



ORDINANCE NO. 3386

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW THE ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A QUALIFYING RESTAURANT FOR AN APPROXIMATELY 2895 SQUARE FOOT PORTION OF BUILDING AND ADJACENT PATIO AREA IN THE LUNA-ROYAL, LTD. ADDITION (COMMONLY KNOWN AS 11482 LUNA ROAD, SUITE 150) LOCATED WITHIN THE PLANNED DEVELOPMENT NUMBER 22 (PD-22) ZONING DISTRICT; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT “A”; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING 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 Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

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

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit with special conditions for the on-premise sale and consumption of alcoholic beverages within a qualifying restaurant for an approximately 2895 square foot portion of the building depicted on Exhibit “A,” attached hereto and incorporated herein by reference, said building being located in property described as Luna-Royal, Ltd. Addition, an Addition to the City of Farmers Branch, Texas, according to the plat recorded at Volume 81061, Page 61, Map Records, Dallas County, Texas, (more commonly known as 11482 Luna Road, Suite 150)(“the Property”) which is located within the Planned Development Number 22 (PD-22) zoning district.

SECTION 2. If the Property is used and developed in accordance with the rights granted

pursuant to Section 1, above, the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 22 (PD-22) zoning district as well as the following special conditions:

A. The sale of alcoholic beverages shall at all times be in full compliance with all requirements of laws and regulations of the State of Texas and the City of Farmers Branch Comprehensive Zoning Ordinance, as amended or succeeded, relative to such use;

B. The rights granted pursuant to Section 1 of this Ordinance shall be limited to the portion of the building and the outdoor patio area located on the Property depicted on Exhibit "A," attached hereto and incorporated herein by reference;

C. No service or consumption of alcoholic beverages may occur on the outdoor patio area unless and until the planting of all landscaping shown in Exhibit "B," attached hereto and incorporated herein by reference, has been completed. The sale of alcoholic beverages on the patio area shall cease if the landscaping set forth Exhibit "B" is removed and not replaced.

D. The sales and service of alcoholic beverages on the Property shall at all times be in conformance with the Alcohol Awareness Program set forth in Exhibit "C," attached hereto and incorporated by reference; and

E. No amplified live or recorded music shall be permitted on the exterior of the Property.

F. The restaurant shall not be open to serve alcoholic beverages to the public except during the following hours:

- (1) Monday through Friday: Open to the public not earlier than 7:00 am or later than 10:00 pm Central Time;
- (2) Saturday: Open to the public not earlier than 8:00 am and later than 10:00 pm Central Time.
- (3) Sundays: Open to the public not earlier than 8:00 am and later than 9:00 pm Central Time.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. 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, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 16TH DAY OF AUGUST, 2016.

ATTEST:

APPROVED:

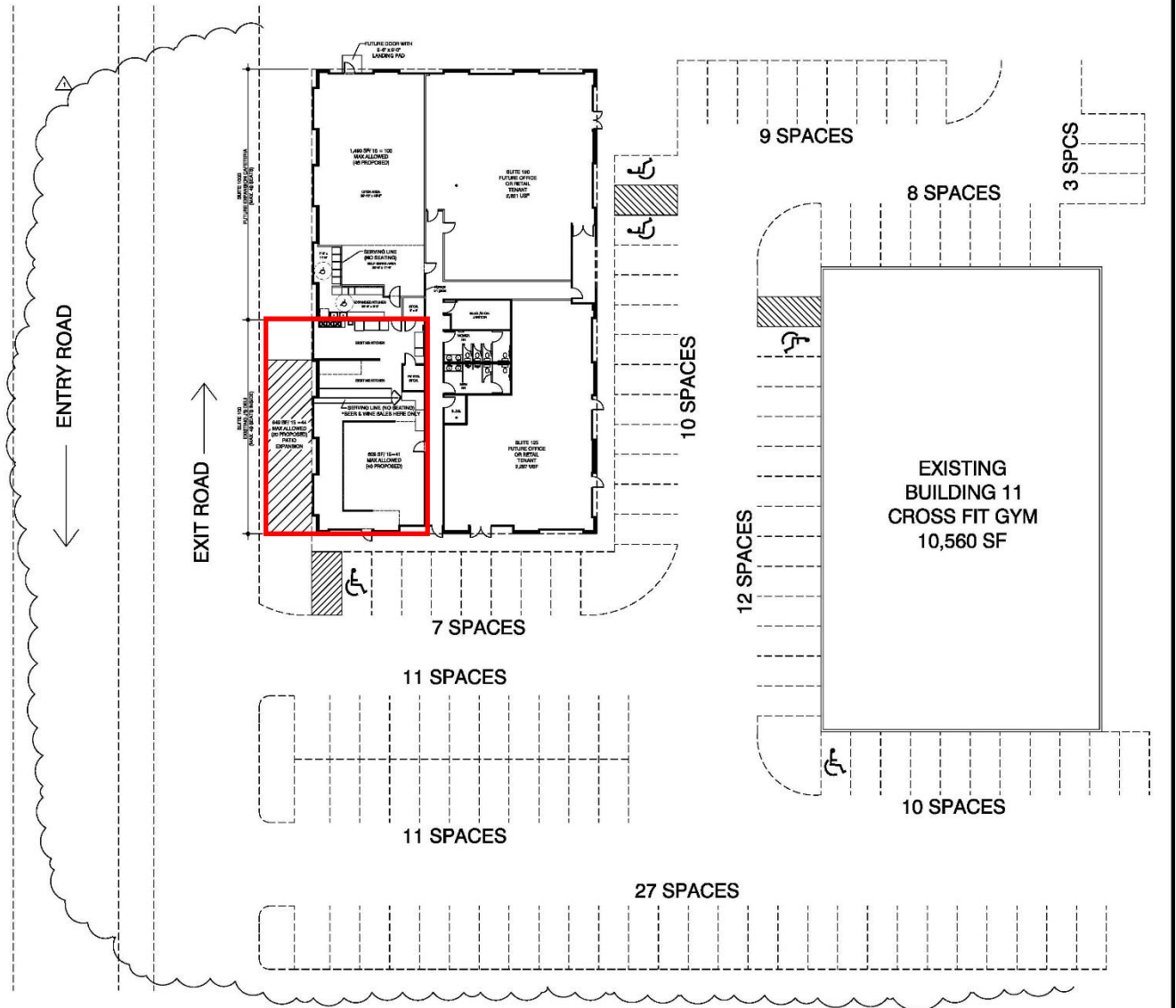
Amy Piukana, City Secretary

Bob Phelps, Mayor

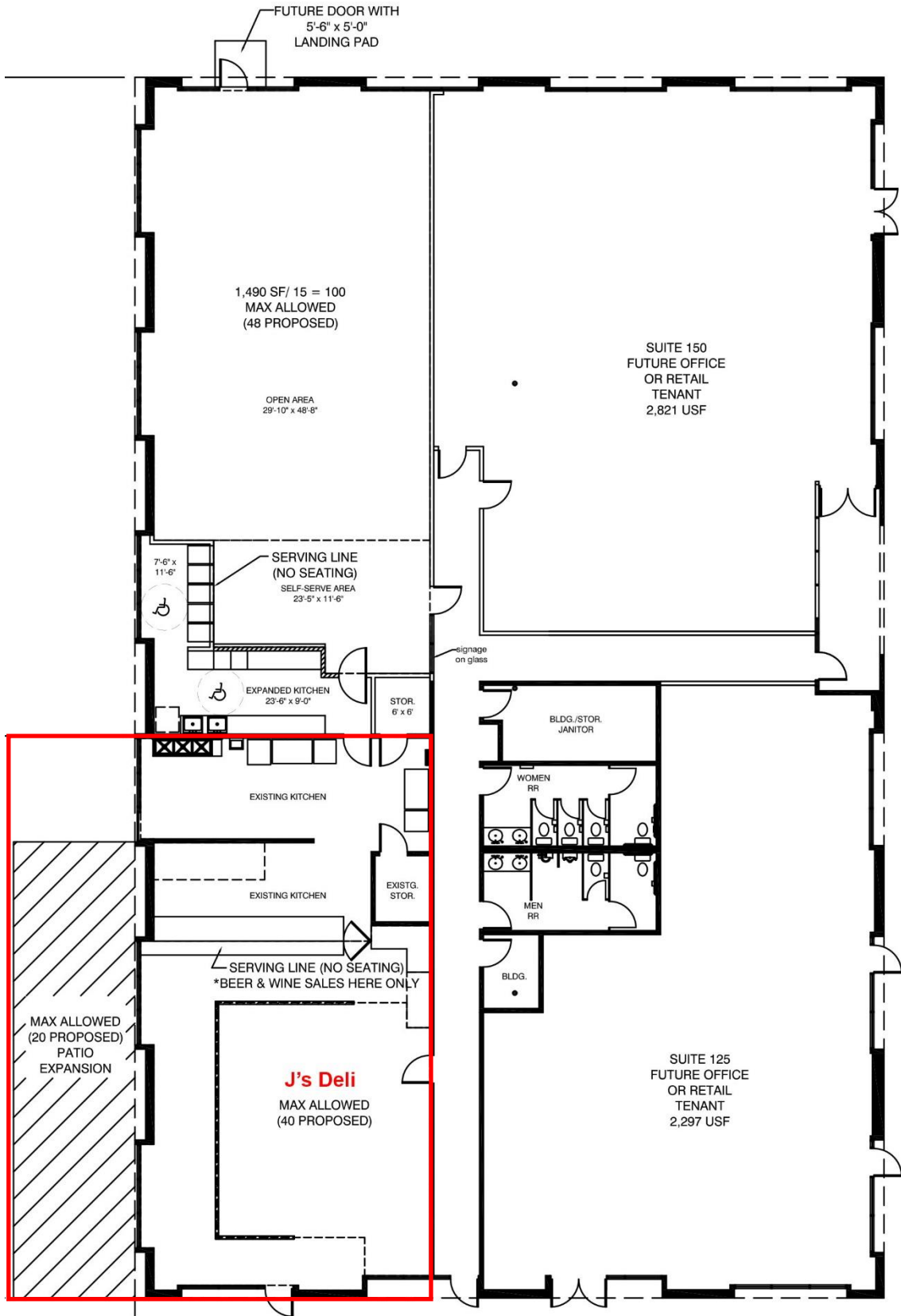
APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:8/7/16:78190)

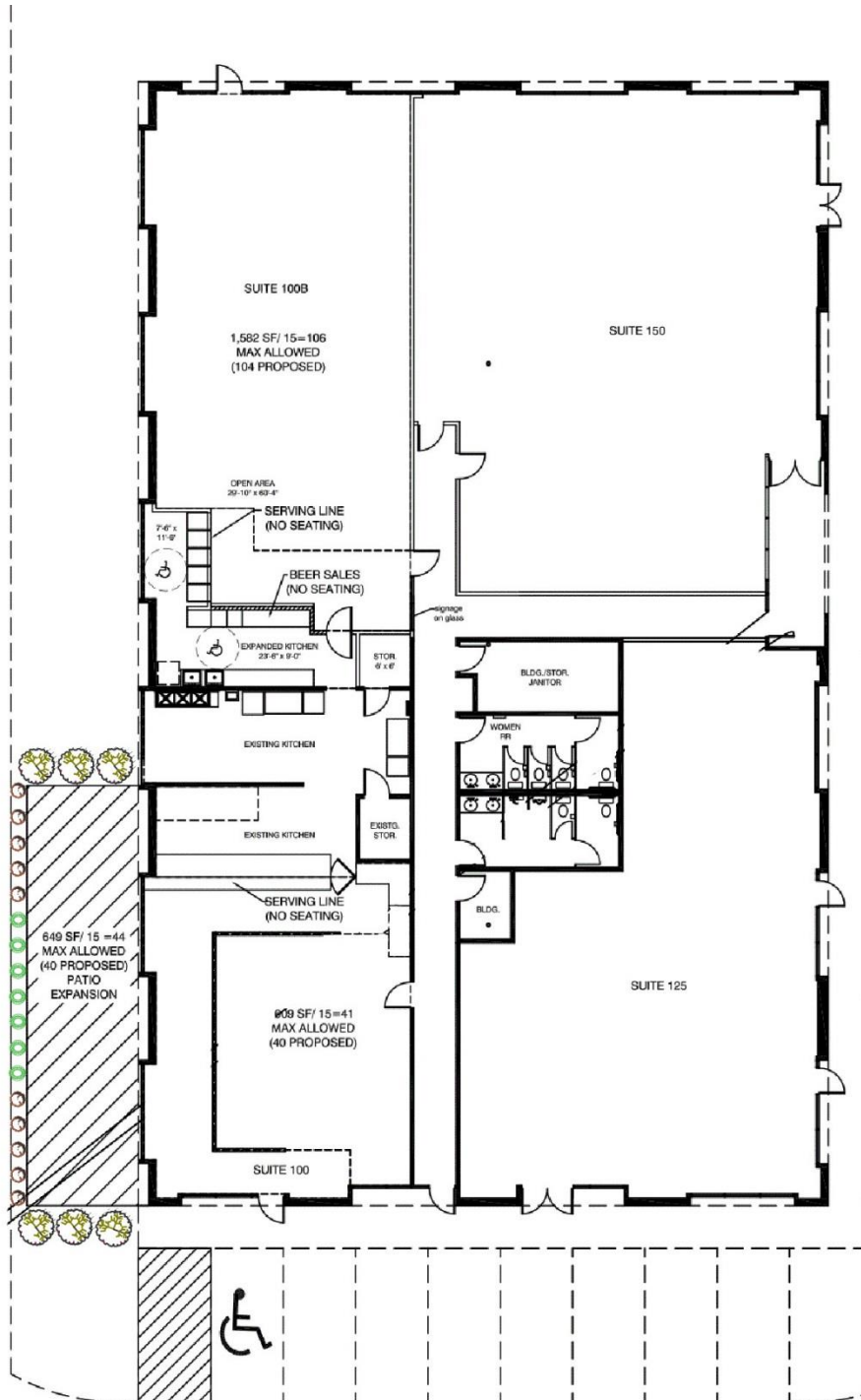
Ordinance No. 3386
Exhibit "A" – Depiction of Property



01 PARKING ANALYSIS - PARTIAL SITE PLAN
 SCALE: 1/16" = 1'-0"



Ordinance No. 3386
Exhibit "C" – Landscape Plan



FOR A COPY

Ordinance No. 3386
Exhibit “C” - Alcohol Awareness Program

J’s Deli
11482 Luna Road, Suite 150,
Farmers Branch, Texas 75234

J’s Deli
Alcohol Awareness Program

J’s Deli requirements for the sale of Alcoholic Beverages

1. J’s Deli will abide by the Texas Alcoholic Beverage Code.
2. J’s Deli will abide by the Texas Penal Code.
3. Any unlawful acts related to the sale or consumption of alcoholic beverages will be reported to the police.
4. Customers requesting to purchase alcoholic beverages will provide a legal picture ID, of one of the following: Current Drivers License, Military ID, State ID or Passport.
5. All customers purchasing alcohol beverages must be at least 21 years of age.
6. All J’s Deli staff that directly or indirectly handles alcoholic beverages will be at least 21 years of age.
7. Servers will be required to take the TABC Seller Training Program.
8. Alcoholic beverages will only be served inside the restaurant premises, and must remain inside the restaurant premises.
9. Anyone that is, or is believed to be intoxicated will not be served alcohol.
10. Alcohol will not be served to anyone that is or is believed to be intoxicated.
11. Anyone that is, or is believed to be intoxicated will not be permitted to remain on the premises.
12. J’s Deli will make every effort to call for a cab for anyone who is intoxicated.
13. No alcoholic beverages will be sold before opening of J’s Deli.
14. No alcoholic beverages will be sold after closing J’s Deli.

Ordinance No. 3386
Exhibit “C” - Alcohol Awareness Program (cont.)

J's Deli
11482 Luna Road, Suite 150,
Farmers Branch, Texas 75234

15. No fire arms will be permitted on the premises.
16. J's Deli will not hang exterior signs advertising the sale of alcohol.
17. J's Deli's gross sale of food shall be at least 60% of the gross sales for each quarterly reporting period.
18. J'S Deli shall maintain and keep records necessary to demonstrate compliance with the minimum 60% food and non-alcoholic beverage sales of the restaurant's total gross sales.
19. J's Deli will not allow alcoholic beverages to be taken or consumed anywhere other than the J's Deli premises.