

8-2-12

ORDINANCE NO. 28729

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as an LC Light Commercial Subdistrict within Planned Development District No. 193 (the Oak Lawn Special Purpose District) with a D-1 Liquor Control Overlay:

BEING a portion of Lot 8A in City Block 11/971; fronting approximately 176.76 feet on the southwest line of Lemmon Avenue; fronting approximately 215.15 feet on the northwest line of Noble Avenue; and containing approximately 0.8089 acre,

to be used under Specific Use Permit No. 1980 for the sale of alcoholic beverages in conjunction with a retail food store; 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

28729

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 LC Light Commercial Subdistrict within Planned Development District No. 193 (the Oak Lawn Special Purpose District) with a D-1 Liquor Control Overlay, to be used under Specific Use Permit No. 1980 for the sale of alcoholic beverages in conjunction with a retail food store.

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 retail food store.
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 August 8, 2014, 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. DRIVE-THROUGH WINDOW: A drive-through window may not be used for retail sales of alcoholic beverages.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

28729

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.

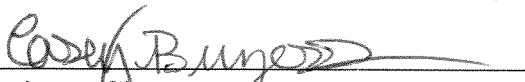
SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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 AUG 08 2012

GIS\_APPROVED

Walgreen Co.

Zoning Change Application for 3418 McKinney Ave., Dallas, Texas 75204

**Lot and Block**

**BLK 11/971 LT 8A (portion thereof)**

**Metes and Bounds**

Beginning at a 1/2 inch capped steel rod found for the most southerly corner of said Lot 8A, said rod being in the northwesterly right-of-way line of Noble Avenue;

Thence North 45 degrees 11 minutes 00 seconds West with the southwesterly boundary line of said Lot 8A (the bearing basis of this tract) a distance of 126.89 feet to the northwesterly limit of the D-Overlay as shown on the City of Dallas Zoning Map (as of September 2011);

Thence North 27 degrees 55 minutes 00 seconds East with said D-Overlay limit a distance of 235.16 feet to the northeasterly boundary line of said Lot 8A, same being in the southwesterly right-of-way line of Lemmon Avenue West;

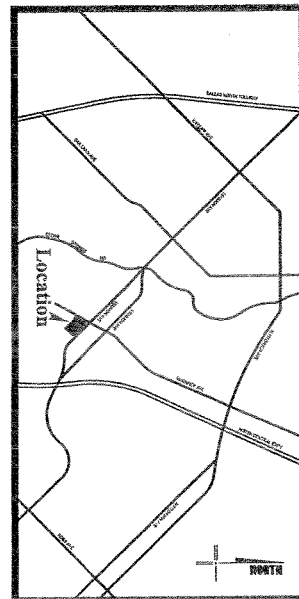
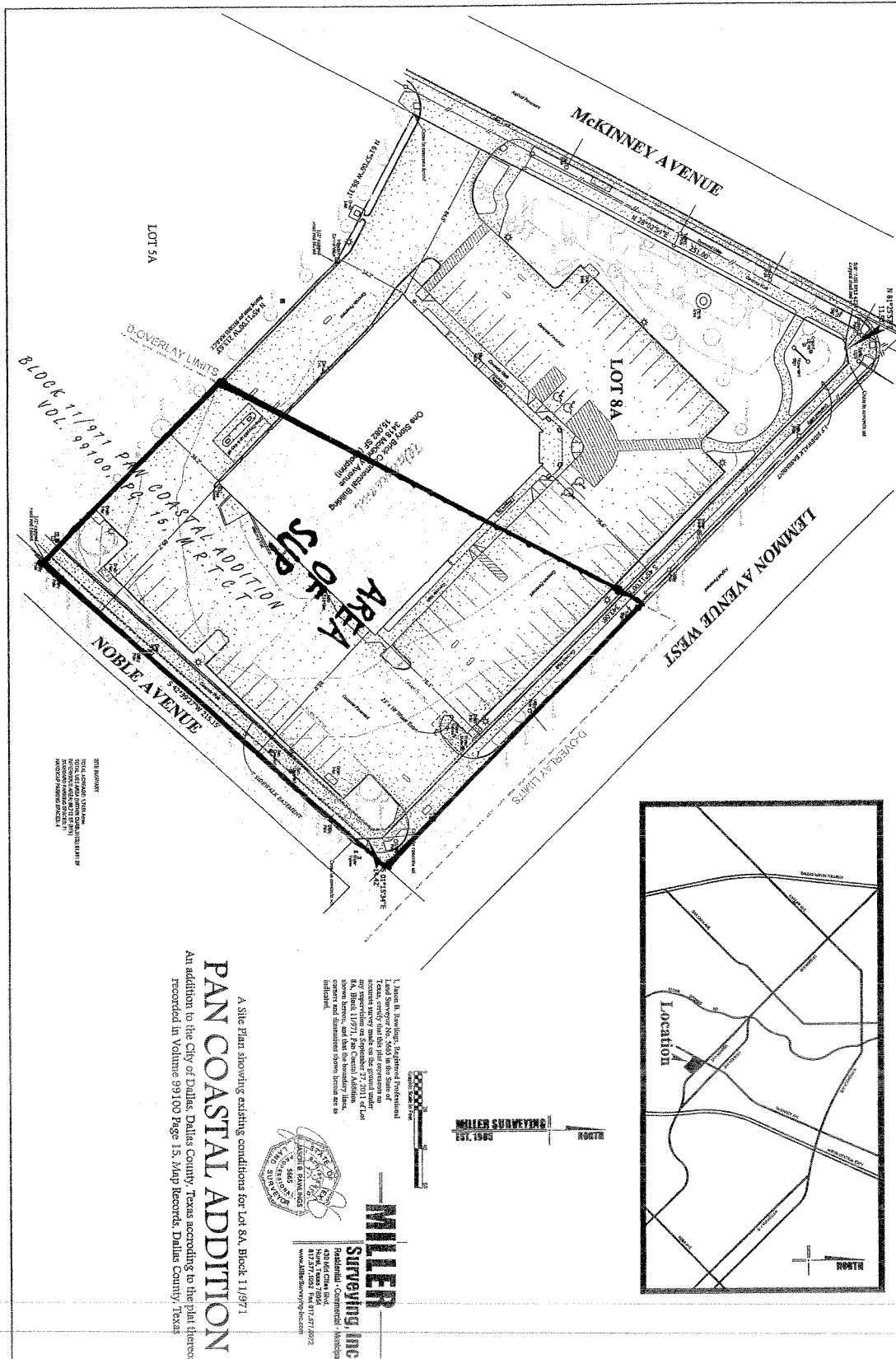
Thence South 45 degrees 11 minutes 00 seconds East with said northeasterly boundary and said southwesterly right-of-way line a distance of 176.76 feet to a cross in concrete set for the northerly corner of a corner clip at the intersection of said southwesterly right-of-way line and said northwesterly right-of-way line;

Thence South 01 degrees 15 minutes 34 seconds East with the easterly boundary line of said Lot 8A and with said corner clip a distance of 14.42 feet to a cross in concrete set for the southerly corner of said corner clip;

Thence South 42 degrees 39 minutes 27 seconds West with the southeasterly boundary line of said Lot 8A and with said northwesterly right-of-way line a distance of 215.15 feet to the point of beginning and containing 0.8089 acres of land.

Z112-231

28729



A Site Plan showing existing conditions for Lot 8A, Block 11/971  
**PAN COASTAL ADDITION**  
 An addition to the City of Dallas, Dallas County, Texas according to the plat thereof  
 recorded in Volume 99100 Page 15, Map Records, Dallas County, Texas



I, Jason B. Sealing, Registered Professional  
 Land Surveyor No. 5661 in the State of  
 Texas, do hereby certify that the above  
 plat is a true and correct copy of the  
 original as shown to me by the owner  
 or his agent, and that the boundaries here  
 shown and distances shown herein are as  
 indicated.

**MILLER**  
 Surveying Inc.

11277001 Fax 817.371.8012  
 Suite 1000  
 Dallas, Texas 75244  
 www.millersurveying.com

**MILLER SURVEYING**  
 EST. 1965

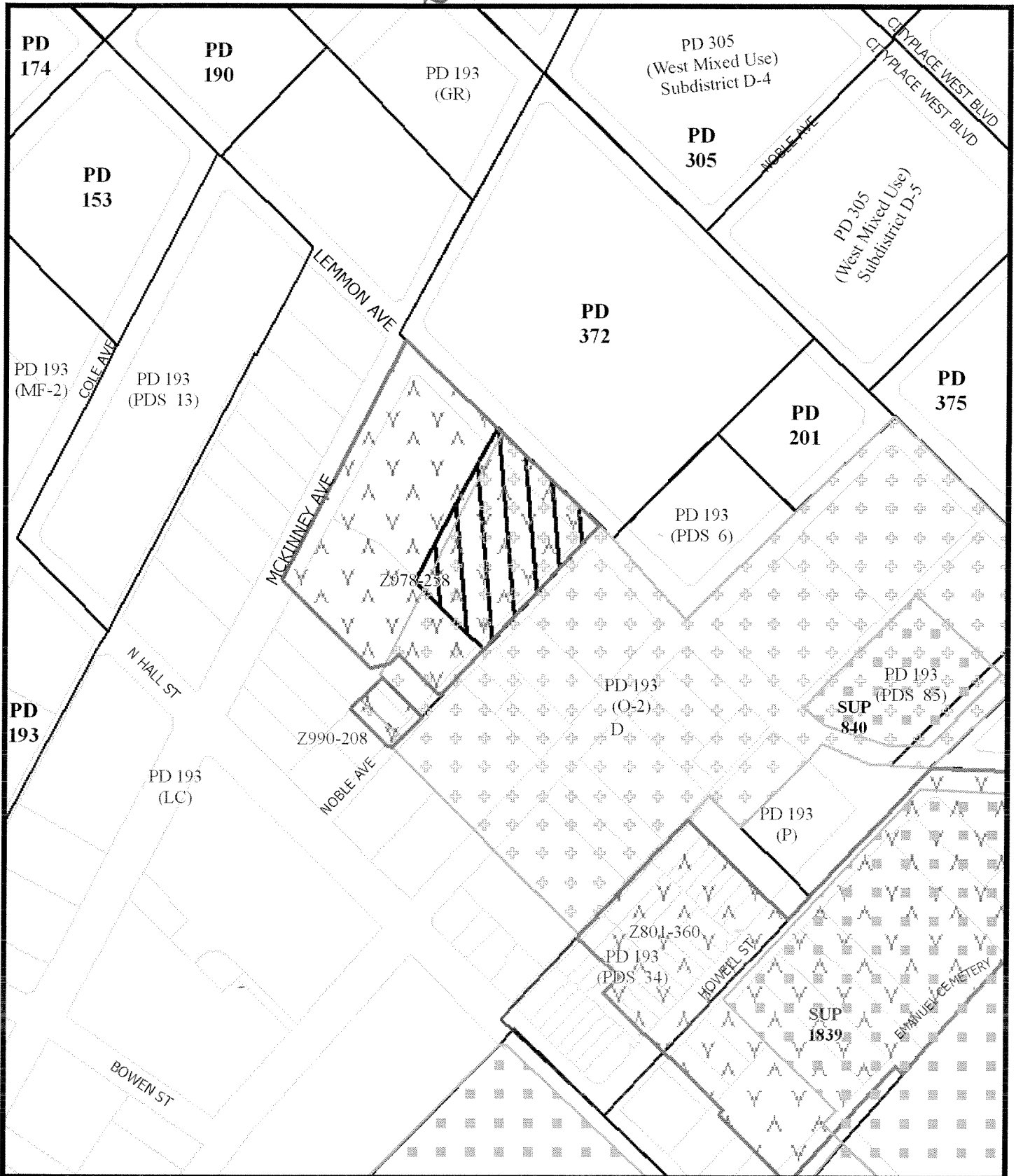
Approved  
 City Plan Commission  
 June 21, 2012

Specific Use Permit  
 No. 1980

2112-231

28729

121953



1:2,400

# **ZONING AND LAND USE**

Case no: **Z112-231**

Date: **5/24/2012**