

**TOWN OF ADDISON, TEXAS  
ORDINANCE NO. 012-041**

**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 THE BREAK, LOCATED AT 3870 PONTE AVENUE, SUITE 150, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; 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 only, on application from The Break. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

Being a 4,436 square foot lease space, addressed as 5870 Ponte Avenue, Suite 150, and whereas DCO Greenhaven, LP, a Delaware limited partnership, is the owner of a 10.314 acre tract of land situated in the Noah Good Survey, Abstract No. 520, Town of Addison, Dallas County, Texas and being a portion of that certain tract of land conveyed to DCO Greenhaven, LP by Deed recorded in instrument No. 200600335782, Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a ½-inch iron rod found at the Northeast corner of Brooktown Townhouses, Volume 90205, Page 85, Dallas County, Texas and the South line of Brookhaven Club Drive (100 foot ROW);

THENCE: North 41 degrees 12 minutes 11 seconds East, 638.50 feet along Brookhaven Club Drive (100 foot ROW) to a ½ inch iron rod set in the South line of Brookhaven Club Drive (100 foot ROW);

THENCE: South 48 degrees 47 minutes 49 seconds East, 705.81 feet to a ½ inch iron for set;

THENCE: South 41 degrees 12 minutes 11 seconds West, 294.27 feet to a ½ inch iron rod set;

THENCE: South 00 degrees 09 minutes 37 seconds West, 238.07 feet to a ½ inch iron rod set at the North line of Brookhaven College REP, Volume 86105 Page 2676;

THENCE: North 89 degrees 46 minutes 21 seconds West, 349.43 feet along the North line of Lot 20 of Wooded Creek Estates Volume 92134 Page 3046 to a ½ inch iron rod found at the Southeast corner of Brooktown Townhouses Volume 90205 Page 85 and the North line of Lot 19 of Wooded Creek Estates Volume 92134 Page 3046;

THENCE: North 381.93 feet along the East line of Brooktown Townhouses Volume 90205 Page 85 to a ½ inch iron rod found;

THENCE: North 48 degrees 47 minutes 49 seconds West, 142.08 feet to the PLACE OF BEGINNING and containing 10.314 acres of land.

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 site plan and floor plan, 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 4,436 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.

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 11<sup>th</sup> day of December, 2012.

  
\_\_\_\_\_  
Mayor-Todd Meier

ATTEST:

  
\_\_\_\_\_  
City Secretary-Chris Terry

CASE NO. 1659-SUP/The Break

APPROVED AS TO FORM:

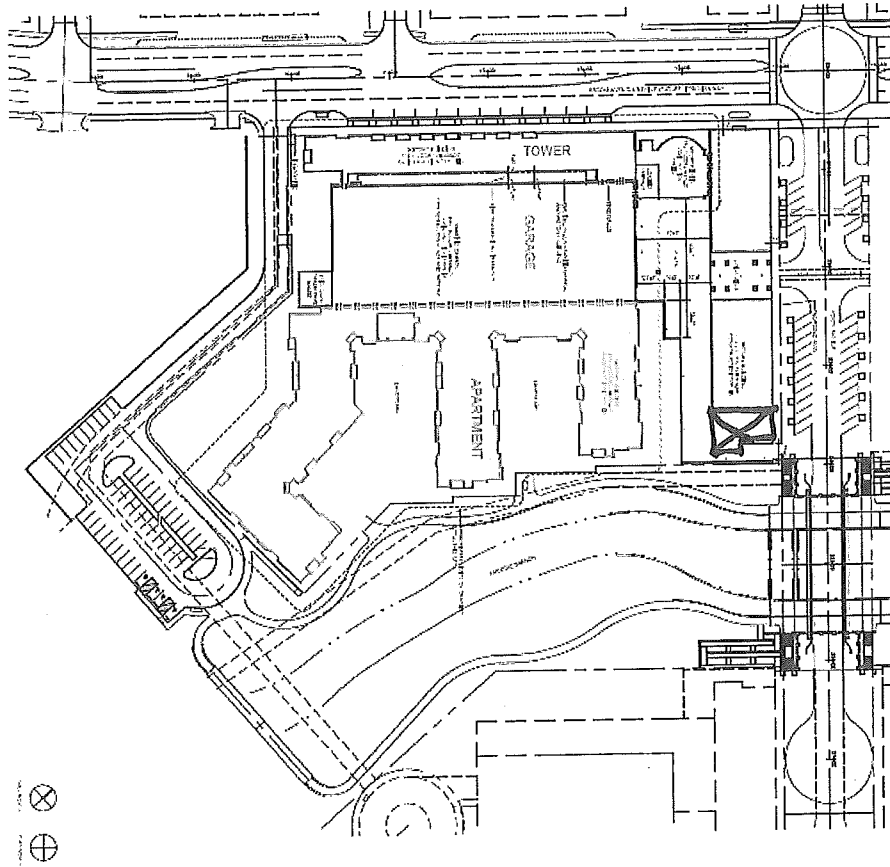
  
\_\_\_\_\_  
Director of Development Services  
Carmen Moran

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

**EXHIBIT "B"**

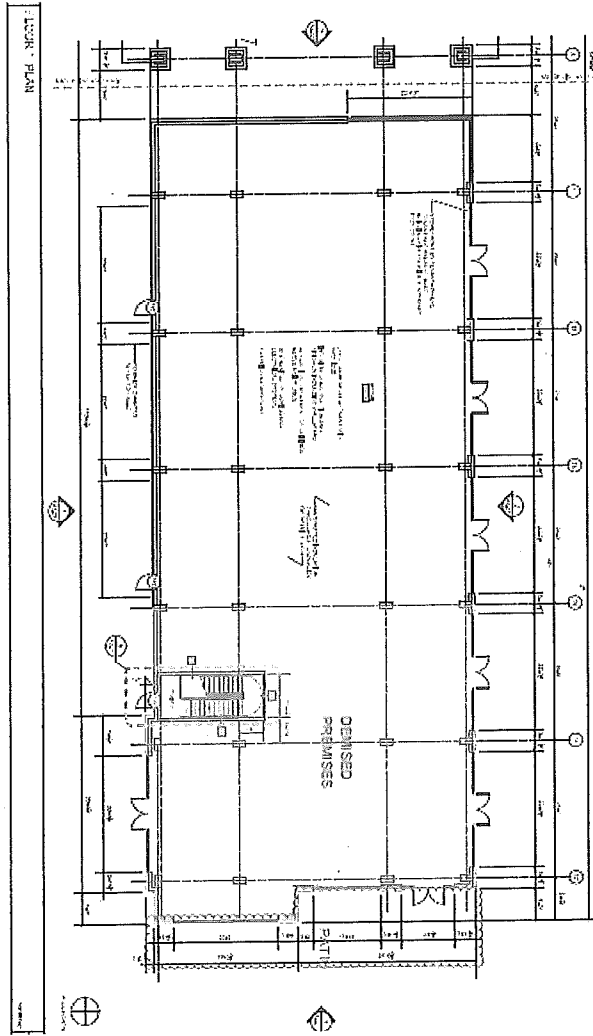
**Site Plan**

This site plan is presented for the purpose of identifying the approximate location and size of the buildings presently contemplated by Landlord. Building size, site dimensions, access and parking areas, existing tenant locations and identities are subject to change at Landlord's discretion except as otherwise expressly restricted herein.



**EXHIBIT "C"**

**Demised Premises**



**JOB NAME**  
THE BREAK

2820 VITRUVIAN WAY  
SUITE 100/101  
ADDITION, TX 75001



12101 MARKET FARM DRIVE  
SUITE 100/101  
DALLAS, TEXAS 75244  
PH: 972.342.1234  
FAX: 972.342.1235  
WWW.EMKOCONSTRUCTION.COM  
© 2010 EMKO CONSTRUCTION, INC.

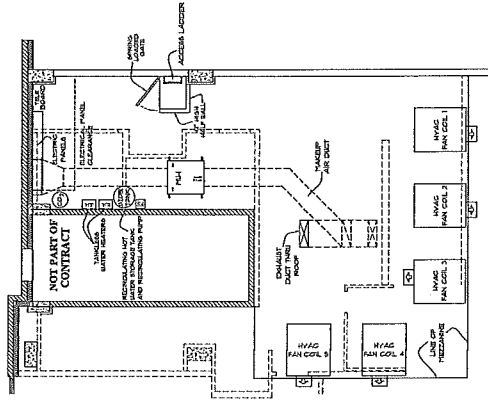
**ISSUES:**  
ISSUE NO. 1 08/12/2012  
ISSUE NO. 2 08/12/2012  
ISSUE NO. 3 08/20/2012  
ISSUE NO. 4 09/19/2012  
ISSUE NO. 5 10/22/2012

**REVISIONS:**  
FIRST 08/12/2012  
SECOND 08/12/2012  
THIRD 08/12/2012  
FOURTH 10/22/2012

DATE OF ISSUE 10/22/2012  
PROJECT NO. BRK-103  
DRAWN BY: MKD  
CHECKED BY: MKD  
DRAWING SCALE: 3/16" = 1'-0"

**PROPOSED FLOOR PLAN**

**A1**



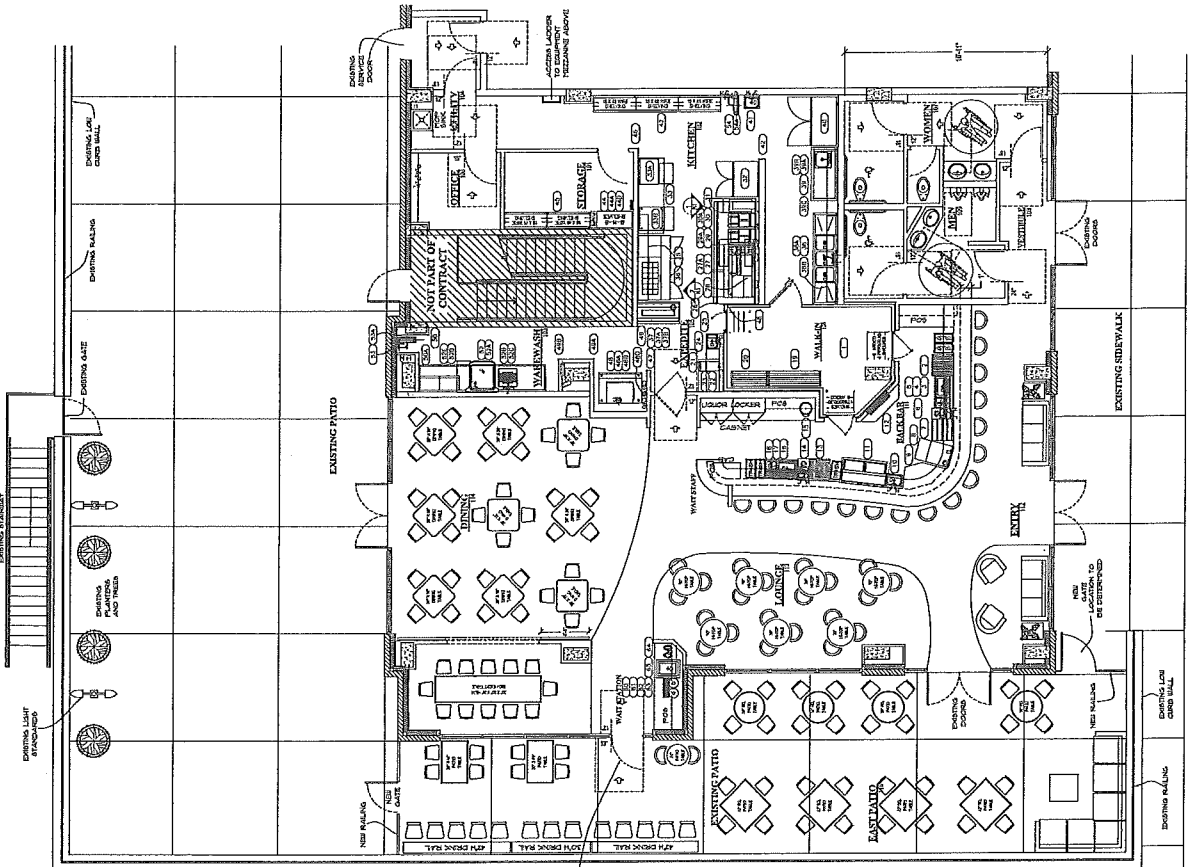
**2 EQUIPMENT MEZZANINE FLOOR PLAN**  
SCALE: 3/16" = 1'-0"

**PRELIMINARY NOT FOR CONSTRUCTION**

CREATING COUNT	TOTAL
OTD	1
REVISION	4
1 TOP	13
2 TOP	3
3 TOP	6
4 TOP	6
10	19
11	19
12	19
13	19
14	19
15	19
16	19
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100	19



TOTAL LEASE AREA  
2,820 SF



EXISTING SIDEWALK  
NEW PAINT COLOR  
TO MATCH EXISTING

**PROPOSED FLOOR PLAN**  
SCALE: 3/16" = 1'-0"

**1**