

9-12-16

ORDINANCE NO. 30194

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as Tract I(a) within Planned Development District No. 87:

BEING a tract of land in City Block 1A/3528, on the northeast corner of Windomere Avenue and 12th Street; fronting approximately 163 feet on the east line of Windomere Avenue; fronting approximately 150 feet on the north line of 12th Street; and containing approximately 0.56 acres, to be used under Specific Use Permit No. 2210 for instructional arts studio and theater uses; 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 I(a) within Planned Development District No. 87, to be used under Specific Use Permit No. 2210 for an instructional arts studio and theater.

SECTION 2. That this specific use permit is granted on the following conditions:

- “1. USES: The only uses authorized by this specific use permit are an instructional arts studio and theater.
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 September 14, 2021.
4. HOURS OF OPERATION: The instructional arts studio and theater may only operate between 7:00 a.m. and 10:00 p.m., Monday through Thursday; 7:00 a.m. and 11:00 p.m., Friday through Saturday; and 9:00 a.m. and 5:00 p.m., Sunday. On school days, the use may not operate before 9:00 a.m.
5. LIGHTING. Detached light fixtures are limited to 20 feet in height and must be shielded and directed away from surrounding properties.
6. OUTSIDE AMPLIFICATION. Outside amplification is prohibited.
7. QUEUING. Queuing is only permitted inside the Property. Drop-off and pick-up are not permitted within the city rights-of-way.
8. SEATING:
 - A. The maximum number of fixed seating for a theater is 120 seats.
 - B. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of Paragraph (A).
 - C. If portions of seating areas in the theater are not equipped with fixed seats, benches, or pews, the maximum seating area is 840 square feet. The maximum 840 square foot seating area may be located in different areas of the building and in varying configurations.

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.

EXHIBIT A

BEING all of that tract of land in the John B. Robinson 320 acre Survey, Abstract No. 1215, City of Dallas Block 1-A/3528, Dallas County, Texas, being a portion of Block 1-A of Taylor and Lawrence's Addition, recorded in Volume 1, Page 63 of the Map Records of Dallas County, being a tract of land described in a deed to Mark M. Thomas and Candice Thomas as recorded in Document No. 200900307378, of the Official Public Records of Dallas County, and being further described as follows:

BEGINNING at the southwest corner of said Thomas tract, being on the east line of S. Windomere Avenue, and the north line of W. 12th Street;

THENCE North (assumed reference bearing), passing at a distance of 3.61 feet an "x" found in concrete, passing at an additional distance of 157.55 feet a wrought iron fence corner, and continuing a total distance of 163.50 feet to a point on said east line of S. Windomere Avenue, and being the southwest corner of a tract of land described in a deed to Jack Delametter, II, as recorded in Volume 99175, Page 4721, of the Deed Records of Dallas County;

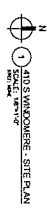
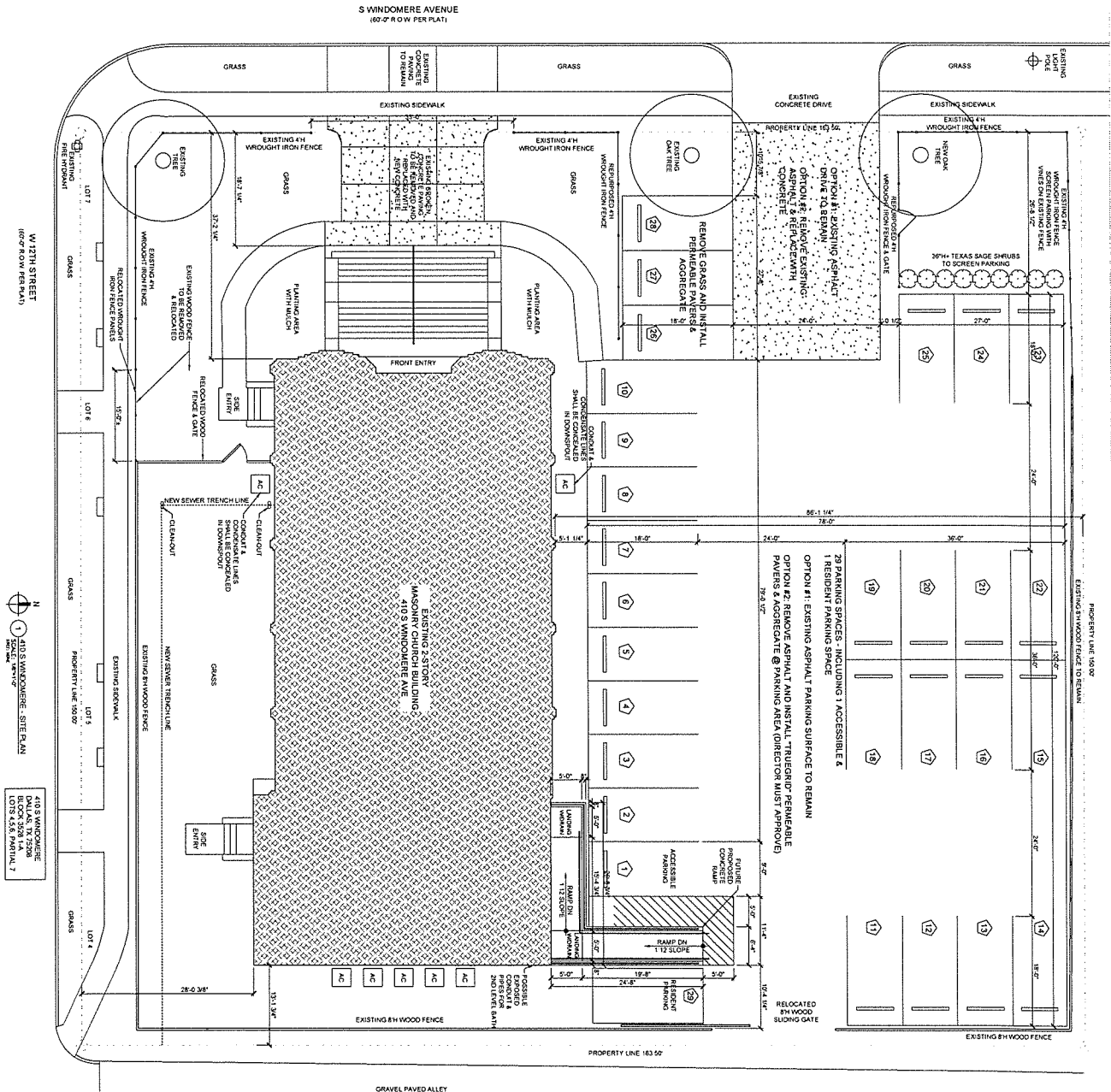
THENCE East, a distance of 150.00 feet along the south line of said Delametter tract to a point from which a ½ inch iron rod found bears S 49° 03' 01" E, a distance of 0.95 of one foot, said point being the southeast corner of said Delametter tract;

THENCE South, passing at a distance of 160.21 feet a ½ inch iron rod found, continuing a total distance of 163.50 feet to a point on the aforesaid north line of W. 12th Street, and being the southwest corner of a tract of land described in a deed to LULAC National Education Service Centers, Inc., recorded in Volume 98129, Page 9124, aforesaid Deed Records;

THENCE West, a distance of 150.00 feet along said north line of W. 12th Street to the POINT OF BEGINNING, and containing 24,525 square feet or 0.56 of one acre of land.

Specific Use Permit
No. 2210

Approved
City Plan Commission
August 4, 2016

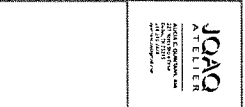


WINNETKA ARTS CHURCH
410 S WINDOMERE
DALLAS, TX 75208

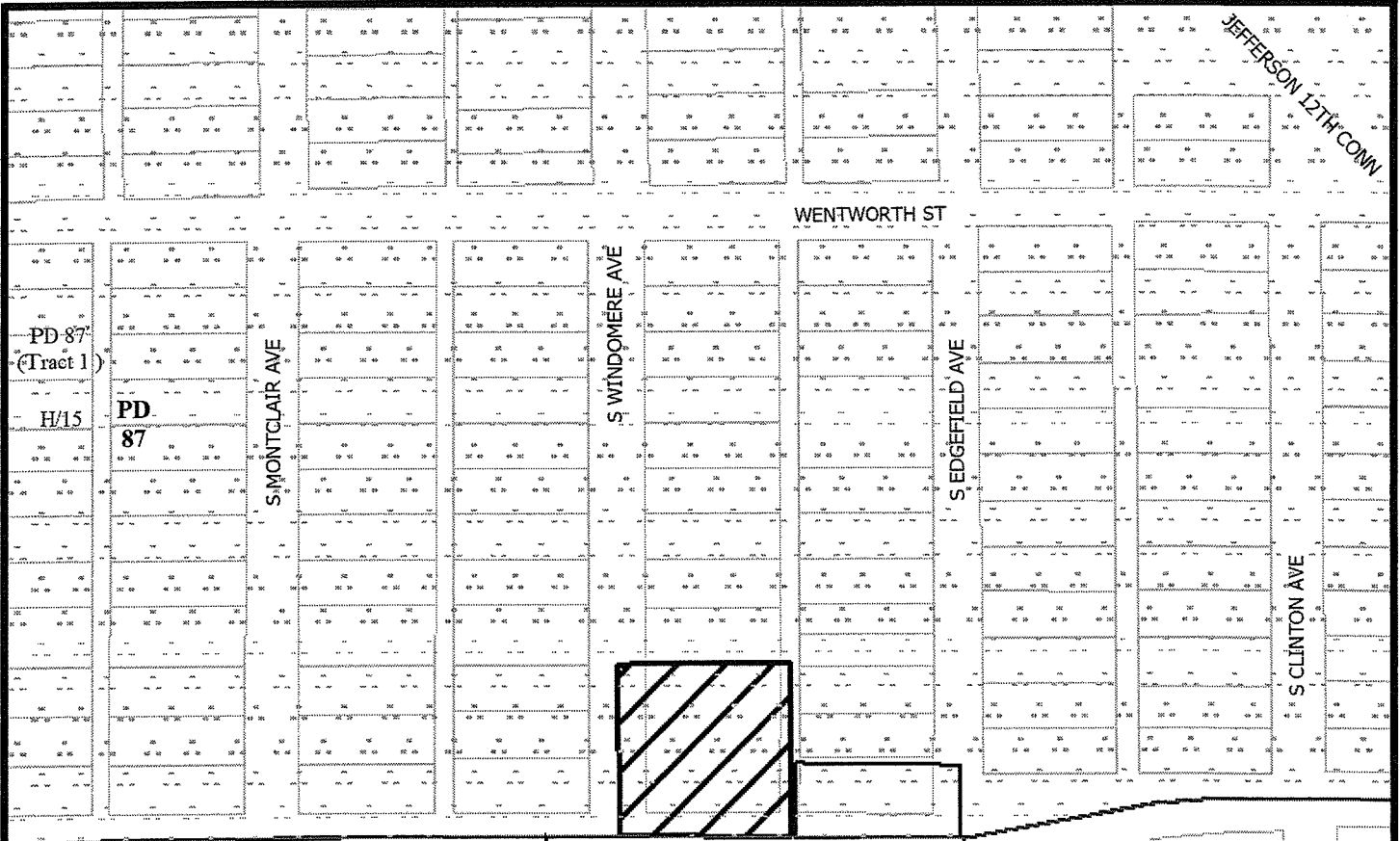
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JEFFERSON 12TH COMM

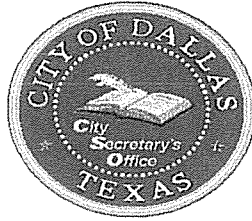


1:2,400

ZONING MAP

Case no: Z156-219

Date: 6/10/2016



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 SEP 14 2016

ORDINANCE NUMBER 30194

DATE PUBLISHED SEP 17 2016

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Sims".