



ORDINANCE NUMBER 2789

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW ON-SITE SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN EXISTING QUALIFYING RESTAURANT LOCATED AT 13901 MIDWAY ROAD, SUITE 101 AND WITHIN THE PLANNED DEVELOPMENT NUMBER 64 (PD-64) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use permit to allow on-site sales and consumption of alcoholic beverages within an existing qualifying restaurant located at 13901 Midway Road, Suite 101 and within Planned Development No. 64 (PD-64) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B", subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 64 (PD-64) zoning district and in accordance with the approved site plan attached as Exhibit "C" and the approved alcohol awareness program attached as Exhibit "D."

SECTION 4. That the alcohol sales shall, at all times, maintain full compliance with all requirements of Texas State Law and the City of Farmers Branch Comprehensive Zoning Ordinance relative to such use.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 6. 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 of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 7. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

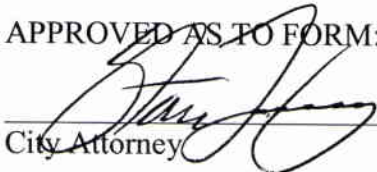
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS
BRANCH, TEXAS, on this the 20th day of September, 2004.**

APPROVED:



Mayor

APPROVED AS TO FORM:

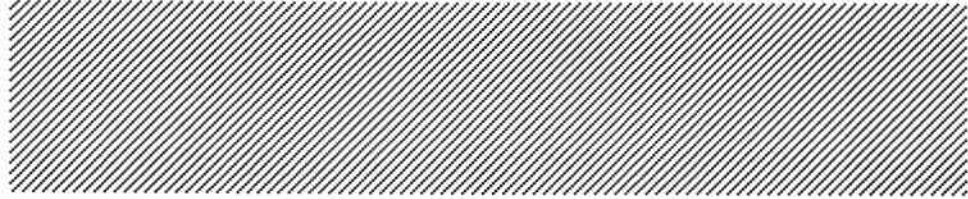


City Attorney

ATTEST:



City Secretary



TRACT II

BEING a tract of land situated in the Noah Good Survey, Abstract No. 520, City of Farmers Branch, Dallas County, Texas and being a portion of that certain tract of land as described by special warranty deed to Westerra Parkside, L.P. as recorded in Volume 96245, Page 2981 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found with Huitt-Zollars cap at the northwesterly corner of the Mobil Service Station Addition, an addition to the City of Farmers Branch, Texas according to the plat thereof as recorded in Volume 81208, Page 119 of the Deed Records of Dallas County, Texas and also being on the southerly right-of-way line of Spring Valley Road (100 foot wide right-of-way);

THENCE North 89 degrees 58 minutes 01 seconds East, along the southerly right-of-way line of said Spring Valley Road and the northerly line of said Mobil Service Station, a distance of 185.00 feet to a 1/2 inch iron rod found;

THENCE South 44 degrees 54 minutes 45 seconds East, along the southerly right-of-way line of said Spring Valley Road and along the northerly line of said Mobil Service Station, a distance of 21.17 feet to a 1/2 inch iron rod found on the westerly right-of-way line of Midway Road (a 100 foot wide right-of-way at this point);

THENCE South 00 degrees 12 minutes 30 seconds East, along the westerly right-of-way line of said Midway Road and the easterly line of said Mobil Service Station Addition, a distance of 185.00 feet to a 1/2 inch iron rod found with Huitt-Zollars cap;

THENCE South 89 degrees 58 minutes 01 seconds West, departing the westerly right-of-way line of said Midway Road and along the southerly line of said Mobil Service Station, a distance of 8.89 feet to a 1/2 inch iron rod set with Huitt-Zollars cap, the POINT OF BEGINNING;

THENCE South 01 degrees 12 minutes 16 seconds West, a distance of 22.68 feet to a 5/8 inch iron rod found with Carter & Burgess cap for a corner;

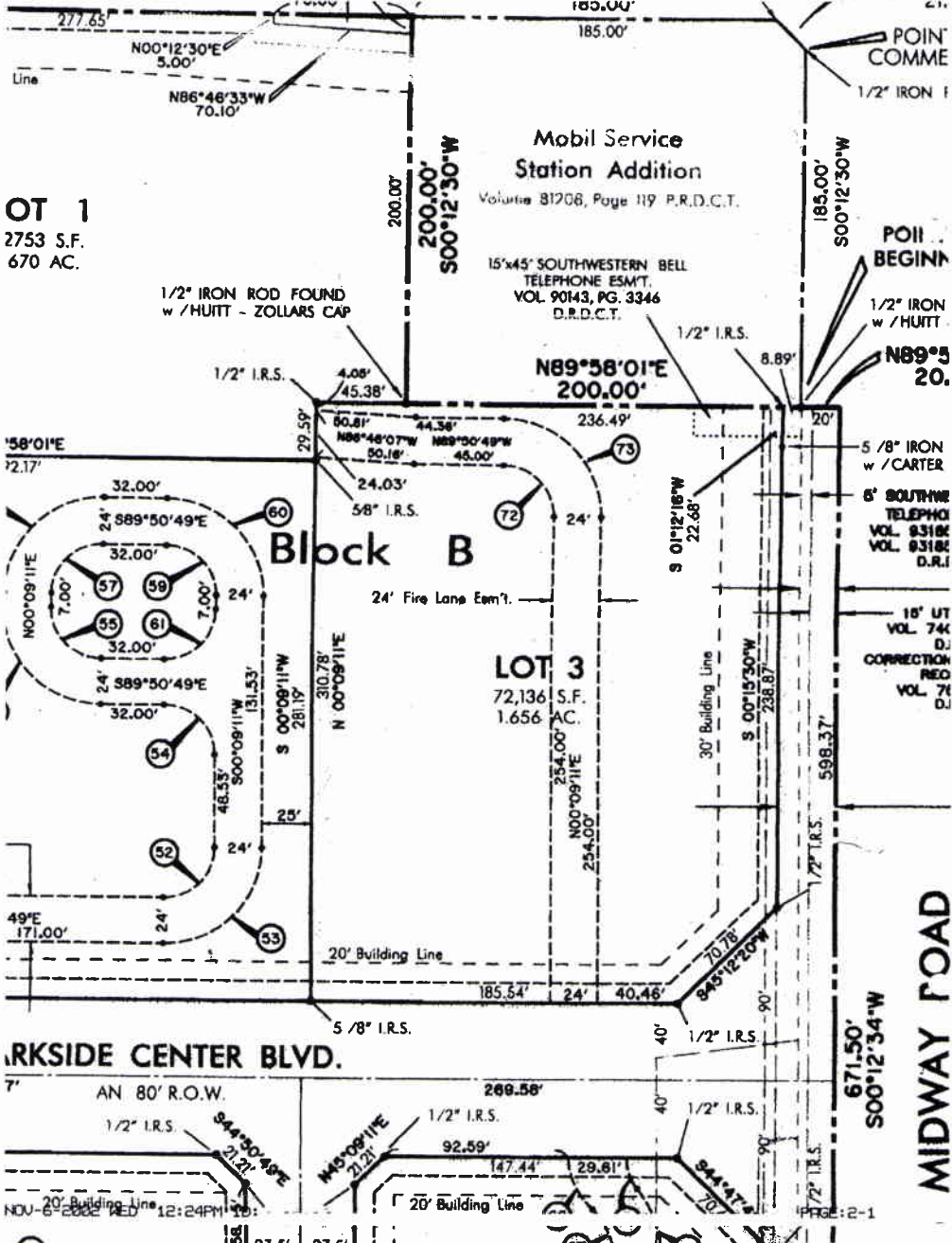
THENCE South 00 degrees 15 minutes 30 seconds West, a distance of 238.87 feet to a 1/2 inch iron rod set with Huitt-Zollars cap for a corner;

THENCE South 45 degrees 12 minutes 20 seconds West, a distance of 70.78 feet to a 1/2 inch iron rod set with Huitt-Zollars cap for a corner;

THENCE North 89 degrees 50 minutes 49 seconds West, a distance of 185.54 feet to a 5/8 inch iron rod found with Huitt-Zollars cap for a corner;

THENCE North 00 degrees 09 minutes 11 seconds East, a distance of 310.78 feet to a 1/2 inch iron rod set with Huitt-Zollars cap for a corner on the projection of the southerly line of the aforementioned Mobil Service Station;

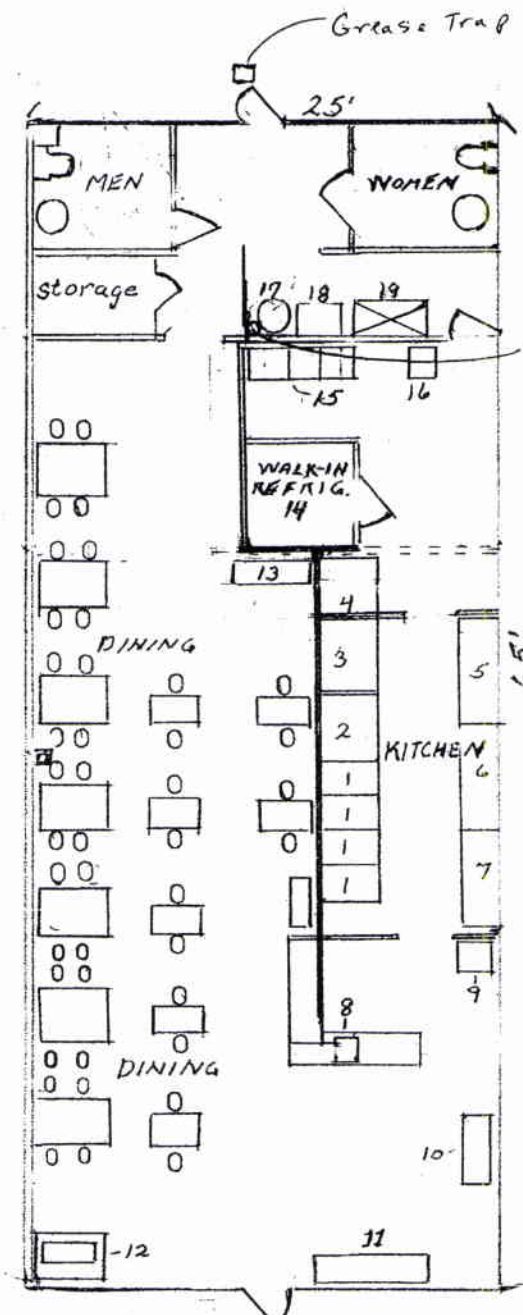
THENCE North 89 degrees 58 minutes 01 seconds East, along said projection and along the southerly line of said Mobil Service Station, a distance of 236.49 feet to the POINT OF BEGINNING and containing 1.656 acres of land, more or less.



OT 1
2753 S.F.
670 AC.



EXHIBIT "B"



Water & Sewer
are under
concrete

Wings-N-Things

Legend:

- 1. 3 Fryers - gas
- 2. Gas Grill - flat
- 3. Gas Charcoal Grill
- 4. Freezer
- 5. Work tables
- 6. " "
- 7. " "
- 8. Cash Register
- 9. Beer Box
- 10. Dessert Display
- 11. Waiting area & bench
- 12. TV
- 13. Beverages - condiments
- 14. Walk-in refrigerator
- 15. Three-comp. sink
- 16. Hand sink
- 17. Water heater
- 18. Mop sink
- 19. Ice machine

162.5 S.F.

EXHIBIT "C" (Page 2 of 2)

Wings-N-Things
Alcohol Awareness

REGULATIONS FOR PROPER ID CHECKING AND SERVICE OF ALCOHOL IN RESTAURANT:

1. Request ID
2. Have customer remove from wallet
3. Verify date of birth
4. Match date of birth
5. Issued by Texas DPS. If out of state, check with the right to refuse
6. Check Expiration Date
7. Is lamination glossy on front and frosted on back?
8. Look for one-third photo, two-third data
9. Photo must start at upper chest
10. Match physical description
11. DL number must have eight numbers
12. Check for signature
13. Ask customer to verify information:
 - year born
 - middle name or initial
 - address on DL
 - zip code on license
14. Certified Alcohol Personnel on duty
15. Will abide by Texas Penal Code, Sec. 42.08
16. Will abide by Texas Alcoholic Beverage Code, Sec. 11.61, Sec. 61.71, Sec. 106.03, and Sec. 106.06
17. Will furnish transportation for intoxicated persons
18. We, the establishment, have the right to refuse service to anyone.
19. Unlawful acts will be reported
20. No alcoholic beverages will be sold after closing
21. No alcoholic beverages will be sold before opening
22. No one will be permitted to remove alcoholic beverages from the premises.

EXHIBIT "D"