

28258

ORDINANCE NO. _____

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as a CR Community Retail District with a D-1 Liquor Control Overlay:

BEING a tract of land in City Block 16/6666; fronting approximately 216 feet on the north line of Elam Road between Southgate Lane and Sunburst Drive; and containing approximately 0.81 acre,

to be used under Specific Use Permit No. 1859 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less; 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 a CR Community Retail District with a D-1 Liquor Control Overlay, to be used under Specific Use Permit No. 1859 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

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 the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
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 June 22, 2013, 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 applications for automatic renewal must be filed after the 180th but before the 120th 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. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. 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 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:

THOMAS P. PERKINS, JR., City Attorney

BY


Assistant City Attorney

Passed _____

28258

LEGAL DESCRIPTION

GIS_APPROVED

Being a portion of a tract of land situated in the Joel Roberts Survey, Abstract No. 1222 in the City of Dallas, Dallas County Texas, same being a portion of Tract 16, Block 16/6666, Brookside Acres Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 3, Page 94, Map Records, Dallas County, Texas, and being that same portion of a tract of land conveyed to Bobby's Corporation by deed recorded in Volume 2000091, Page 4382, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point for corner in the North line of Elam Road (a variable width right-of-way), said point being the Southeast corner of Lot 3, Block 16/6666, Brookside Acres Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 20, Page 363, Map Records, Dallas County, Texas;

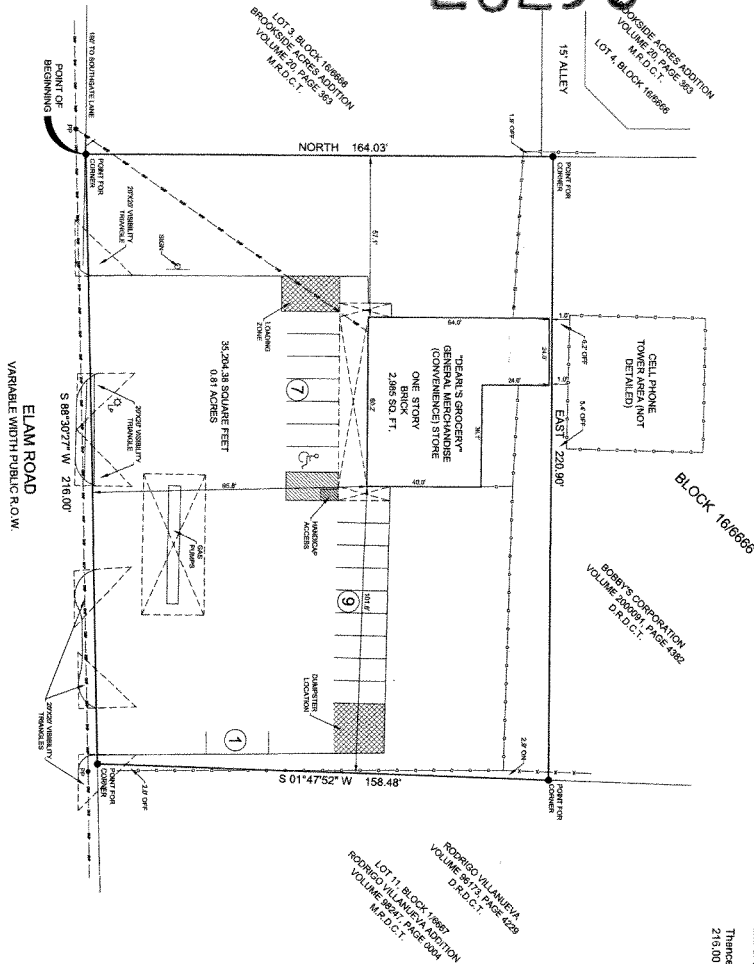
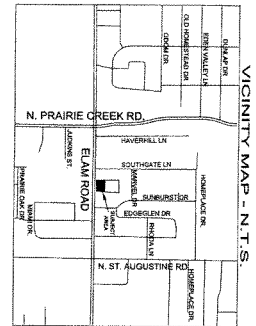
Thence North, along the East line of said Lot 3 and along the East line of a 15 foot alley, a distance of 164.03 feet to a point for corner, said point being the Southwest corner of the remainder of said Bobby's Corporation tract;

Thence East, along the South line of the remainder of said Bobby's Corporation tract, a distance of 220.90 feet to a point for corner, said point being the Southeast corner of the remainder of said Bobby's Corporation tract, and being in the West line of Lot 11, Block 1/6667, Rodrigo Villanueva Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 98247, Page 0004, Map Records, Dallas County, Texas;

Thence South 01 degrees 47 minutes 52 seconds West, along the West line of said Lot 11, a distance of 158.48 feet to a point for corner, said point being the Southwest corner of said Lot 11, and being in the North line of said Elam Road;

Thence South 88 degrees 30 minutes 27 seconds West, along the North line of said Elam Road, a distance of 216.00 feet to the Point of Beginning and containing 35,204.38 square feet or 0.81 acres of land.

Z101-191



Approved
City Plan Commission
May 19, 2011

SUP SITE PLAN

TEXAS HERITAGE
SURVEYING, LLC



"DEARL'S GROCERY"
9217 ELAM ROAD
DALLAS, DALLAS
COUNTY, TEXAS

SITE NOTES:

zoning: Community Retail District, D Liquor Control Overlay
 Building: One Story Brick (2,985 Sq. Ft.)
 Lot Area: 35,204.38 Sq. Ft. (0.81 Acres)
 Lot Coverage: 8.48%
 Parking: 16 Spaces
 1 Handicap space
 Total: 17 Spaces

Being a portion of tract of land situated in the 10th Block, 165665, Bronckrose Acres Addition, an addition to the City of Dallas, Dallas County, Texas, same being a portion of tract 16, Block 165665, Bronckrose Acres Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 3, Page 94, Map Records, Dallas County, Texas, and being that same portion of a tract of land conveyed to Bobby's Corporation (see Volume 2000041, Page 482, Deed Records, Dallas County, Texas, and being more particularly described by names and bounds as follows:

Beginning at a point for corner in the North line of Eileen Lane (a variable with right-of-way), said point being the Southwest corner of Lot 3, Block 165665, Bronckrose Acres Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 20, Page 363, Map Records, Dallas County, Texas;

Thence North, along the East line of said Lot 3 and along the East line of a 15 foot alley, a distance of 164.03 feet;

Thence North, along the East line of said Lot 3 and along the Southwest corner of the remainder of said Bobby's Corporation tract;

Thence East, along the South line of the remainder of said Bobby's Corporation tract, a distance of 229.90 feet to a point for corner, said point being the Southwest corner of the remainder of said Lot 3, Block 165665, Bronckrose Acres Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 20, Page 363, Map Records, Dallas County, Texas;











Thence South 01 degrees 47 minutes 52 seconds West, along the West line of said Lot 11, a distance of 159.48 feet to a point for corner, said point being the Southwest corner of said Lot 11, and being in the North line of said Eileen Road;

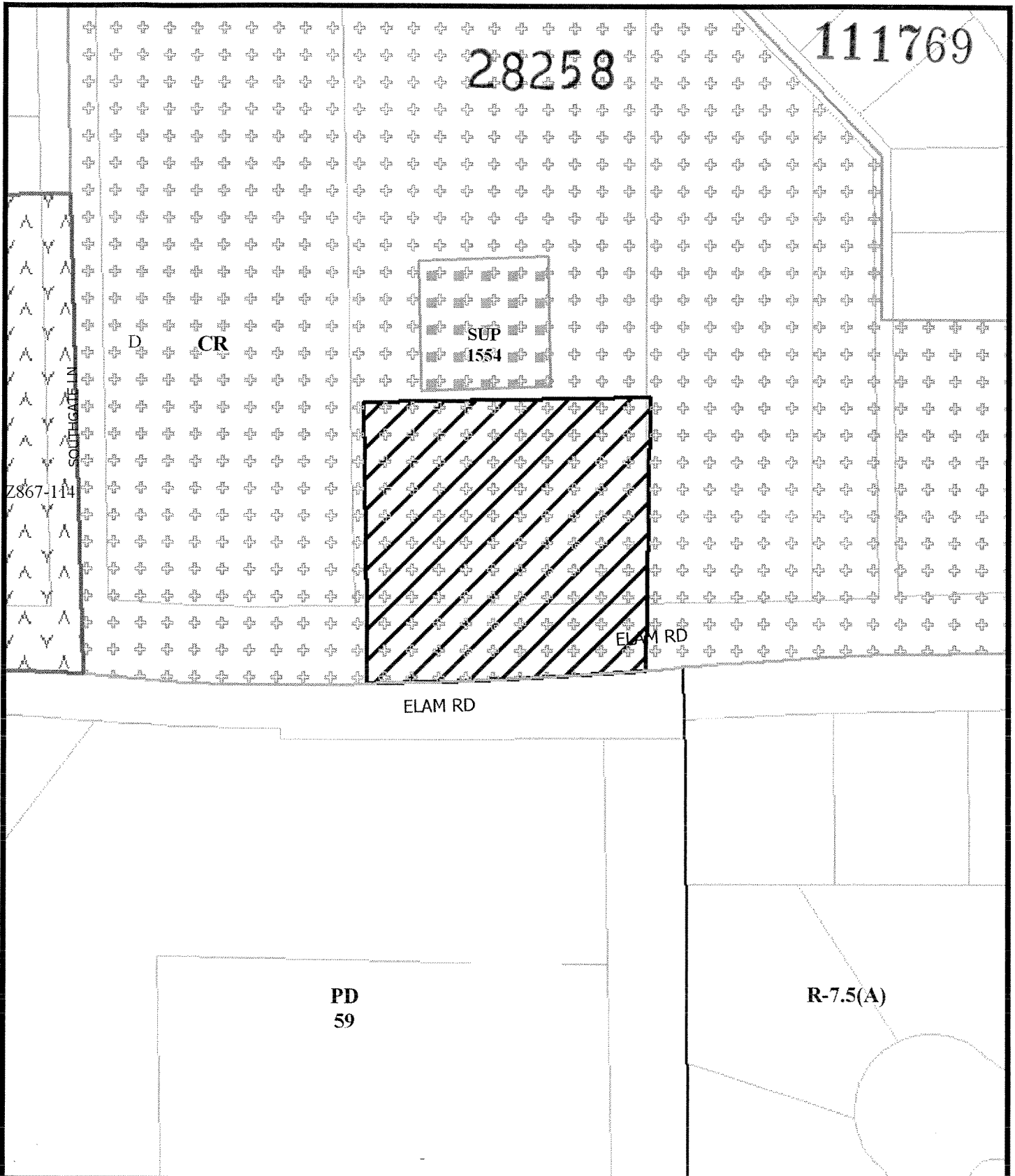
Thence South 88 degrees 30 minutes 27 seconds West, along the North line of said Eileen Road, a distance of 216.00 feet to the Point of Beginning and containing 35,204.38 square feet or 0.81 acres of land.

PROPERTY DESCRIPTION

REVISIONS		
No.	Revision/Issue	Date
1	REVISED PARKING	03/31/1

LEGEND

-  PARKING SPACE
 HANDICAP SPACE
 LIGHT POLE
 POWER POLE
 CONCRETE PAVING
 CHAIN LINK FENCE
 BRICK PAVEMENT
 COVERED PORCH
 DECK OR RAMP
 OVERHEAD POWER LINE

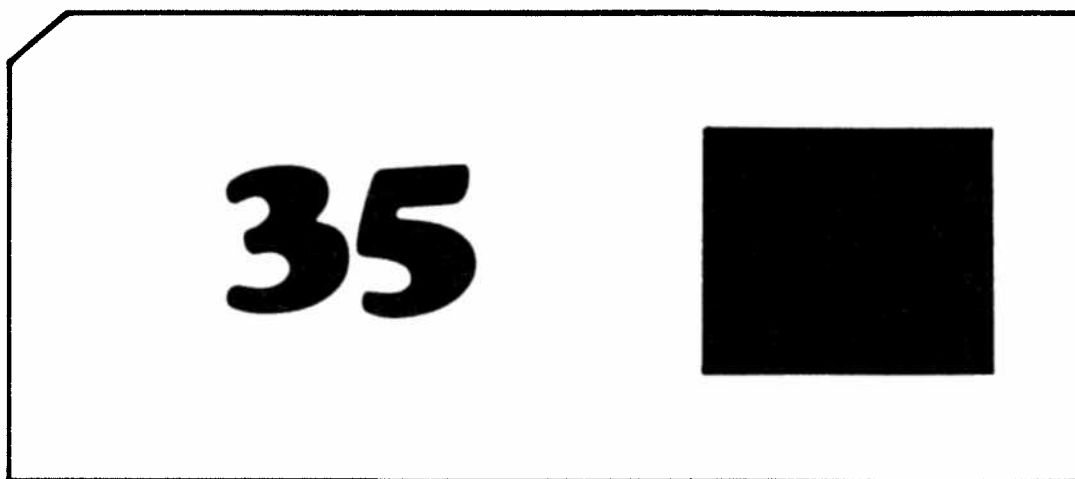


1:1,200

ZONING AND LAND USE

Map no: **M-11**
Case no: **Z101-191**

NOTICE



THIS FILE INCLUDES ONE OR MORE 35MM APERTURE CARDS