

12-6-18

ORDINANCE NO. 31077

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as a CS Commercial Service District:

BEING a tract of land in City Block 22/1265 located at the northwest corner of Fletcher Street and Peak Street; fronting approximately 264.37 feet on the north line of Fletcher Street; fronting approximately 164.17 feet on the west line of Peak Street; and containing approximately 0.391 acre,

to be used under Specific Use Permit No. 2314 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 property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”), which is presently zoned as a CS Commercial Service District, to be used under Specific Use Permit No. 2314 for a tower/antenna for cellular communication.

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 12, 2028.
4. COLLOCATION: Any tower/antenna support structure must be constructed to support the antenna arrays for at least two other wireless communications carriers. The tower/antenna support structure must be made available to other wireless communication carriers upon reasonable terms.
5. HEIGHT: The tower/antenna for cellular communication may not exceed 80 feet in height.
6. LANDSCAPING: Landscaping must be provided as shown on the attached site plan and elevation.
7. SCREENING: The lease area must be screened by a six-foot-tall wrought iron, or similar material, fence and secured by a six-foot-tall access gate in the location shown on the attached site plan and elevation.
8. STEALTH DESIGN: The tower/antenna for cellular communication must be constructed with a stealth design with the platform concealed within the overall vertical design of the tower.
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.

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

Passed DEC 12 2018

31077

181856

GIS_Approved

EXHIBIT A

915 S. Peak Street
Lot 4A, Block 22/1265

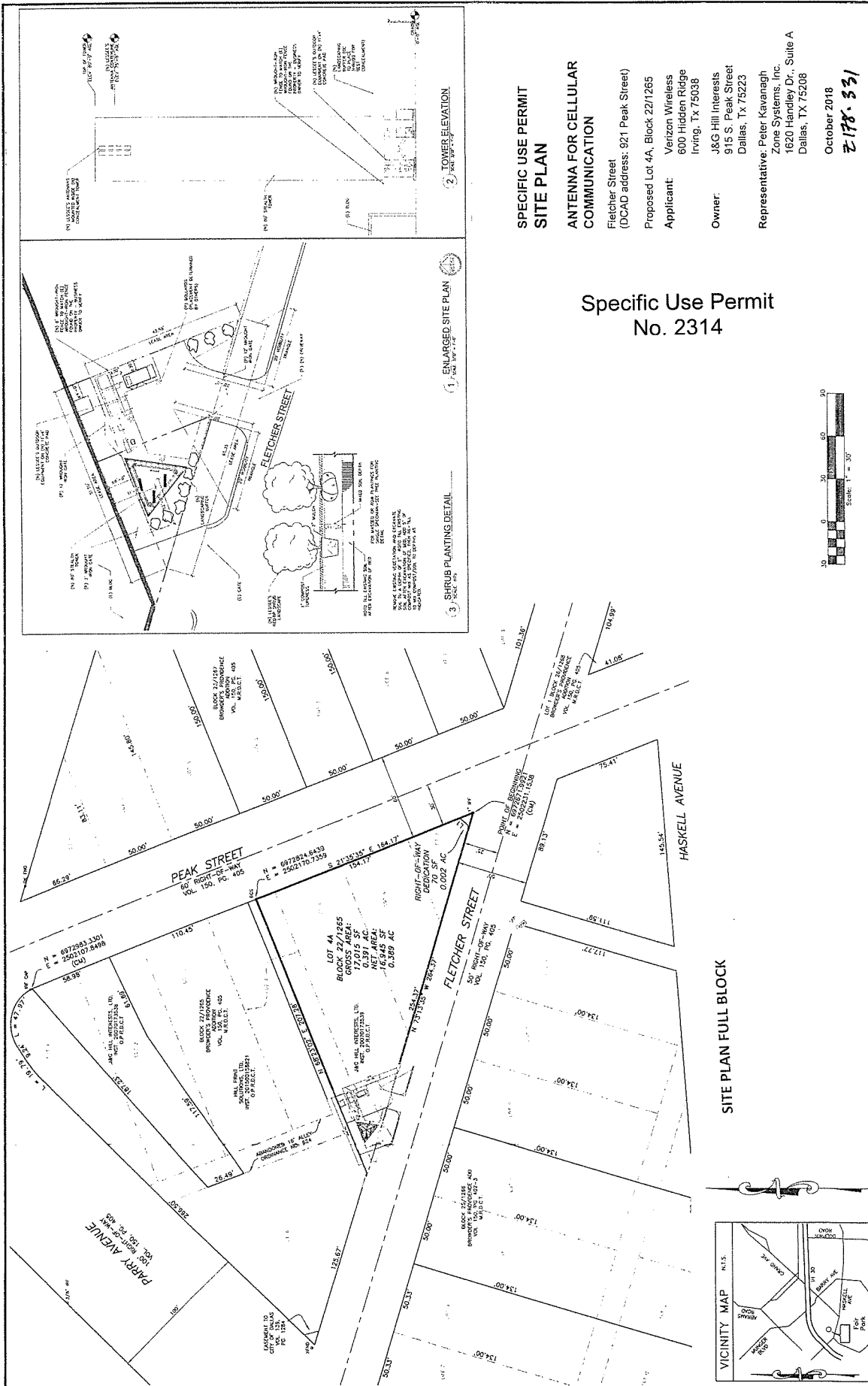
WHEREAS, J&G Hill Interests, Ltd., is the owner of the certain tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, also being situated in Lot 4, Lot 5, Lot 6, Lot 7 and Lot 8 Block 22/1265, Browder's Providence Addition, and addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 150, Page 402, Map Records, Dallas County, Texas, and being out of a portion of an alley sixteen (16.00) feet in width as abandoned by City Ordinance No. 624; of that certain tract of land conveyed to J&G Hill Interests, Ltd. by special warranty deed dated March 20, 2007, and recorded in Instrument No. 20070173539, Official Public Records, Dallas County, Texas; and that certain tract of land conveyed to Hill Print Solutions, Ltd. by special warranty deed dated June 16, 2015, and recorded in Instrument No. 201500158821, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1" iron pipe found for the most easterly corner of said J&G Hill Interests, Ltd. tract, same being the intersection of the west right-of-way line Peak Street (60' right-of-way) with the north right-of-way line of Fletcher Street (50' right-of-way);

Thence along the north right-of-way line of Fletcher Street, north 73 degrees 13 minutes 35 seconds west, a distance of 264.37 feet to a chiseled "X" set in concrete;

Thence crossing said Lot 4 and Lot 8, Block 22/1265, Browder's Providence Addition, and crossing said abandoned alley, north 68 degrees 23 minutes 02 seconds east, a distance of 207.28 feet to a 5/8" iron rod set with brass cap marked "JGH-4125" on the west right-of-way line of Peak Street;

Thence along the west right-of-way line of Peak Street, south 21 degrees 35 minutes 35 seconds east, a distance of 164.17 feet to the point of beginning hereof and containing 0.391 acres or 17,015 square feet of land, more or less.



**SPECIFIC USE PERMIT
SITE PLAN**

**ANTENNA FOR CELLULAR
COMMUNICATION**

Fletcher Street
(DCAD address: 921 Peak Street)

Proposed Lot 4A, Block 27/1265

Applicant:
Verizon Wireless
600 Hidden Ridge
Irving, TX 75038

Owner:
J&G Hill Interests
915 S. Peak Street
Dallas, TX 75223

Representative: Peter Kavanagh
Zone Systems, Inc.
1620 Handley Dr., Suite A
Dallas, TX 75208

October 2018

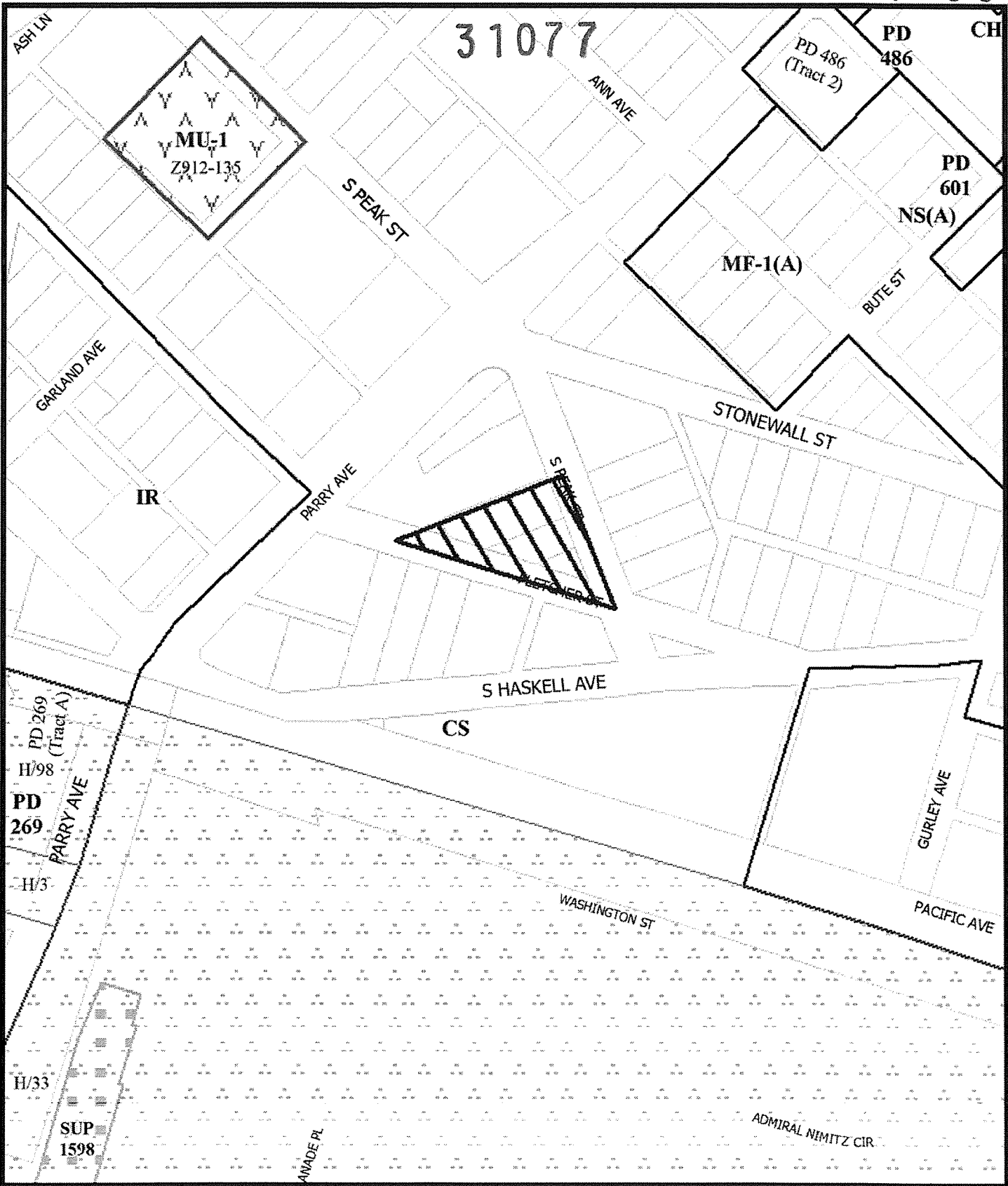
2178-331

**Specific Use Permit
No. 2314**



Approved
City Plan Commission
November 1, 2018

31077



1:2,400

ZONING MAP

Case no: Z178-331
 Date: 10/18/2018



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 31077

DATE PUBLISHED DEC 15 2018

ATTESTED BY: