

**CITY OF COCKRELL HILL, TEXAS**

**ORDINANCE NO. 2005-J**

**AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 153, "ZONING CODE," AND THE CITY'S OFFICIAL ZONING MAP, BY CHANGING THE ZONING CLASSIFICATION FROM COMMERCIAL DISTRICT USE ZONING TO THE CENTRAL AREA ("CA") ZONING DISTRICT ON THE FOLLOWING COMMERCIAL PROPERTIES GENERALLY LOCATED AT 4400 JEFFERSON BOULEVARD TO 12 COCKRELL HILL ROAD, MORE PARTICULARLY IDENTIFIED AS TRACTS 1-2, AND 4 OF THE WESLEY COCKRELL ABSTRACT ADDITION; BLOCK 1 LOT 1 OF THE CIRCLE K ADDITION; BLOCK X PARTS OF LOTS 9-10 AND LOTS 11-12 OF THE FAIRMONT PARK ADDITION; BLOCK X LOTS 13-A AND 15-A OF THE FAIRMONT PARK REP ADDITION; LOTS 7-12 OF THE PATTON ADDITION AND BLOCK A LOT 1 OF THE COCKRELL HILL DART PASSENGER ADDITION AND PROVIDING FOR PENALTY, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Cockrell Hill ("City Council") adopted in 2002 a new Comprehensive Plan, which envisions a Jefferson Boulevard Corridor and increased retail and service uses within the Jefferson Boulevard Corridor; and

**WHEREAS**, the Comprehensive Plan makes a number of recommended changes to the City's current zoning regulations and land-use schemes to effectuate the goals and objectives of the Comprehensive Plan; and

**WHEREAS**, the City Council in December 2004, determined that it was in the best interest of the health, safety and general welfare of the public to amend Chapter 153 of the Code of Cockrell Hill, Texas, the City's Zoning Code, by creating a new Central Area "CA" Zoning District for properties that have frontage on Jefferson Boulevard or that are within two hundred feet of the Jefferson Boulevard right-of-way, and by deleting certain uses permitted by special permit with the City; and

**WHEREAS**, the City Council adopted Ordinance 2004-K to create the new Central Area "CA" Zoning District, but did not at that time change the zoning map to rezone any properties to Central Area District zoning; and

**WHEREAS**, the City Council now desires to rezone certain properties, as recommended by the City's consultant planner, from their current commercial zoning to Central Area District zoning; and

**WHEREAS**, the City, in accordance with state law and all applicable ordinances of the City, has given the required notices and have held the required public hearings regarding the

amendment of the City's zoning map to rezone the effected properties, which properties are set forth in the attached Exhibit A to this ordinance; and

**WHEREAS**, all legal requirements, conditions and prerequisites have been complied with prior to the case coming before the City Council for the City of Cockrell Hill; and

**WHEREAS**, the City Council, after determining that all legal requirements of notice and hearing have been met, has determined that the properties forth in the attached Exhibit A to this ordinance, and as graphically displayed in the attached Central Area "CA" Zoning District map, should be rezoned to the Central Area District zoning classification and that such rezoning would provide for and would be in the best interest of the health, safety, morals and general welfare of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS:**

**Section 1.** That all of the above premises are hereby found to be true and correct legislative findings of the City and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** The Code of Cockrell Hill, Chapter 153, the Zoning Ordinance of the City of Cockrell Hill, Ordinance 1968-F, as amended, be and the same is hereby amended insofar as the properties described in the attached Exhibit A to this ordinance shall be rezoned and classified from Commercial Use to Central Area District Use and be subject to the provisions of the Zoning Ordinance generally, and the Zoning Map be and is hereby amended and corrected so that said property which is presently zoned Commercial Use shall reflect Central Area District zoning. The City Secretary is hereby directed to correct the Zoning Map of the City of Cockrell Hill to reflect the change in zoning herein.

**Section 3.** All nonconforming uses created by the enactment of this ordinance are expressly recognized and will be subject to Section 153.080 of the City's Zoning Code, except that in the event that a structure occupied by a nonconforming use is destroyed by an Act of God, a natural disaster, the elements or other unforeseen event not of the owner's creation or cause, the structure may be rebuilt and the nonconforming use continued, provided that the structure is built to current building and safety codes.

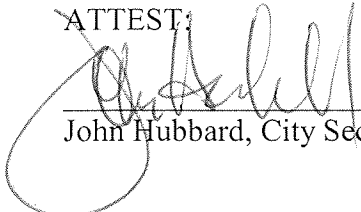
**Section 4.** If any section, article, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 5.** This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

**PASSED AND APPROVED** the 12th day of April, 2005.

  
\_\_\_\_\_  
C. P. Slayton, Mayor

ATTEST:

  
\_\_\_\_\_  
John Hubbard, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert F. Brown, City Attorney

**EXHIBIT # A**  
**PROPERTIES REZONED INTO CENTRAL AREA (CA)**  
**DISTRICT**

In accordance with ordinance 2005-J, April 12, 2005.

1. **4438 W JEFFERSON BLVD**  
WESLEY COCKRELL ABST 246 PG 731  
TR 1  
DORWARD DONALD M  
713 S GILPIN AVE  
DALLAS, TEXAS 75211-5051

2. **4426 W JEFFERSON BLVD**  
WESLEY COCKRELL ABST  
TR 4  
MASAKI MARIA &  
DEMOLAKIS CONSTANTINO  
6312 HICKORY HILL DR  
DALLAS, TEXAS 75248-4975

3. **4400 W JEFFERSON BLVD**  
COCKRL HILL DART PSSNGR  
BLK A LT 1  
DALLAS AREA RAPID TRANSIT  
PO BOX 660163  
DALLAS, TEXAS 75266-0163

4. **4426 W JEFFERSON BLVD**  
CIRCLE K  
BLK 1 LOT 1  
JAPAGE PARTNERSHIP  
7887 KATY FWY STE 220  
HOUSTON, TEXAS 77024-2009

5. **919 S COCKRELL HILL RD**  
WESLEY COCKRELL ABST  
TR 2  
JOHNSON JAMES K  
1010 LAUSANNE AVE  
DALLAS, TEXAS 75208-3513

6. **923 S COCKRELL HILL RD**  
WESLEY COCKRELL ABST  
TR 2  
JOHNSON JAMES K  
1010 LAUSANNE AVE  
DALLAS, TEXAS 75208-3513

7. **7 NO NAME ST**  
PATTON  
LT 7  
MASAKI MARIA &  
DEMOLAKIS CONSTANTINO  
6312 HICKORY HILL DR  
DALLAS, TEXAS 75248-4975

8. **8 NO NAME ST**  
PATTON  
LT 8  
MASAKI MARIA &  
DEMOLAKIS CONSTANTINO  
6312 HICKORY HILL DR  
DALLAS, TEXAS 75248-4975

9. **9 NO NAME ST**  
PATTON  
LT 9  
MASAKI MARIA &  
DEMOLAKIS CONSTANTINO  
6312 HICKORY HILL DR  
DALLAS, TEXAS 75248-4975

10. **10 NO NAME ST**  
PATTON  
LT 10  
MASAKI MARIA  
DEMOLAKIS CONSTANTINO  
6312 HICKORY HILL DR  
DALLAS, TEXAS 75248-4975

11. **11 NO NAME ST**  
PATTON  
LT 11  
MASAKI MARIA &  
DEMOLAKIS CONSTANTINO  
6312 HICKORY HILL DR  
DALLAS, TEXAS 75248-4975

12. **12 NO NAME ST**  
PATTON  
LOT 12  
DIMOULAKIS COSTAS &  
MARIA MASAKI  
13209 FLAGSTONE LN  
DALLAS, TEXAS 75240-5612

13. **4411 W JEFFERSON BLVD**  
FAIRMOUNT PARK  
BLK X PT LOTS 9 & 10  
NEAL SHIRLEY A  
4204 W CLARENDON DR  
DALLAS, TEXAS 75211-4920

14. **719 S COCKRELL HILL RD**  
FAIRMOUNT PARK  
BLK X LT 11  
WILLIAMS ALICE A  
4316 W JEFFERSON BLVD  
DALLAS, TEXAS 75211-4621

15. **12 S COCKRELL HILL RD**  
FAIRMOUNT PARK  
LOT 12 BLK X  
WILLIAMS ALICE A  
4534 MOLER ST  
DALLAS, TEXAS 75211-6403

16. **711 S COCKRELL HILL RD**  
FAIRMONT PARK REP  
BLK X LOT 13-A  
REYES AURORA  
2562 S HWY # 77  
WAXAHACHIE, TEXAS 75165

17. **703 S COCKRELL HILL RD**  
FAIRMONT PARK REP  
BLK X LOT 15-A  
CLARDY JAMES K & LINDA  
703 S COCKRELL HILL RD  
DALLAS, TEXAS 75211-4610