

2-25-19

ORDINANCE NO. 31130

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as Planned Development District No. 1011 with a D-1 Liquor Control Overlay:

BEING a tract of land in City Block A/4414; fronting approximately 224 feet along the northwest line of Garland Road southwest of Buckner Boulevard; and containing approximately 1.084 acres, to be used under Specific Use Permit No. 2323 for an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery; providing that this specific use permit shall be granted subject to certain conditions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this specific use permit; and

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

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

SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”), which is presently zoned as Planned Development District No. 1011 with a D-1 Liquor Control Overlay, to be used under Specific Use Permit No. 2323 for an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery.

SECTION 2. That this specific use permit is granted on the following conditions:

- “1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on February 27, 2022, but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that the applications for automatic renewal must be filed after the 180<sup>th</sup> but before the 120<sup>th</sup> day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. FLOOR AREA: The maximum floor area for the alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery is 3,000 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery may only operate between 5:00 a.m. and 12:00 a.m. (midnight), Monday through Sunday. Deliveries are only allowed between 7:00 a.m. and 9:00 p.m., Monday through Sunday.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules and regulations of the City of Dallas.”

SECTION 3. That all paved areas, permanent drives, streets, and drainage structures, if any, on the Property must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the City of Dallas.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

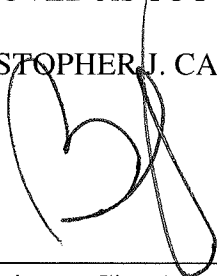
SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney



By \_\_\_\_\_  
Assistant City Attorney

**FEB 27 2019**

Passed \_\_\_\_\_

31130

EXHIBIT A  
Property Description for SUP

WHEREAS, Doctor Brothers, LTD., a Texas limited partnership is the owner of a tract of land situated in the C.A. Lovejoy Survey, Abstract No. 829, Dallas County, Texas in City Block A/4414, Official City Number, and being a portion of that tract of land as described by Special Warranty Deed with Vendor's Lien as recorded in Instrument No. 201800046207, Official Public Records, Dallas County, Texas, and being more particularly described by metes and Bounds as follows:

BEGINNING a 1/2 inch iron found lying on the northwesterly right-of-way Garland Road (100 foot right-of-way) and also being the easterly corner of Gaston Parkway (50 foot right-of-way) and same being the southerly corner of said Doctor Brothers, LTD., tract;

North 45 degrees 58 minutes 07 seconds West, departing said Garland Road and along the Southwesterly line of said Doctor Brothers, LTD., tract, common with the northeasterly right-of-way line of said Gaston Parkway and passing at 50.08 feet the easterly corner of Lot 6, Block A/4414, Isaminger Addition an addition to the City of Dallas, Dallas County, Texas according the map thereof recorded in Volume 28, Page 105, Map Records, Dallas County, Texas and continuing with said Lot 6, Block A/4414 a total distance of 210.08 feet to a point for corner;

THENCE North 44 degrees 04 minutes 27 seconds East, departing said Lot 6, Block A/4414 and traversing said Doctor Brothers, LTD., tract, a distance of 224.97 feet to a "X" cut in concrete found for corner, said corner being the westerly corner of that certain tract of land as described by Deed to the City of Dallas, as recorded in Volume 2651, Page 258, Deed Records, Dallas County, Texas,

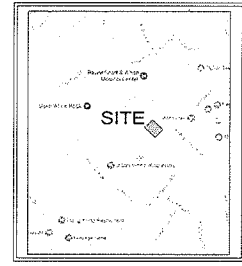
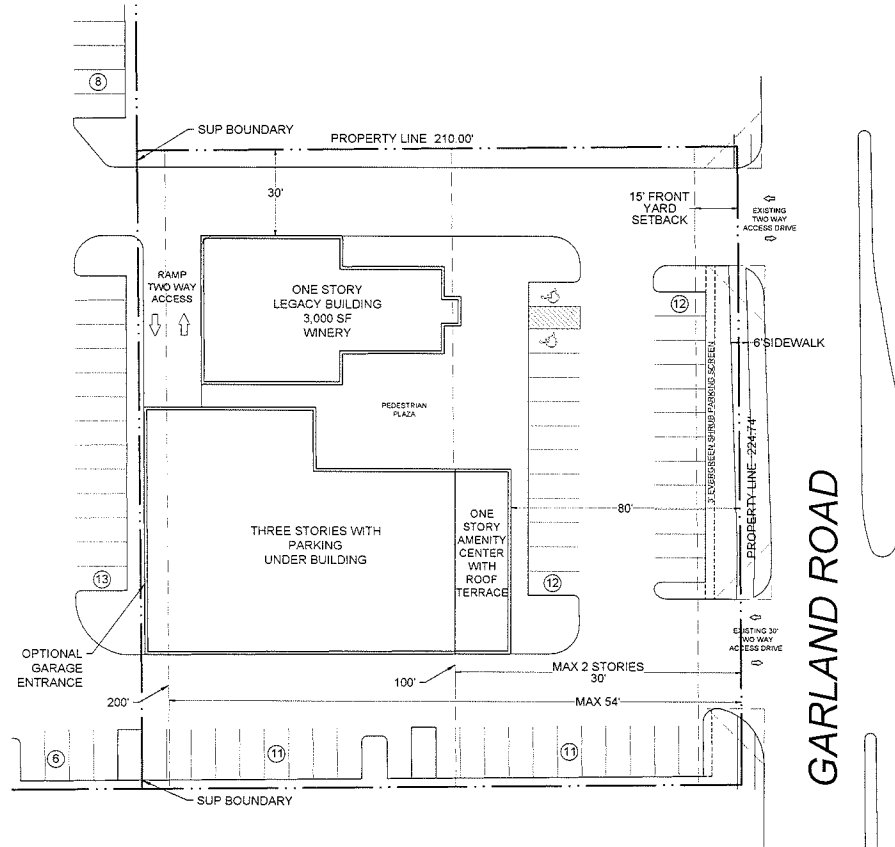
THENCE South 45 degrees 54 minutes 22 seconds East, along a northeasterly line of said Doctor Brothers, LTD., tract, common with the southwesterly line of said City of Dallas, tract, passing at 199.46 feet a concrete monument found and being a northwesterly right-of-way line of said Garland Road, and continuing a total distance of 210.00 feet to a mag nail set for corner and lying on a northwesterly right-of-way line of said Garland Road;

THENCE South 44 degrees 03 minutes 17 seconds West, along a southeasterly line of said Doctor Brothers, LTD., tract common with the northwesterly right-of-way line of said Garland Road, a distance of 224.74 feet to the POINT OF BEGINNING and containing 47,228 square feet or 1.084 acres of land.

190348

31130

Site Plan



VICINITY MAP

NTS



SUP SITE AREA	47032 SF; 1.0797 ACRES	
SUP LAND USE	MICROBREWERY, MICRO-DISTILLERY, OR MICROWINERY	
FLOOR AREA	3,000 SF	
	PARKING	
	REQ.	PROVIDED
LEGACY BUILDING	14	14

Specific Use Permit  
No. 2323

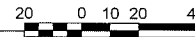
Approved  
City Plan Commission  
January 3, 2019



1

SUP SITE PLAN

SCALE: 1" = 20'-0"



12/21/2018

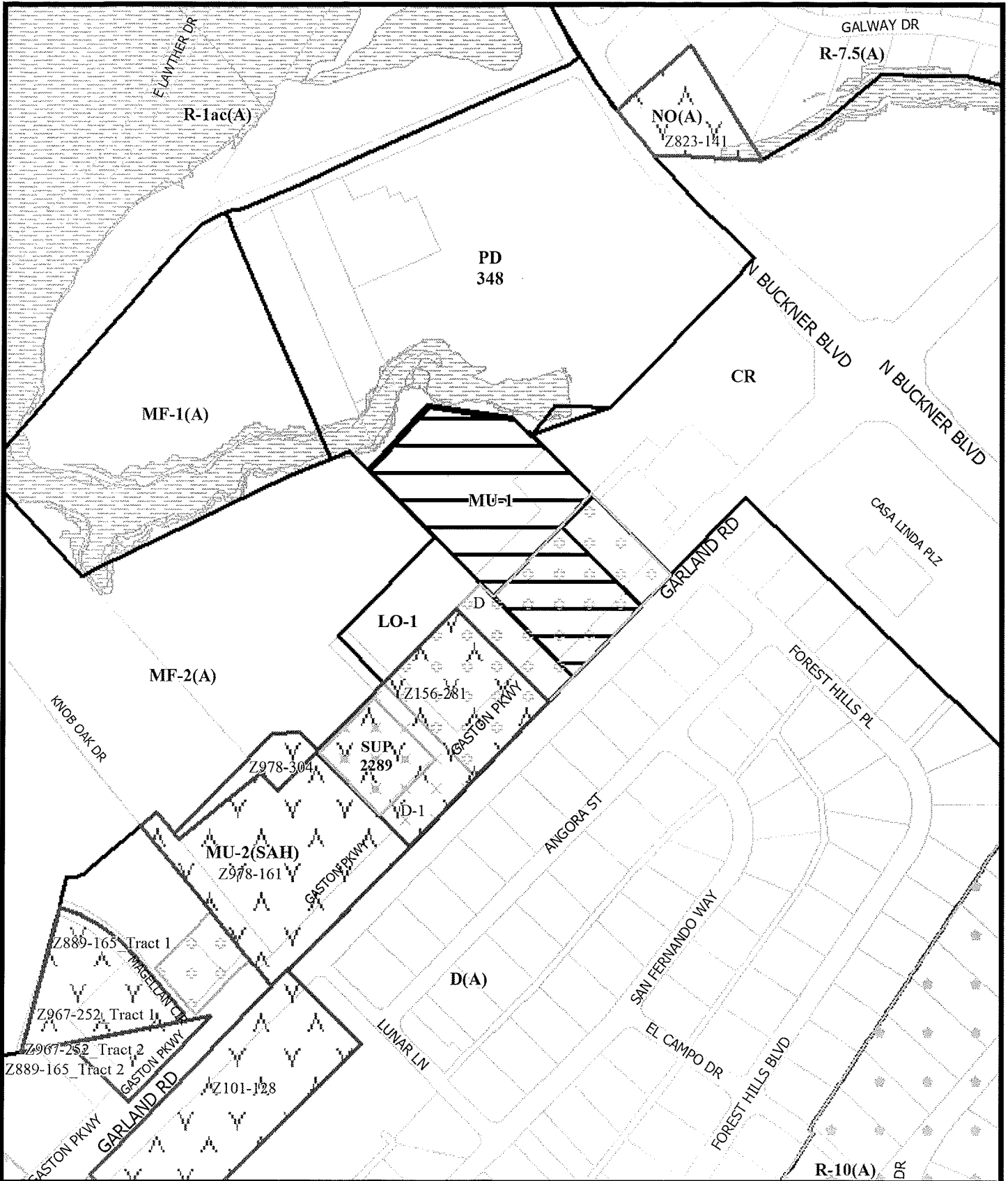
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CITY OF DALLAS, TEXAS

Z178-382(JM)



1:3,600

# ZONING MAP

Case no:           Z178-382            
 Date:           12/18/2018



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL FEB 27 2019

ORDINANCE NUMBER 31130

DATE PUBLISHED MAR 02 2019

ATTESTED BY: