

ARTICLE 211.

PD 211.

SEC. 51P-211.101. LEGISLATIVE HISTORY.

PD 211 was established by Ordinance No. 18871, passed by the Dallas City Council on September 18, 1985. Ordinance No. 18871 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 18871 was amended by Ordinance No. 19034, passed by the Dallas City Council on February 26, 1986; Ordinance No. 19549, passed by the Dallas City Council on May 20, 1987; Ordinance No. 23236, passed by the Dallas City Council on August 27, 1997; and Ordinance No. 23602, passed by the Dallas City Council on August 12, 1998. (Ord. Nos. 10962; 18871; 19034; 19549; 23236; 23602; 25711)

SEC. 51P-211.102. PROPERTY LOCATION AND SIZE.

PD 211 is established on property generally located on the west line of Noel Road, north of the north line of Spring Valley Road. The size of PD 211 is approximately 5.995 acres. (Ord. Nos. 18871; 25711)

SEC. 51P-211.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article. For purposes of this article, references to office uses include office, medical clinic, and bank or savings and loan office uses, as defined in the Dallas Development Code, unless otherwise stated.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51. (Ord. Nos. 18871; 25711)

SEC. 51P-211.104. CONCEPTUAL SITE PLAN.

Development of the Property must conform to the conceptual site plan (Exhibit 211A). (Ord. Nos. 19549; 23602; 25711)

SEC. 51P-211.105. DEVELOPMENT PLAN.

(a) Within one year of September 18, 1985, a detailed development plan for all or a portion of the Property must be submitted to the city plan commission for approval. All detailed development plans must comply with the conceptual site plan. Each development plan submitted must be accompanied by a landscape plan which must also be approved by the city plan commission. All development must be in conformance with the approved development and landscape plans.

(b) The city council approved a development plan (Exhibit 211B) for the Property on August 12, 1998. (Ord. Nos. 18871; 23602; 25711)

SEC. 51P-211.106. PERMITTED USES.

The only uses permitted on the Property are those uses permitted in a SC Shopping Center District. (Ord. Nos. 18871; 25711)

SEC. 51P-211.107. HEIGHT AND SETBACKS.

Minimum setbacks and maximum heights for all structures are as indicated on the conceptual site plan. (Ord. Nos. 18871; 25711)

SEC. 51P-211.108. SPECIAL PARKING SETBACK.

No off-street parking spaces or maneuvering areas, at or below-grade, are permitted within 10 feet of the back of proposed street curb along Noel Road. (Ord. Nos. 18871; 25711)

SEC. 51P-211.109. FLOOR AREA.

Total maximum permitted floor area on the Property is 417,827 square feet. The total maximum permitted floor areas in square feet (“sf”) for certain uses are as follows:

(1)	Office:	342,096 sf*
(2)	Retail, bar, and restaurant uses:	39,171 sf
(3)	Hotel:	36,560 sf*
(4)	All uses combined:	417,827 sf

*Hotel floor area may be transferred to office floor area in addition to the maximum office floor area listed above at a ratio of three square feet of hotel floor area to one square foot of office floor area, up to a maximum of 12,186 square feet of additional office floor area. (Ord. Nos. 18871; 25711)

SEC. 51P-211.110. COVERAGE.

Maximum permitted coverage of the Property, excluding above-grade parking structures, is 50 percent. (Ord. Nos. 18871; 25711)

SEC. 51P-211.111. OFF-STREET PARKING.

(a) Phased office parking limit.

(1) In order to promote the development of transportation alternatives, the maximum number of parking spaces for office uses on the Property is restricted in accordance with the regulations below. In order to permit adequate parking for initial phases of development, the restrictions are phased in to gradually reduce the ratio of parking spaces to office floor area from 3.0 spaces for each 1,000 square feet to 2.38 for each 1,000 square feet as development progresses. For the purposes of this phased office parking limit, “office use” does not include medical clinics.

(2) The maximum number of parking spaces for office use is 3.0 spaces per 1,000 square feet until building permits have been issued for construction of 261,142 square feet of office use. When building permits have been issued for construction of more than 261,142 square feet of office use, but less than 342,096 square feet, the maximum number of parking spaces is 2.5 spaces per 1,000 square feet of office use. The maximum number of parking spaces for office use when building permits have been issued for construction of more than 342,096 square feet of office use is 2.38 spaces per 1,000 square feet.

(b) Minimum office parking. Minimum permissible number of parking spaces provided for office use at any stage of development is 2.0 spaces per 1,000 square feet.

(c) Requirements for other uses. All uses other than office must supply parking in compliance with the minimum requirements of the Dallas Development Code, however, no off-street parking may be supplied in excess of the code requirement. The provisions of Section 51-4.301(c)(6) (the mixed use parking reduction bonus) do not act to restrict the maximum number of spaces permitted, but may be used to calculate the minimum number of spaces permitted.

(d) No parking signs. The owner(s) must fund the posting of no-parking signs on all dedicated streets traversing and bordering the Property at the direction of the director of the department of public works and transportation. (Ord. Nos. 18871; 19034; 21533; 25711)

SEC. 51P-211.112. VEHICULAR ACCESS.

Curb cuts for vehicular ingress-egress are limited to the number and approximate locations shown on the conceptual site plan. (Ord. Nos. 18871; 25711)

SEC. 51P-211.113. ROAD IMPROVEMENTS.

(a) Dedications. The owner(s) must dedicate all rights-of-way and easements indicated on the conceptual site plan, with up to 63 feet of right-of-way for proposed Noel Road, within 90 days of receiving notice from the director of public works and transportation or his designee that the city is preparing to begin paving operations on that road, or prior to applying for any building permit, whichever comes first.

(b) Master paving and drainage plans. Prior to the issuance of any building permit, a master grading and drainage plan for the Property must be submitted to and approved by the director of public works and transportation.

(c) On-site improvements.

(1) The owner(s) must fund and construct paving and drainage improvements to the specifications of the department of public works and transportation for the west one-half of Noel Road. Construction of those improvements must be completed prior to the issuance of a certificate of occupancy for any use on the Property.

(2) The owner must fund and construct one-half of the proposed new east-west four-lane street across the Property as part of a larger benefit assessment project.

(3) The owner(s) must fund the full cost of any needed acceleration-deceleration lanes, as directed by the director of public works and transportation.

(d) Noel Road completion. Prior to the issuance of a certificate of occupancy for any use, Noel Road must be completed (as three lanes minimum) from the Property to either Spring Valley Road or Verde Valley Lane.

(e) Impact fee for off-site improvements. Prior to the issuance of the building permit for construction of a building for office use, the owner(s) must pay a fee of \$.50 per square foot of office use for which a building permit is sought. This fee must be adjusted annually, using 1986 as the base year, by the director of public works and transportation, to account for increases in the cost of eight-inch thick, 3000 psi reinforced Portland cement concrete pavement. The fees collected under this article must be:

(1) placed in separate interest-bearing accounts in the Dallas Parkway Center Thoroughfare Improvements Fund; and

(2) used for off-site road improvements, as defined in the Dallas Parkway Center Study on file with the department of development services.

(f) Additional credits. Additional credits toward the fee established by this article must be provided for any direct funding by the owner(s), of off-site road construction within the area described in Subsection (e) above if that direct funding has received prior written approval by the director of public works and transportation.

(g) Refund of fee. If, after a period of 10 years from the time of payment of a fee, any portion of the money has not been spent by transfer, allocation, or any other method for the specified improvements, based on a first-in/first-out accounting method, the remaining portion of the fee paid must be refunded to the payor, or his assignee, with interest accrued at the city's investment rate, less administrative costs, upon his application for refund, which must include proof of the amount and time of payment.

(h) Replacement of fee. If an area-wide road improvement fee is established by the city, that fee will replace the fee established in this article and the portion of any fees already paid under this article in excess of the area-wide fee will be credited toward future payments upon proof of overpayment. (Ord. Nos. 18871; 19034; 25711)

SEC. 51P-211.114. PAVING.

(a) All streets, driveways, parking spaces, and maneuvering areas for parking must comply with the requirements of the Dallas Development Code.

(b) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation. (Ord. Nos. 18871; 25711)

SEC. 51P-211.115. SIGNS.

All signs must comply with the provisions for business zoning districts contained in Article VII, however no non-premise signs are permitted. (Ord. Nos. 18871; 25711)

SEC. 51P-211.116.

TRANSPORTATION SYSTEMS MANAGEMENT (TSM).

(a) General. The owner(s) shall establish and operate a TSM program to encourage carpool, vanpool, and other transit alternatives. A specific TSM action program must be submitted to the city plan commission within one year of September 18, 1985, concurrent with the submission of the first detailed development plan submitted. An annual report must be furnished to the director of public works and transportation for analysis and review.

(b) Reports. The first report must be submitted within two years after the issuance of the first certificate of occupancy on the Property and must be submitted annually thereafter until being directed otherwise by the director of public works and transportation. The final report must be submitted two years after the issuance of the certificate of occupancy which would permit occupancy of 90 percent of the final building shown on the detailed development plan(s).

(c) Alternatives. In lieu of the requirements in Subsection (a), the owner(s) may participate in and fund on a pro rata basis with other local area property owners, an area-wide Transportation Management Organization (TMO) that is approved by the city. (Ord. Nos. 18871; 25711)

SEC. 51P-211.117.

MANDATORY TRANSPORTATION MANAGEMENT ORGANIZATION (TMO) SUPPORT FEE.

(a) General. Prior to the issuance of the building permit for construction of a building for office use, the owner(s) must pay to the director of public works and transportation a fee of \$.05 per square foot of office use for which a building permit is sought. The fees collected under this article must:

(1) be placed in separate interest bearing accounts in a special fund; and

(2) used for the establishment and operation of an area wide TMO for the area described in Subsection 51P-211.113(e). The fee must be adjusted annually, using 1986 as the base year, to reflect changes in service costs by using the Consumer Price Index for Urban Consumers (CPIU) for the Dallas/Fort Worth Standard Metropolitan Statistical Area.

(b) Refund. If, after a period of five years from the time of a payment of a TMO fee, at least 80 percent of the interest earned has not been spent by transfer, allocation, or any other method for TMO operations, based on a first-in/first-out accounting method, the fee paid must be refunded to the payor, or his assignee, together with any remaining interest accrued at the city's investment rate, upon his application for refund, which must include proof of the amount and time of payment. (Ord. Nos. 19034; 25711)

SEC. 51P-211.118.

GENERAL REQUIREMENTS.

Development of the Property must comply with all the requirements of all ordinances, rules, and regulations of the city. (Ord. Nos. 18871; 25711)

SEC. 51P-211.119.

COMPLIANCE WITH CONDITIONS.

The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 18871; 25711)

SEC. 51P-211.120.

ZONING MAP.

PD 211 is located on Zoning Map No. C-7. (Ord. Nos. 18871; 25711)