

3-19-12

**28591**

ORDINANCE NO. \_\_\_\_\_

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as an R-10(A) Single Family District:

BEING a tract of land located in City Block 8185; fronting approximately 210 feet on the south line of Belt Line Road east of the terminus of Tangle Glen Drive; and containing approximately 1.2052 acres,

to be used under Specific Use Permit No. 1944 for a tower/antenna for cellular communication; 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 an R-10(A) Single Family District, to be used under Specific Use Permit No. 1944 for a tower/antenna for cellular communication.

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 a tower/antenna for cellular communication.
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 March 28, 2022, but is eligible for automatic renewal for additional ten-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. CELLULAR TOWER: The tower/antenna for cellular communication must be a stealth monopole as shown on the attached site plan. Cables, antennas, and other similar equipment must be located within the structure.
5. HEIGHT: Maximum height of the tower/antenna for cellular communication is 65 feet.
6. ILLUMINATION: The tower/antenna for cellular communication may not be illuminated, except as required by the Federal Aviation Administration.
7. SCREENING: A six-foot-high solid screening fence must be provided as shown on the attached site plan. No equipment, with the exception of the tower/antenna for cellular communication, may exceed the height of the screening fence.

8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. 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

**MAR 28 2012**

28591

GIS Approved

## LEGAL DESCRIPTION

BEING a tract of land situated in the John Beckwell Survey, Abstract No. 53, City of Dallas, Dallas County, Texas, also being out of and a portion of that certain tract of land conveyed to the City of Dallas, by Warranty Deed, dated April 7, 1964 and recorded in Volume 288, Page 92, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod found for an interior corner of said City of Dallas tract, said point being in the south right-of-way line of Belt Line Road (100' right-of-way), from which the northeast corner of Lot 1, Block 8185, Fretz Park Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 74102, Page 2928, Deed Records, Dallas County, Texas, bears South 89 degrees 11 minutes 09 seconds West, a distance of 439.62 feet;

THENCE along the south right-of-way line of said Belt Line Road, South 89 degrees 11 minutes 09 seconds West, a distance of 112.20 feet to the POINT OF BEGINNING hereof;

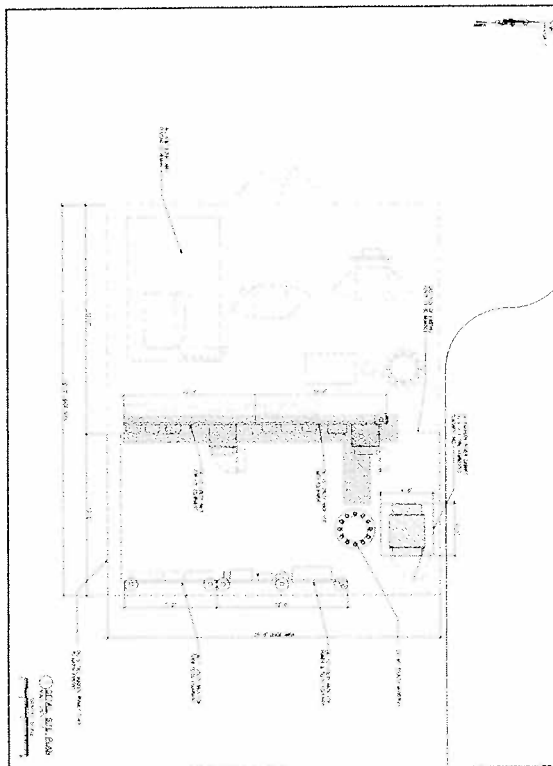
THENCE through the interior of said City of Dallas tract, the following three (3) courses:

1. South 00 degrees 48 minutes 51 seconds East, a distance of 250.00 feet to a Point;
2. South 89 degrees 11 minutes 09 seconds West, a distance of 210.00 feet to a Point;
3. North 00 degrees 48 minutes 51 seconds West, a distance of 250.00 feet to a Point in the south right-of-way line of said Belt Line Road;

THENCE along the south right-of-way line of said Belt Line Road, North 89 degrees 11 minutes 09 seconds East, a distance of 210.00 feet to the POINT OF BEGINNING hereof and containing 52,500 square feet or 1.2052 acres of land, more or less.

Z112-140

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ENLARGED SITE PLAN SCALE: 1" = 10'

CENTER OF TOWER COORDINATES:

[illegible]

**PROJECT INFORMATION**

NAME:   
 LAT 32° 56' 57.5370"   
 LONG 96° 46' 58.5708"   
 ELEV. 616.7 (AUSL NAVD83)   
 NOTES:

### LEGEND

- 1) TOWER - TELEPHONE POLE
- 2) W/ - WATER VALVE
- 3) P - FIRE HYDRANT
- 4) TOWER CENTROID
- 5) L - UP - LIGHT POLE
- 6) E - ELECTRIC METER
- 7) G - GAS METER
- 8) W - GAS METER SET
- 9) R - RISK ROAD FINDING
- 10) BENCH MARK
- 11) BUILDING CORNER
- 12) FENCE LINE
- 13) POWER LINE

## VICINITY MAP

The underexplored, empty, that a survey was made on the ground of the property, together with the detailed information prepared by the underexplored and it was not correct to the east of my knowledge. The underexplored, empty, that a survey was made on the ground of the property, together with the detailed information prepared by the underexplored and it was not correct to the east of my knowledge. The underexplored, empty, that a survey was made on the ground of the property, together with the detailed information prepared by the underexplored and it was not correct to the east of my knowledge.

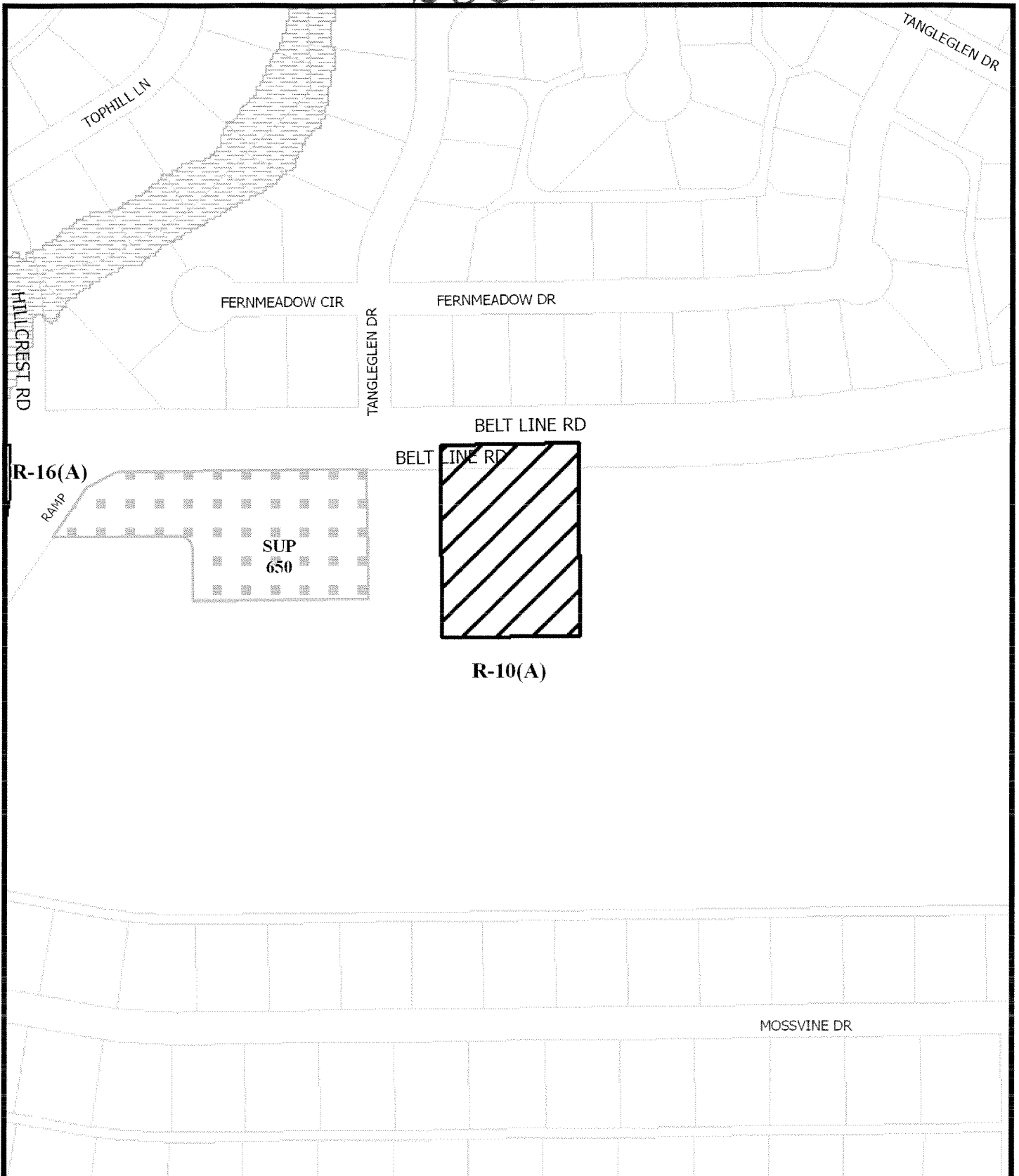
Specific Use Permit  
No. 1944

SV-1	NO:	DATE:	DESCRIPTION:	 	<b>SURVEY</b> SITE NAME: DALLAS FIRE STATION No 56 SITE NUMBER: DX4398 6990 BELT LINE ROAD DALLAS, TX 75254
	1	08/26/2001	DATE OF SEARCH		
	2	08/26/2001	FOCUS		
	3	08/26/2001			
	4		WORTH LEGAL DESCRIPTION		
	5				

212-140

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1:2,400

## ZONING AND LAND USE

Case no: Z112-140

Date: 1/3/2012