



## **ORDINANCE NO. 3452**

**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 FOR BEER AND WINE OFF-PREMISE SALES FOR A 100± SQUARE FOOT PORTION OF THE BUILDING LOCATED ON THE PROPERTY DESCRIBED IN EXHIBIT "A" HERETO (COMMONLY KNOWN AS 13612 MIDWAY ROAD), LOCATED IN A LIGHT INDUSTRIAL (LI) ZONING DISTRICT; ADOPTING DEVELOPMENT REGULATIONS; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; 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 amended by granting a Specific Use Permit for Beer and Wine Sales for Off-Premise Consumption for the 100± square foot portion of the third floor of the building located on a portion of Block B of Metropolitan Business Park, Section One, an addition to the City of Farmers Branch as recorded in Volume 68194, Page 1210 of the Map Records of Dallas County, an Addition to the City of Farmers Branch, Texas, described in Exhibit "A", attached hereto and incorporated herein by reference (commonly known as 13612 Midway Road)("the Property").

**SECTION 2.** The development of the Property shall be subject to the use and development of the regulations set forth in the Comprehensive Zoning Ordinance, as amended, for the Light Industrial (LI) Zoning District, and, if developed and used for Beer and Wine Sales for Off-Premise Consumption, as authorized by Section 1, above ("the SUP Use"), the SUP Use shall be limited to the 100 square foot area of the third floor of the building (commonly referred to as "Suite 333-1") as shown on the Floor Plan attached hereto as Exhibit "B" and incorporated herein by reference; and subject to the following additional development regulations:

- A. Storage of inventory of beer and/or wine in Suite 333-1 is prohibited; provided, however, nothing herein shall prohibit the keeping of beer or wine delivered to Suite 333-1 for no more than 72 hours pending delivery to the retail customer; and
- B. Delivery of beer and wine to retail customers shall not occur on the Property.
- C. Beer and Wine Sales for Off-Premises Consumption shall be conducted physically from Suite 333-1 between the hours of 8:00 a.m. and 5:00 p.m. Central Time on every day except Saturday and Sunday. Nothing in this Ordinance shall be construed as permitting Suite 333-1 from being used for other permitted purposes outside of the foregoing times and days.

**SECTION 3.** 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 4.** 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 5.** 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 6.** 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 7.** 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 11<sup>TH</sup> DAY OF JULY, 2017.**

ATTEST:

APPROVED:

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Amy Piukana, City Secretary

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Robert C. Dye, Mayor

APPROVED AS TO FORM

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Peter G. Smith, City Attorney  
(kbl:7/2/17:87697)

**Ordinance No. 3452**  
**Exhibit "A" – Description of the Property**

SITUATED in the State of Texas, County of Dallas and the City of Farmers Branch, being part of the Elisha Fike Survey, Abstract No. 478, being part of Block B of Metropolitan Business Park, Section One, an addition to the City of Farmers Branch as recorded in Volume 68194, Page 1210 of the Map Records of Dallas County, being the resurvey of a 12.8980 acre tract of land as described and recorded in Volume 92216, Page 4177 and Volume 92231, Page 0139, respectively, of the Deed Records of Dallas County, said premises being more particularly described as follows:

COMMENCING at an "X" set in concrete marking the Southwest corner of said premises and also marking the intersection of the East right-of-way line of Midway Road (a variable width public right-of-way) with the North right-of-way line of Alpha Road (a variable width public right-of-way), said corner also being the Southwest of said Block B and the Southwest corner of a right-of-way dedication as filed in Volume 98185, Page 7848, Deed Records of Dallas County, Texas;

THENCE South 89 degrees 58 minutes 28 seconds East, along said right-of-way of Alpha Road a distance of 18.86 feet to a point for corner being on the common line with said right-of-way dedication and a right-of-way dedication as found in Volume 2001126, Page 415, of Deed Records of Dallas County, Texas;

THENCE North 45 degrees 39 minutes 35 seconds West, departing said Alpha Road and along said common line of said right-of-way dedications, a distance of 16.22 feet to point for corner;

THENCE North 00 degrees 10 minutes 40 seconds East, continuing along said common line, a distance of 14.26 feet to a point for corner being the POINT OF BEGINNING and the new right-of-way line of said Midway Road;

THENCE North 00 degrees 10 minutes 40 seconds East, with the common line between the new right-of-way line of Midway Road per Volume 98185, Page 7848 and the new West line of Block B, a distance of 724.63 feet to a point for corner;

THENCE North 00 degrees 21 minutes 05 seconds East, continuing along said common line a distance of 251.15 feet to a point for corner;

THENCE North 00 degrees 51 minutes 30 seconds East, continuing along said common line a distance of 190.41 feet to a point for corner being the Southwesterly end of a corner clip at the intersection of said Midway Road with the South right-of-way line of Sigma Road (a 60 foot wide public right-of-way);

THENCE with the most Northerly North line of said premises and the South right-of-way line of Sigma Road as follows:

North 45 degrees 38 minutes 14 seconds East, 21.30 feet to a point for corner marking the end of said right-of-way dedication filed on Volume 98185, Page 7848;

South 89 degrees 34 minutes 32 seconds East, 129.28 feet to a 1/2-inch iron rod found marking the beginning of a curve to the left;

Northeasterly along said curve having a central angle of 45 degrees 00 minutes 00 seconds with a radius of 271.42 feet, for an arc distance of 213.17 feet (chord bearing and distance North 57 degrees 55 minutes 28 seconds East, 207. 7 4 feet) to a point for corner marking the end of said curve;

North 45 degrees 25 minutes 28 seconds East, 46.67 feet to a 5/8 inch iron rod set with cap stamped "BGT" marking the most Northerly Northeast corner of the premises;

THENCE with an East line of said premises, South 00 degrees 23 minutes 40 seconds West, 491.44 feet to a "X" found on a concrete curb, and South 00 degrees 27 minutes 00 seconds West, 399.86 feet to a 1/2-inch iron rod found for corner;

THENCE with a North line of said premises, South 89 degrees 35 minutes 33 seconds East, 240.41 feet to a 1/2-inch iron rod found for corner in the West right-of-way line of Gamma Road (a 60 foot wide public right-of-way) and in the East line of Block B, said corner being the most Easterly Northeast corner of said Premises;

THENCE with the West right-of-way line of Gamma Road, the East line of Block B and the most Easterly line of said premises, South 00 degrees 26 minutes 32 seconds West, 423.79 feet to a "T" bar found marking the Southeast corner of Block B and said premises, said corner also marking the intersection of the West right-of-way line of Gamma Road with the said North right-of-way line of Alpha Road;

THENCE with a South line of Block B and said premises, and the North right-of-way line of Alpha Road, North 89 degrees 58 minutes 28 seconds West, 389.64 feet to a point for corner marking the beginning of said right-of-way dedication filed in Volume 2001126, Page 415;

