

12-10-19

ORDINANCE NO. **31405**

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as an NS(A) Neighborhood Service District:

BEING a tract of land in City Block 8779; fronting approximately 115 feet along the west line of Haymarket Road; fronting approximately 292.75 feet along the north line of Lyndon B. Johnson Freeway; and containing approximately 1.11 acres,

to be used under Specific Use Permit No. 2351 for a motor vehicle fueling station; 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 an NS(A) Neighborhood Service District, to be used under Specific Use Permit No. 2351 for a motor vehicle fueling station.

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 motor vehicle fueling station.
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 11, 2024, but is eligible for automatic renewal for additional five-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. 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.

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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 Anna Lambert Holmes  
Assistant City Attorney

Passed DEC 11 2019

## EXHIBIT A

BEING a tract of land situated in the Solomon Dixon Survey, Abstract No. 407, City Block 8779, in the City of Dallas, Dallas County, Texas, being a part of the land as described in Special Warranty Deed with Vendor's Lien to SF Investment LLC, as recorded in Instrument No. 201900049595, Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a monument stamped "TXDOT" found for corner, lying on the northwest intersection of Haymarket Road (variable width right-of-way) and Interstate No. 20 (variable width right-of-way);

THENCE South 35 degrees 33 minutes 17 seconds West, along the west right-of-way line of said Interstate Highway No. 20, a distance of 74.04 feet to a monument stamped "TXDOT" found for corner, said corner lying on the north right-of-way line of Interstate Highway No. 20, and the beginning of a non-tangent curve to the right, with a radius of 4048.00 feet, with a central angle of 02 degrees 06 minutes 02 seconds, with a chord bearing of South 72 degrees 34 minutes 55 seconds West, and a chord distance of 148.39 feet;

THENCE along said north right-of-way of said Interstate No. 20, and along said non-tangent curve to the right, an arc distance of 148.40 feet to a 5/8 inch rod found for corner;

THENCE South 78 degrees 36 minutes 28 seconds West, continuing along the north right-of-way line of said Interstate No. 20, a distance of 63.40 feet to a point for corner;

THENCE South 63 degrees 58 minutes 12 seconds West, continuing along the north right-of-way line of said Interstate Highway No. 20, a distance 6.55 feet to a point for corner, being the southwest corner of the herein described tract;

THENCE traversing said SF Investment LLC tract, the following bearings and distances;

North 00 degrees 24 minutes 07 seconds East, as a distance of 231.82 feet to a point for corner;

South 89 degrees 35 minutes 53 seconds East, a distance of 255.00 feet to a point for corner lying on the west right-of-way line of aforementioned Haymarket Road;

THENCE South 01 degrees 56 minutes 30 seconds East, along the west right-of-way line of said Haymarket Road, a distance of 4.05 feet to an "X" found for corner;

THENCE North 89 degrees 38 minutes 33 seconds West. a distance of 7.09 feet to a point for corner;

THENCE South 02 degrees 23 minutes 12 seconds East, along the west right-of-way line of said Haymarket Road, a distance of 84.04 feet to a 5/8 inch iron rod found;

THENCE South 01 degrees 16 minutes 29 seconds West, continuing along the west right-of-way

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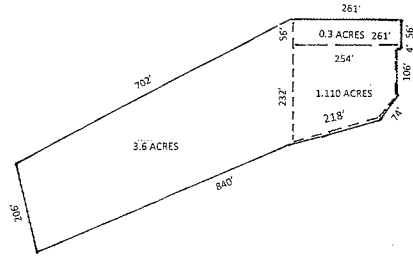
GIS\_\_Approved

line of said Haymarket Road, a distance of 22.01 feet to the POINT OF BEGINNING and containing 48,374 square feet or 1.110 acre of land.

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Site Plan  
31405

5.0 ACRE TRACT WHICH 1.110 ACRES & 0.3 ACRE ARE PART OF  
SOLOMAN DUNCAN SURVEY, A 407  
DALLAS COUNTY, DALLAS TEXAS

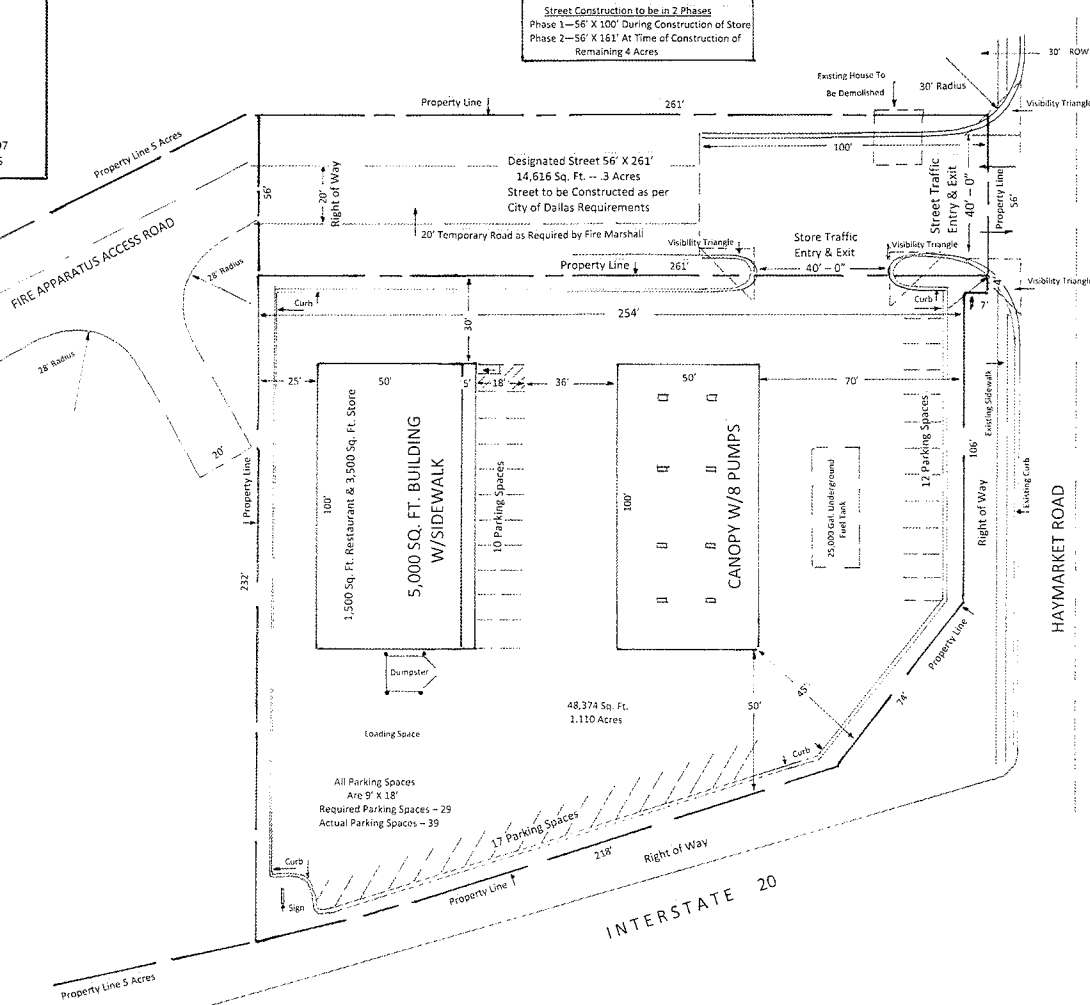


## Specific Use Permit No. 2351

Street Construction to be in 2 Phases  
Phase 1—56' X 100' During Construction of Store  
Phase 2—56' X 161' At Time of Construction of  
Remaining 4 Acres

| SITE DATA TABLE           |   |
|---------------------------|---|
| Proposed:                 | <ul style="list-style-type: none"> <li>5,300 Sq. Ft. Building</li> <li>3,500 Sq. Ft. Dedicated for Food Store use with Alcohol being sold</li> <li>1,500 Sq. Ft. Dedicated for Restaurant use (Without Drive-in or Drive Thru)</li> </ul> |
| Building Details:         | <ul style="list-style-type: none"> <li>Dimensions—50 Ft. X 100 Ft. with a 5' long Canopy</li> <li>Height—22 Ft.</li> </ul>  |
| Gas Pumps Canopy Details: | <ul style="list-style-type: none"> <li>8 Gas &amp; Diesel Dispensers (MPD)</li> <li>Dimensions—50 Ft. X 100 Ft.</li> <li>Height—22 Ft.</li> </ul>   |

| SPECIAL USE PERMIT (SUP) |   |
|--------------------------|---|
|                          | <ul style="list-style-type: none"> <li>Canopy over Pumps 50 FT X 100 FT.</li> <li>25,000 Gallon Underground Fuel Tank w/Regular &amp; Supreme Unleaded &amp; Diesel Fuel</li> <li>8 Pumps (MPD)—16 Dispensers (Hoses)</li> <li>4 Pumps—8 Dispensers w/Unleaded Fuel Only (Inside Pumps—Under Canopy)</li> <li>4 Pumps—8 Dispensers w/Unleaded &amp; Diesel Fuel (Outside Pumps—Under Canopy)</li> </ul> |



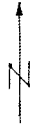
SITE PLAN

Scale: 1" = 20' - 0"

SITE PLAN W/SPECIAL USE PERMIT (SUP)

HAYMARKET FOOD MART  
Block 8779, Lot 11  
1523 Haymarket Road, Dallas, Texas 75253  
Zoning Case No. Z189-248  
Date: Sept 28, 2019

Approved  
City Plan Commission  
October 17, 2019



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PD  
648

HAYMARKET RD

R-7.5(A)

LBJACRD

LBJSERV

LBJRAMP

LBJFWY



LBJFWY

LBJSERV

D-1

CS

LBJACRD

R-10(A)

SEWELL DR

A(A)



1:2,400

## ZONING MAP

Case no: Z189-248

Date: 10/1/2019



## 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 11 2019

ORDINANCE NUMBER 31405

DATE PUBLISHED DEC 14 2019

ATTESTED BY: