

8-26-19

ORDINANCE NO. 31294

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as Subarea A within Planned Development District No. 741:

Being a tract of land in City Block L/8466; fronting approximately 407.39 feet along the north line of Olympus Boulevard southeast of Wharf Road; and containing approximately 6.233 acres

to be used under Specific Use Permit No. 2348 for a commercial amusement (outside); 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 Subarea A within Planned Development District No. 741, to be used under Specific Use Permit No. 2348 for a commercial amusement (outside).

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 commercial amusement (outside).
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 August 28, 2021.
4. FLOOR AND SITE AREA: The maximum combined floor area and site area for a commercial amusement (outside) is 271,522 square feet.
5. HOURS OF OPERATION: The commercial amusement (outside) use may only operate between 8:00 a.m. and 10:00 p.m., Monday through Sunday.
6. PARKING: Parking must be provided in the locations shown on the attached site plan.
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:

CHRISTOPHER J. CASO, Interim City Attorney

By  Assistant City Attorney

Passed AUG 28 2019

EXHIBIT A

BEING a tract of land situated in the Nancy Cousey Survey, Abstract No.318, City of Dallas, Dallas County, Texas and being part of a 41.963 acre tract of land described as "Tract 2" in Special Warranty Deed to Cypress Waters Land A, Ltd., Cypress Waters Land B, Ltd., and Cypress Waters Land C, Ltd., recorded in Instrument No. 201600106000, Official Public Records of Dallas County, Texas; part of a 250.992 acre tract of land described as "Shallows South Tract, in Special Warranty Deed with Easement Reservation and Restrictive Covenants to Cypress Waters Land A, Ltd., recorded in Instrument No. 20080370202, Official Public Records of Dallas County, Texas; all of a 1.5101 acre tract of land described "Tract 2" in Special Warranty Deed to The Neighborhoods of Cypress Waters Association, Inc., recorded in Instrument No. 201800117324, Official Public Records of Dallas County, Texas; all of a 1.5101 acre tract of land described as "Tract 1" in Special Warranty Deed to The Neighborhoods of Cypress Waters Association, Inc., recorded in Instrument No. 201800117325, Official Public Records of Dallas County, Texas; all of a 1.5101 acre tract of land described as "Tract 1" in Special Warranty Deed to The Neighborhoods of Cypress Waters Association, Inc., recorded in Instrument No. 201800117326, Official Public Records of Dallas County, Texas; and all 3.5125 acre tract of land described in Special Warranty Deed to The Neighborhoods of Cypress Waters Association, Inc., recorded in Instrument No. 201800245279, Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with 3-1/4" aluminum disk stamped "CW SOUND No. 3, PH 3, KHA, BLOCK L/8466" set in the northeast right-of-way line of Olympus Boulevard (a variable width right-of-way, 110-foot wide at this point, per plat recorded in Instrument No. 201600150636, Official Public Records of Dallas County, Texas); at the southernmost corner of a 1.511 acre tract of land described in Special Warranty Deed to CWR3 Land, Ltd., recorded in Instrument No. 201700145070, Official Public Records of Dallas County, Texas; at the southernmost corner of Lot 1, Block L/8466 of Cypress Waters The Sound No. 2 Addition, Phase 1, an addition to the City of Dallas, Texas according to the plat thereof recorded in Instrument No. 201800323355, Official Public Records of Dallas County, Texas and the westernmost corner of said 3.5125 acre tract;

THENCE departing said northeast right-of-way line, with the southeast line of said 1.511 acre tract; the southeast line of said Lot 1, Block L/8466; the southeast line of a 0.089 acre tract of land described in Special Warranty Deed to CWR3 Land, Ltd., recorded in Instrument Nos. 201700145070, 201700145071 and 201700145072, all of the Official Public Records of Dallas County, Texas; the southeast line of a 0.6304 acre tract of land described in Special Warranty Deed to The Neighborhoods of Cypress Waters Association, Inc., recorded in Instrument No. 201800118005, Official Public Records of Dallas County, Texas; the northwest line of said 3.5125 acre and 1.5101 acre tracts, North 31°42'19" East, a distance of 444.26 feet to a 5/8" iron rod with 3-1/4" aluminum disk stamped "CW SOUND No. 2, PH 2, KHA, BLOCK L/8466" set at an interior corner of said 0.6304 acre tract and the northernmost corner of said 1.5101 acre tract;

THENCE with the southerly line of said 0.6304 acre tract; the southwest line of a 1.755 acre tract of land described in Special Warranty Deed to CWR4 Land, Ltd., recorded in Instrument Nos. 201700353039, 201700353040 and 201700353041, all of the Official Public Records of Dallas County, Texas; the northeast line of said 1.5101 acre tract; and the northerly line of said Tract 2, South 58°23'46" East, at a distance of 60.00 feet, passing a 5/8" iron rod with 3-1/4" aluminum disk stamped "CW SOUND No. 2, PH 2, KHA BLOCK L/8466" set, continuing with said southerly line, at a distance of 102.21 feet, passing a point in the northeast line of said Tract 2 at the easternmost southeast corner of said 1.755 acre tract, continuing with said north line of Tract 2, at a distance of 407.27 feet, passing the easternmost corner of said Tract 2 and the westernmost southwest corner of a 22.779 acre tract of land described as "Tract 1" in Special Warranty Deed with Reserved Right of First Refusal and Restrictive Covenant to the City of Coppell, recorded in Instrument No. 201600107180, Official Public Records of Dallas County, Texas, continuing with the southwest line of said Tract 1, at a distance of 474.52 feet, passing the southernmost southwest corner of said Tract 1, continuing over and across said 250.992 acre tract, at a distance of 511.39 feet, passing a 5/8" iron rod with 3-1/4" aluminum disk stamped "CW SOUND No. 2, PH 3, KHA BLOCK L/8466" set for reference, continuing over and across said 250.992 acre tract, in all a total distance of 606.39 feet to a 5/8" iron rod with 3-1/4" aluminum disk stamped "CW SOUND No. 2, PH 3, KHA BLOCK L/8466" set for corner;

THENCE continuing over and across said 250.992 acre tract, the following courses and distances to wit:

South 31°42'19" West, a distance of 445.34 feet to a 5/8" iron rod with 3-1/4" aluminum disk stamped "CW SOUND No. 2, PH 3, KHA BLOCK L/8466" set for corner;

North 58°17'41" West, at a distance of 102.52 feet passing the southernmost corner of said 3.5125 acre tract, continuing with the southwest line of said 3.5125 acre tract, in all a total distance of 199.01 feet to a 5/8" iron rod with 3-1/4" aluminum disk stamped "CW SOUND No. 2, PH 3, KHA BLOCK L/8466" set at an interior corner of said 3.1690 acre tract;

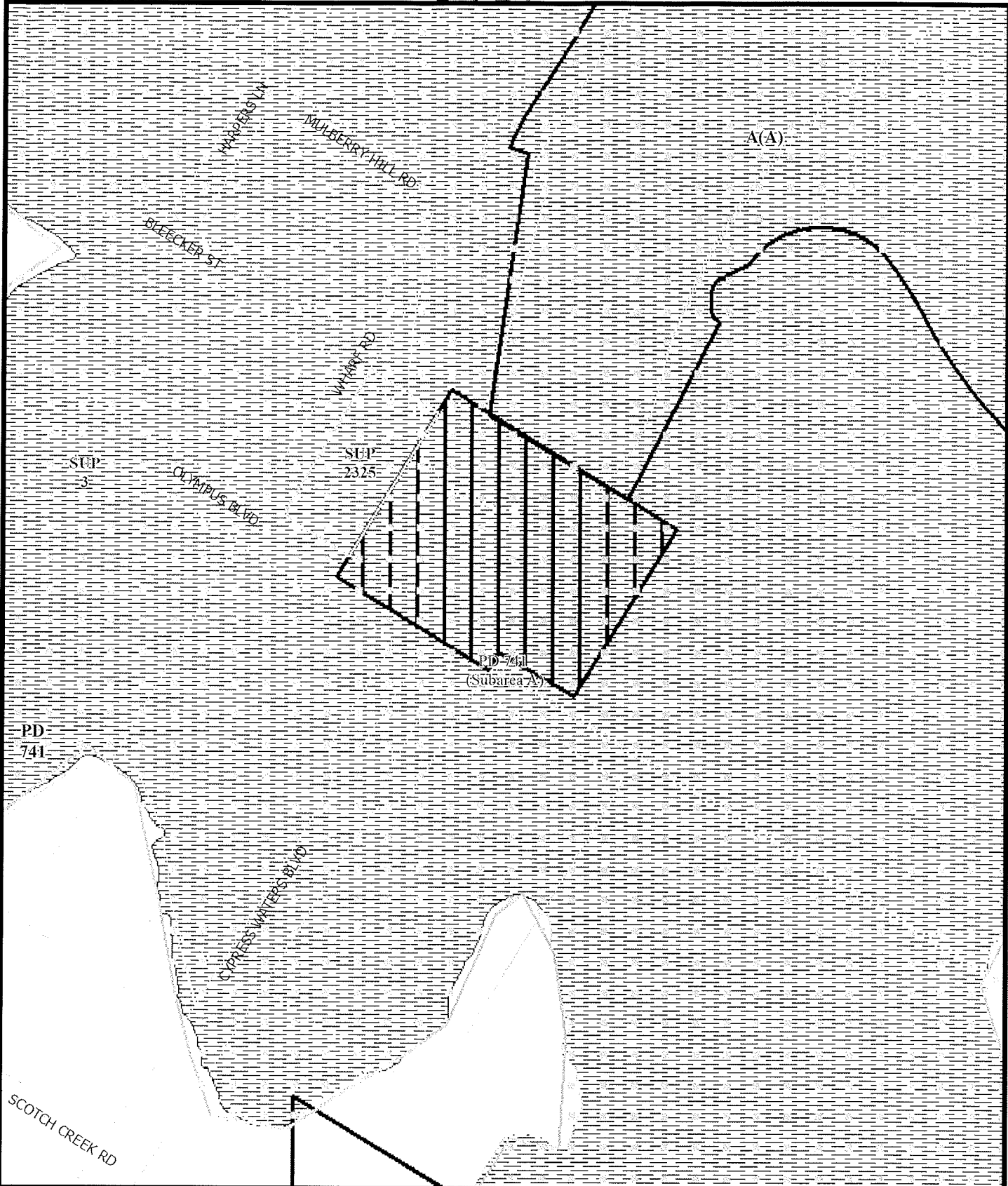
THENCE continuing with said southwest line of the 3.5125 acre tract, South 31°42'19" West, a distance of 8.00 feet to a 5/8" iron rod with 3-1/2" aluminum disk stamped "Cypress Waters No. 6 Addition, KHA" found for corner at the northernmost end of the easterly terminus of said Olympus Boulevard and at a southerly corner of said 3.5125 acre tract;

THENCE with said northeasterly right-of-way line of Olympus Boulevard and the southwest line of said 3.5125 acre tract, the following courses and distances to wit:

North 58°17'41" West, at a distance of 224.83 feet to a 5/8" iron rod with 3-1/4" aluminum disk stamped "CW SOUND No. 2, PH 3, KHA BLOCK L/8466" set for corner;

North 31°42'19" East, a distance of 8.00 feet to a 5/8" iron rod with 3-1/4" aluminum disk stamped "CW SOUND No. 2, PH 3, KHA BLOCK L/8466" set for corner;

North 58°17'41" West, a distance of 182.56 feet to the **POINT OF BEGINNING** and containing 6.2333 acres or 271,522 square feet of land.

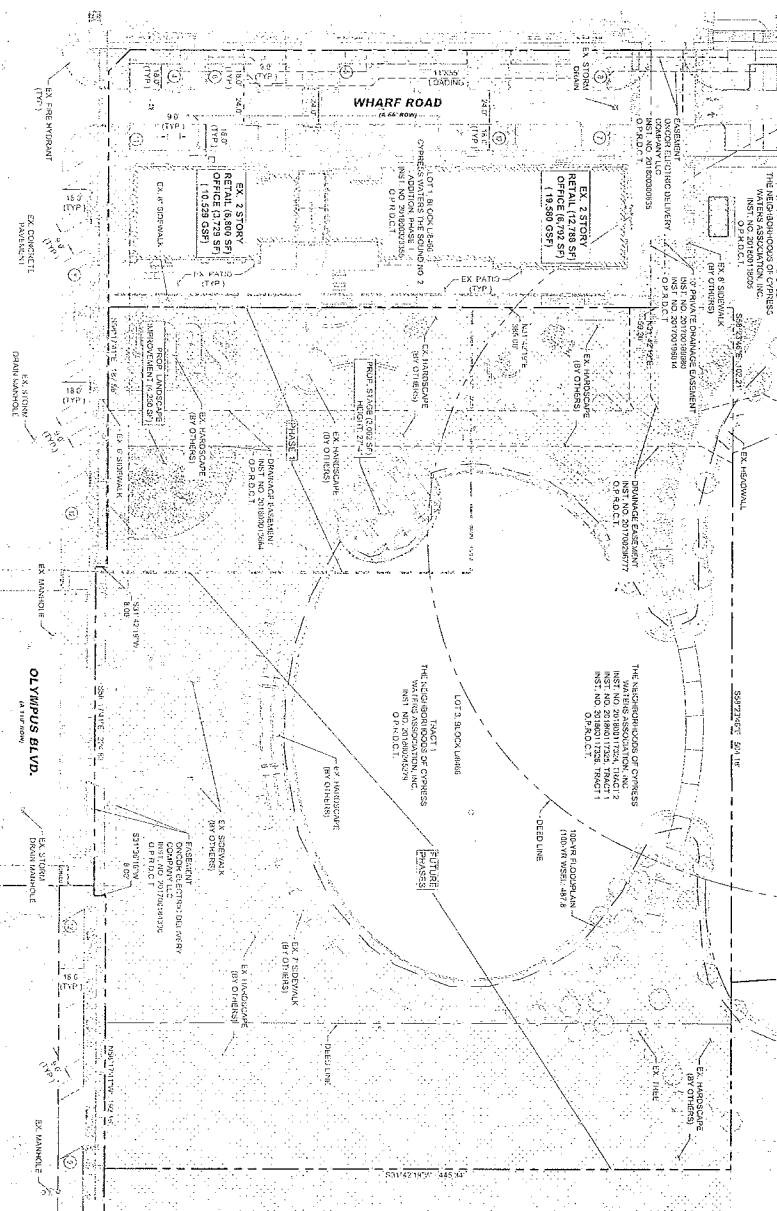


1:3,600

ZONING MAP

Case no: Z189-265

Date: 6/27/2019



Specific Use Permit
No. 2348

MIXED-USE PARKING SUMMARY TABLE

TYPE OF PARKING	NO. OF SPACES
STREET PARKING	0
STANDARD PARKING	40
BICYCLE PARKING	0
BIKE LOCKERS	0
BUFFER ZONE PARKING	0
TOTAL ON-SITE PARKING	40
OFF-SITE PARKING	0
TOTAL ON-SITE AND OFF-SITE PARKING	40

SITE DATA SUMMARY TABLE

GENERAL SITE DATA	NO.	LOT 3 BLOCK L/466
SUBJECT PROPERTY ADDRESS		
OWNER		
OWNER ADDRESS		
OWNER PHONE		
OWNER FAX		
OWNER E-MAIL		
OWNER CONTACT PERSON		
OWNER CONTACT PHONE		
OWNER CONTACT FAX		
OWNER CONTACT E-MAIL		
OWNER CONTACT ADDRESS		
OWNER CONTACT PHONE		
OWNER CONTACT FAX		
OWNER CONTACT E-MAIL		
OWNER CONTACT ADDRESS		
OWNER CONTACT PHONE		
OWNER CONTACT FAX		
OWNER CONTACT E-MAIL		

PROJECT NAME	SUBJECT PROPERTY ADDRESS	L/466			L/467			L/468			L/469			L/470		
		ACREAGE	SQ. FT.	UNIT	ACREAGE	SQ. FT.	UNIT	ACREAGE	SQ. FT.	UNIT	ACREAGE	SQ. FT.	UNIT	ACREAGE	SQ. FT.	UNIT
EXISTING RESIDENTIAL		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
EXISTING COMMERCIAL		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
EXISTING INDUSTRIAL		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
EXISTING OFFICE		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
EXISTING RETAIL		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
EXISTING SCHOOL		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
EXISTING CHURCH		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
EXISTING GOVERNMENT		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
EXISTING PAVILION		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
EXISTING OTHER		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
TOTAL EXISTING		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
PROPOSED COMMERCIAL		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
PROPOSED OFFICE		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
PROPOSED RESIDENTIAL		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
PROPOSED INDUSTRIAL		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
PROPOSED SCHOOL		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
PROPOSED CHURCH		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
PROPOSED GOVERNMENT		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
PROPOSED PAVILION		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
PROPOSED OTHER		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	
TOTAL PROPOSED		0.00	0		0.00	0		0.00	0		0.00	0		0.00	0	



Owner/Developer:
BRIAN W. BILLINGSLEY
10000 S. WINDYBROOK DRIVE
DALLAS, TEXAS 75241
214-343-1200
bwillingsley@billingsley.com

Engineer/Architect:
Kimley-Horn and Associates, Inc.
600 NORTH GILBERT STREET
SUITE 400
DALLAS, TEXAS 75202
214-761-4000
kimley-horn.com

- CONDITIONS:**
- THIS DEVELOPMENT IS SUBJECT TO THE CITY OF DALLAS SPECIFIC USE PERMIT NO. 2348.
 - ALL UTILITIES SHOWN ON THESE PLANS ARE BASED ON THE MOST RECENT RECORD DRAWINGS ON FILE WITH THE CITY OF DALLAS.
 - ALL UTILITIES EXISTING ON THIS SITE SHALL BE PRESERVED AND PROTECTED.
 - ALL UTILITIES TO BE INSTALLED SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF DALLAS SPECIFICATIONS.
 - ALL UTILITIES SHALL BE INSTALLED AND MAINTAINED AT ALL TIMES.
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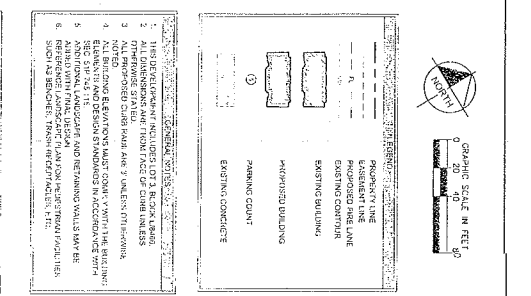
VICINITY MAP: SEE ATTACHED V4-1000 VDC PLANS.

PROPOSED DEVELOPMENT SUMMARY TABLE

USE TYPE	ACREAGE	SQ. FT.	UNIT
EXISTING COMMERCIAL	0.00	0	
EXISTING OFFICE	0.00	0	
EXISTING RESIDENTIAL	0.00	0	
EXISTING INDUSTRIAL	0.00	0	
EXISTING SCHOOL	0.00	0	
EXISTING CHURCH	0.00	0	
EXISTING GOVERNMENT	0.00	0	
EXISTING PAVILION	0.00	0	
EXISTING OTHER	0.00	0	
TOTAL EXISTING	0.00	0	
PROPOSED COMMERCIAL	0.00	0	
PROPOSED OFFICE	0.00	0	
PROPOSED RESIDENTIAL	0.00	0	
PROPOSED INDUSTRIAL	0.00	0	
PROPOSED SCHOOL	0.00	0	
PROPOSED CHURCH	0.00	0	
PROPOSED GOVERNMENT	0.00	0	
PROPOSED PAVILION	0.00	0	
PROPOSED OTHER	0.00	0	
TOTAL PROPOSED	0.00	0	

KIMLEY-HORN & ASSOCIATES, INC.
600 NORTH GILBERT STREET, SUITE 400, DALLAS, TEXAS 75202
214-761-4000
www.kimley-horn.com

PROJECT: 063822954
DATE: 05/09/2010
DESIGNED BY: JAM
DRAWN BY: JAM
CHECKED BY: JAM
APPROVED BY: JAM



REVISIONS

NO.	REVISIONS	DATE	BY



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 28 2019

ORDINANCE NUMBER 31294

DATE PUBLISHED AUG 31 2019

ATTESTED BY: