

COUNCIL CHAMBER

October 8, 2013

WHEREAS, Subsection 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Subsection 6-4(a) of the Dallas City Code; and

WHEREAS, Cherry & Alex Corporation dba Ai Sushi Sake Grillhaus submitted an application for mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate, and is requesting a variance to the alcohol spacing requirements for a property on the south side of Cedar Springs Road, between Douglas Avenue and Knight Street, northeast of Sam Houston Elementary School; and

WHEREAS, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant for an alcohol permit;
- (4) does not serve its intended purpose; and
- (5) is not effective or necessary; and

WHEREAS, the City Council desires to grant the alcohol spacing variance; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

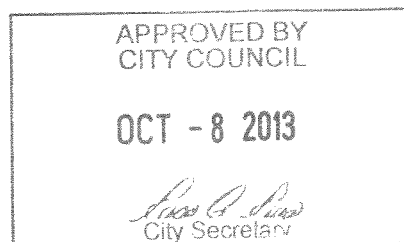
Section 1. That the variance to the alcohol spacing requirements for property on the south side of Cedar Springs Road, between Douglas Avenue and Knight Street, northwest of Sam Houston Elementary School is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a mixed beverage permit for on-premise consumption pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate.
- (2) This alcohol spacing variance is valid only for a restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to

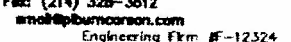
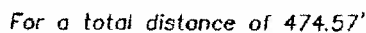
the Texas Alcoholic Beverage Code in the location shown in the attached location map.

- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.
- (4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.



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Date: 4/24/2013
Job No. 10069