

9-14-16

ORDINANCE NO. 30195

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 all of Lot 1 and the westerly portion of Lot 2, in City Block 6/849 located on the southeast corner of Commerce Street and Murray Street; fronting approximately 81.53 feet on the south line of Commerce Street, fronting approximately 109.41 on the east line of Murray Street; and containing approximately 8,947 square feet of land,

to be used under Specific Use Permit No. 2211 for a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue; 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. 2211 for a bar, lounge or tavern and an inside commercial amusement limited to a live music venue.

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

1. USE: The only uses authorized by this specific use permit are a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue.
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, 2017.
4. FLOOR AREA: The maximum floor area is 5,170 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION:
 - A. The alcoholic beverage establishment may only operate from 6:00 p.m. to 2:00 a.m. (the next day) Monday through Friday, and 11:00 a.m. to 2:00 a.m. (the next day) Saturday and Sunday.
 - B. The live music venue may only operate from 6:00 p.m. to 12:00 a.m. (midnight) Monday through Thursday, from 6:00 p.m. to 2:00 a.m. (the next day) Friday, 11:00 a.m. to 2:00 a.m. (the next day) Saturday, and 11:00 a.m. to 12:00 a.m. (midnight) Sunday.
6. OFF-STREET PARKING: A minimum of four off-street parking spaces must be provided on the Property in the location shown on the attached site plan. A minimum of 23 additional parking spaces must be provided in accordance with the remote and special parking 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. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. 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:

CHRISTOPHER D. BOWERS, Interim City Attorney

By 
Assistant City Attorney

SEP 14 2016

Passed _____

Metes and Bounds Description

3200 and 3206 Commerce Street

BEING a tract of land located in the City of Dallas, Dallas County, Texas, being known as Lot 1 and the Westerly 31.50 feet of Lot 2 in Block 6/849, Official City Number of Jacob Bopp Sr. Homestead Subdivision, the plat thereof being recorded in Volume 121, Page 161 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a nail found at the intersection of the Southerly line of Commerce Street, 80.00 feet wide, with the Easterly line of Murray Street, formerly Ganzer Street, 50.00 feet wide;

THENCE North 77°04'00" East along the Southerly line of Commerce Street, a distance of 81.53 (81.50, deed) feet to a 1/2 inch steel rod found for comer;

THENCE South 12°11'56" East (South 12°56'00" East, deed) called parallel with Murray Street and 31.50 feet Easterly of and parallel with the dividing line between said Lots 1 and 2, a distance of 109.81 (110.00, deed) feet to an 112 inch steel rod found for comer on the Northerly line of an Alley, 20.00 feet wide, also known as Clover Street;

THENCE South 77°20'42" West (South 77°04'00" West, deed) along the Northerly line of said alley, a distance of 81.73 (81.50, deed) feet to a drill hole found in place at the Southwest comer of said Lot 1 on the Easterly line of Murray Street;

THENCE North 12°05'42" West (North 12°56'00" West, deed) along the Easterly line of Murray Street, a distance of 109.41 (110.00, deed) feet to the PLACE OF BEGINNING and containing 8,947 square feet of land, more or less.

NO 1 FNG, LLC
Dba: Richard Metersky, Architect
917.300.2534
rmd@richardmetersky.com

Site Location:
3200 Commerce Street
Dallas, TX 75226

MINERVA LONE STAR, LLC
DALLAS, TX
JOHN LARUE
214.697.8086

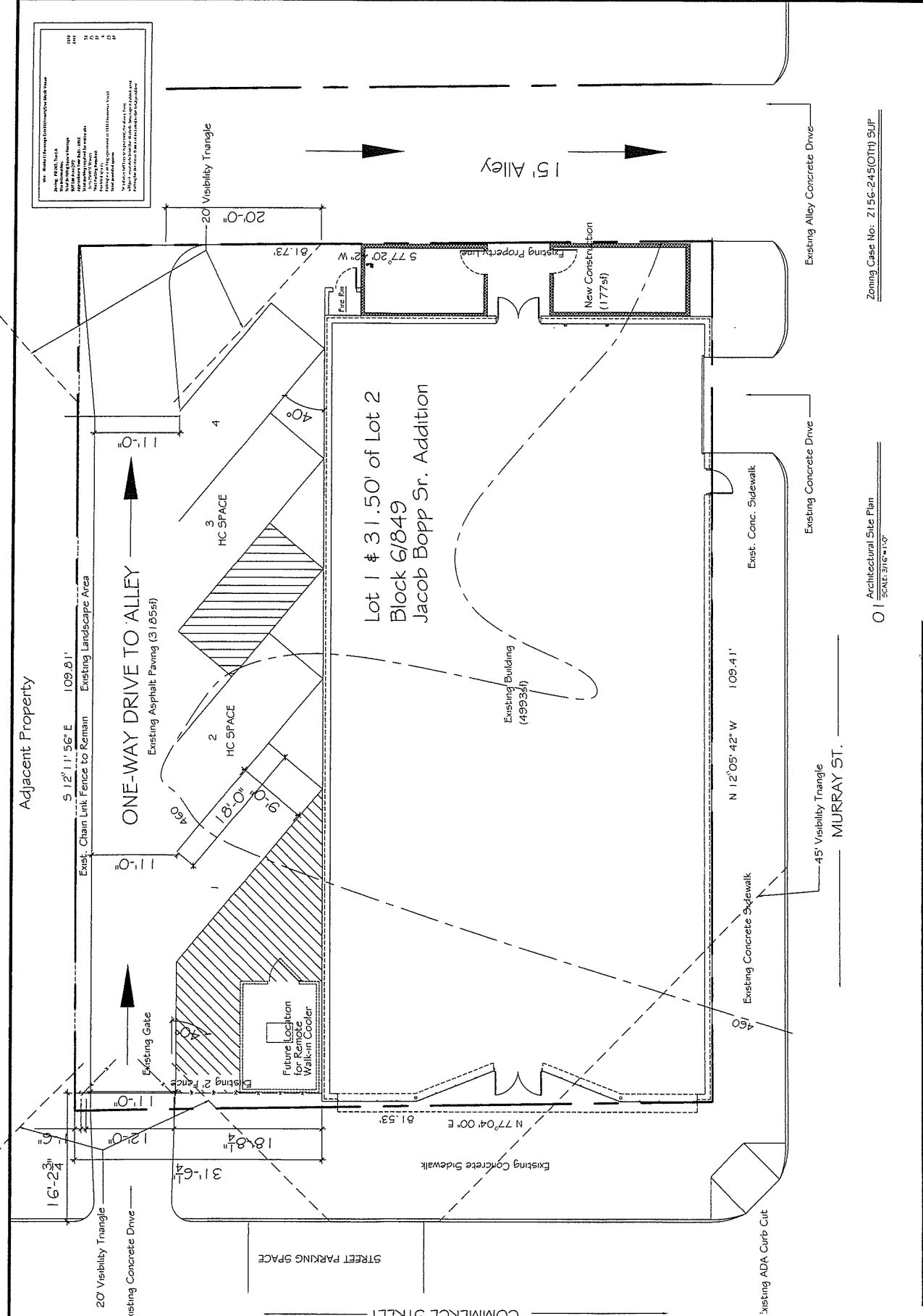
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DATE: 09/14/16
SHEET NO. **A0**
OF SHEETS

NO 1 FNG, LLC
Dba: Richard Metersky, Architect
917.300.2534
rmd@richardmetersky.com

REVISIONS

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Zoning Case No: Z15c-245(OTh) SUP

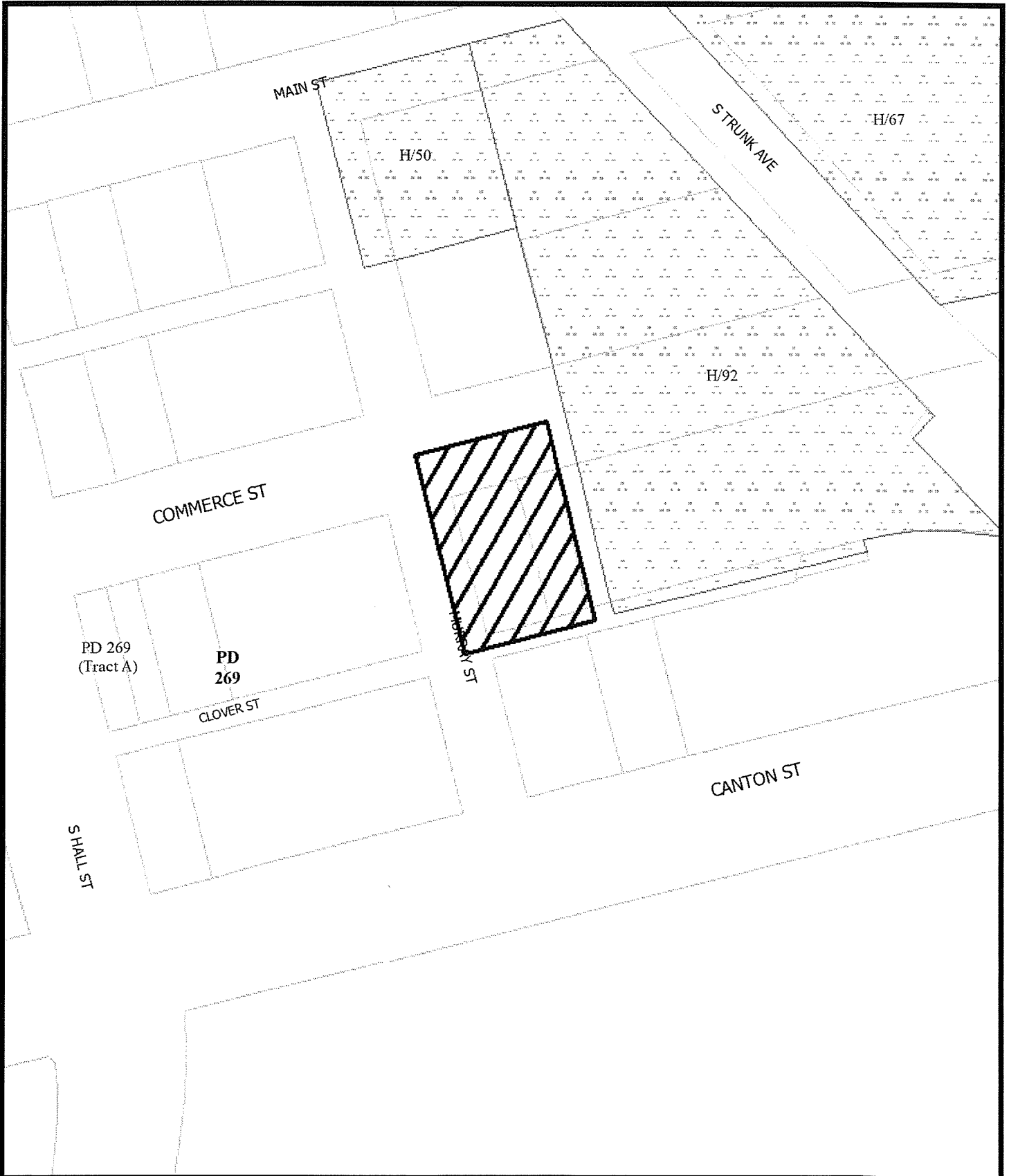
Architectural Site Plan
SCALE: 3/16"=1'-0"

Approved
City Plan Commission
August 4, 2016

Specific Use Permit
No. 2211

30195

161485

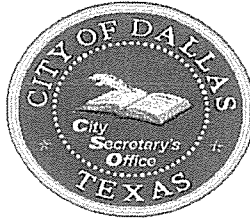


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ZONING MAP

Case no: Z156-245

Date: 5/5/2016



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 30195

DATE PUBLISHED SEP 17 2016

ATTESTED BY:

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