

**ORDINANCE NO. 014-015**

**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 TACO BORRACHO RESTUARANT, LOCATED AT 5004 ADDISON CIRCLE, 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 ORDAINED 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 Taco Borracho Restaurant. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

**TRACT 1**

BEING a 4,119-square-foot lease space located on the west end of Building O of the Addison Circle project, located on Tract B of the final plat for Addison Circle, Phase I, which is described as follows:

BEING a tract of land situated in the G.W. Fisher Survey, Abstract No. 482, in Town of Addison, Dallas County, Texas, and being a portion of two tracts of land deeded to Opubco Properties, Inc. as evidenced by two instruments recorded in Volume 82020, page 0684 and Volume 84151, page 3619 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a one-half inch iron rod found with "Huitt-Zollars" cap at the intersection of the north right-of-way line of the Dallas Area Rapid Transit Property Acquisition Corporation, (formerly St. Louis Southwestern Railroad) a 100foot wide right-of-way, as evidenced by instrument recorded in Volume 91008, Page 1390 of the Deed Records of Dallas County, Texas, with east right of- way line of Quorum Drive as established by instrument to the Town of Addison, Texas as recorded in Volume 82093, page 1077 of the Deed Records of Dallas County, Texas;

THENCE, North 00 degrees 08 minutes 00 seconds East along the east right-of way line of Quorum Drive a distance of 96.69 feet to a one-half inch iron rod found with "Huitt-Zollars" cap at the beginning of a curve to the right having a radius of 1,392.39 feet;

THENCE, continuing along said east right-of-way line of Quorum Drive and along said curve to the right through a central angle of 06 degrees 52 minutes 23 seconds, an arc distance of 167.03 feet, being subtended by a chord which bears North 03 degrees, 34 minutes 12 seconds East, and is 166.93 feet in length to a one-half inch iron rod found with "Huitt-Zollars" cap;

THENCE, North 07 degrees 00 minutes 23 seconds East continuing along the east right-of-way line of Quorum Drive a distance of 143.16 feet to a one-half inch iron rod found with "Huitt-Zollars" cap at the beginning of a non-tangent curve to the left having a radius of 130.00 feet;

THENCE, departing said east right-of-way line of Quorum Drive and along said curve to the left through a central angle of 144 degrees 58 minutes 13 seconds, an arc distance of 328.93 feet, being subtended by a chord which bears North 06 degrees 36 minutes 04 seconds East, and is 247.95 feet in length to a one-half inch iron rod found with "Huitt-Zollars" cap on said east

right-of-way line Quorum Drive, said point being the beginning of a non-tangent curve to the left having a radius of 1,472.39 feet;

THENCE, continuing along said east right-of-way line of Quorum Drive and along said curve to the left through a central angle of 03 degrees 17 minutes 22 seconds, an arc distance of 84.53 feet, being subtended by a chord which bears North 02 degrees 33 minutes 54 seconds East and is 84.52 feet in length to a one-half inch iron rod found with "Huitt-Zollars" cap for the point of tangency of said curve;

THENCE, North 00 degrees 55 minutes 13 seconds East continuing along the east right-of-way line of Quorum Drive a distance of 339.66 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South 89 degrees 04 minutes 47 seconds East departing said east right-of-way line of Quorum Drive a distance of 13.00 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South 00 degrees 55 minutes 13 seconds West a distance of 218.98 feet to a one-half inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, North 72 degrees 58 minutes 59 seconds East a distance of 84.75 feet to a one-half inch iron rod set for the beginning of a curve to the right having a radius of 101.50 feet;

THENCE, along said curve to the right through a central angle of 57 degrees 31 minutes 26 seconds, an arc distance of 101.90 feet, being subtended by a chord which bears South 78 degrees 15 minutes 18 seconds East and is 97.68 feet in length to a one-half inch iron rod set with "Huitt-Zollars" cap;

THENCE North 72 degrees 58 minutes 59 seconds East a distance of 400.69 feet to a one-half inch iron rod set with "Huitt-Zollars" cap on the east line of said Opubco tract recorded in Volume 82020, Page 0684, said corner also being the northeast corner of the Opubco tract as recorded in Volume 84151, page 3619;

THENCE, South 00 degrees 29 minutes 00 seconds East continuing along the east line of said Opubco tract and the west right-of-way line of Dallas North Tollway a distance of 187.22 feet to a one-half inch iron rod found at the southeast corner of The Opubco tract as recorded in Volume 82020,

Page 0684, said corner also being the northeast corner of the Opubco tract as recorded in Volume 84151, page 3619;

THENCE, South 89 degrees 59 minutes 39 seconds East continuing along the west right-of-way line of Dallas North Tollway and along the north line of the last mentioned Opubco tract a distance of 48.08 feet to a one-half inch iron rod set with "Huitt-Zollars" cap at the northeast corner of said Opubco tract, said corner being the beginning of a non-tangent curve to the left having a radius of 2,964.79 feet;

THENCE, continuing along the east line of said Opubco tract and the west right-of-way line of Dallas North Tollway and along said curve to the left through a central angle of 01 degree 54 minutes, 29 seconds, an arc distance of 98.74 feet and being subtended by a chord bearing rod found with "Huitt-Zollars" cap;

THENCE, South 13 degrees 03 minutes 02 seconds East continuing along the east line of the Opubco tract and along the west right-of-way line of Dallas North Tollway a distance of 118.29 feet to the northwesterly right-of-way line of said Dallas Area Rapid Transit tract;

THENCE, South 66 degrees 45 minutes 01 second West along the northwesterly right-of-way line of Dallas Area Rapid Transit tract a distance of 1,411.55 feet to the POINT OF BEGINNING and CONTAINING 18,694 acres of land, more or less.

## TRACT 2

BEING a tract of land situated in the G.W. Fisher Survey, Abstract no. 482, in the Town of Addison, Dallas County, Texas, and being all of Lots 11, 12, and 13 of Block B and all of Lot 5 of Block D, in Julian's Addition, an addition to the Town of Addison, as recorded in Volume 1, Page 538 of the Map Records of Dallas County, Texas, also being a portion of Clara Street as abandoned by the Town of Addison as evidenced by instrument recorded in Volume 91118, Page 1571 of the Deed Records of Dallas County, Texas, and being a portion of a tract deeded to Opubco Properties, Inc. as evidenced by instrument recorded in Volume 84151, page 3619 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a one-half inch iron rod found at the intersection of the north right-of-way line of a tract of land to Dallas Area Rapid Transit Property Acquisition Corporation (formerly St. Louis Southwestern

Railroad), a 100 foot wide right-of-way, as evidenced by instrument recorded in Volume 91008, page 1390 of the Deed Records of Dallas County, Texas, with the east line of a 20 foot wide alley in Block B of said Julian's Addition;

THENCE, North 00 degrees 01 minute 39 seconds East along the east line of said 20-foot alley a distance of 440.92 feet to a one-half inch iron rod set with "Huitt-Zollars" cap;

THENCE, South 89 degrees 58 minutes 21 seconds East departing the east line of said 20 foot alley a distance of 412.81 feet to a one-half inch iron rod found with "Huitt-Zollars" cap on the platted west right-of-way line of Quorum Drive as established by Addison Circle Phase I, an addition to the Town of Addison as recorded in Volume 97189, Page 01039 of the Deed Records of Dallas County, Texas, and being the beginning of a non-tangent curve to the left having a radius of 1,485.39 feet;

THENCE, in a southerly direction along said curve to the left through a central angle of 4 degrees 59 minutes 05 seconds, an arc distance of 129.23 feet and being subtended by a chord bearing South 02 degrees 37 minutes 32 seconds West a distance of 129.19 feet to a one-half inch iron rod found with "Huitt-Zollars" cap;

THENCE, South 00 degrees 08 minutes 00 seconds West continuing along the west right-of-way line of Quorum Drive a distance of 136.90 feet to a one-half inch iron rod found at the north right-of-way line of Dallas Area Rapid Transit tract;

THENCE, South 66 degrees 45 minutes 01 seconds West along the north right of-way line of Dallas Area Rapid Transit tract a distance of 442.74 feet to the POINT OF BEGINNING and CONTAINING 3.307 acres of land, more or less.

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 4,119 square feet.

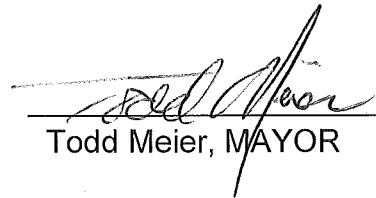
3. No signs advertising sale of alcoholic beverages shall be permitted other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the Town of Addison, Texas.
4. That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. 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.
8. 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.
9. 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.
10. 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.
11. The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signs, except for the term "borracho" and only when used as part of the business' name, "Taco Borracho."
12. This Special Use Permit does not constitute the Town's consent, nor grant any right, to the extension of the patio into the right-of-way of the Town, and that the extension of the patio into the Town's right-of-way may not occur unless and until the applicant (tenant) and the owner of the property has obtained from the Town the Town's written consent to the extension.

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 11th day of March, 2014.**

  
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Todd Meier, MAYOR

ATTEST:  
  
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Matt McCombs, CITY SECRETARY

CASE NO. 1687-SUP/Taco Borracho

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Charles Goff, ASSISTANT TO THE CITY MANAGER

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