

11-9-12

ORDINANCE NO. 28835

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as a D(A) Duplex District:

BEING a tract of land in City Block 1674 generally bounded by the abandoned portion of East Side Avenue, East Side Avenue, Santa Fe Avenue, and the prolongation of Fulton Avenue; and containing approximately 6.56 acres,

to be used under Specific Use Permit No. 351; amending Ordinance No. 15974, passed by the Dallas City Council on October 4, 1978, as amended by Ordinance No. 16213, passed by the Dallas City Council on May 2, 1979, as amended by Ordinance No. 18088, passed by the Dallas City Council on December 14, 1983, which amended the zoning ordinances of the City of Dallas, and granted Specific Use Permit No. 351 for a day care center, nursing home, residence home for aging, child caring institution, health center, and community center; amending the conditions in Section 2 of Ordinance No. 15974, as amended; providing a revised property description; providing a revised site plan; 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 held the required public hearings regarding this expansion and amendment to Specific Use Permit No. 351; 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 expand and amend Specific Use Permit No. 351; 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, which is presently zoned as a D(A) Duplex District, to be used under Specific Use Permit No. 351 for a day care center, nursing home, residence home for aging, child caring institution, health center and community center:

BEING a tract of land in City Block 1674 generally bounded by the abandoned portion of East Side Avenue, East Side Avenue, Santa Fe Avenue, and the prolongation of Fulton Avenue; and containing approximately 6.56 acres.

The entire expanded area for Specific Use Permit No. 351 is described in Exhibit A, which is attached to and made a part of this ordinance, ("the Property").

SECTION 2. That the conditions in Section 2 of Ordinance No. 15974, as amended, are amended to read as follows:

- “1. SITE PLAN: Use and d[~~D~~]evelopment [~~and utilization~~] of the P[~~p~~]roperty must comply with the attached site plan [~~approved by the city plan commission on November 3, 1983, which is attached to and made a part of this ordinance~~].
2. USES: The only u[~~U~~]ses authorized by [~~within~~] this s[~~S~~]pecific u[~~U~~]se p[~~P~~]ermit are [~~shall include~~] a day care center for children and adults, a nursing home, a residence home for the aging, a child caring institution, a health center and a community center along with the staff houses, dormitories, maintenance buildings, administrative offices, and related uses.

3. PARKING: ~~Except as provided in this paragraph, p[P]arking must be provided in accordance with the Dallas Development Code, as amended.[-and located as shown on the approved site plan for all uses except that parking]~~ Parking for the apartments for the elderly must be provided in accordance with the order of the Board of Adjustment in Appeal No. BDA 79-145/4797.
4. LANDSCAPING: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.
 - A. Plant materials must be maintained in a healthy, growing condition.
 - B. A visual screen of evergreen shrubs must be provided and maintained at a minimum height of four feet in front of the parking area facing Fowler Street.
 - C. Prior to the issuance of a new certificate of occupancy, the enhanced landscape area shown on the attached site plan must be provided.

~~[PAVING: All parking spaces, aisles, maneuvering areas, and driveway connections to street and/or alleys, whether enclosed or unenclosed, must be surfaced with non-combustible materials such as asphaltic paving materials or concrete. The surface must consist of a compacted subgrade covered by: 1) concrete paving; 2) hot mix asphaltic paving consisting of a binder course and a surface course; or 3) an approved equivalent. The surface must be maintained so as to be continuously hard, dustless, and suitable for use under all weather conditions.]~~
5. TIME LIMIT: This s[S]pecific u[U]se p[P]ermit has no expiration date [shall remain in effect for a permanent time period after passage of the ordinance].
6. MAINTENANCE: The Property must [entire premise shall] be properly maintained in a state of good repair and neat appearance [at all times].
7. ~~[SIGNS: All signs must comply with the provisions for non-business zoning districts contained in Article VII, "Sign Regulations," of the Dallas Development Code, as amended.]~~
- 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. [Utilization of this property shall be in compliance with all other applicable codes and regulations and regulations of the City of Dallas.]

9. ~~SCREENING: A visual screen of evergreen shrubs shall be provided and maintained at a 4 foot height in front of the parking lot facing East Side Avenue and in front of the parking lot facing Fowler Street, as indicated on the approved revised site plan.]”~~

SECTION 3. That the site plan attached to Ordinance No. 18088 is replaced by the site plan attached to this ordinance.

SECTION 4. 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 5. 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 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 NOV 14 2012

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Description of a 20.813 acre tract of land situated in the Robert Moore Survey, Abstract No. 999, in the City of Dallas, Dallas County, Texas, said 20.813 acre tract being comprised of the following tracts:

1. Lot 1A and Lot 2A, Block 1/1617, Juliette Fowler Homes Addition No. 2, an addition to the City of Dallas, Dallas County, Texas according to the final plat thereof recorded in Volume 2003166, Page 83, Official Property Records, Dallas County, Texas;
2. The abandoned right-of-way of East Side Avenue northeast of Fulton Street according to City of Dallas Ordinance No. 28486; and
3. Various tracts of land in City Block 1674 conveyed to Juliette Fowler Properties, Inc. by deeds recorded in County Clerk's Instrument No. 20080201114 and 20080201115, Official Property Records, Dallas County, Texas;

said 20.813 acre tract being more particularly described as follows;

BEGINNING, at a 5/8-inch iron rod with cap stamped (PATE ENGRS.) found in the southeasterly right-of-way line of Reiger Avenue (a 50 foot right-of-way) at the northerly end of a 10-foot corner clip with the easterly right-of-way line of Abrams Road (a 100 foot right-of-way);

THENCE, North 46 degrees 40 minutes 40 seconds East, with the southeasterly right-of-way of said Reiger Avenue, a distance of 618.82 feet to a 5/8-inch iron rod with cap stamped (PATE ENGRS.) found for corner at the westerly end of a 10-foot corner clip with Juliette Fowler Street (a 55 foot right-of-way);

THENCE, South 89 degrees 26 minutes 50 seconds East, with said corner clip, a distance of 14.42 feet to a 5/8-inch iron rod with cap stamped (PATE ENGRS.) found for corner at the easterly end of said corner clip, said point being in the southwesterly right-of-way line of said Juliette Fowler Street;

THENCE, South 45 degrees 34 minutes 21 seconds East, with said southwesterly right-of-way line, a distance 313.00 feet to a 1/2-inch iron rod found for corner at the intersection of said southwesterly right-of-way line with the southeasterly right-of-way line of Columbia Avenue (a 60 foot right-of-way);

THENCE, North 46 degrees 40 minutes 08 seconds East, with said right-of-way line of said Columbia Avenue, a distance of 55.00 feet to a 1/2-inch iron rod found for corner;

THENCE, South 45 degrees 34 minutes 21 seconds East, leaving said right-of-way line of Columbia Avenue, a distance of 560.48 feet to a 1/2-inch iron rod with plastic cap stamped "Halff" found for the north corner of said abandoned right-of-way of East Side Avenue, said point being the southerly corner of Randall Park, Tract 1, as recorded in Volume 1247, Page 378 of said deed records;

THENCE, South 46 degrees 44 minutes 24 seconds East, with the northeast line of said abandonment, a distance of 50.04 feet to a 1/2-inch iron rod with plastic cap stamped "Halff" found for the east corner of said abandonment;

THENCE, South 45 degrees 37 minutes 12 seconds East, a distance of 160.68 feet to a point for corner; said point being also the north corner of a tract of land conveyed to Emanuel Templo Pentecostes by deed recorded in Volume 97149, Page 4527, Deed Records, Dallas County, Texas;

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THENCE, South 45 degrees 33 minutes 29 seconds West, with the northwest line of said Emanuel Templo Penecostes tract, at a distance of 39.25 feet pass the west corner of said Emanuel Templo Pentecostes tract; said point being also the north corner of a tract conveyed to Emmanuel Pentecostal Church, Inc., et al, by deed recorded in Volume 94151, Page 540, Deed Records, Dallas County, Texas; continuing, with the northwest line of said Emmanuel Pentecostal Church tract, in all, a distance of 99.42 feet to a 1/2-inch iron rod with plastic cap stamped "Halff" found for the west corner of said Emmanuel Pentecostal Church tract; said point being also on the northeast line of a tract conveyed to Delfino S. Memije by deed recorded in Volume 2004020, Page 83, Deed Records, Dallas County, Texas;

THENCE, North 45 degrees 37 minutes 27 seconds West, a distance of 8.88 feet to the north corner of said Memije tract (a found 1/2-inch iron rod bears North 45 degrees 37 minutes 27 seconds West, 2.14 feet);

THENCE, South 45 degrees 33 minutes 29 seconds West, with the northwest line of said Memije tract, a distance of 49.98 feet to the west corner of said Memije tract;

THENCE, South 45 degrees 37 minutes 27 seconds East, with the southwest line of said Memije tract, a distance of 177.63 feet (a 1/2-inch iron rod found for the south corner of said Memije tract bears South 45 degrees 37 minutes 27 seconds East 1.37 feet) to a point for corner on the northwest right-of-way line of Santa Fe Road;

THENCE, South 44 degrees 26 minutes 01 seconds West, with said northwest right-of-way line, a distance of 627.08 feet to a point for corner; said point being also the east corner of a tract of land conveyed to David and Luisa Hernandez by deed recorded in Volume 98103, Page 3343, Deed Records, Dallas County, Texas;

THENCE, North 45 degrees 06 minutes 31 seconds West, with the northeast line of said Hernandez tract, a distance of 172.00 feet to a point for the north corner of said Hernandez tract; said point being also on the southeast right-of-way line of an 18-foot alley;

THENCE, North 44 degrees 51 minutes 42 seconds East, with the southeast right-of-way line of said alley, a distance of 95.98 feet to a point at the intersection of said alley right-of-way line with the northeast right-of-way line of Fulton Street (a variable width right-of-way);

THENCE, North 45 degrees 06 minutes 31 seconds West, with said right-of-way line of Fulton Street, at a distance of 162.99 feet pass a 1/2-inch iron rod with plastic cap stamped "Halff" found for the southwest corner of said abandonment; continuing, at an additional distance of 65.54 feet pass a 1/2-inch iron road with plastic cap stamped "Halff" found for the most westerly corner of said abandonment; continuing, in all, a distance of 727.63 feet to a cut "+" in concrete found for the intersection of said right-of-way line of Fulton Street with the northwest right-of-way line of Columbia Avenue;

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THENCE, South 45 degrees 00 minutes 00 seconds West, with said northwesterly right-of-way line of said Columbia Avenue, a distance of 245.37 feet to a 1/2-inch iron rod found for corner, said point being the southeasterly corner of Lot 12, Block D/432 of E. Columbia Place, as recorded in Volume 1, Page 133 of said deed records;

THENCE, North 45 degrees 06 minutes 31 seconds West, leaving the northerly right-of-way line of said Columbia Avenue and along the northerly line of said Lot 12, a distance of 200.00 feet to a 1/2-inch iron rod found for the northwesterly corner of said Lot 12;

THENCE, South 45 degrees 00 minutes 00 seconds West, along the westerly line of said Lot 12, a distance of 4.84 feet to a 1/2-inch iron rod found for corner in the easterly right-of-way line of said Abrams Road;

THENCE, North 05 degrees 09 minutes 02 seconds East, along the easterly right-of-way line of said Abrams Road, a distance of 283.49 feet to a 5/8-inch iron rod with cap stamped (PATE ENGRS.) found for corner at the southerly end of a 10 foot corner clip with said Reiger Avenue;

THENCE, North 25 degrees 54 minutes 51 seconds East, with said corner clip, a distance of 18.70 feet to the POINT OF BEGINNING;

CONTAINING, 906,595 square feet or 20.813 acres of land, more or less.

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Site Plan

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ABRAMS RD.

REIGER AVE.

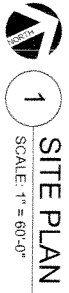
JULIETTE FOWLER ST.

COLUMBIA AVE.

S. FULTON ST.

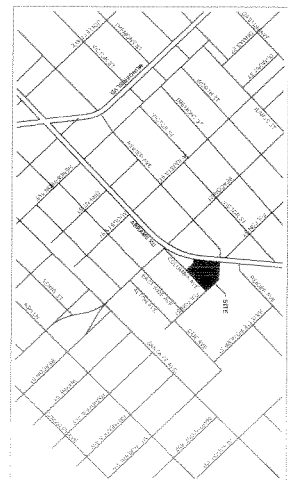
MT. AUBURN AVE.

SANTA FE AVE.



1 SITE PLAN
SCALE: 1" = 60'-0"

Specific Use Permit
No. 351



VICINITY MAP

NTS



USE	EXISTING	PROPOSED	FUTURE EXPANSION	TOTAL
SITE AREA (SQ. FT.)	150,000	150,000	150,000	450,000
LOT AREA (SQ. FT.)	150,000	150,000	150,000	450,000
LOT COVER	150,000	150,000	150,000	450,000
HEIGHT/TOWNS	150,000	150,000	150,000	450,000
ENTIRE SITE TO BE PURSUANT OF ARTICLE X				

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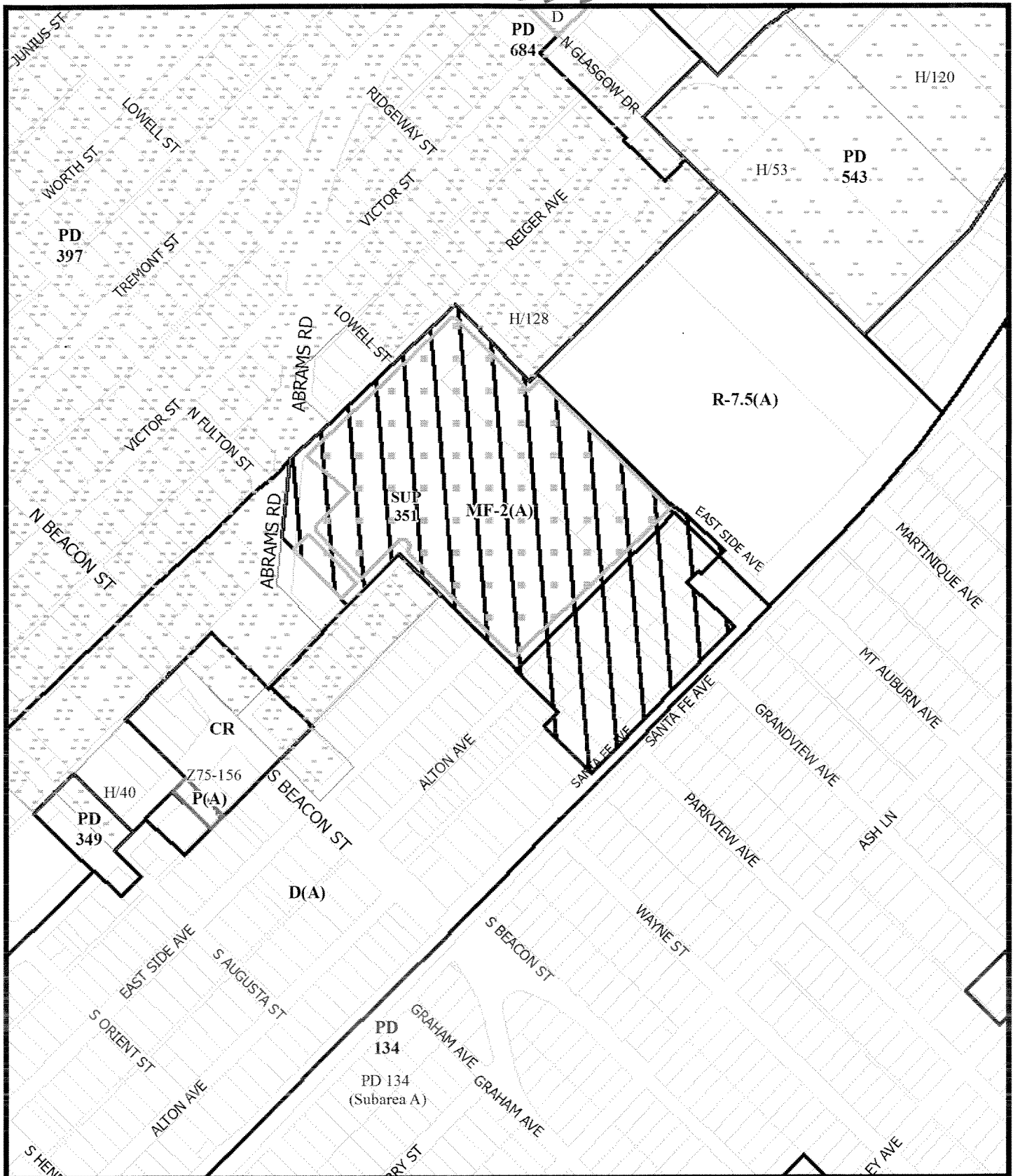
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SITE PLAN			
JULIETTE FOWLER HOMES			
CITY OF DALLAS, TEXAS			
PREPARED BY	DATE	SCALE	NOTES
A.S.	09/12	1"=60'	

Approved
City Plan Commission
October 4, 2012

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1:4,800

ZONING AND LAND USE

Case no: **Z112-253**Date: **10/22/2012**