

10-4-13

ORDINANCE NO. 29169

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as Tract A within Planned Development District No. 269 (the Deep Ellum/Near East Side District):

BEING part of Lot 47 in City Block A/480; fronting approximately 25.21 feet on the south line of Elm Street 102.76 feet west of Crowds Street; and containing approximately 2,726 square feet of land,

to be used under Specific Use Permit No. 2050 for a bar, lounge, or tavern; 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 Tract A within Planned Development District No. 269, to be used under Specific Use Permit No. 2050 for a bar, lounge, or tavern.

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 bar, lounge, or tavern.
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 October 8, 2015.
4. FLOOR AREA: The maximum floor area is 1,733 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The bar, lounge, or tavern may only operate between 4:00 p.m. and 2:00 a.m. (the next day), Monday through Friday, and between 12:00 p.m. and 2:00 a.m. (the next day), Saturday and Sunday.
6. OFF-STREET PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.
7. OUTSIDE SPEAKERS: Outside speakers are prohibited.
8. PATIO: An open air patio not to exceed 887 square feet in area is permitted in the location shown on the attached site plan.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. 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 City of Dallas.

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:

WARREN M.S. ERNST, Interim City Attorney

BY Casey Buysse
Assistant City Attorney

OCT - 8 2013

Passed _____

GIS_Approved

Exhibit A

29169

Property Description

Being a tract of land situated in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, being a portion of Lot 47, Block A/480, of Eliza McCoy's Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 150, Page 407 of the Deed Records of Dallas County, Texas, being a portion of that same tract of land conveyed to Elm Street Realty, Ltd. by deed recorded in Instrument No. 20080122945 of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the South right-of-way line of Elm Street (60 foot public right-of-way) and the West right-of-way line of Crowds Street (50 foot public right-of-way), said point being the Northeast corner of a tract of land conveyed to Westdale Properties America I, Ltd. by deed recorded in Instrument No. 200900205165 of the Official Public Records of Dallas County, Texas;

Thence South 76 Degrees 45 Minutes 00 Seconds West, along the South right-of-way line of said Elm Street passing and "X" found at the Northeast corner of said Elm Street Realty, Ltd. tract, same being the Northwest corner of said Westdale Properties America I, Ltd. tract, at a distance of 53.00 feet and continuing for a total distance of 102.76 feet to an "X" set in brick for corner, said point being the Northeast corner and POINT OF BEGINNING of herein described tract;

Thence South 13 Degrees 22 Minutes 07 Seconds East, departing the South right-of-way line of said Elm Street, passing the face of a brick building at 2.9 feet and along the common wall of two buildings, and traversing through said Elm Street Realty, Ltd. tract, passing the corner of a building at a distance of 72.94 feet and continuing for a total distance of 108.36 feet to a 1/2 inch iron rod set for corner with a yellow cap stamped "TXHS" in the North line of Lot 3, Block 2/480 of the Crowds & Akard Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume W, Page 625 of the Plat Records of Dallas County, Texas, said point being the Southeast corner of herein described tract;

Thence South 77 Degrees 40 Minutes 00 Seconds West, along the North line of said Lot 3, a distance of 25.21 feet to a 1/2 inch iron rod set for corner with a yellow cap stamped "TXHS", said point being the Southwest corner of herein described tract;

Thence North 13 Degrees 22 Minutes 07 Seconds West, passing the Southwest corner of a building at a distance of 34.95 feet and continuing along the common wall of two buildings, passing the northerly face of said buildings at a distance of 105.15 feet and continuing for a total distance of 107.96 feet to an "X" set in brick for corner on the South right-of-way line of the aforementioned Elm Street, said point being the Northwest corner of herein described tract;

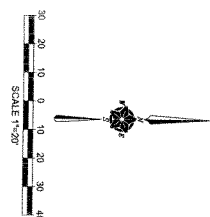
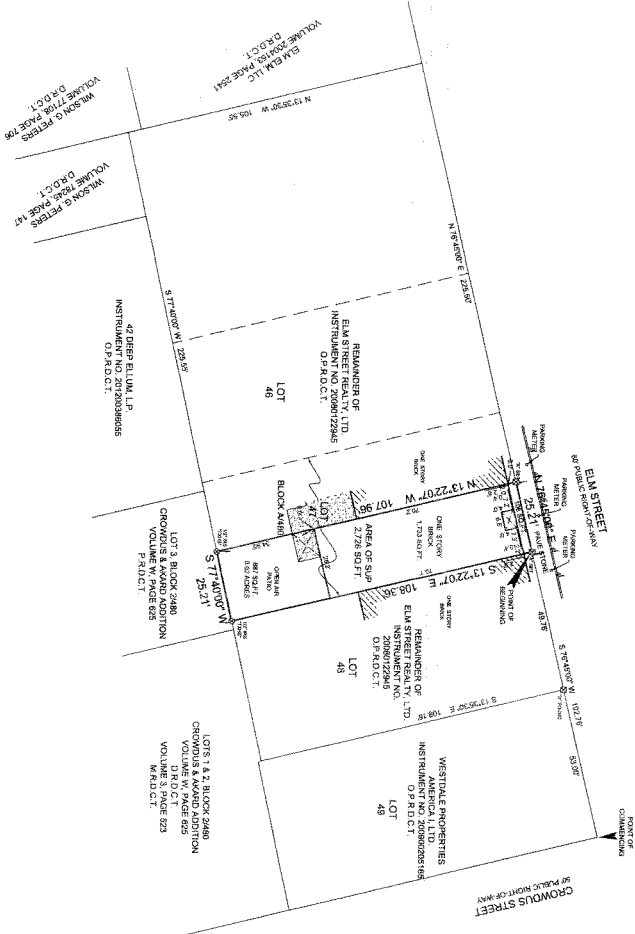
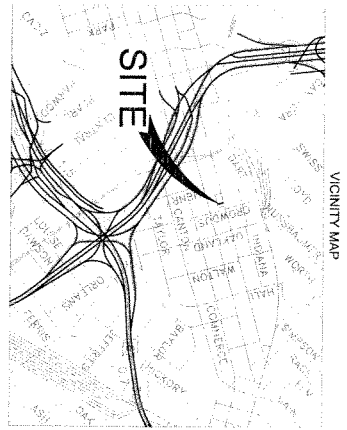
Exhibit A

GIS_Approved

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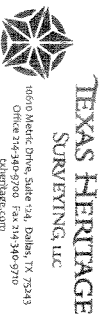
Thence North 76 Degrees 45 Minutes 00 Seconds East, along the South right-of-way line of said Elm Street, a distance of 25.21 feet to the POINT OF BEGINNING and containing 2,726 square feet or 0.06 acres of land.

Site Plan Specific Use Permit No. 2050



- LEGEND
- Hand-drawn sketch
 - As-built
 - Proposed
 - Survey
 - Utility
 - Structure
 - Plant
 - Equipment
 - Material
 - Other

SUP SITE PLAN
2716 ELM STREET
PORTION OF LOT 47, BLOCK
A/480 ELZA MCGOWAN'S ADDITION
DALLAS, DALLAS COUNTY, TEXAS
DRAWN BY: HDB
DATE: 05/22/2013
LAST REVISED: 09/13/2013
SCALE: 1"=20'
GIS123407 2123--289 (WE)

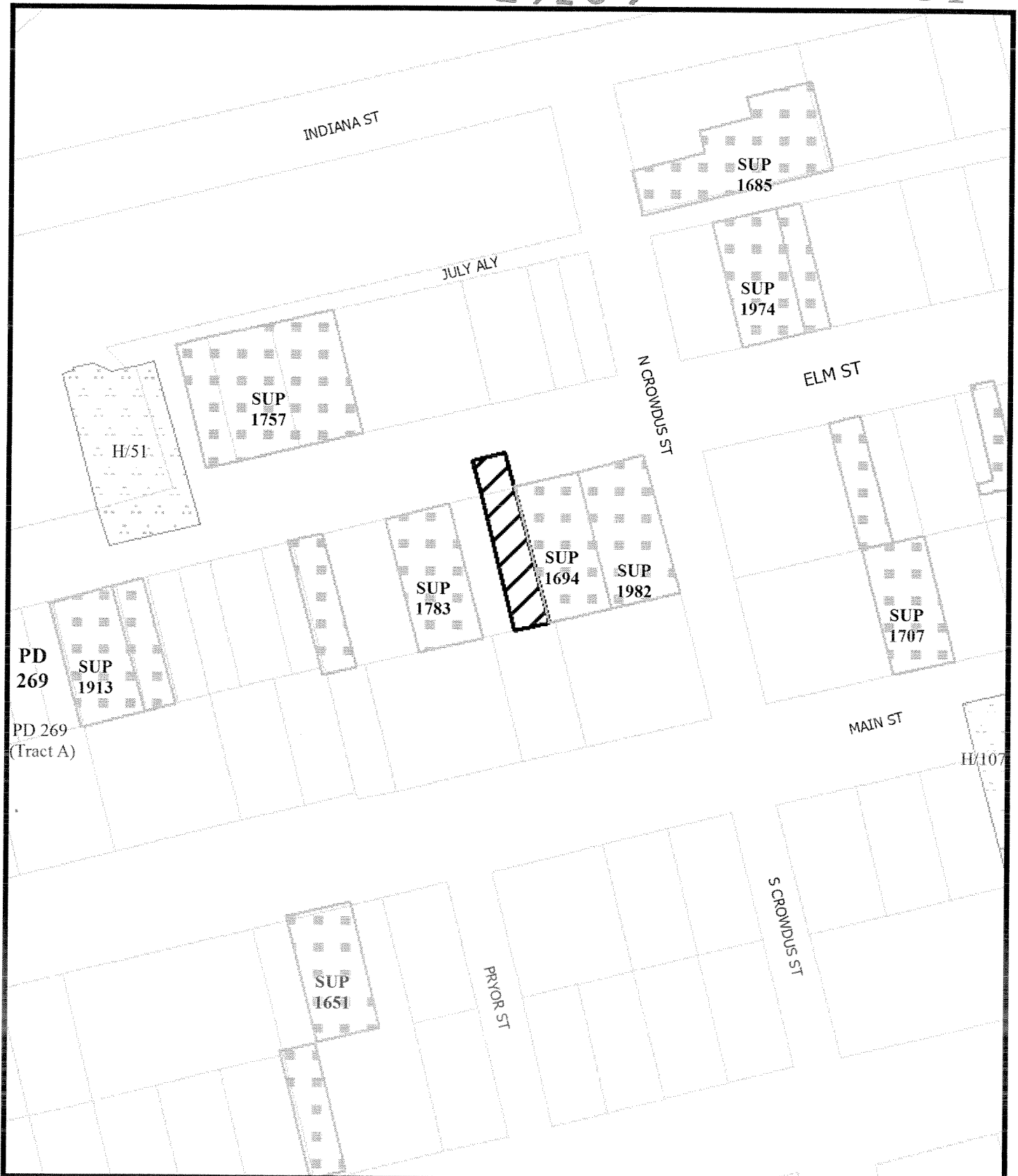


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1:1,200

ZONING MAP

Case no: Z123-299

Date: 9/25/2013