

CITY COUNCIL MEMORANDUM

FROM: Planning Department **DATE:** July 27, 2026

SUBJECT: Consider Ordinance No. 3964 amending Ordinance No. 3663, a variance to the distance requirements for the sale of alcohol for on-premise consumption on 8.443 acres in the 9000 block of Mid-Cities Boulevard and described as Tract 12G, Tandy K. Martin Survey, Abstract 1055, by adopting an updated Exhibit B

PRESENTER: Cori Reaume, Director of Planning

SUMMARY:

This request is to provide a correction to an error in the ordinance approved in September of 2020 which granted a variance to the distance requirements for the sale of alcohol in the 9000 block of Mid-Cities Boulevard for what is now known as Berry Creek Village.

GENERAL DESCRIPTION:

In September of 2020, the City Council considered a request from Convergence Capital, LLC, for a variance to the distance requirements for the sale of alcohol for on-premise consumption. This request was made in advance of the construction to assist with feasibility of recruiting possible restaurant uses to the location, which is located within 300 feet of Birdville High School property. The notice of the application was provided to officials with Birdville ISD prior to their official application with the City, and no opposition was provided by the District.

The approved ordinance included the variance to the alcohol distance requirements only for the following types of permits issued by TABC for on-premise consumption:

- a. Food and Beverage Certificate (FB)
- b. Mixed Beverage Permit (MB)
- c. Mixed Beverage Restaurant Permit with FB (RM)

The language in the ordinance specified that it specifically **excluded** Mixed Beverage Late Hours Permit (LB) and **“Wine and Beer Retailers Permit (BG)”** and set a prohibition on sales between midnight and 7:00 a.m.

The problem lies within the highlighted section above. **“BG”** is a Wine and Malt Beverage Retailer’s Permit for on-premise *and* off-premise sales, whereas our belief is that the intent was to exclude the late hours permit and the *Wine and Malt Beverage Retailer’s Permit for Off-Premises Consumption (which is BQ)*, which permits a business that only has off-premise retail sales.



We have received a TABC application from la Madeleine, and they have applied for a “BG” permit, which is unfortunately expressly prohibited in the original ordinance.

Staff are recommending an amendment to the originally approved ordinance to update the Exhibit B to clarify that **BQ permits are *excluded*** and **BG permits are *permitted***.

RECOMMENDATION:

Approve Ordinance 3964.