

9-30-15

ORDINANCE NO. 29898

An ordinance amending Ordinance No. 25842, passed by the Dallas City Council on January 12, 2005, which amended the zoning ordinances of the City of Dallas, and granted Specific Use Permit No. 1571 for a tower/antenna for cellular communication limited to a monopole cellular tower; amending the conditions in Section 2 of that ordinance; providing a revised site plan; reducing the area of the specific use permit; providing an new Exhibit A (property description) to reflect the removal of property from the special use permit; 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. 1571; and

WHEREAS, the city council finds that it is in the public interest to amend Specific Use Permit No. 1571; Now, Therefore,

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

SECTION 1. That the conditions in Section 2 of Ordinance No. 25842 are amended to read as follows:

- “1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication limited to a monopole cellular tower.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit [~~is approved for a time period that~~ expires on October 14, 2025 [~~January 12, 2015~~] but [~~and~~] is eligible for automatic renewal for additional ten-year periods<sup>[5]</sup> pursuant to Section 51A-4.219 of Chapter [~~CHAPTER~~] 51A of the Dallas City Code, as amended. For [~~In order 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. HEIGHT: The monopole cellular tower authorized by this specific use permit may not exceed 90 feet in height.
5. OFF-STREET PARKING: Off-street parking must be provided as shown on the attached site plan, with one space designated for this use.
6. SHARED USE WITH OTHER CARRIERS: Any tower/antenna for cellular communication over [~~support structure at this site authorized by this specific use permit that exceeds~~] 65 feet in height must be constructed to support the antenna arrays for at least two other wireless communications carriers, and the [~~The~~] tower/antenna for cellular communication [~~support structure~~] must be made available to other [~~wireless communication~~] carriers upon reasonable terms.
7. MAINTENANCE: The [~~entire~~] Property must be properly maintained in a state of good repair and neat appearance.
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.”

SECTION 2. That the Exhibit A (property description) attached to Ordinance No. 25842 is replaced by the Exhibit A (property description) attached to this ordinance.

SECTION 3. That the site plan attached to Ordinance No. 25842 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.

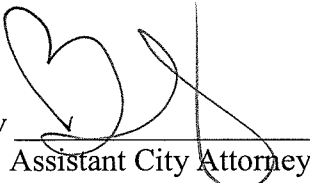
SECTION 5. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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  \_\_\_\_\_  
Assistant City Attorney

OCT 14 2015

Passed \_\_\_\_\_

## Exhibit A

BEING a 0.181 acre (7,888.67 square feet) tract of land situated in the Lorenzo Vancleave Survey, Abstract No. 1514, out of a called 0.394 acre tract of land, described in deed to Denton ESTA, recorded in Volume 85180, Page 975, Deed Records, Dallas County, Texas, and out of a called 9.894 acre tract of land, described in deed to Donaldson Properties LTD, recorded in Instrument Number 201300092149, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows;

COMMENCING at a point situated on centerline intersection of E. Kiest Boulevard (variable width public right-of-way) and South Lancaster Road (variable width public right-of-way), located at Texas State Plane Coordinates - Texas North Central Zone 4202 (Easting = 2,490,721.023; Northing = 6,944,935.998);

THENCE North 27° 17' 27" East for a distance of 307.82 feet to a point for the POINT OF BEGINNING;

THENCE North 60° 04' 00" East for a distance of 10.60 feet to a point for corner;

THENCE North 29° 50' 18" West for a distance of 23.00 feet to a point for corner;

THENCE North 60° 04' 00" East for a distance of 15.25 feet to a point for corner;

THENCE North 29° 56' 00" West for a distance of 62.45 feet to a point for corner;

THENCE South 60° 04' 00" West for a distance of 224.12 feet to a point for corner;

THENCE North 33° 45' 22" West for a distance of 20.04 feet to a point for corner;

THENCE North 60° 04' 00" East for a distance of 245.46 feet to a point for corner;

THENCE South 29° 56' 00" East for a distance of 127.21 feet to a point for corner;

THENCE South 60° 04' 00" West for a distance of 15.29 feet to a point for corner;

THENCE South 67° 38' 35" West for a distance of 30.47 feet to a point for corner;

THENCE North 31° 14' 22" West a distance of 17.74 feet to the POINT OF BEGINNING, and containing 0.181 acre (7,888.67 square feet) of land, more or less.

**ZONING SITE PLAN**

**PROJECT TYPE**  
EXISTING TOWER SITE  
RENEWAL SUP - #1571

**DATE**  
MARCH 30, 2015

**SITE NAME:**  
BUB25306 LANCASTER /CROWN CASTLE-JON DOHM

**SITE INFORMATION**  
JURISDICTION: CITY OF DALLAS, TEXAS 75216  
DALLAS COUNTY  
Latitude: 32°57'46.5" Longitude: -96°39'25.6"  
OCCUPANCY: N/A (UNIMPAVED)  
USE: TELECOMMUNICATIONS FACILITY  
ZONING FILE NO.: Z145-125 (OTH)

**CONTACT INFORMATION**  
HALEY PECK  
600 E. JOHN CARPENTER FWY.  
SUITE 300  
IRVING, TEXAS 75062  
PHONE: (972) 374-4281  
EMAIL: haley.peck@crowncastle.com

**CONSULTANTS**  
VINCENT GERARD & ASSOCIATES  
1715 S. CAPITAL OF TEXAS HWY  
SUITE 207  
AUSTIN, TEXAS 78746  
PHONE: (512) 328-2693  
VINCE HUEBNER

**ZONING SITE PLAN**  
LORENZO VANCLAVE SURVEY/ABSTRACT NO. 1514  
DALLAS CAD APN: 0060760000000000  
DEED REF.: VOL. 85190, PG. 975  
D.R.D.C.T.

**LEGAL DESCRIPTION**  
7,888.67 SQ. FT. ZONING AREA

**CARRIER INFORMATION**  
EXISTING T-MOBILE COMMUNICATIONS  
CROCKET COMMUNICATIONS  
CLEARWIRE

**VICINITY MAP**

**AERIAL IMAGERY**

**DETAIL SITE PLAN**

**APPROVAL BOX**

ORIGINAL SUBMITTAL DATE:

ACCEPTED FOR APPROVAL:  
**Z145-125 (OTH)**  
CITY OF DALLAS, TEXAS

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**ZONING MAP**

**ZONING DISTRICT LEGEND**

- CR Commercial
- MF Multi Family
- PD Planned Development
- R Single Family Residence

**TOWER - TYPICAL**

NOT TO SCALE

NOTE: TYPICAL LEASE AREA, ACTUAL EQUIPMENT LOCATIONS MAY VARY.

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Approved  
City Plan Commission  
September 3, 2015

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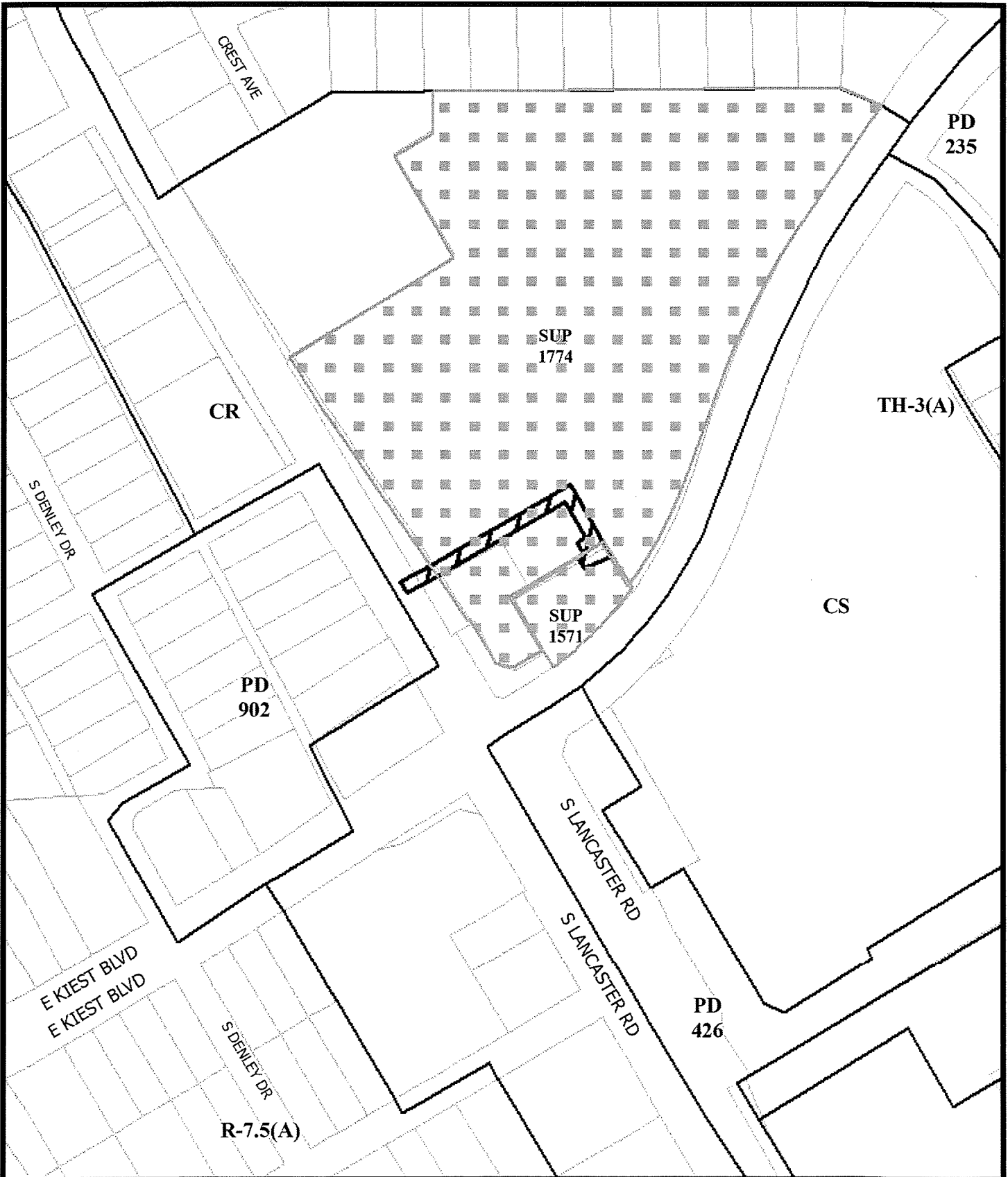
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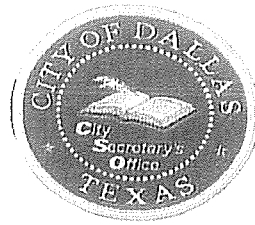


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# ZONING MAP

Case no:           Z145-125          

Date:           8/18/2015



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.

DATE ADOPTED BY CITY COUNCIL OCT 14 2015

ORDINANCE NUMBER 29898

DATE PUBLISHED OCT 17 2015

ATTESTED BY:

*Jose G. Sias*