

ORDINANCE NO. 28286

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. 366 with a D-1 Liquor Control Overlay:

BEING a tract of land in City Block 6339 at the corner of South Buckner Boulevard and Alto Garden Drive; fronting approximately 120 feet in the east side of South Buckner Boulevard; fronting approximately 140 feet on the south side of Alto Garden Drive; and containing approximately 0.447 acres,

to be used under Specific Use Permit No. 1869 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use; 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 Planned Development District No. 366 with a D-1 Liquor Control Overlay, to be used under Specific Use Permit No. 1869 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use.

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. PARKING: A minimum of 15 off-street parking spaces must be provided before issuance of a building permit, alcohol measurement certification, or certificate of occupancy.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

6. 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.

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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 JUN 22 2011

BEING A TRACT OF LAND SITUATED IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, OUT OF THE W.B. ELAM SURVEY, ABSTRACT NO. 441, CITY BLOCK 6339, AND BEING PART OF A CERTAIN 1.91 ACRE TRACT OF LAND CONVEYED BY CHARLES MICHAEL STANGLIN ET AL TO SADA BAHAR, INC. BY DEED DATED NOVEMBER 7, 1995, RECORDED IN VOLUME 95220, PAGE 976, DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF SOUTH BUCKNER BOULEVARD (100 FOOT RIGHT OF WAY) WITH THE SOUTH LINE OF ALTO GARDENS DRIVE;

THENCE SOUTH 89 DEGREES 45 MINUTES 05 SECONDS EAST, 10.00 FEET TO A FOUND 1/2 INCH IRON ROD AT THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 45 MINUTES 05 SECONDS EAST WITH THE SOUTH LINE OF ALTO GARDENS DRIVE, 140.00 FEET TO A 1/2 INCH IRON ROD FOUND WITH YELLOW PLASTIC CAP STAMPED D.C. & A. RPS 3935) FOR CORNER;

THENCE SOUTH 130.00 FEET TO A 1/2 INCH IRON ROD FOUND WITH YELLOW PLASTIC CAP STAMPED (D.C. & A. RPS 3935) FOR CORNER;

THENCE NORTH 89 DEGREES 45 MINUTES 05 SECONDS WEST AND PARALLEL WITH THE SOUTH LINE OF ALTO GARDENS DRIVE, 150.00 FEET TO A 1/2 INCH IRON ROD FOUND WITH YELLOW PLASTIC CAP STAMPED (D.C. & A. RPS 3935) FOR CORNER IN THE EAST LINE OF SAID SOUTH BUCKNER BOULEVARD;

THENCE NORTH WITH SAID EAST LINE, 120.00 FEET TO A FOUND 1/2 INCH IRON ROD;

THENCE NORTH 45 DEGREES 07 MINUTES 28 SECONDS EAST, 14.11 FEET TO THE POINT OF BEGINNING AND CONTAINING 19449.82 SQUARE FEET OR 0.447 ACRES OF LAND.

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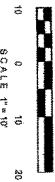
1044 SOUTH BUCKNER BOULEVARD
100' ROW

TREE QUANT	COMMON NAME	SCIENTIFIC NAME
#1	LIVE OAK	QUERCUS VIRGINIANA

PARKING REGULATIONS	REQUIRED	PROVIDED
REGULAR PARKING SPACES	14	14
HANDICAPPED SPACES	1	1
TOTAL	15	15

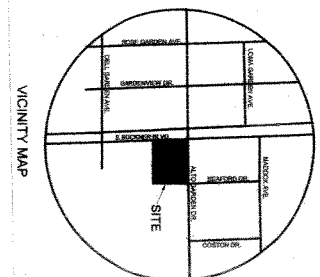
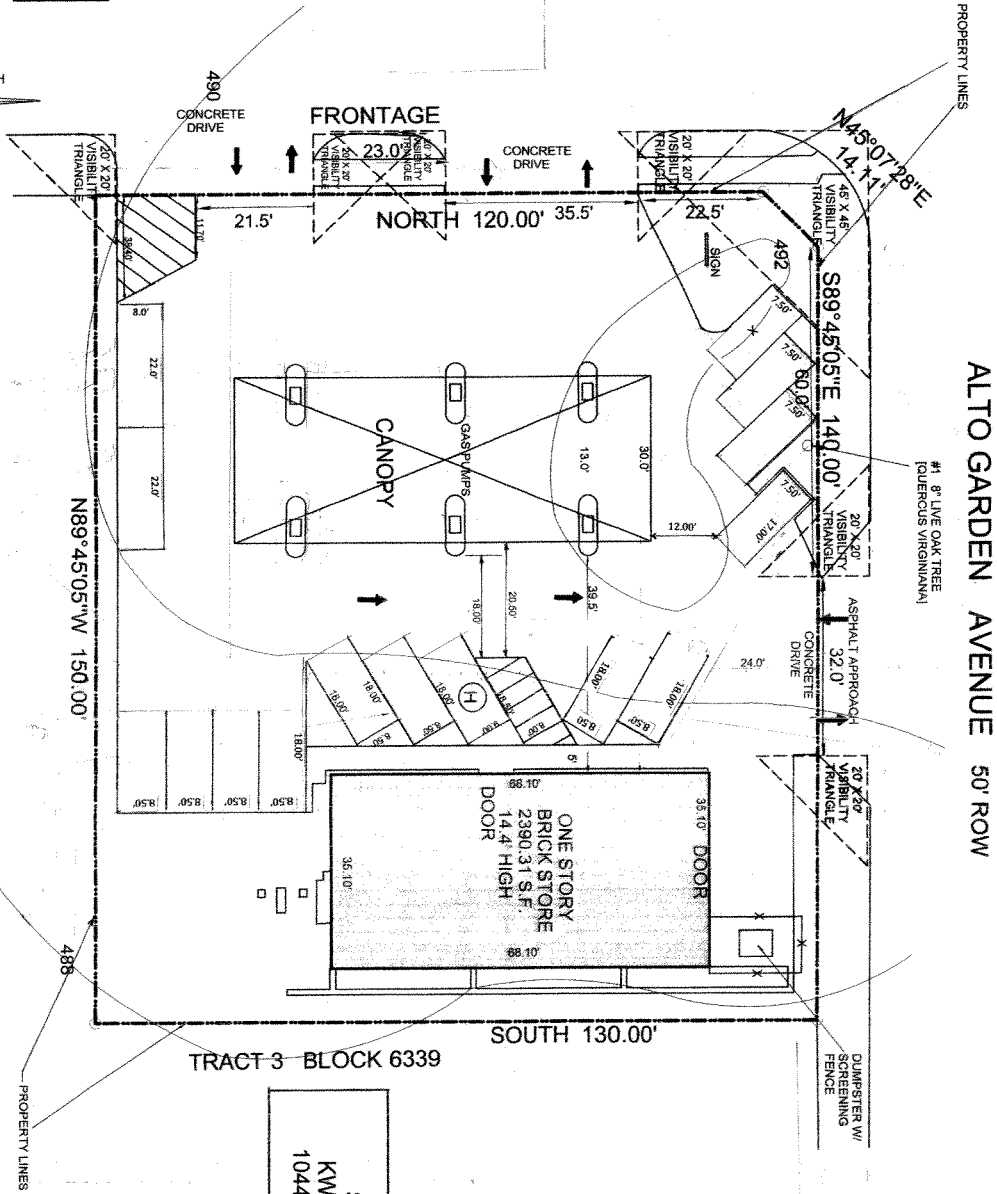
IMPERVIOUS AREA	28831 S.F.
BUILDING FOOTPRINT	13160 S.F.
CONCRETE/ASPHALT	15690 S.F.
TOTAL	57681 S.F.

NORTH
1" = 10'



MOBILITY LAND SURVEYING, INC.
3500 DUNLAP DRIVE, SUITE 300
GRAND PRAIRIE, TEXAS 76050 972-282-1300

ZONING CASE #Z 101-151



Specific Use Permit
No. 1869



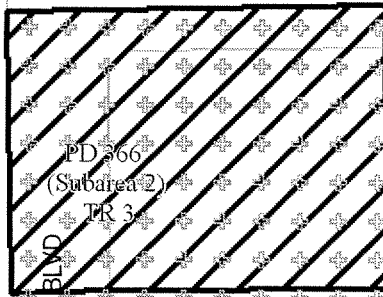
DATE	2-01-2011
FILE NUMBER	10-471507

REVISIONS	
REVISION	3-14-2011
REVISION	04-16-2011
REVISION	07-11-2011

28286

CR

ALTO GARDEN DR



PD 366
(Subarea 2)
TR 3

PD
366

S BUCKNER BLVD

S BUCKNER BLVD

D

R-7.5(A)

LOOP
12

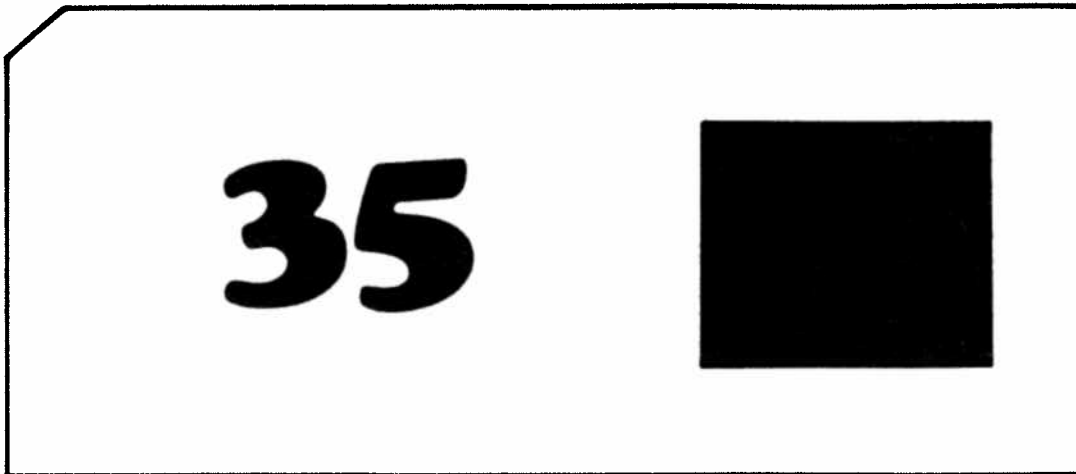


1:1,200

ZONING AND LAND USE

Map no: M-10, L-10
Case no: Z101-151

NOTICE



THIS FILE INCLUDES ONE OR MORE 35MM APERTURE CARDS