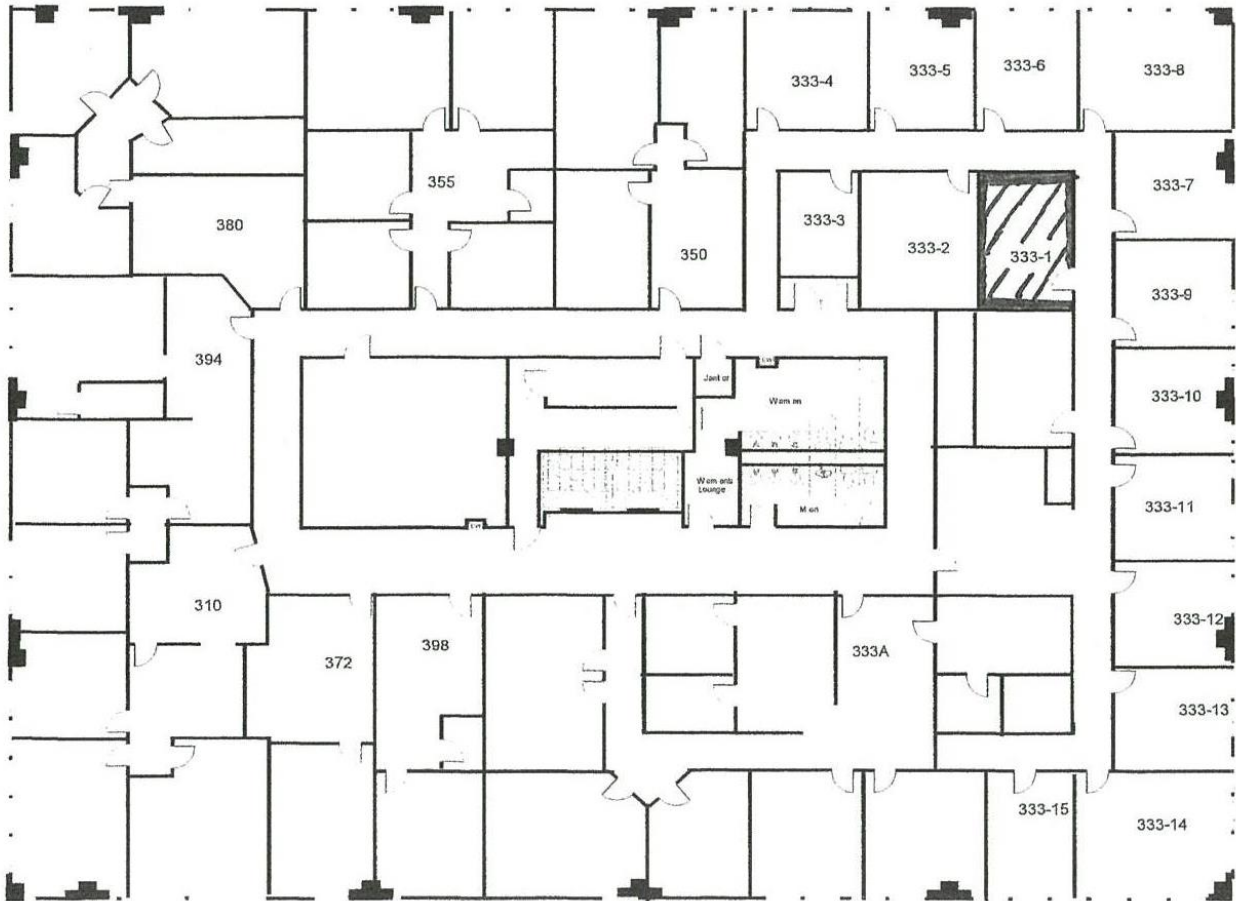
THENCE North 83 degrees 21 minutes 01 second West, along the common line of said Premises and said right-of-way dedication, a distance of 91.30 feet to a point for corner;

THENCE North 89 degrees 44 minutes 51 seconds West, continuing along said line, a distance of 112.23 feet to a point for corner, being the beginning of a curve to the right have a radius of 14.76 feet, a chord bearing and distance of North 45 degrees 39 minutes 51 seconds West 20.89 feet;

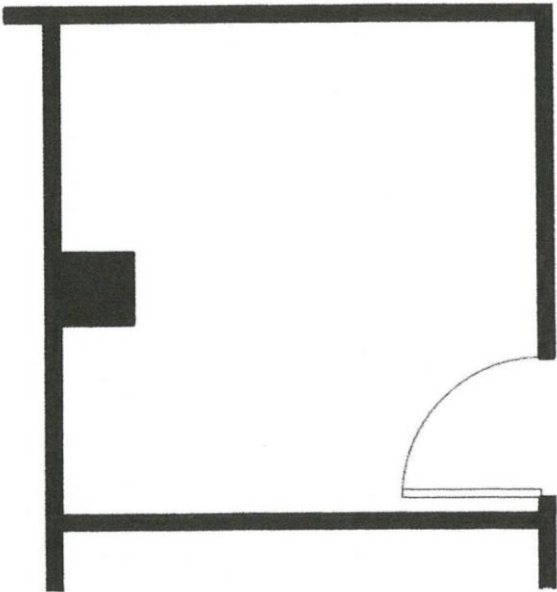
THENCE continuing along said curve through a central angle of 90 degrees 06 minutes 18 seconds, an arc distance of 23.21 feet to the POINT OF BEGINNING and containing 553,413 square feet or 12.7046 acres of land, more or less.

**Ordinance No. 3452**  
**Exhibit "B" – Floor Plan**

**13612 Midway Road**  
**Third Floor**




**Ordinance No. 3452**  
**Exhibit “B” – Floor Plan (cont.)**



**Suite 333-1**

**RSF: 140**

					Suite #
	13612 Midway Ln, Dallas Texas 75244		13612 Midway Plans		333-1
				Drawn by	
				Date	November 10 2014