

12-8-16

ORDINANCE NO. 30708

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as a CC Community Commercial Subdistrict within Planned Development District No. 595 (the South Dallas/Fair Park Special Purpose District):

BEING all of Lot 10 in City Block 1381 located approximately 114 feet west of the northwest corner of J.B. Jackson Jr. Boulevard and Pennsylvania Avenue; fronting approximately 50 feet along the northwest line of Pennsylvania Avenue; and containing approximately 6,592.4 square feet,

to be used under Specific Use Permit No. 2224 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

30708

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 a CC Community Commercial Subdistrict within Planned Development District No. 595 to be used under Specific Use Permit No. 2224 for a tower/antenna for cellular communication:

BEING all of Lot 10 in City Block 1381 located approximately 114 feet west of the northwest corner of J.B. Jackson Jr. Boulevard and Pennsylvania Avenue; fronting approximately 50 feet along the northwest line of Pennsylvania Avenue; and containing approximately 6,592.4 square feet.

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 December 13, 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. COMMUNICATION TOWER: Any antenna cells located on the tower/antenna for cellular communication must be mounted and any future co-location cells must be of the same type.
5. FENCE: A minimum six-foot-high fence must be provided in the location shown on the attached site plan.

30708

6. HEIGHT: The tower/antenna for cellular communication may not exceed 78 feet in height.
7. SHARED USE WITH OTHER CARRIERS: 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.
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.

30708

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 DEC 18 2017

Site Plan 30708

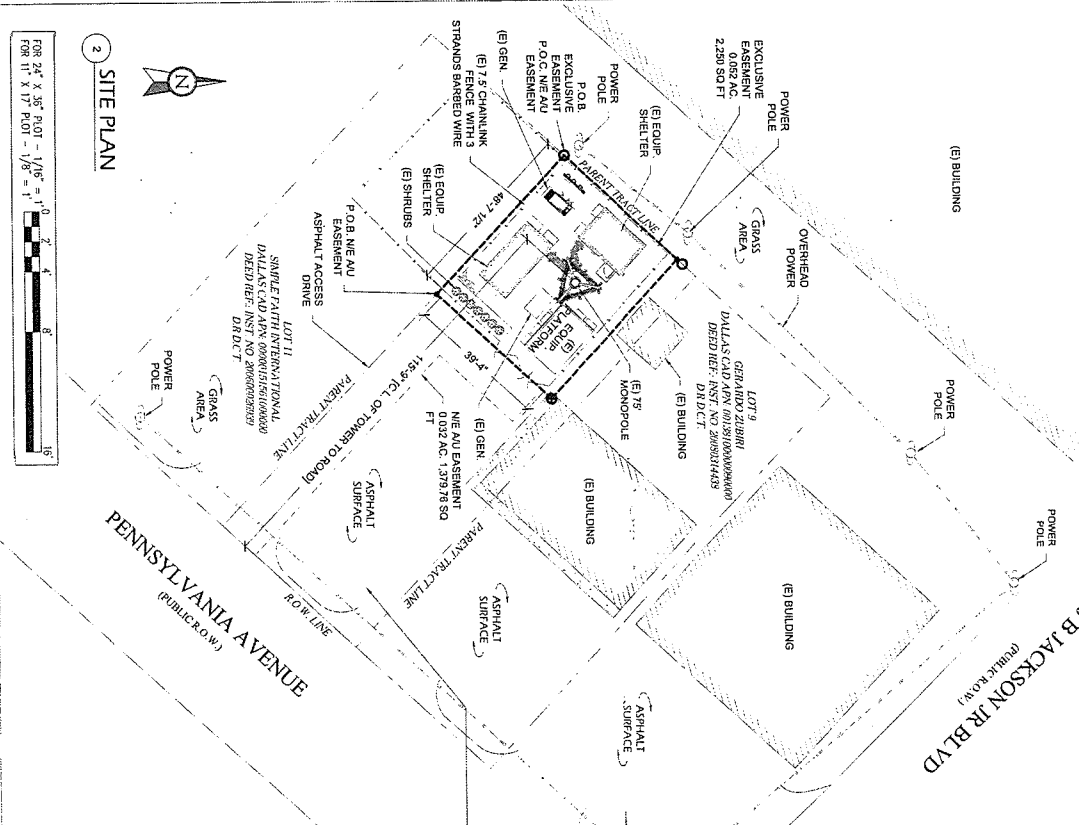
171853

Approved
City Plan Commission
November 9, 2017

Specific Use Permit
No. 2224



AREA TABLE	SQ FT	ACREAGE
TOWER COMPOUND	1,986.49	0.044
EXCLUSIVE EASEMENT	2,280.00	0.052
NE AU EASEMENT	1,379.75	0.032
UNBARRICAD AREA (SBA SITE COMPOUND)	541.00	0.0124



LEGEND

PROPOSED	NEW
(E) EXISTING	EXISTING
---	CENTRE LINE
---	PROPERTY LINE
---	POWER LINE
---	EASEMENT
---	OVERHEAD POWER
---	OVERHEAD TELCO
---	UNDERGROUND POWER CONDUIT
---	UNDERGROUND TELCO CONDUIT
---	POINT OF BEGINNING
---	POINT OF COMMENCEMENT
---	RIGHT-OF-WAY
---	NON-EXCLUSIVE
---	ACCESS & UTILITY
---	BEEN RECORDS DALLAS COUNTY TX
---	SET 1/2" IRON ROD
---	FOUND 1/2" IRON ROD
---	FOUND "X" IN CONCRETE

ZONING CASE #Z156-335 (WE)

OWNER: RICHIE A. WILLIAMS, AS TO LOT 10 THOMAS LACON SURVEY, ABSTRACT NO. 739 DALLAS COUNTY, TEXAS DEED REF: INST. NO. 280601128214 DEED REF: INST. NO. 280601128214

LOT 10, BERNIER'S SUBDIVISION PLAT BPP, D.D.C. 39

STAMP HERE:

DRAWN BY:	TROY		
CHECKED BY:	J. GEORGE		
DATE DRAWN:	04/22/2016		
ACCI JOB NO.:	161273, 174678		
NO.:	DESCRIPTION	BY	DATE
1	FORFEAL	TROY	04/29/16
2	REVISED FINAL	KONK	05/02/16
3	REVISED FINAL	KONK	10/09/16
4	REVISED FINAL 2D	POZEL	10/06/17
5	REVISED FINAL 2D	KA	11/07/17

ZONING SITE PLAN

SHEET NUMBER: **Z-1** REV # **0**

ALLPRO CONSULTING GROUP INC.
8221 LYNDON B JOHNSON FREEWAY
SUITE 304 DALLAS, TX 75243
PHONE: 972-448-4425
WWW.ALLPROCG.COM
FIRM REGISTRATION # 8242

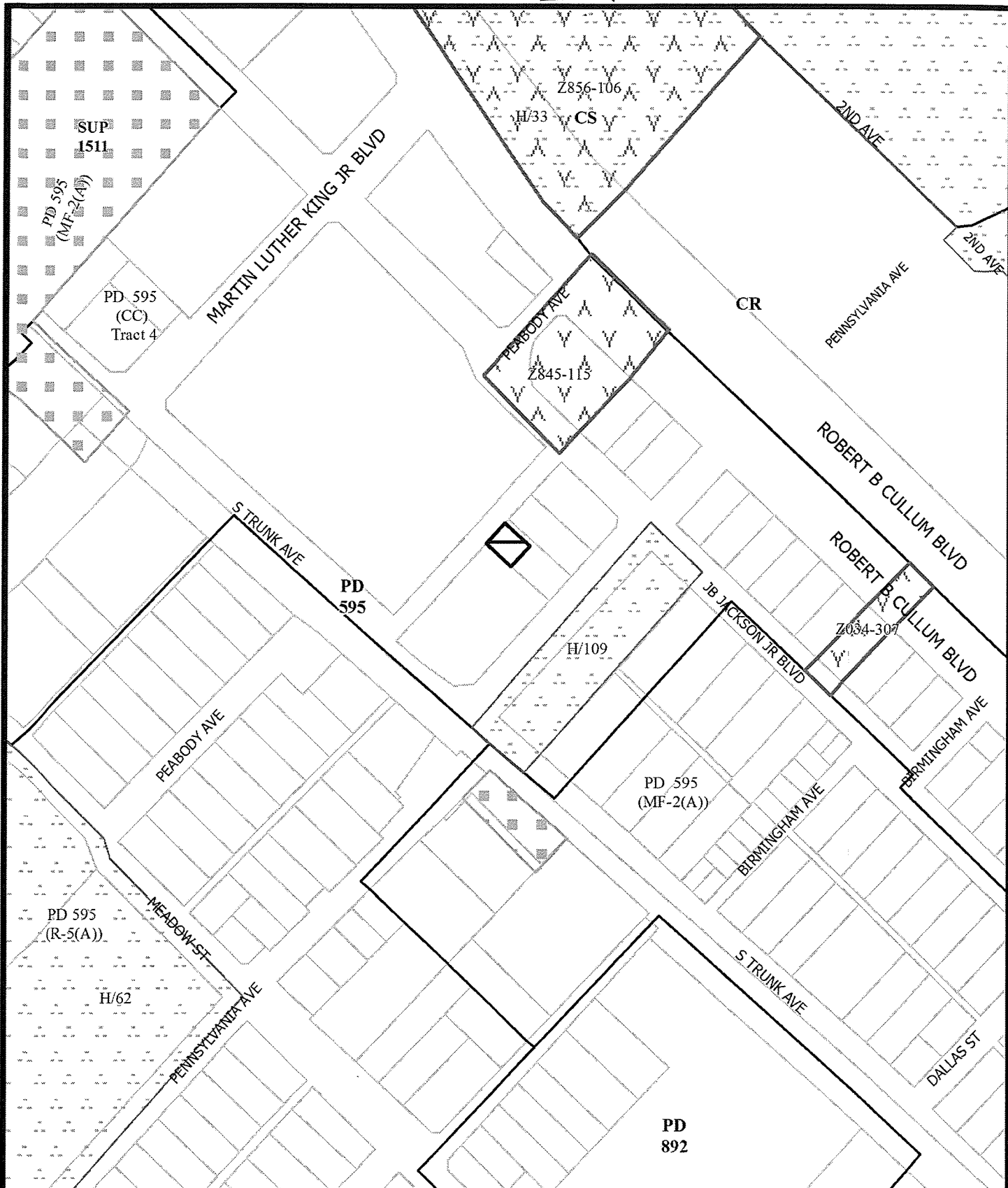
SBA SITE NUMBER:
TX47951

SBA SITE NAME:
OAKLAND CEMETERY

SITE ADDRESS:
3223 DALLAS TX 75210
DALLAS COUNTY

116817

SBA
8241 CONGRESS AVENUE
8000 FORT WORTH, TX 76147
PHONE: 1-800-487-7489

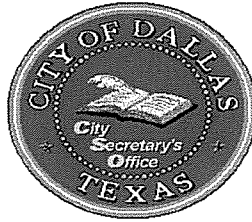


1:2,400

ZONING MAP

Case no: Z156-335

Date: 10/6/2016



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 DEC 13 2017

ORDINANCE NUMBER 30708

DATE PUBLISHED DEC 16 2017

ATTESTED BY: