

11-29-20

ORDINANCE NO. 31723

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as a CR Community Retail District with a D-1 Liquor Control Overlay:

BEING a portion of Lot 8A in City Block 5082; fronting approximately 106.83 feet along the west line of Midway Road north of Northwest Highway; and containing approximately 0.33 acre, to be used under Specific Use Permit No. 2399 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet; 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 CR Community Retail District with a D-1 Liquor Control Overlay, to be used under Specific Use Permit No. 2399 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 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 the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
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 9, 2022, but is eligible for automatic renewal for additional three-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, City Attorney

By Christopher J. Caso
Assistant City Attorney

Passed DEC 09 2020

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201962
GIS_Approved

EXHIBIT A

Beginning at the southeast corner of lot 8A of Block 5082 and the western right of way line of Midway Road;

Thence South $89^{\circ} 53' 31''$ west 169.72 feet to a point for corner;

Thence North $0^{\circ} 00' 01''$ east 97.04 feet to a point for corner;

Thence North $89^{\circ} 59' 43''$ east 124.39 feet to a point for corner;

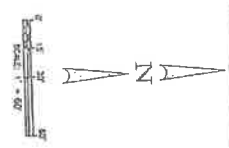
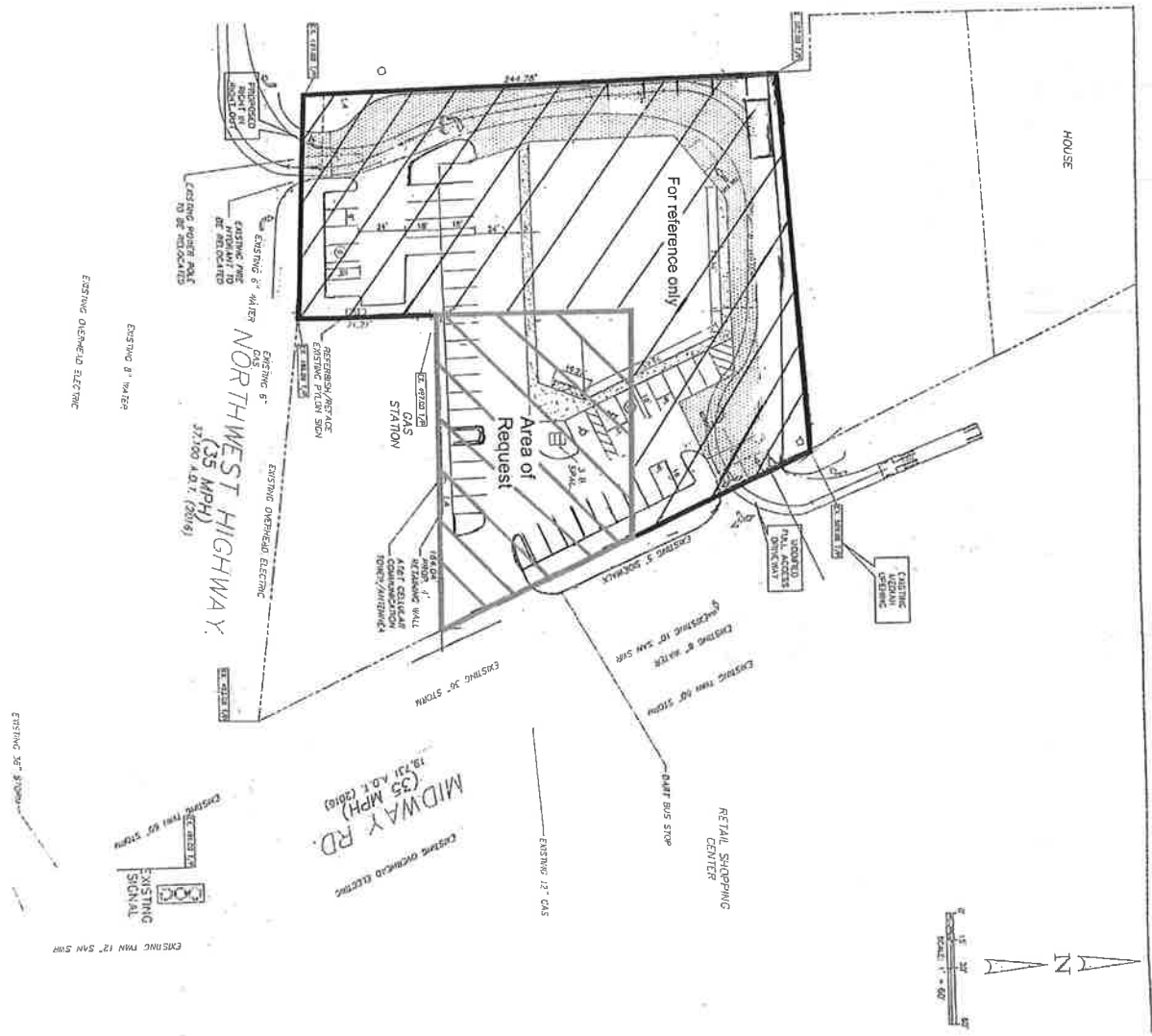
Thence South $25^{\circ} 06' 29''$ east 106.83 feet to the Point of Beginning and containing approximately .33 acres.

VICINITY MAP



SITE SUMMARY

Existing Zoning: CR - D
Proposed Zoning: SUP for alcohol sales
Area of request: 19,980 sq. ft.
Building area: 1,968 sq. ft.
For reference only*
Existing structure: 13,357 sq. ft.
Required Parking: 52
Provided Parking: 52



SITE PLAN
Z190-247

Specific Use Permit
No. 2399

Approved
City Plan Commission
October 15, 2020

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WILADA DR

PD
70

PD
851

Z801-138

SUP
1718

CR

MIDWAY RD

MIDWAY RD

D-1

W NORTHWEST HWY

W NORTHWEST HWY

R-10(A)

TH-3(A)

Z72-210



1:1,200

ZONING MAP

Case no: Z190-247
Date: 11/11/2020



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.

DEC 09 2020

DATE ADOPTED BY CITY COUNCIL _____

ORDINANCE NUMBER 31723

DATE PUBLISHED _____ DEC 12 2020 _____

ATTESTED BY: