this development.

**SECTION 4.** That the above property shall be used and maintained only in the manner and for the purpose provided in this ordinance, 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 \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
WES MAYS, MAYOR

ATTEST:

\_\_\_\_\_  
ASHLEY OWENS, CITY SECRETARY

APPROVED AS TO FORM:

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ROBERT HAGER, CITY ATTORNEY