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12-10-08

ORDINANCE NO. 27423

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 1/2703, fronting approximately 64.14 feet on the northwest line of East Grand Avenue, fronting approximately 142.57 feet on the northeast line of Shadyside Lane, and containing approximately 0.4774 acre,

from a CR Community Retail District to Tract IIA within Conservation District No. 6 (the Hollywood/Santa Monica Conservation District); amending Ordinance No. 21608, passed by the Dallas City Council on March 24, 1993, which amended Chapter 51A of the Dallas City Code and re-established Conservation District No. 6, as amended by Ordinance No. 21779, passed by the Dallas City Council on August 25, 1993; as amended by Ordinance No. 26884, passed by the Dallas City Council on August 8, 2007; as amended by Ordinance No. 27030, passed by the Dallas City Council on December 12, 2007 by amending the open space requirements for Tract IIA, providing a new property description for Tract IIA, and providing a new tract map; 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 of the City of Dallas find that the property described in Section 1 of this ordinance is an area of cultural and architectural importance and significance to the citizens of the city; and

WHEREAS, the city plan commission and the city council, in accordance with the provisions of the Charter of the City of Dallas, the state law, and the applicable

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ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the property hereinafter described; and

WHEREAS, the city council finds that it is in the public interest to expand and amend this conservation district; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning classification is changed from a CR Community Retail District to Tract IIA within Conservation District No. 6 (the Hollywood/Santa Monica Conservation District) on the property described in Exhibit A, which is attached to and made a part of this ordinance.

SECTION 2. That Paragraph 13, "Open Space Area," of Subsection (b), "Tracts II and IIA," of Section 6, "Development Standards," of Ordinance No. 21608, as amended by Ordinance Nos. 26884 and 27030, is amended to read as follows:

"(13) Open space area. In Tract IIA, no construction is permitted in the area beginning at the intersection of the west line of Vivian Avenue and the south line of Shadyside Lane, then along the south line of Shadyside Lane in a northwesterly direction to a point 300 [450] feet from the centerline of Vivian Avenue, then extending from the south line of Shadyside Lane in a southwesterly direction parallel to Vivian Avenue to the southern boundary of Tract IIA (the southern boundary line being approximately 215 feet in a southwesterly direction from the south line of Shadyside Lane), then along the southern boundary of Tract IIA in a southeasterly direction to the west line of Vivian Avenue, then along the west line of Vivian Avenue in a northeasterly direction to the point of beginning."

SECTION 3. That the Exhibit D (property description of Tract IIA) attached to Ordinance No. 26884, as amended, is replaced by the Exhibit D attached to this ordinance.

SECTION 4. That page 6 (tracts) of the Exhibit A (conceptual plan) attached to Ordinance No. 21608, as amended by Ordinance No. 26884, is replaced by the page 6 (CD 6 tract map) attached to this ordinance.

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SECTION 5. That the building official shall not issue a building permit or a certificate of occupancy for a use 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 6. The director of development services shall correct Zoning District Map No. I-9 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

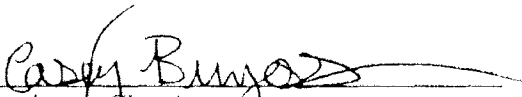
SECTION 8. That Ordinance Nos. 21608, 21779, 26884, and 27030 shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. 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 10. 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:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed DEC 10 2008

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Exhibit A
Page 1 of 2

Being a 20,795 square feet or a 0.4774 acre tract of land in the A.T. Nanny Survey, Abstract No. 1094, City of Dallas, Dallas County, Texas, said tract being part of Block 1/2703 of Shadywood Terrace Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 25, Page 251, Map Records of Dallas County, Texas, said tract designated as "Future Shopping Area" on the said map, being in all of a called 0.40 acre tract of land conveyed to Cecil Karr by deed recorded in Volume 5027, Page 215, Deed Records of Dallas County, Texas, as transferred to Dorothy Ann Karr by Order of Probate recorded in Volume 83169, Page 866, Deed Records of Dallas County, Texas, and to Barbara Ellison by Affidavit of Heirship recorded in Volume 96018, Page 405, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a found ½ inch iron rod at the intersection of the northwest line of East Grand Avenue (a 50 foot right of way) with the southwesterly line of the Dallas Area Rapid Transit (D.A.R.T.) right of way (a 100 foot right of way, formerly the G.C.&S.F. Railroad);

THENCE, S 32°30'00" W, with the northwest line of East Grand Avenue, a distance of 64.14 feet to a set 5/8 inch iron rod at the beginning of a curve to the right with a central angle of 102°25'47", a radius of 40.00 feet, a chord bearing of S 83°42'53" W and a chord distance of 62.36 feet, said point the east corner of a circular right of way corner clip at the intersection of the northwest line of East Grand Avenue with the northeast line of Shadyside Lane (a 50 foot right of way);

THENCE, Southwesterly, with the circular right of way clip, a distance of 71.51 feet to a found ½ inch iron rod at the end of the said curve and in the northeast line of Shadyside Lane;

THENCE, N 45°04'13" W, with the northeast line of Shadyside Lane, a distance of 142.57 feet to found ½ inch iron rod for a corner;

THENCE, N 45°00'00" E, departing the northeast line of Shadyside Lane, a distance of 127.51 feet to a found ½ inch iron rod for a corner in the southwest line of D.A.R.T. right of way;

THENCE, S 39°11'00" E, with the southeast line of D.A.R.T. right of way, a distance of 67.36 feet to a ½ inch iron rod with a plastic cap for a corner;

THENCE, S 39°45'30" E, continuing with the southwest line of D.A.R.T. right of way, a distance of 101.10 feet to the Point of Beginning.

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Being the same land shown on the survey entitled "ALTA/ACSM Land Title Survey, 0.4774 Acre Tract, "Future Shopping Area," Block 1/2703, Shadywood Terrace Addition, A.T. Nanny Survey, Abstract No. 1094, Dallas, Dallas County, Texas" made by L. Lynn Kadlek, RPLS No. 3952, Kadlek & Associates, dated May 20, 2008, last revised September 25, 2008 and designated as Job No. 2981-(Ellison); being locally known by the street address 7165 East Grand Avenue; and being assessed as Dallas Appraisal District Account No. 000000226747000000, which account number covers no other land.

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Exhibit D
Property Description of Tract IIA within Conservation District No. 6
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Being a 179,294 square feet or a 4.1160 acre tract of land in the A. T. Nanny Survey, Abstract No. 1094, City of Dallas, Dallas County, Texas, said tract being part of Block 2/2703 of Shadywood Terrace Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 25, Page 251, Map Records of Dallas County, Texas, said tract being all Tract 1 (called 4.116 acres) as conveyed to Gulf States Multi Family VII, LP by deed recorded in County Clerk Instrument No. 20070367447, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a found ½ inch iron rod at the intersection of the southwest line of Shadyside Lane (a 50 foot right of way at this location) with the northwest line of Vivian Avenue (a 48 foot right of way), said point being the northeast corner of said Block 2/2703;

THENCE, S 45°59'54" W, with the northwest line of Vivian Avenue, a distance of 171.94 feet to a point in a creek, said point being the southwest corner of said Block 2/2703 and the northeast corner of Lot 1, Block C/2704 of Santa Monica Heights Addition as recorded in Volume 6, Page 257, Map Records of Dallas County, Texas;

THENCE, the following courses and distances with the southwest line of said Block 2/2703 and the northeast line of said Santa Monica Heights Addition Revised and along the said creek:

- N 02°27'26" W, departing the northwest line of Vivian Avenue, a distance of 76.94 feet to a point for a corner;
- N 34°57'06" W, a distance of 31.32 feet to a point for a corner;
- N 49°21'36" W, a distance of 50.97 feet to a point for a corner;
- N 51°39'06" W, a distance of 50.00 feet to a point for a corner;
- N 79°07'36" W, a distance of 56.37 feet to a point for a corner;
- N 37°04'36" W, a distance of 51.66 feet to a point for a corner;
- N 60°44'36" W, a distance of 50.64 feet to a point for a corner;
- N 67°17'36" W, a distance of 51.92 feet to a point for a corner;
- N 69°23'46" W, a distance of 52.50 feet to a point for a corner;

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Exhibit D
Property Description of Tract IIA within Conservation District No. 6
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- N 76°21'06" W, a distance of 55.04 feet to a point for a corner;
- N 75°24'06" W, a distance of 54.63 feet to a point for a corner;
- N 59°37'06" W, a distance of 50.49 feet to a point for a corner;
- N 60°44'36" W, a distance of 50.64 feet to a point for a corner;
- N 40°13'06" W, a distance of 50.09 feet to a point for a corner;
- N 55°46'26" W, a distance of 27.06 feet to a point for a corner;
- N 43°05'28" W, a distance of 50.91 feet to a point for a corner;

THENCE, N 23°14'20" E, departing the said creek, a distance of 63.63 feet to a point for a corner;

THENCE, N 45°04'00" W, continuing with the southwest line of said Block 2/2703 and the northeast line of said Santa Monica Heights Addition Revised, a distance of 90.22 feet to a point for a corner at the northwest corner of the said Santa Monica Heights Addition Revised and the northeast corner of a called 1.3542 acre tract of land conveyed to Neighbors United for Quality Education, Inc. by deed recorded in Volume 2000213, Page 1510, Deed Records of Dallas County, Texas;

THENCE, N 45°19'37" W, with the southwest line of said Block 2/2703 and the northeast line of the said Santa Monica Heights Addition Revised, a distance of 85.83 feet to a found ½ inch iron rod for a corner in the southeast line of Lindsley Avenue (a 60 foot right of way), said point being the northwest corner of said Block 2/2703 and said point at the beginning of a non-tangent curve to the right with a central angle of 00°45'18", a radius of 514.46 feet, a chord bearing of N 66°37'36" E and a chord distance of 6.78 feet;

THENCE, Northeasterly, with the southeast line of Lindsley Avenue and along said curve, an arc distance of 6.78 feet to a found ½ inch iron rod at the point of tangency;

THENCE, N 67°00'16" E, continuing with the southeast line of Lindsley Avenue, a distance of 127.79 feet to a found ½ inch iron rod at the beginning of a tangent curve to the right with a central angle of 67°25'45", a radius of 108.87 feet, a chord bearing of S 79°16'52" E and a chord distance of 120.86 feet, said point being the west point of a circular right of way clip at the intersection of the southeast line of Lindsley Avenue with the southwest line of Shadyside Lane;

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THENCE, Southeasterly, with the said circular right of way clip and along said curve, an arc distance of 128.13 feet to a found ½ inch iron rod in the southwest line of Shadyside Lane and at the beginning of a reverse curve to the left with a central angle of 10°31'54", a radius of 1,351.22 feet, a chord bearing of S 50°49'56" E and a chord distance of 248.02 feet;

THENCE, the following courses and distances with the southwest line of Shadyside Lane:

- Southeasterly, along said curve, an arc distance of 248.37 feet to a found ½ inch iron rod at the point of tangency;
- S 56°05'53" E, a distance of 46.17 feet to a found ½ inch iron rod at the beginning of a tangent curve to the right with a central angle of 18°00'00", a radius of 1,018.03 feet, a chord bearing of S 47°05'53" E and a chord distance of 318.51 feet;
- Southeasterly, along said curve, an arc distance of 319.82 feet to a found ½ inch iron rod at the beginning of a reverse curve to the left with a central angle of 06°58'20", a radius of 1,578.15 feet, a chord bearing of S 41°35'03" E and a chord distance of 191.92 feet;
- Southeasterly, an arc distance of 192.04 feet to the Point of Beginning.

AND

Being a 163,071 square feet or a 3.7436 acre tract of land in the A. T. Nanny Survey, Abstract No. 1094, City of Dallas, Dallas County, Texas, said tract being all of Block 1/2703 of Shadywood Terrace Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 25, Page 251, Map Records of Dallas County, Texas, said tract being all of Tract 2 (called 3.266 acres) as conveyed to Gulf States Multi Family VII, LP by deed recorded in County Clerk Instrument No. 20070367447, Deed Records of Dallas County, Texas and being all of a called 0.40 acre tract of land conveyed to Cecil Karr by deed recorded in Volume 5027, Page 215, Deed Records of Dallas County, Texas, as transferred to Dorothy Ann Karr by Order of Probate recorded in Volume 83169, Page 866, Deed Records of Dallas County, Texas, and to Barbara Ellison by Affidavit of Heirship recorded in Volume 96018, Page 405, Deed Records of Dallas County, Texas, and being more particularly described as follows:

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Property Description of Tract IIA within Conservation District No. 6

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BEGINNING at a found ½ inch iron rod at the intersection of the northwest line of East Grand Avenue (a variable width right of way) with the southwesterly line of the Dallas Area Rapid Transit (D.A.R.T.) right of way (a 100 foot right of way, formerly the G.C.&S.F Railroad), said point being the northeast corner of Block 1/2703;

THENCE, S 32°30'00" W, with the northwest line of East Grand Avenue, a distance of 64.14 feet to a set 5/8 inch iron rod at the beginning of a curve to the right with a central angle of 102°25'47", a radius of 40.00 feet, a chord bearing of S 83°42'53" W and a chord distance of 62.36 feet, said point the east corner of a circular right of way corner clip at the intersection of the northwest line of East Grand Avenue with the northeast line of Shadyside Lane (a 50 foot right of way);

THENCE, Southwesterly, with the circular right of way clip, a distance of 71.51 feet to a found ½ inch iron rod at the end of the said curve and in the northeast line of Shadyside Lane;

THENCE, the following courses and distances with the northeast line of Shadyside Lane:

- N 45°04'13" W, a distance of 258.63 feet to found PK nail at the beginning of a tangent curve to the right with a central angle of 06°58'20", a radius of 1,528.15 feet, a chord bearing of N 41°35'03" W and a chord distance of 185.84 feet;
- Northwesterly, along said curve, an arc distance of 185.96 feet to a found ½ inch iron rod at the beginning of a reverse curve to the left with a central angle of 18°00'00", a radius of 1,068.03 feet, a chord bearing of N 47°05'53" W and a chord distance of 334.15 feet;
- Northwesterly, along said curve, an arc distance of 335.53 feet to a found ½ inch iron rod at the point of tangency;
- N 56°05'53" W, a distance of 46.17 feet to a set 5/8 inch iron rod at the beginning of a tangent curve to the right with a central angle of 10°31'54", a radius of 1,301.22 feet, a chord bearing of N 50°49'56" W and a chord distance of 238.84 feet;
- Northwesterly, along said curve, an arc distance of 239.18 feet to a found ½ inch iron rod at the point of tangency;

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Exhibit D

Property Description of Tract IIA within Conservation District No. 6

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- N 45°33'59" W, a distance of 4.74 feet to a found ½ inch iron rod at the beginning of a tangent curve to the right with a central angle of 88°55'21", a radius of 57.94 feet, a chord bearing of N 01°06'18" W and a chord distance of 81.17 feet, said point being the south corner of a circular right of way clip at the intersection of the northeast line of Shadyside Lane with the southeast line of Lindsley Avenue (a 50 foot right of way);

THENCE, Northwesterly, departing the northeast line of Shadyside Lane and with the said circular right of way clip and along said curve, an arc distance of 89.92 feet to a found ½ inch iron rod at the beginning of a reverse curve to the left with a central angle of 09°20'06", a radius of 378.71 feet, a chord bearing of N 38°41'19" E and a chord distance of 61.63 feet;

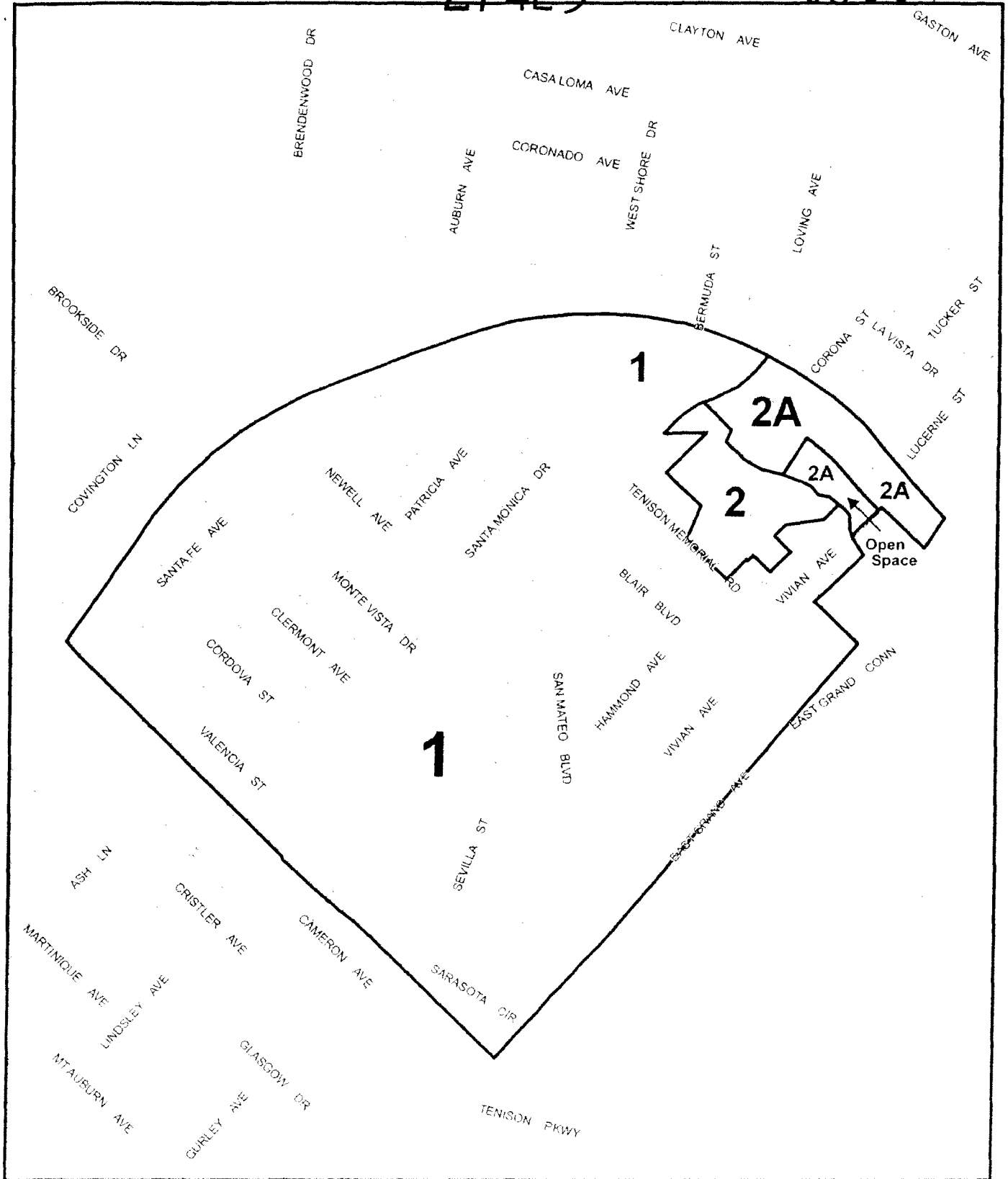
THENCE, Northeasterly, with the southeast line of Lindsley Avenue and along said curve, an arc distance of 61.70 feet to a found ½ inch iron rod for a corner at the intersection of the southeast line of Lindsley Avenue with the southwest line of said DART;

THENCE, the following courses and distances with the southwest line of DART:

- S 62°57'00" E, a distance of 47.54 feet to a set 5/8 inch iron rod for a corner;
- S 56°55'20" E, a distance of 100.90 feet to a found ½ inch iron rod for a corner;
- S 55°44'40" E, a distance of 101.20 feet to a point for a corner in a tree;
- S 53°08'00" E, a distance of 102.00 feet to found 5/8 inch iron rod for a corner;
- S 49°55'30" E, a distance of 103.30 feet to found ½ inch iron rod for a corner;
- S 47°13'50" E, a distance of 105.68 feet to found ½ inch iron rod for a corner;
- S 41°52'30" E, a distance of 101.40 feet to found ½ inch iron rod for a corner;
- S 40°28'40" E, a distance of 101.00 feet to found ½ inch iron rod for a corner;
- S 39°11'00" E, a distance of 302.19 feet to a found ½ inch iron rod with a plastic cap for a corner;
- S 39°45'30" E, a distance of 101.10 feet to the Point of Beginning.

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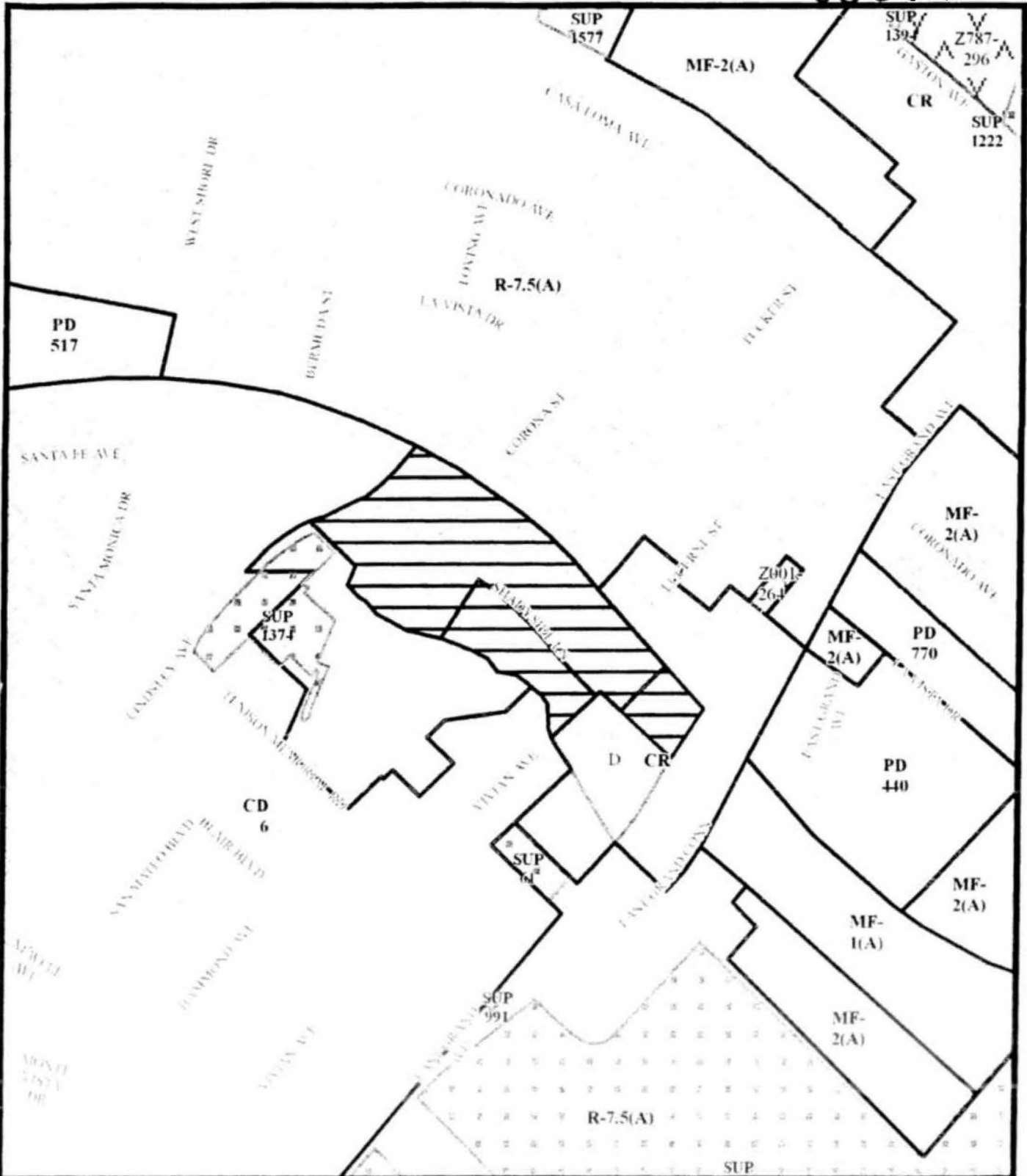
Matched to Parcel07 lines

CD 6 TRACT MAP
 Contains 4 Tracts
 Tracts 1, 2, 2A, 2A Open Space

Newest
 12/10/00

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1:4,800

ZONING AND LAND USE

I-9

Map no: _____

Case no: Z078-284 JA