

December 8, 2021

**WHEREAS**, Section 6-4(g) of the Dallas City Code authorizes City Council to grant variances from the alcohol spacing requirements prescribed by Section 6-4(a) of the Dallas City Code; and

**WHEREAS**, Mockingbird Terrace Opco LLC has submitted an application for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code for a restaurant without drive-in or drive-through service with a food and beverage certificate, and is requesting a variance to the alcohol spacing requirements for a property on the northeast corner of E. Mockingbird Lane and Norris Street, west of St. Thomas Aquinas Catholic School, a private school; and

**WHEREAS**, City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant for an alcohol permit;
- (4) does not serve its intended purpose; and
- (5) is not effective or necessary; and

**WHEREAS**, City Council desires to grant the alcohol spacing variance.

**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the variance to the alcohol spacing requirements for Mockingbird Terrace Opco LLC, for a property on the northeast corner of E. Mockingbird Lane and Norris Street, west of St. Thomas Aquinas Catholic School, a private school, is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code.

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**SECTION 1.** (continued)

- (2) This alcohol spacing variance is valid only for a restaurant without drive-in or drive-through service with a food and beverage certificate in the location shown on the attached location map.
- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.
- (4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

**SECTION 2.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO, City Attorney

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