

12-3-18

ORDINANCE NO. 31076

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as Subdistrict 2 within Planned Development District No. 366 (Buckner Boulevard Special Purpose District) with a D-1 Liquor Control Overlay:

BEING Lot A and a portion of Lot B in City Block 18/6228; fronting approximately 160 feet on the south line of Bruton Road; fronting approximately 214 feet on the west line of Buckner Boulevard; and containing approximately 0.957 acres,

to be used under Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less; 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 Subdistrict 2 within Planned Development District No. 366 with a D-1 Liquor Control Overlay, to be used under Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

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 the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
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 December 12, 2021.
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. 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.

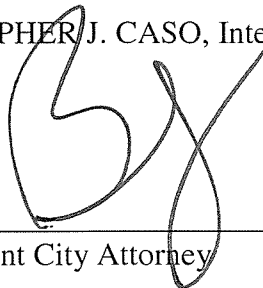
SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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 J. CASO, Interim City Attorney

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

DEC 12 2018

Passed \_\_\_\_\_

**EXHIBIT A**

**BEING** a 0.957 acre tract of land situated in the Richard Bruton Survey, Abstract No. 79, in Dallas County, Texas, being all of Lot A, Block 18/6228 of Bell Crozier Subdivision, an addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 70001, Page 3883 of the Deed Records of Dallas County, Texas, and a portion of Lot B, Block 18/6228 of Bell Crozier Subdivision No. 2, an addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 74014, Page 1 of the Deed Records of Dallas County, Texas, being a portion of that same tract of land described to Casa Rock Partners, Ltd. by deed recorded in Instrument No. 201600312955 of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows (Bearings and distances are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD 83)(US Foot) with a combined scale factor of 1.000136506):

**BEGINNING** at a 1/2 inch rebar found with a cap stamped "5310" for the easternmost Northeast corner of said Lot A, and lying at the east end of a corner clip at the intersection of the South right-of-way line of Bruton Road (variable width right-of-way) with the West right-of-way line of S. Buckner Boulevard (130' right-of-way);

**THENCE** South 00 Degrees 45 Minutes 39 Seconds East, with the West right-of-way line of said S. Buckner Boulevard, passing at a distance of 140.00 feet, a 1/2 inch rebar found for the Southeast corner of said Lot A, same being the easternmost Northeast corner of said Lot B, and continuing for a total distance of 213.96 feet to a point for the Southeast corner of the herein described tract;

**THENCE** South 89 Degrees 52 Minutes 34 Seconds West, departing the West right-of-way line of said Buckner Boulevard, over, across and through said Lot B, a distance of 188.51 feet to a point for the Southwest corner of the herein described tract;

**THENCE** North 00 Degrees 06 Minutes 38 Seconds West, continuing through said Lot B, a distance of 211.05 feet to a point for the westernmost Northwest corner of the herein described tract;

**THENCE** South 86 Degrees 41 Minutes 19 Seconds East, continuing through said Lot B, a distance of 3.94 feet to a point for corner at the beginning of a curve to the left having a central angle of 45 Degrees 10 Minutes 59 Seconds, a radius of 8.05 feet and a chord bearing and distance of North 65 Degrees 50 Minutes 45 Seconds East, 6.19 feet;

**THENCE**, in a northeasterly direction, continuing through said Lot B, and along said curve to the left, an arc length of 6.35 feet to a point for corner at the beginning of a curve to the left, having a

31076

181855  
GIS\_Approved

central angle of 22 Degrees 58 Minutes 30 Seconds, a radius of 30.27 feet, and a chord bearing and distance of North 31 Degrees 46 Minutes 43 Seconds East, 12.06 feet;

**THENCE**, in a northeasterly direction, continuing through said Lot B, and along said curve to the left, an arc length of 12.14 feet to a point for the northernmost Northwest corner of the herein described tract, said point lying on the North line of said Lot B and on the South right-of-way line of said Bruton Road, from which a 3/4 inch rebar found for the Northwest corner of said Lot B bears South 89 Degrees 44 Minutes 44 Seconds West, a distance of 58.54 feet;

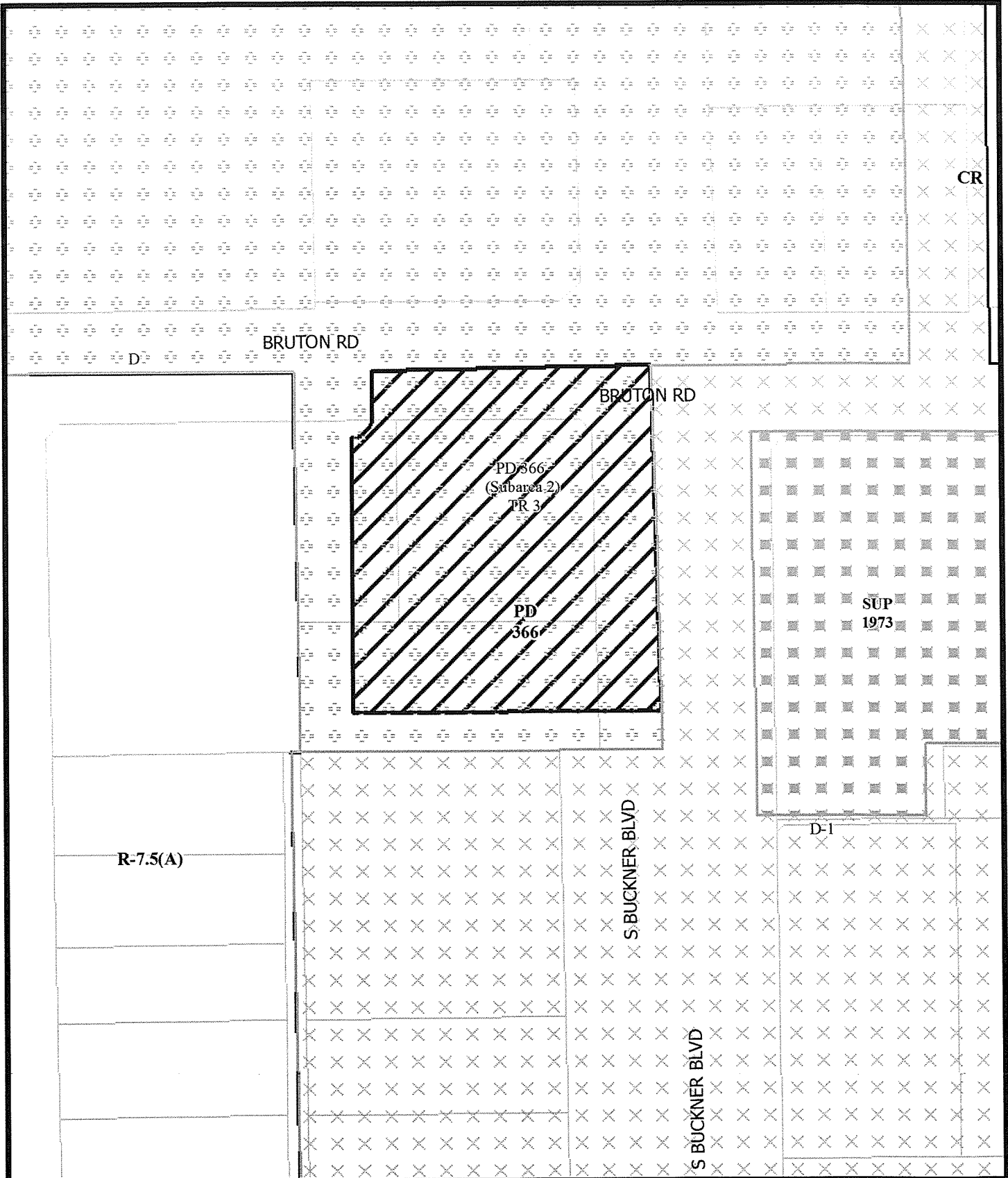
**THENCE** North 89 Degrees 44 Minutes 44 Seconds East, with the South right-of-way line of said Bruton Road, passing a 1/2 inch rebar found for the northernmost Northeast corner of said Lot B and the Northwest corner of said Lot A, at a distance of 20.22 feet and continuing with the North line of said Lot A, for a total distance of 160.22 feet to a point for corner at the west end of said corner clip

**THENCE** South 44 Degrees 55 Minutes 49 Seconds East, with the Northeast line of said Lot A, and with the Southwest line of said corner clip, a distance of 14.07 feet to the **POINT OF BEGINNING** and containing 41,692 square feet or 0.957 acres of land, more or less.



31076

181855



1:1,200

# ZONING MAP

Case no: Z178-318

Date: 9/18/2018



## 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 12 2018

ORDINANCE NUMBER 31076

DATE PUBLISHED DEC 15 2018

ATTESTED BY: