

9-9-15

ORDINANCE NO. 29853

An ordinance amending Ordinance No. 16548, passed by the Dallas City Council on April 30, 1980, which amended the zoning ordinances of the City of Dallas, and granted Specific Use Permit No. 810 for a private utility service center and microwave tower; amending the property description and conditions in Sections 1 and 2 of that ordinance; 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 have held the required public hearings regarding this amendment to Specific Use Permit No. 810; and

WHEREAS, the city council finds that it is in the public interest to amend Specific Use Permit No. 810; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the property description in Section 1 of Ordinance No. 16548 is replaced with the property description attached to this ordinance as Exhibit A.

SECTION 2. That the conditions in Section 2 of Ordinance No. 16548 are amended to read as follows:

- “1. USE: The only use authorized by this specific use permit is a private utility service center and microwave tower.
2. SITE PLAN [Site Plan]: Use and development [Utilization] of the P[roperty] must comply with [shall be in conformance with a City Plan Commission approved] the attached site plan [which shall be attached to and made a part of the ordinance].

- 3[2]. TIME LIMIT: This specific use permit has no expiration date. [~~Parking: Parking shall be provided in accordance with the provisions of Division 20-400 of the Comprehensive General Zoning Ordinance of the City of Dallas, and shall be located as shown on the approved site plan.~~]
- 4[3]. LANDSCAPING AND BERMS: All landscaping and berms must be provided as shown on the site plan elevation. [~~Paving: All parking spaces, aisles, maneuvering areas and driveway connections to streets or alleys, whether enclosed or unenclosed, shall be surfaced in accordance with the provisions of Division 20-800 of the Comprehensive General Zoning Ordinance of the City of Dallas.~~]
- 5[4]. ACCESS:
- (A) Driveway A must remain open between the hours of 7:30 a.m. and 8:30 a.m., Monday through Friday.
- (B) Gates located within Driveways A and B must provide for emergency access, with final design and construction approved by the director of street services and the fire marshal. [~~Lighting: Illumination for the parking areas shall conform to the requirements of Section 20-818, Comprehensive Zoning Ordinance, Chapter 51, Dallas City Code.~~]
- 6[5]. FENCING:
- (A) A minimum six-foot-high fence must be provided in the locations shown on the attached site plan.
- (B) A minimum six-foot-high wrought iron fence must be provided along the southern property line in the location shown on the attached site plan.
- (C) A minimum four-foot-high wrought iron fence must be provided along the southern property line in the location shown on the attached site plan.
- (D) Solid screening walls must be provided in the locations and at the heights shown on the attached site plan. [~~Landscaping: All berms and plantings shall conform to the site plan and any vegetation shall be maintained in a healthy state.~~]
- 7[6]. FLOOR AREA: The maximum floor area is 68,264 square feet. [~~R.O.W. Reservation: No permanent structures, with the exception of a fence, shall be placed in the area designated for future right-of-way for S.H. 190.~~]
- 8[7]. HEIGHT:
- (A) The microwave tower may not exceed 200 feet in height.

(B) The private utility service center may not exceed 24 feet in height.  
~~[Height: No buildings shall exceed two stories as that term is defined in the Comprehensive General Zoning Ordinance of the City of Dallas, except that the microwave tower may extend to a height of 200 feet.]~~

9[8]. RETAINING WALL: Before the issuance of an amended certificate of occupancy, one of the following must be provided for a retaining wall that exceeds three feet in height:

(A) The street-facing portion of the retaining wall exceeding three feet in height must consist of brick, stone, block, or a combination of these materials.

(B) One, or a combination of the following plant groups, must be planted in front of the street-facing portion of the retaining wall so that a solid plant appearance occurs within three years:

(1) evergreen shrubs, each a minimum of six feet in height.

(2) evergreen vines and trellis supports. ~~[Maintenance:—The entire premises shall be properly maintained in a state of good repair and neat appearance at all times.]~~

~~[9. Time Limit: This Specific Use Permit shall remain in effect for a permanent time period after passage of this ordinance.]~~

10. SIGNS ~~[Signs]:~~ ~~[All-s]Signs must comply with [shall follow] the provisions for non-business zoning districts in Article VII [category (Article IV) of Chapter 41 “Sign Standards” of the Dallas City Code].~~

11. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance. ~~[Screening and Fencing:—A six foot solid screening fence shall be erected along the eastern boundary of the Specific Use Permit between Frankford Road and the proposed southwestern right-of-way line of State Highway 190 prior to the issuance of the Certificate of Occupancy. A six foot chain link fence shall be erected along the eastern boundary line extending into the area reserved for State Highway 190 and containing along the proposed right-of-way center line of State Highway 190 to the western boundary of the Specific Use Permit.~~

~~Upon commencement of construction of State Highway 190, the six foot chain link fence shall be removed and a six foot solid screening fence shall be erected along the southwestern boundary of the highway as indicated on the approved site plan.]~~

12. GENERAL REQUIREMENTS [~~General Requirements~~]: Use [~~Utilization~~] of the [~~this~~] P[~~p~~]roperty must comply with all federal and state laws and regulations, and with [~~shall be in compliance with the requirements of~~] all ordinances, rules, [~~other applicable codes~~] and regulations of the City of Dallas.”

SECTION 3. That the site plan attached to Ordinance No. 16548 is replaced by the site plan attached to this ordinance.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. 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 6. 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 7. 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, City Attorney

By Caden Burgess  
Assistant City Attorney

SEP 09 2015

Passed \_\_\_\_\_

Exhibit A  
LEGAL DESCRIPTION

Being a 25.47 acre tract of land situated in the Martha McBride Survey, Abstract Number 553, City of Dallas, Collin County, Texas, being all of Lot 1A, Block A/8756 of the North Service Center Addition, Revised, an addition to the City of Dallas, Collin County, Texas as recorded in Cabinet J, Slide 320 of the Plat Records of Collin County, Texas, (P.R.C.C.T.) also being part of that tract of land described in Warranty Deed to Dallas Power and Light Company as recorded in Volume 1257, Page 35 of the Deed Records of Collin County, Texas, (D.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a found ½ inch iron rod for the southeast corner of said 25.470 acre tract and southwest corner of Lot 3A, Block A/8759, Jefferson at Frankford, as recorded in Cabinet J, Slide 401, P.R.C.C.T., being on the north right-of-way line of Frankford Road (100 feet wide);

THENCE South 89 degrees 36 minutes 37 seconds West, along the common south line of said 25.470 acre tract and the north right-of-way line of said Frankford Road, a distance of 809.31 feet to a set 5/8 inch iron rod with yellow cap stamped "DUNAWAY ASSOC> LP" for the southwest corner of said Lot 1A, and being on the east line of an apparent 150 feet wide right-of-way to Dallas Power and Light Company, as recorded in Volume 977, Page 747, of the Deed Records of Dallas County, Texas (D.R.D.C.T.);

THENCE North 00 degrees 11 minutes 23 seconds West, departing the north right of way line of said Frankford Road, along the common line between the west line of said Lot 1A and the east line of said Dallas Power and Light Company right of way, a distance of 62.93 feet to a point from which a found 1-inch square bolt bears South 36 degrees 04 minutes 26 seconds East, a distance of 1.02 feet;

THENCE North 37 degrees 44 minutes 18 seconds West, continuing along said common line, a distance of 504.83 feet to a point from which a found ¾ inch iron rod bears South 73 degrees 37 minutes 41 seconds East, a distance of 1.00 feet;

THENCE North 00 degrees 04 minutes 47 seconds West, continuing along said common line, a distance of 1025.65 feet to a found 5/8 inch iron rod for the northwest corner of said Lot 1A and the most northerly southwest corner of said Lot 3;

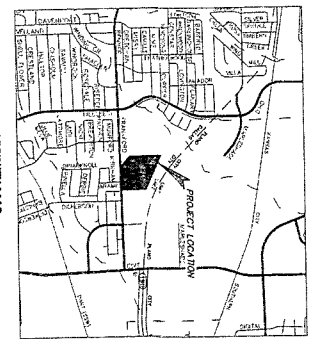
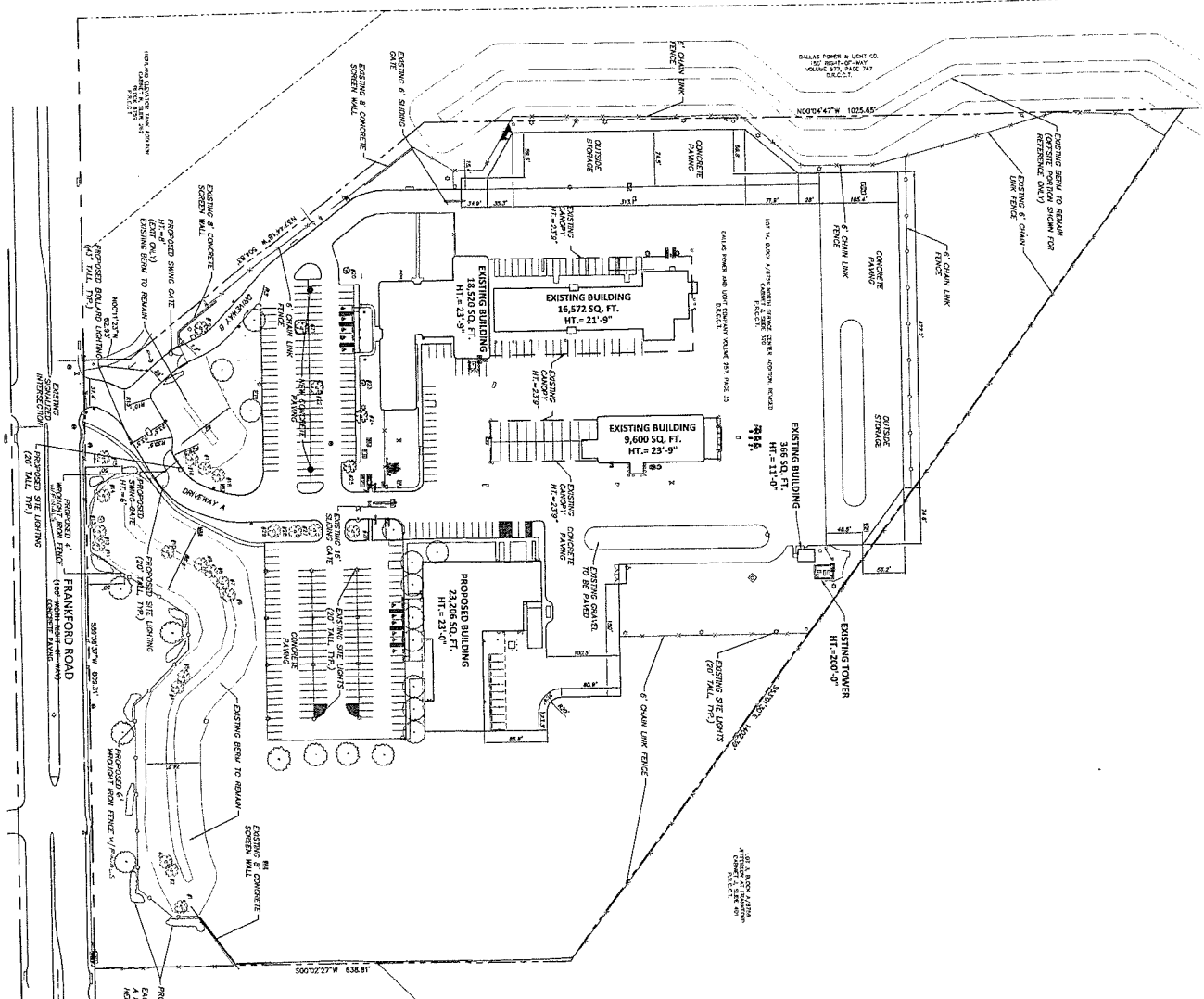
THENCE South 53 degrees 01 minute 30 seconds East, along the common line between said 25.47 acre tract and said Lot 3, a distance of 1402.39 feet to a point from which a found 5/8 inch iron rod with yellow cap stamped "ATKINS" bears North 38 degrees 40 minutes 16 seconds West, a distance of 0.92 feet;

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GIS\_Approved

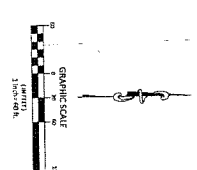
THENCE South 00 degrees 02 minutes 27 seconds West, continuing along said common line, a distance of 638.81 feet to the POINT OF BEGINNING and containing 25.47 acres of land, more or less.



**Site Plan (Revised)**  
**Specific Use Permit**  
**No. 810**

LEGEND

SYMBOL	DESCRIPTION
(Symbol)	EXISTING BUILDING
(Symbol)	PROPOSED BUILDING
(Symbol)	EXISTING PARKING
(Symbol)	PROPOSED PARKING
(Symbol)	EXISTING DRIVEWAY
(Symbol)	PROPOSED DRIVEWAY
(Symbol)	EXISTING FENCE
(Symbol)	PROPOSED FENCE
(Symbol)	EXISTING LANDSCAPING
(Symbol)	PROPOSED LANDSCAPING



AREA TABLE

NO.	DESCRIPTION	AREA (SQ. FT.)
1	EXISTING BUILDING	16,572
2	EXISTING BUILDING	9,600
3	EXISTING BUILDING	23,296
4	EXISTING BUILDING	18,590
5	EXISTING BUILDING	366
6	EXISTING BUILDING	366
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100	EXISTING BUILDING	366



<b>SITE PLAN</b>	<b>2/14/15-143(RB)</b>
<b>JOB</b>	14306.0000
<b>DATE</b>	08/21/2015
<b>SHEET</b>	

**North Dallas Service Center**  
 7309 Frankford Rd  
 Dallas, Texas 75252

**CORGAN ASSOCIATES, INC.**  
 7311 FRANKFORD ROAD  
 DALLAS, TEXAS 75252

**ISSUES**

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	08/21/2015
2	REVISIONS	
3		
4		
5		
6		
7		
8		
9		
10		



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

SEP 09 2015

DATE ADOPTED BY CITY COUNCIL \_\_\_\_\_

ORDINANCE NUMBER 29853

SEP 12 2015

DATE PUBLISHED \_\_\_\_\_

ATTESTED BY: