

**TOWN OF ADDISON, TEXAS  
ORDINANCE NO. 010-022**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, SO AS TO APPROVE 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 ELITE CIGAR CAFE, LOCATED AT 4291 BELT LINE ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A 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 for Elite Cigar Cafe. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 4,500 square-foot lease space addressed as 4291 Belt Line Road, and BEING all that certain lot, tract or parcel of land situated off the Northeast corner of Belt Line Road and Dooley Road in the Town of Addison, Dallas County, Texas, a part of the W.H. WITT SURVEY ABSTRACT NO> 1609, and a part of the EDWARD COOK SURVEY, ABSTRACT NO. 326, and being more particularly described as follows:

BEGINNING at an iron stake in the intersection of the present North line of Belt Line Road, a 100-foot right-of-way and the present East line of Dooley Road (as relocated) visibility clip, said point being North 89 degrees, 49 minutes West 27.07 feet from the original center line of Dooley Road, a 60 foot right-of-way, said center line being the common line between said Witt and Cook Surveys;

THENCE North 45 degrees West 42.56 fete along the East line of said Dooley Road to an iron stake for corner, said point being 50 feet perpendicular distance from the relocated center line of Dooley Road;

THENCE North 00 degrees, 11 minutes West 22.15 feet along the present East line of Dooley Road to na iron stake for corner, point being the beginning of a curve to the right;

THENCE along a curve to the right having a central angle of 10 degrees, 02 minutes, 22 seconds, and a radius of 904.43 feet, an arc distance of 155.48 feet to a point for corner;

THENCE South 89 degrees 49 minutes East 348.52 feet to an iron stake for corner;

THENCE South 00 degrees, 12 minutes 12 seconds East 209.98 feet along a wood fence to an iron stake for corner in North line of present Belt Line Road (100 foot right-of-way)

THENCE North 89 degrees, 49 minutes, West 332.45 feet along the North line of Belt Line Road to the PLACE OF BEGINNING containing 74916.52 square feet or 1.7199 acres of land more or less.

SECTION 2. That the Special Use Permit is granted subject to the following conditions:

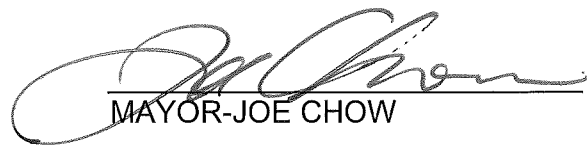
1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the floor plan and elevation drawings, which are attached hereto and made a part hereof for all purposes.
2. That the Special Use Permit granted herein shall be limited to a restaurant only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 4,500 square feet.
3. No signs advertising the 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 that receive at least sixty percent (60%) or 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 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 purposed 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 canceled by proper authorities, the City Council may authorize hearings to be held for the purpose for considering a change of zoning.
9. The applicant/operator shall not use any terms (such as "bar", "tavern", etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs.
10. Any dead or missing landscaping on the site shall be replaced prior to The issuance of a Certificate of Occupancy.

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. That this ordinance shall specifically repeal Ordinance

**DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS, on this the 10th day of August, 2010.**

  
MAYOR-JOE CHOW

ATTEST:

  
CITY SECRETARY-LEA DUNN

CASE NO. 1602-SUP/Elite Cigar Cafe

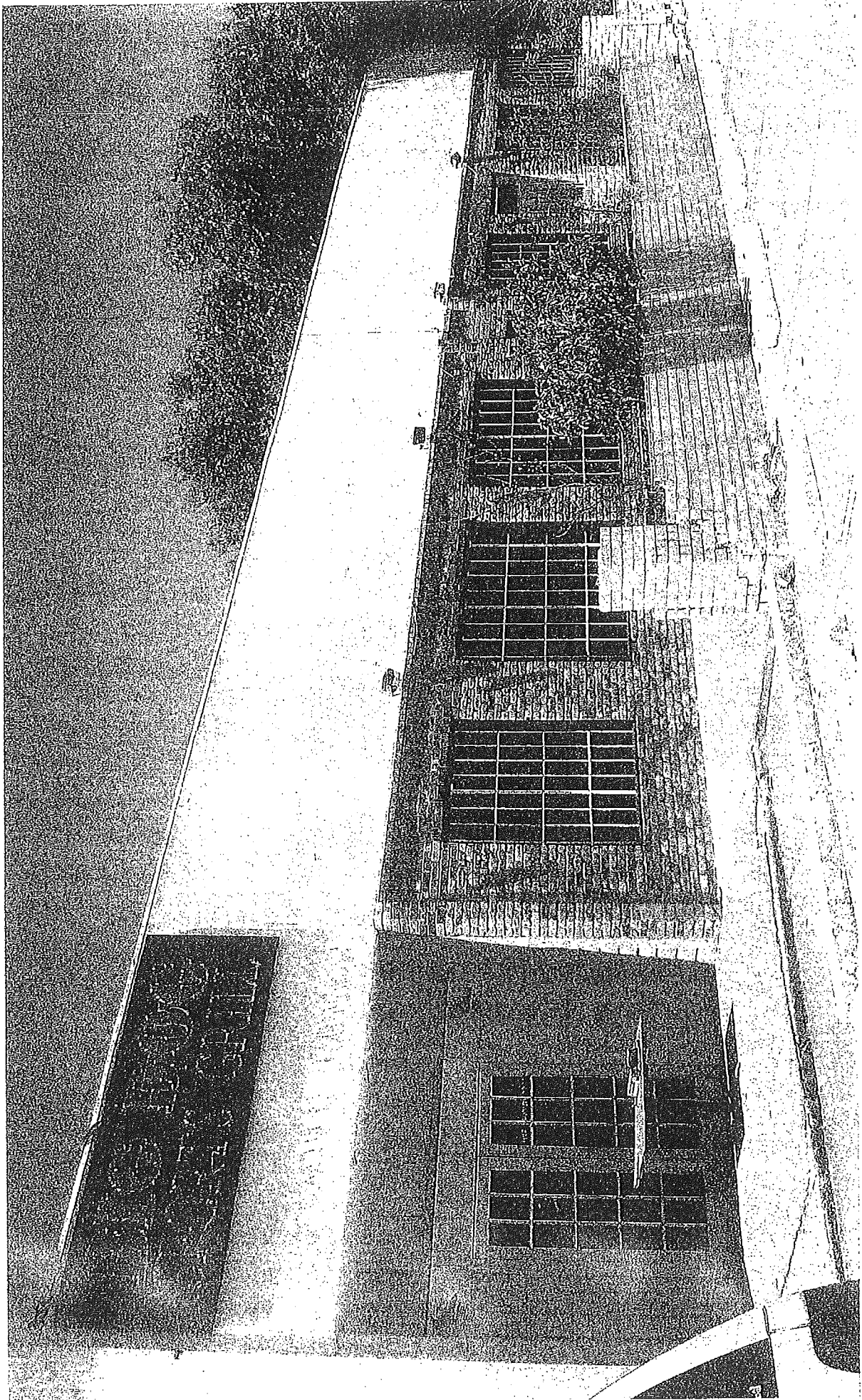
APPROVED AS TO FORM:

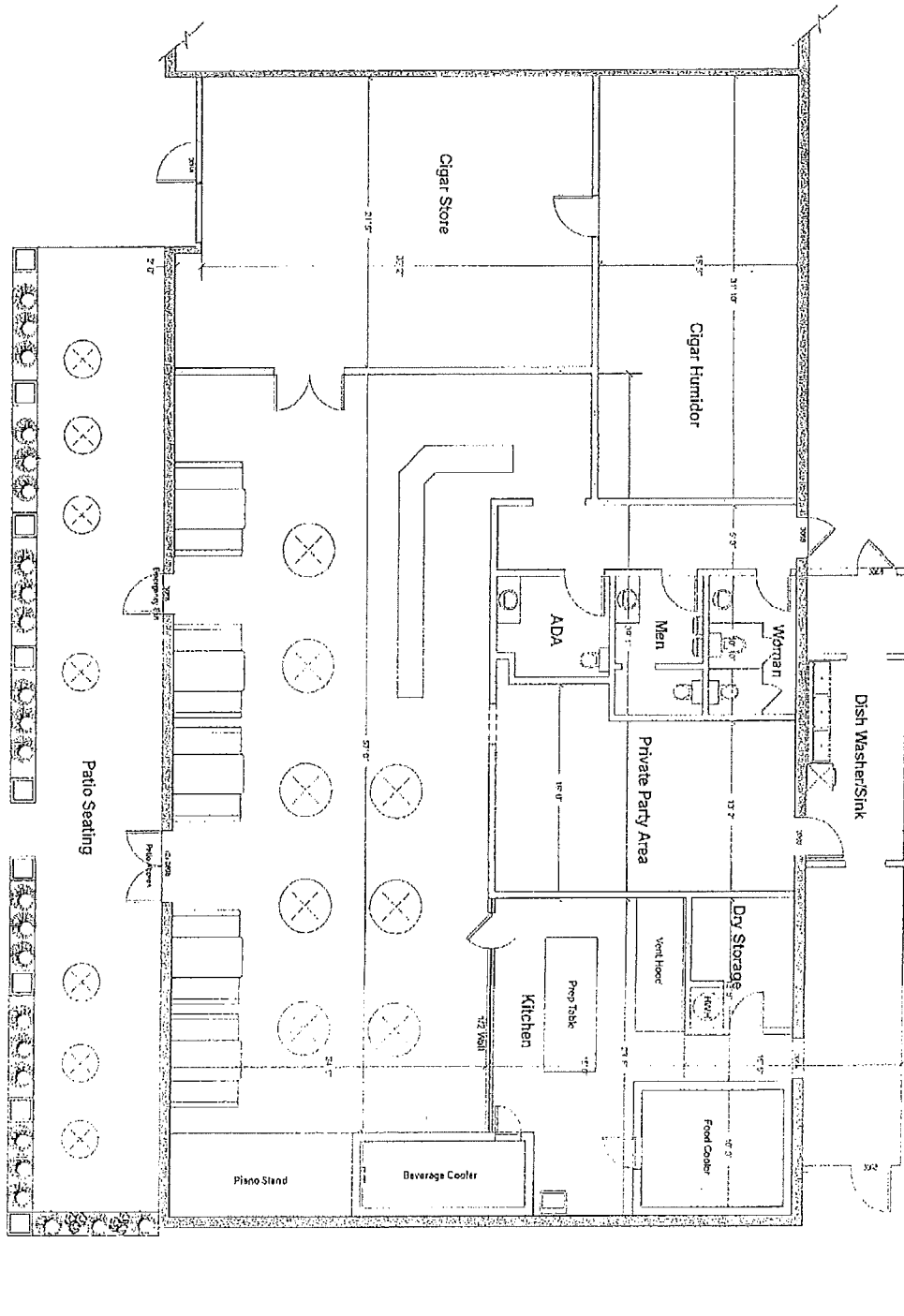
Handwritten signature of C. Moran in black ink, written over a horizontal line.

DIRECTOR OF DEVELOPMENT SERVICES-  
CARMEN MORAN

PUBLISHED ON: \_\_\_\_\_

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# ELITE CIGAR CAFE

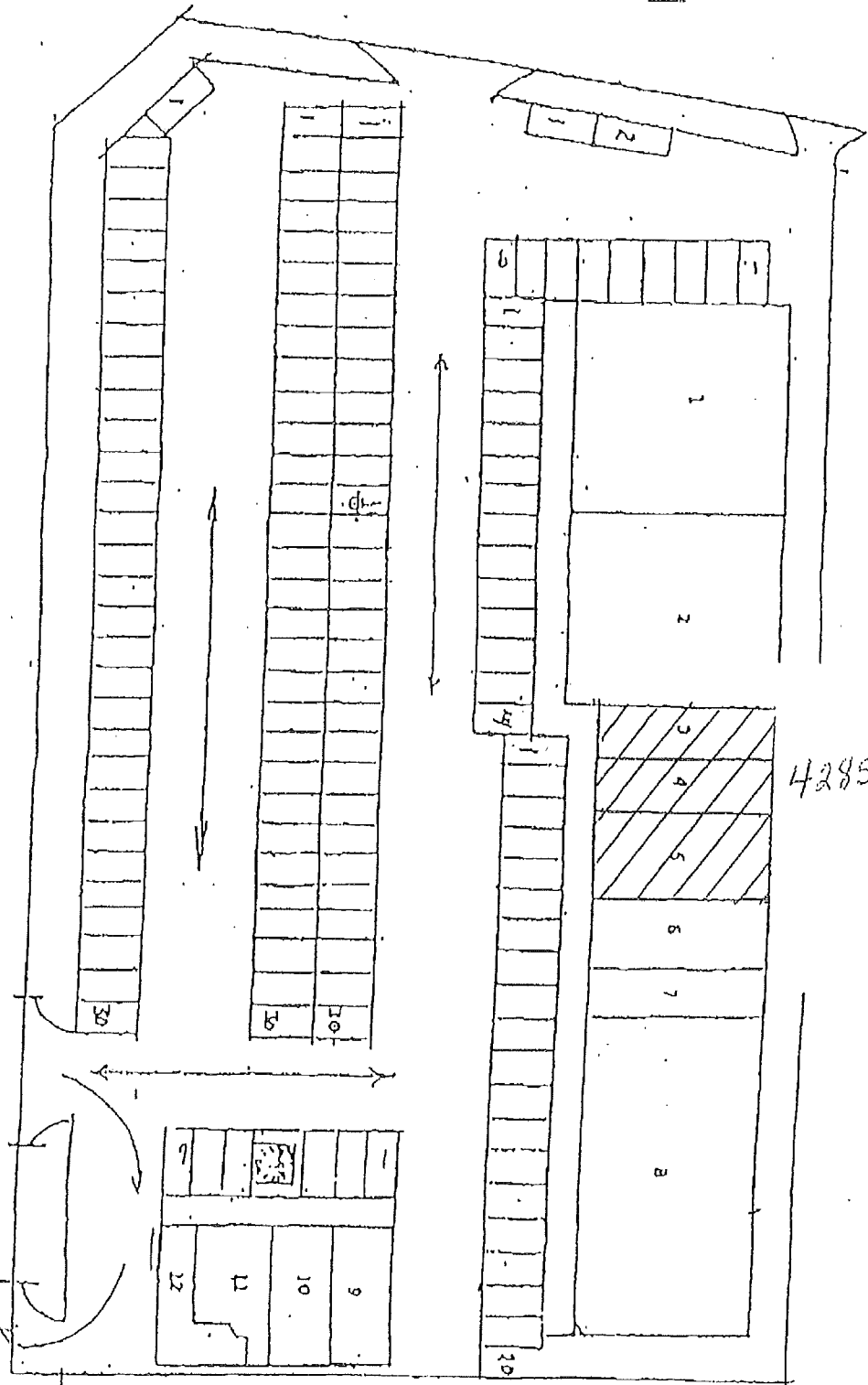
4291 Bell Line Road  
Addicks, Texas 75001

Scale: 3/16" = 1'-0"

EXHIBIT "B"

MIDWAY

BELTLINE ROAD



4285 Beltline k