

8-7-17

ORDINANCE NO. 30573

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as Planned Development District No. 612:

BEING Lot 1 in City Block A/8712; fronting approximately 3518.44 feet on the east line of Spur 408 north of Grady Niblo Road; and containing approximately 29.76 acres,

to be used under Specific Use Permit No. 2254 for a tower/antenna for cellular communication; 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 following property (“the Property”), which is presently zoned as Planned Development District

No. 612, to be used under Specific Use Permit No. 2254 for a tower/antenna for cellular communication:

BEING Lot 1 in City Block A/8712; fronting approximately 3,485 feet on the east line of Spur 408 north of Grady Niblo Road; and containing approximately 29.76 acres.

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 tower/antenna for cellular communication.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.
3. TIME LIMIT: This specific use permit expires on August 9, 2027, but is eligible for automatic renewal for additional 10-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. 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. CO-LOCATION: Any tower/antenna for cellular communication over 65 feet in height must be constructed to support the antenna arrays for at least two other wireless communications carriers, and the tower/antenna for cellular communication must be made available to other carriers upon reasonable terms.
5. HEIGHT: The tower/antenna for cellular communication may not exceed 117 feet in height, with an eight-foot lightning rod, for a total height not to exceed 125 feet above ground level.
6. MONOPOLE CELLULAR TOWER DIMENSIONS:
 - A. The pole portion of the tower/antenna for cellular communication may not exceed 42 inches in diameter.
 - B. The platform portion of the tower/antenna for cellular communication may not have a horizontal cross sectional area greater than 196 square feet.
 - C. The depth of the platform may not exceed four feet, excluding any whip antenna.

7. MAINTENANCE: The 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 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.

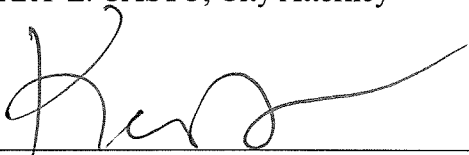
SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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.

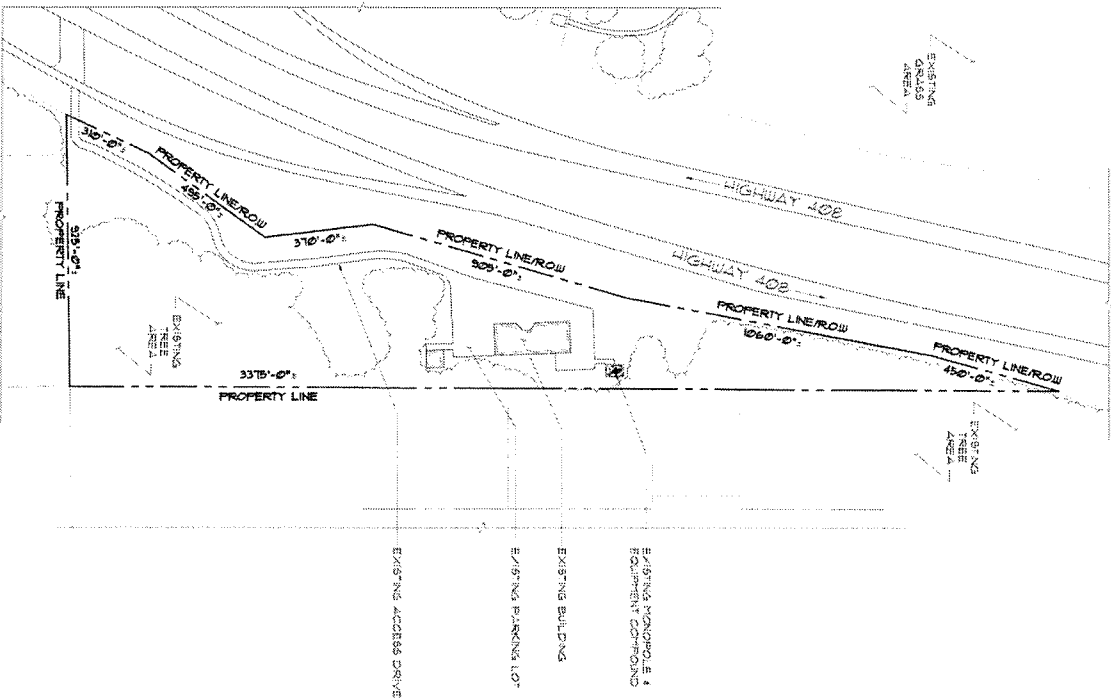
APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By 
Assistant City Attorney

Passed AUG 9 2017

NOTE:
 PROPERTY PARCEL DATA OBTAINED FROM
 THE CITY OF DALLAS INTERACTIVE GIS MAP
 (HTTPS://GISDALLAS.CITYDALLAS.COM)



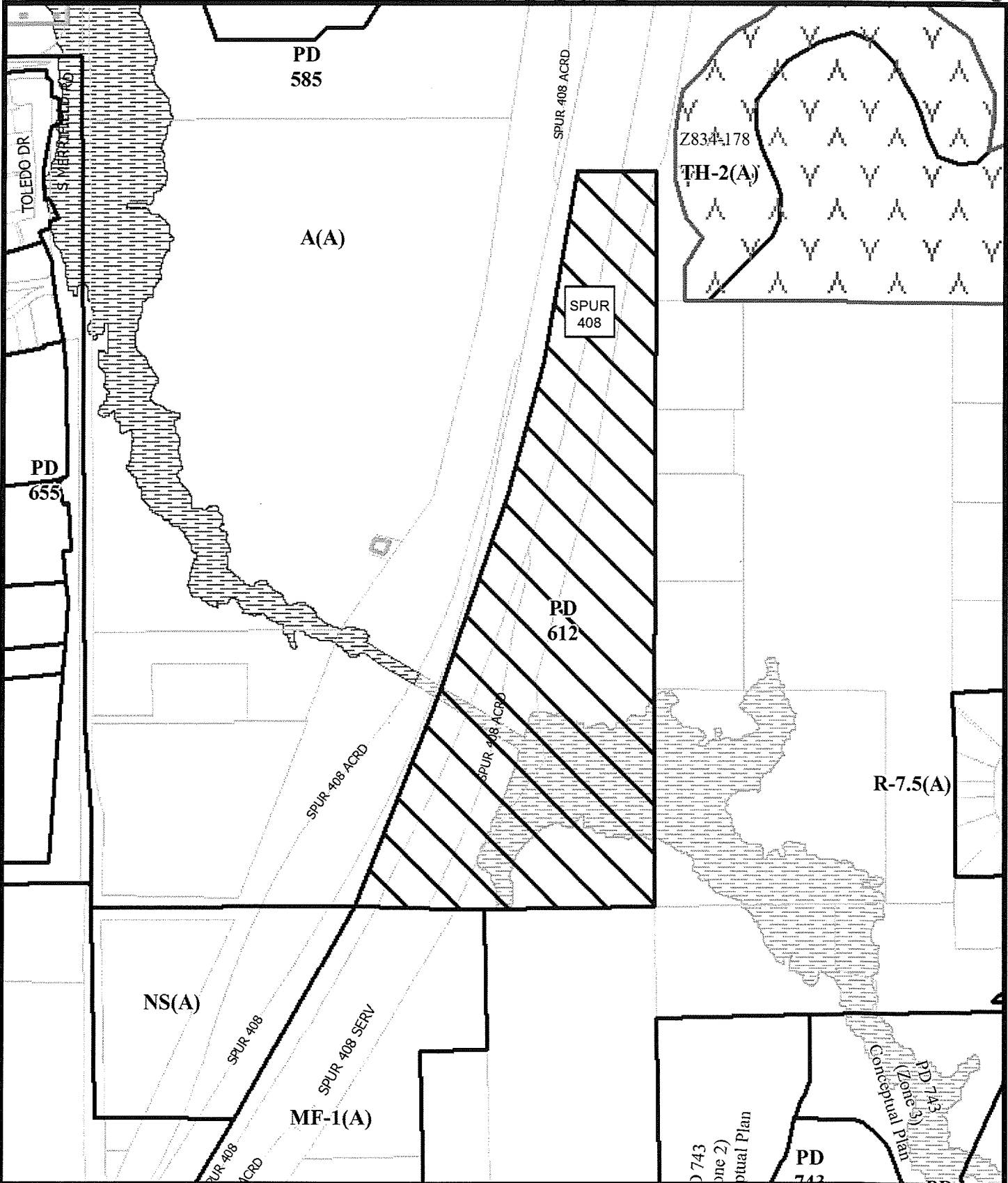
PARCEL INFO

SCALE: 1" = 400'-0"



<p>SBA SBA COMMUNICATIONS CORP. 502 E STATE STREET LEWISVILLE, TEXAS 76047-1400 TEL: (214) 897-3103</p>	
<p>FULLERTON ENGINEERING DESIGN 1100 E WOODFIELD ROAD, SUITE 500 SCHULINGWAY, LINDSEY 68172 TEL: (402) 988-4400 WWW.FULLERTONENGINEERING.COM</p>	
<p>DATE: 11/15/17 DRAWN BY: JH CHECKED BY: JH</p>	<p>DATE: 11/15/17 DRAWN BY: JH CHECKED BY: JH</p>
<p>STATE OF TEXAS DANIEL W. SMITH 119802 PROFESSIONAL ENGINEER</p>	
<p>SITE NAME: 9PUR 408</p>	
<p>SITE NO: DA01144C</p>	
<p>SITE ADDRESS: 3033 STAR 408 SUITE A DALLAS, TX 75246</p>	
<p>SHEET NAME: PARCEL INFO</p>	
<p>SHEET NUMBER: Z-1</p>	

2167-195

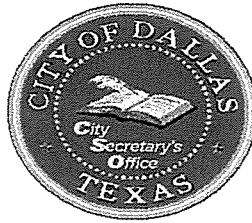


ZONING MAP

Case no: Z167-195

Date: 4/6/2017

1:7,200



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 AUG 9 2017

ORDINANCE NUMBER 30573

DATE PUBLISHED AUG 12 2017

ATTESTED BY: