

ORDINANCE NO. 27559

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. 269 (the Deep Ellum/Near East Side Special Purpose District):

BEING all of Lots 42, 43, and Lot 44 in City Block C/483, fronting approximately 123.52 feet on the north line of Elm Street, fronting approximately 88.43 feet on the east line of July Alley, and containing approximately 12,500 square feet of land,

to be used under Specific Use Permit No. 1757 for an alcoholic beverage establishment limited to a bar, lounge, or tavern and an inside commercial amusement use limited to a live music venue; 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 following property ("the Property"), which is presently zoned as Planned Development District No. 269 (the Deep Ellum/Near East Side Special Purpose District), to be used under Specific Use Permit No. 1757 for an alcoholic beverage establishment limited to a bar, lounge, or tavern and an inside commercial amusement use limited to a live music venue:

BEING all of Lots 42, 43, and Lot 44 in City Block C/483, fronting approximately 123.52 feet on the north line of Elm Street, fronting approximately 88.43 feet on the east line of July Alley, and containing approximately 12,500 square feet of land.

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

1. USE: The only uses authorized by this specific use permit are an alcoholic beverage establishment limited to a bar, lounge, or tavern and an inside commercial amusement use limited to a live music venue.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit automatically terminates on June 10, 2011.
4. FLOOR AREA: The maximum floor area for an alcoholic beverage establishment limited to a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue is 6,220 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge, or tavern and the inside commercial amusement limited to a live music venue may only operate between 5:00 p.m. to 2:00 a.m. (the next day), Monday through Thursday, and 12:00 noon to 2:00 a.m. (the next day), Friday through Sunday.

6. OFF-STREET PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269. Delta credits, as defined in Section 51A-4.704(b)(4), may not be used to meet the off-street parking requirement.
7. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
8. 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 director of public works and transportation.

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 the director of development services shall correct Zoning District Map Nos. J-7 and J-8 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. 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 8. 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.

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SECTION 9. 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:

THOMAS P. PERKINS, JR., City Attorney

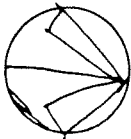
BY  _____
Assistant City Attorney

Passed JUN 10 2009

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Site Plan

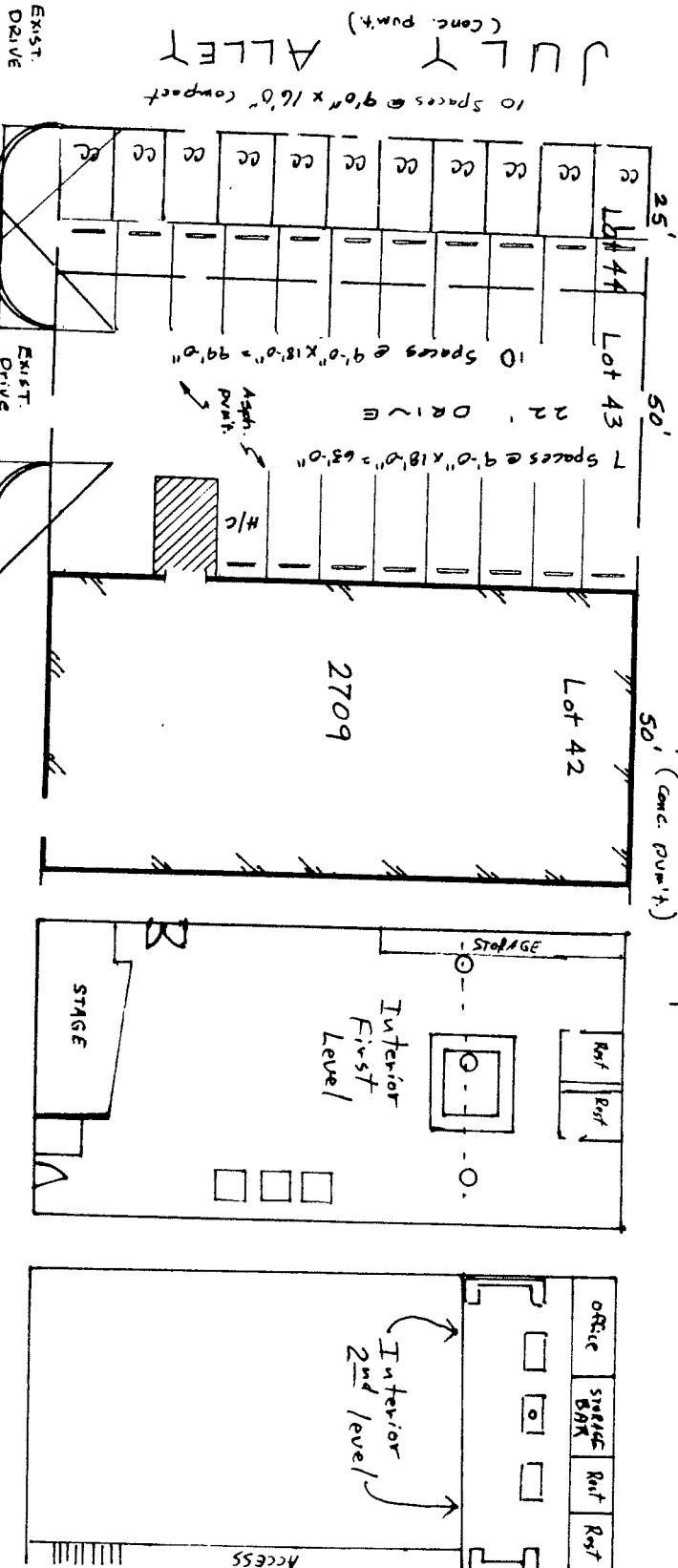
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SITE PLAN
SCALE 1" = 20'

Specific Use Permit
No. 1757

Approved
City Plan Commission
May 7, 2009



- Required: 62
- DART Reduction of 10%
- Parking within 1/4 mile of DART Station: 6 spaces
- Parking Required: 56
- Bar use: None for first 2500 SF
- 1:100 for remaining SF
- Parking Required: 31

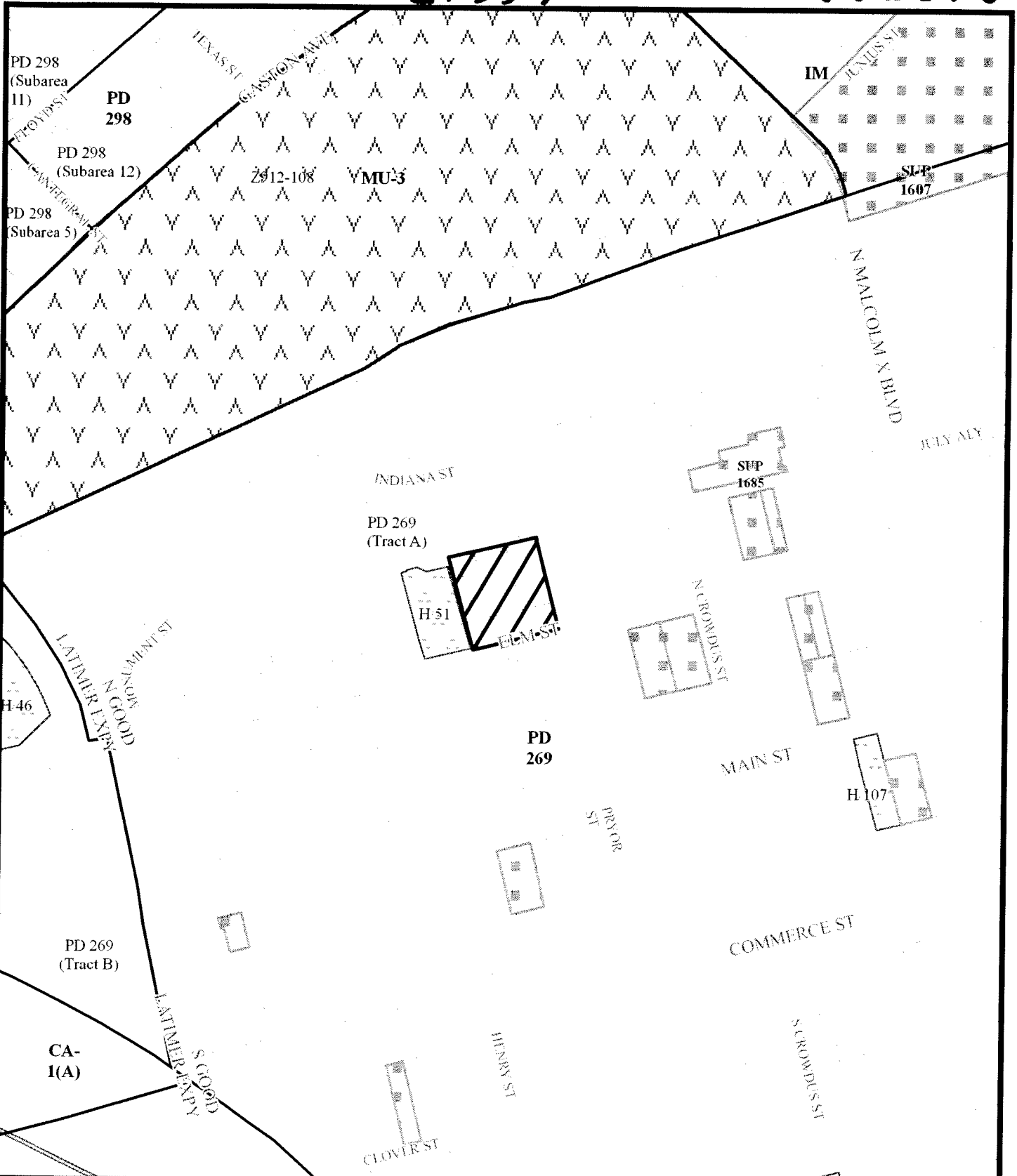
- On site:
- Full size: 17
- Handicap: 1
- Compact: 10
- TOTAL: 28
- Street: 3
- Parking Required: 31
- Parking Provided: 31

Z089-181

SHEET 1

2709 ELM ST.
Dallas, Texas
75201

SITE PLAN



1:2,400

ZONING AND LAND USE

Map no: J-7, J-8

Case no: Z089-181 WE