



**ORDINANCE NUMBER 2720**

**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 12895 JOSEY LANE, SUITE 128 AND WITHIN THE PLANNED DEVELOPMENT NUMBER 8 (PD-8) 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 12895 Josey Lane, Suite 128 and within Planned Development No. 8 (PD-8) 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. 8 (PD-8) zoning district and in accordance with the approved site plan and floor 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.

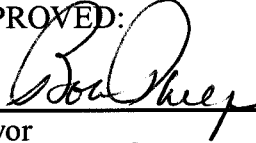
**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum 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.

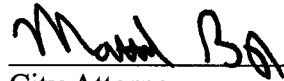
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 19 day of May, 2003.**

APPROVED:



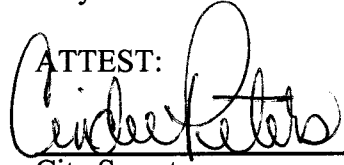
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:



\_\_\_\_\_  
City Attorney

ATTEST:



\_\_\_\_\_  
City Secretary

EXHIBIT "A"

PROPERTY DESCRIPTION

BEING part of Farmers Branch Shopping Center, an Addition in the City of Farmers Branch as recorded in Volume 82040, Page 1641, Map Records, Dallas County, Texas, situated in the Isaac B. Webb Survey, Abstract No. 1574, and being part of a 12.16 acre tract of land conveyed to Wynema H Ganzer by Harper Investment Co., Inc., a Texas corporation, as recorded in Volume 79016, Page 2035, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at the Northeast corner of said tract of land, said point being the Southwest corner of the intersection of Valley View Lane (a 100' ROW) and Josey Lane (a 100' ROW) (formerly named Dennis Road), an iron rod for corner;

THENCE: S 00°23'00" W, with the West line of Josey Lane, a distance of 520.10 feet to a cross set for corner;

THENCE: N 89°40'00" W, a distance of 389.00 feet to a PK Nail set for corner;

THENCE: S 00°23'00" W, a distance of 139.90 feet to a cross set for corner;

THENCE: N 89°40'00" W, a distance of 13.00 feet to a PK Nail set for corner;

THENCE: N 00°23'00" E, a distance of 660.00 feet to a cross set for corner in the South line of the aforementioned Valley View Lane;

THENCE: S 89°40'00" E, a distance of 402.00 feet along the South line of Valley View Lane to the PLACE OF BEGINNING and containing 210,899 square feet or 4.842 acres of land.

EXHIBIT "B"

Property Location  
03-SU-11  
12895 JOSEY

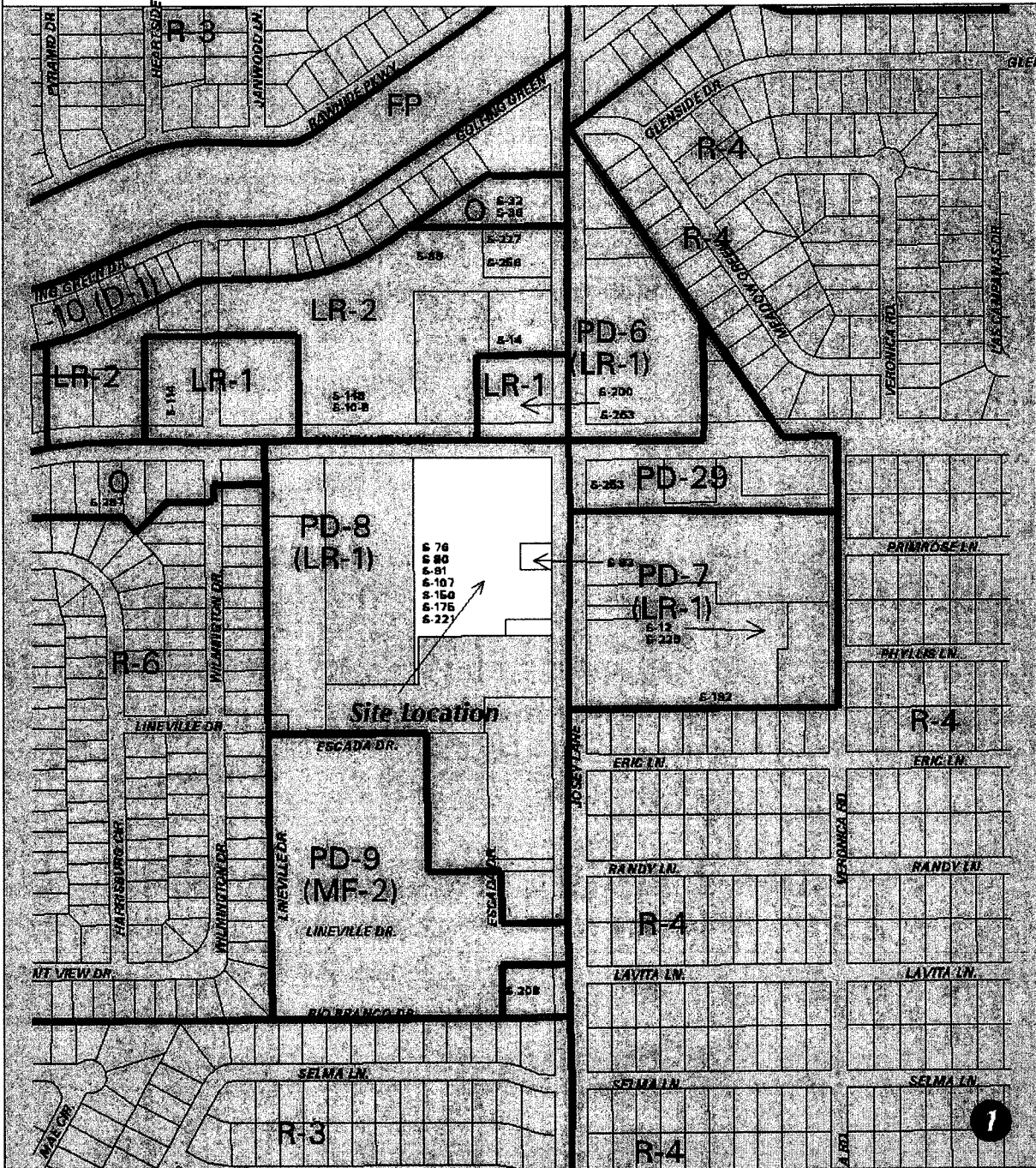


Produced by the Information Services Dept.  
of the City of Farmers Branch, Texas.

1" = 400ft.



No guarantee is given or implied as to the accuracy of data  
represented on this map. For pictorial reference only.

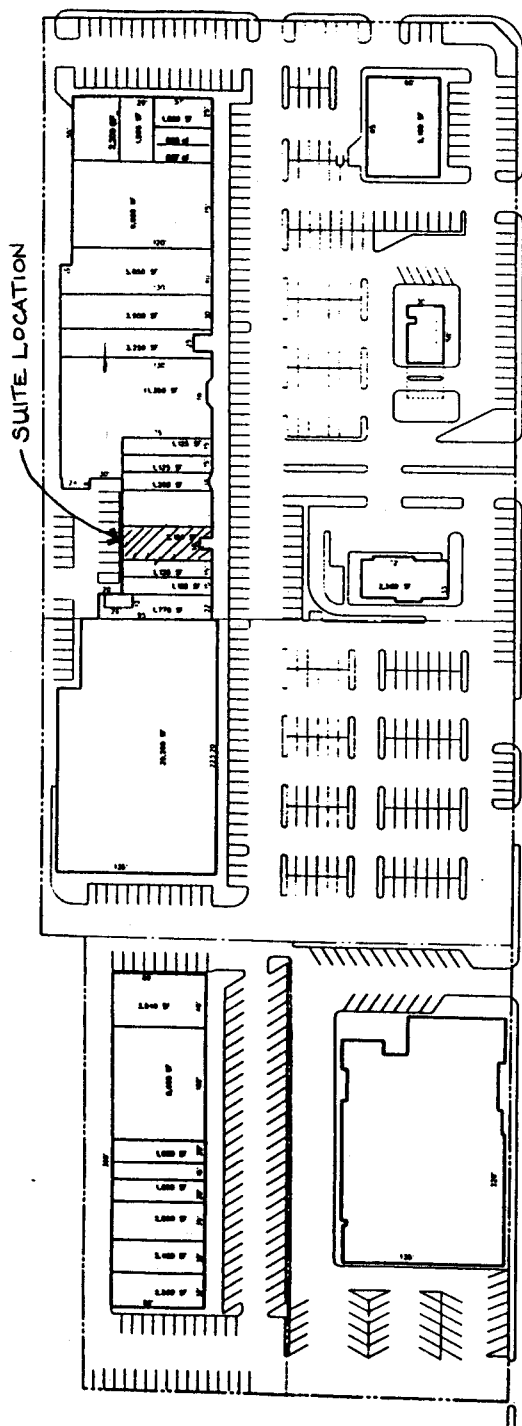


City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131  
Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.  
Internet URL...<http://www.ci.farmers-branch.tx.us>

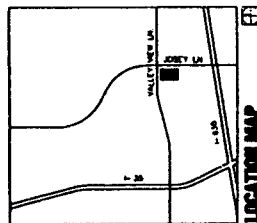
EXHIBIT "C"

*[Handwritten signature]*

VALLEY VIEW LANE (100' ROW)



JOSEY LANE (100' ROW)



The purpose of this drawing is to identify the existing buildings and suite location for Joe's Italian Cafe. No changes are proposed for the shopping center development.

*[Handwritten signature]*

DAVID E. CLAASSEN INVESTMENTS, INC.

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COMMUNITY SERVICES DEPARTMENT

EXHIBIT-8

FARMERS BRANCH SHOPPING CENTER

SOUTHWEST CORNER OF JOSEY LANE AND VALLEY VIEW LANE FARMERS BRANCH, DALLAS COUNTY, TEXAS



EXHIBIT "D"

*Joe's Italian Cafe*

Alcohol Awareness Program

Joe's Italian Café's requirements for alcohol service are as follows:

1. Joe's Italian Café requires that all wait staff and managers attend a state-approved alcohol-serving program. The program is approved by the Texas Alcoholic Beverage Code.
2. Joe's Italian Café wait staff and managers will pass a written examination at the completion of the program.
3. Customers will provide a legal picture ID that will consist of one of the following: Drivers License, Military ID, State ID or Passport.
4. A Joe's Italian Café manager will be on duty to make the decision on whether to serve alcohol at the time a Customer's ID is checked.
5. Joe's Italian Café will abide by the Texas Penal Code.
6. Joe's Italian Café will abide by the Texas Alcoholic Beverage Code.
7. All Joe's Italian Cafe employees who directly or indirectly handle alcoholic beverages will be at least 18 years of age.
8. Only Joe's Italian Café wait staff will serve alcoholic beverages and all alcoholic beverages will be served tableside only.
9. Any Customer who purchases an alcoholic beverage must be 21 years of age or older.
10. Alcoholic beverages may not be sold, served or delivered to any person who 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. Joe's Italian Café will furnish transportation for anyone who is, or is believed to be, intoxicated.
13. Unlawful acts will be reported to the local authorities.
14. No alcoholic beverages will be sold before opening.
15. No alcoholic beverages will be sold after closing.
16. No alcoholic beverages will be visible to the public. All alcoholic beverages will be stored within the kitchen, food preparation or storage areas.
17. No bar shall exist within Joe's Italian Café.
18. Joe's Italian Cafe shall have no exterior signs advertising the sale of alcohol.
19. Joe's Italian Café's gross sale of food shall constitute at least 80% of Joe's Italian Café's gross sales for each quarterly reporting period.

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COMMUNITY SERVICES  
DEPARTMENT

12895 Josey Lane - Suite 128 - Farmers Branch, Texas 75234-8303 - Tel (972) 919-1944

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