

AN ORDINANCE AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY SO AS TO REZONE 53 ACRES OUT OF J. C. REED SURVEY, ABSTRACT 1729, H. BILSMIRER, ABSTRACT A-711, AND THE J.W. FARRENS SURVEY, ABSTRACT 1710, GENERALLY LOCATED ALONG THE WESTERN FRONTAGE OF N. W. 19th STREET FROM INTERSTATE 30 SOUTH SOME 2150 FEET AND FROM INTERSTATE 30 NORTH SOME 650 FEET, AND ALONG THE NORTHERN FRONTAGE OF TARRANT ROAD SOME 2150 FEET WEST FROM NORTH WEST 19th STREET, BEING MORE FULLY DESCRIBED HEREINAFTER, TO PLANNED DEVELOPMENT, RETAINING ALL USES ALLOWABLE UNDER EXISTING ZONING AND SPECIFIC USE PERMITS TO THE PROPERTY AND ADDING THERETO A SPECIFIC USE PERMIT FOR ON SITE SALE AND USE OF ALCOHOLIC BEVERAGE IN RESTAURANTS ONLY; ESTABLISHING OTHER REGULATIONS AND CONDITIONS FOR ON SITE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN RESTAURANTS IN SAID DISTRICT; SAID PLANNED DEVELOPMENT BEING AN AMENDMENT TO THE ZONING MAP AND ORDINANCE PASSED ON JANUARY 27, 1971 AND RECORDED IN BOOK 8, PAGES 405 TO 509 OF THE ORDINANCE RECORDS OF THE CITY OF GRAND PRAIRIE, TEXAS; REPEALING ALL ORDINANCES OR PARTS OR ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE AND TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the City of Grand Prairie, Texas, filed its application petitioning an Amendment of the Zoning Ordinance and Map of said City so as to rezone and reclassify said property to a planned development retaining all uses allowable under existing zoning and specific use permits to the property and adding a specific use permit with regulations authorizing the on site sale and use of alcoholic beverages in restaurants only; and

WHEREAS, the Zoning Commission of Grand Prairie, Texas, held a public hearing on the proposed Planned Development retaining all uses allowable under existing zoning and specific use permits to the property and adding a specific use permit and regulations authorizing the on site sale and use of alcoholic beverages in restaurants only on August 31, 1981 after written notice of such public hearing before the Zoning Commission on the proposed change in classification had been sent to owners of the property subject of the application and to owners of real property lying within 200 feet of the property on which the change in classification is proposed, said notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such Notice being served by depositing the same, properly addressed and postage paid, in the City Post Office; and

WHEREAS, after consideration of said application, the Zoning Commission of the City of Grand Prairie, Texas, voted 9-1-1 to recommend to the City Council of Grand Prairie, Texas, that ~~the~~ hereinafter described property be rezoned to planned development retaining all uses allowable under existing zoning and specific use permits to the property and adding a specific use permit and regulations authorizing the on site sale and use of alcoholic beverages in restaurants only; and

WHEREAS, subsequent to the public hearing of the Zoning Commission, Notice was given of a further public hearing to be held by the City Council of the City of Grand Prairie, Texas, in the Municipal Building at 7:00 O'clock p.m. on September 1, 1981 to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such Notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Grand Prairie Daily News, Grand Prairie, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties in interest have been given an opportunity to be heard on the matter of the proposed rezoning; and the City Council of the City of Grand Prairie, Texas, being informed as to location and usability of surrounding property and the property in question, as well as the nature of the changes, have found and determined that this amendatory ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

I.

That the Zoning Ordinance and Map of the City of Grand Prairie, Texas, showing the locations and boundaries of certain districts, and said Zoning Ordinance and Map having been made a part of an Ordinance entitled:

"AN ORDINANCE AMENDING IN ITS ENTIRETY CHAPTER 36 OF THE CODE OF ORDINANCES KNOWN AS THE ZONING ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 27TH DAY OF JANUARY, 1971, TOGETHER WITH ALL AMENDMENTS THERETO AND ENACTING A REVISED ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN. . . ."

and passed and approved January 27, 1971, recorded in Ordinance Book 8, Page 405 to 509 inclusive, as amended, so as to establish and rezone the following described area to planned development with a specific use permit so as to allow the on site premise sale or distribution and consumption of alcoholic beverages in restaurants only; further, retaining all uses allowable under the existing zoning and specific use permits immediately prior to the passage of this ordinance:

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Beginning at the northeast corner of an 8 acre tract of land said point being in the west right of way line of N.W. 19th Street approximately 650 feet north of the north right of way line of Interstate Highway 30;

THENCE, in a southerly direction with the west right of way line of N.W. 19th Street crossing Interstate Highway 30 and Tarrant Road and continuing in a southerly direction with the west right of way line of N.W. 19th Street to a point, said point being in the north right of way line of Hill Street, if extended due west, and the west right of way line of N.W. 19th Street;

THENCE, in a westerly direction with the proposed north right of way line of Hill Street a distance of 300 feet more or less;

THENCE, in a northerly direction, 300 feet west of and parallel to the west right of way line of N.W. 19th Street to a point said point being in the north right of way line of Tarrant Road;

THENCE, in a westerly direction with the north right of way line of Tarrant Road to a point said point being where the Dallas-Tarrant County Line intersects said north right of way line of Tarrant Road;

THENCE, in a northerly direction with the Dallas-Tarrant County Line to a point said point being the south right of way line of Interstate Highway 30;

THENCE, in a easterly direction with the south right of way line of Interstate Highway 30 to a point said point being approximately 573 feet west of the intersection of the west right of way line of N.W. 19th Street and the south right of way line of Interstate Highway 30;

THENCE, in a northerly direction crossing Interstate Highway 30 and continuing in a northerly direction with the west right of way line of an 8 acre tract to a point said point being 650 feet north of the north right of way line of Interstate Highway 30;

THENCE, in an easterly direction with the north line of an 8 acre tract a distance of 573 feet more or less to the place of Beginning.

II.

In addition to the requirements of Sections B-701 through B-711 of Ordinance Number 2299, same being the Comprehensive Zoning Ordinance of the City of Grand Prairie, Texas, the following special terms and conditions are imposed as a part of this Ordinance:

- A. The sale of alcoholic beverages authorized herein shall be for on premise consumption only.

- B. The sale of alcoholic beverages authorized herein shall only be permitted in restaurants. Such restaurants may also be private clubs as defined in the Alcoholic Beverage Code of the State of Texas. "Restaurants" are defined as those establishments which receive at least seventy per cent (70%) of their gross revenue from the sale of food; provided however, for the purpose of these regulations drive in restaurants where food and beverages are served to customers outside a building shall not be considered a restaurant.

A restaurant may have a holding area for customers waiting for food service where food is not sold so long as such holding area does not exceed 25% of the total square footage of the restaurant.

- C. All restaurants in which alcoholic beverages are sold in this PD shall submit a sworn statement to the City Secretary during the month of January of each year indicating the total amount of gross receipts received by the restaurant for the preceding twelve (12) month period and the amount received from food sales for the same period. All such restaurants shall also make available to the City or its agents its book and records for inspection by the City. Failure to supply the statement required herein or to make records available for inspection by the City shall be cause to terminate the alcoholic beverage permit required in Chapter 3 of the Code of Ordinances of the City of Grand Prairie, Texas and to terminate the sale of alcoholic beverages on the premises. Upon the finding by such inspection it is determined that the 70/30 provision of the ordinance is not being complied with, that shall be cause to terminate the alcoholic beverage permit required by Chapter 3 of the Code of Ordinances of the City of Grand Prairie, Texas, and to terminate the sale of alcoholic beverages on the premises.
- D. Before any proposed restaurant which will sell alcoholic beverages as defined herein shall receive a building permit from the City Inspection Department, a site plan as required in Section C-1200-2 of the City of Grand Prairie, Texas, shall have been submitted to and approved by the City Council of the City.
- E. Alcoholic beverages are prohibited from being sold by any establishment located within three hundred (300) feet of any church, hospital, state supported public school or parochial school. The three hundred (300) foot distance shall be measured along the property line of street fronts from front door to front door and in a direct line across intersections.

III.

THAT the site plan as finally approved with all stipulations contained therein shall be marked as an Exhibit, attached hereto and made a part hereof as if fully set out herein.

IV.

THAT nothing contained herein shall be construed as relieving restaurants as defined herein of compliance with all other ordinances or charter of the City of Grand Prairie, Texas, or laws of the State of Texas relating to the development of land or construction of buildings in said City, nor shall this ordinance be construed as relieving the owner of said land of compliance with all other provisions of Ordinance No. 2299 and its amendments, same being the Comprehensive Zoning Ordinance of said City, unless specifically modified by the passage of this ordinance.

V.

It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this ordinance.

VI.

All ordinances, or parts of ordinances in conflict herewith are specifically repealed.

VII.

THAT this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, this the 1st day of September , 19 81 .

/s/ James D. Weems Sr.
MAYOR, City of Grand Prairie, Texas

ATTEST:

/s/ Melba Flagg
City Secretary

P&Z Case No. 810809