

**ORDINANCE NO. 007-006**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL USE PERMIT FOR A RESTAURANT AND A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM CAFÉ BRAZIL, LOCATED AT 4930 BELT LINE ROAD, SUITE 100, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR NO SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL 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 RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. The Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, be amended, by amending the zoning map of the Town of Addison, Texas, so as to grant a special use

permit for a restaurant and a special use permit for the sale of alcoholic beverages for on-premises consumption to Café Brazil. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

Being a 3,550 square foot space addressed as 4930 Belt Line Road, Suite 100, and beginning at the northwestern corner of Quorum, as recorded in Volume 79100, Page 1895, May 21, 1979, Plat Records, Dallas County, Texas. Said point being on the south right-of-way line of Belt Line Road (100 foot R.O.W.);

THENCE N 89 degrees 46'47" East along said Belt Line Road for a distance of 285.00 feet to a point for corner; said pint being on the southwest corner of the intersection of Belt Line Road (100' foot R.O.W.) and Quorum Drive (115.00 foot R.O.W.) at that point;

THENCE S 00 degrees 13'13" East along the west right-of-way line of said Quorum Drive, for a distance of 97.60 feet to a point of curvature of a curve to the left, whose delta is 15 degrees 58'29.; a radius of 408.00 feet, and a tangent of 57.25.

THENCE southerly along said curve for a distance of 113.76 feet to a pint of curvature of a curve to the left whose delta is 4 degrees 53'55" a radius of 1726.75 feet, and a tangent of 73.86 feet.

THENCE southeasterly along said curve for a distance of 147.63 feet to a point for a corner;

THENCE S 89 degrees 46'47" West for a distance of 339.49 feet to a point for corner, said point being on the west boundary line of Quorum;

THENCE N 01 degrees 30'57" West along said boundary line for a distance of 350.00 feet to a pint for corner; said pint being the POINT OF BEGINNING

CONTAINING 104,241.82 square feet or 2.393 acres of land.

SECTION 2. That the Special Use Permits are granted subject to the following conditions:

1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the site plan, floor plan,



landscape plan, irrigation plan, and the elevation drawings showing four exterior walls, which are attached hereto and made a part hereof for all purposes.

2. That the Special Use Permit granted herein shall be limited to a restaurant and the sale of alcoholic beverages for on-premises consumption only and to that particular area designated on the final site plan as encompassing a total area not to exceed 3,550 square feet.

3. 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.

4. That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. Restaurants are hereby defined as establishments which receive at least sixty percent (60%) of their gross revenues from the sale of food.

5. Said establishment shall make available to the city or its agents, during reasonable hours its bookkeeping records for inspection, if required, by the city to insure that the conditions of Paragraph 4 are being met.

6. 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.

7. 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.

8. 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.

9. The establishment shall not use the term "bar," "tavern," or any other terms or graphic depictions that relate to the sale of alcoholic beverages on any signs visible from the exterior of the premises.

SECTION 3. 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.

SECTION 4. 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 5. 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 13th day of February, 2007.

  
MAYOR

ATTEST:

  
CITY SECRETARY

CASE NO. 1533-SUP/CAFÉ BRAZIL

APPROVED AS TO FORM:

CIMORAN

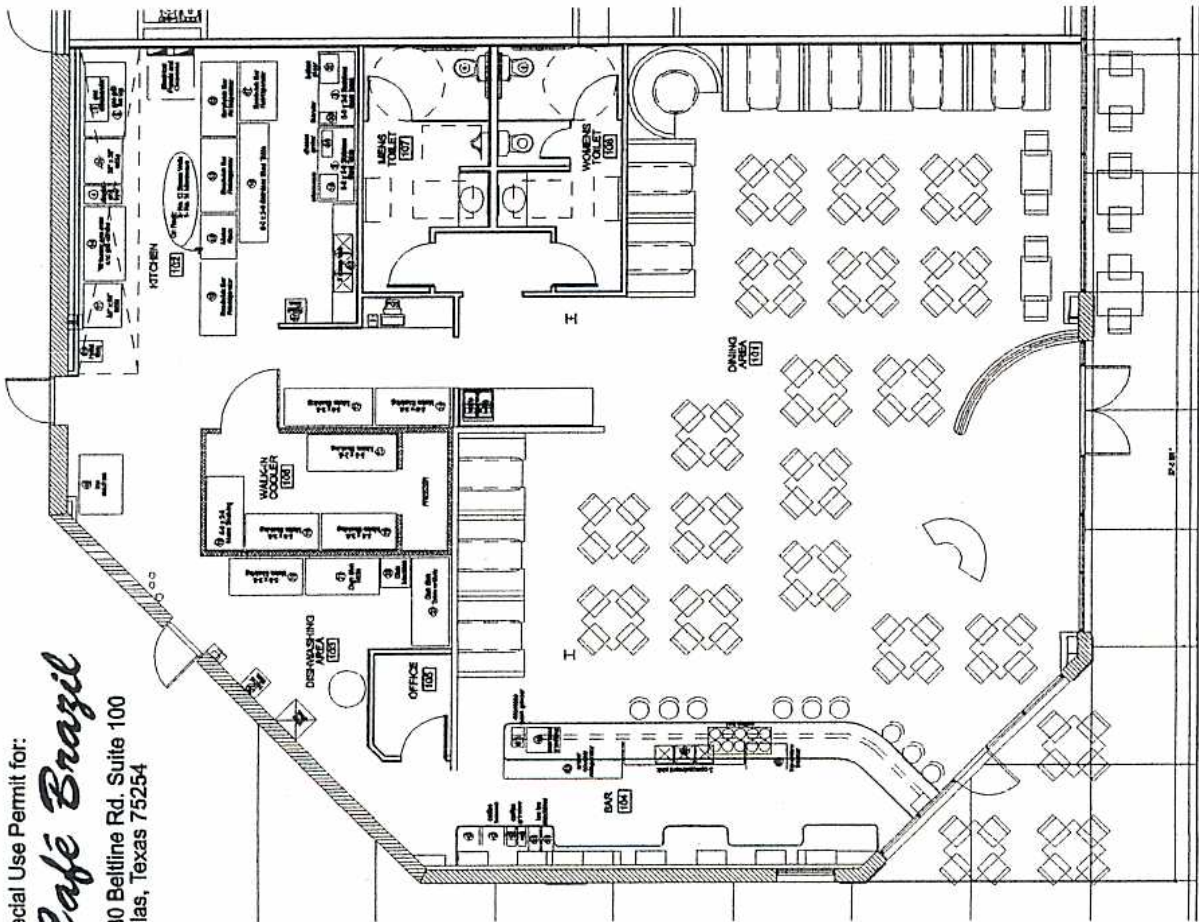
DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED

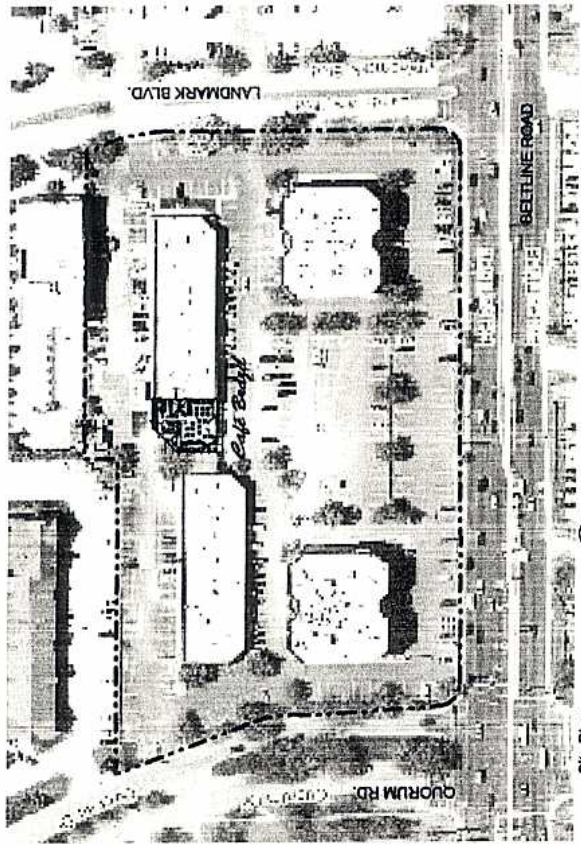
ON: 4-06-2007



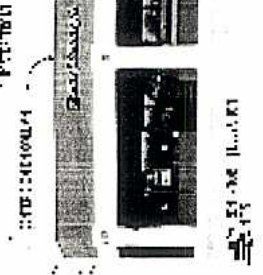
Special Use Permit for:  
**Café Brazil**  
 4930 Beltline Rd, Suite 100  
 Dallas, Texas 75254



01 Floor Plan  
 1/4" = 1'-0"



01 Site Plan  
 NOT TO SCALE



**CONTACTS**

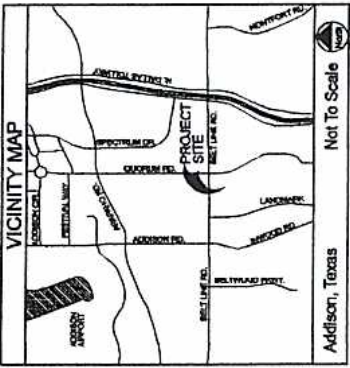
**OWNER/LANDLORD:**  
 QM BELTLINE PARTNERSHIP, LLC  
 4930 BELTLINE RD, SUITE 100  
 DALLAS, TEXAS 75254  
 PH: 214-752-1000  
 CONTACT: DAVE MORGAN

**CONTRACTOR:**  
 PRESTON FINCH CONSTRUCTION  
 200 MARSHALL AVE, SUITE 1100  
 DALLAS, TEXAS 75201  
 PH: 214-488-8700  
 CONTACT: PRESTON FINCH

**ARCHITECT:**  
 EDWARDS ARCHITECTURE  
 841 SUGARBERRY DR  
 CROSSLAND, TEXAS 75019  
 PH: 214-348-7000  
 CONTACT: PHILIP MORSE

**TEENANT:**  
 CAFÉ BRAZIL  
 4930 BELTLINE RD, SUITE 100  
 DALLAS, TEXAS 75254  
 CONTACT: DAVE MORGAN

**NOTE TO BUILDING OFFICIAL:** THIS WILL BE A RENOVATION OF AN EXISTING BUILDING SPACE. THE PREVIOUS TENANT WAS A RESTAURANT KNOWN AS MONKEYS ACAYALLA. THERE IS NO CHANGE IN THE ELECTRICAL PORTION OF THE PREVIOUS SPACE.



Not To Scale  
 Addison, Texas

SUP1  
 SUP Submittal

PROJECT NO. 060035  
 DATES, TEXAS 75254  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: [Date]

SUP Submittal for  
**Café Brazil**  
 4930 Beltline Rd, Suite 100  
 Dallas, Texas 75254



**Edwards Architecture**  
 Phillip Morse, Architect  
 841 Sugarberry Dr.  
 Coppell, Texas 75019  
 Phone: 214-625-7074  
 Fax: 214-784-3733