

ARTICLE 70.

PD 70.

SEC. 51P-70.101. LEGISLATIVE HISTORY.

PD 70 was established by Ordinance No. 14645, passed by the Dallas City Council on August 19, 1974. Ordinance No. 14645 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 14645 was amended by Ordinance No. 18360, passed by the Dallas City Council on August 15, 1984, and Ordinance No. 21348, passed by the Dallas City Council on June 24, 1992. (Ord. Nos. 10962; 14645; 18360; 21348; 25423; 25884)

SEC. 51P-70.102. PROPERTY LOCATION AND SIZE.

PD 70 is established on property generally located at the northeast corner of Northwest Highway (Loop 12) and Midway Road. The size of PD 70 is approximately 7.9806 acres. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51.
- (c) Subdistrict 1 and Subdistrict 2 are shown on the development plan. (Ord. Nos. 25423; 25884)

SEC. 51P-70.104. CONCEPTUAL, DEVELOPMENT, AND LANDSCAPE PLANS.

- (a) Conceptual plan. A conceptual plan, as approved by the city plan commission, showing the overall development, the buildable area, the area subject to a fifty foot height limitation, required masonry screening walls, landscaped areas, and the proposal for subdividing the residential area that acts as a buffer on the north and the east is labelled Exhibit 70A.
- (b) Development plan. Development and use of the Property must comply with the development plan (Exhibit 70B). In the event of a conflict between the text of this article and the development plan, the text of this article controls.
- (c) Landscape plan. Landscaping must be provided as shown on the landscape plan (Exhibit 70D). (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.105. USES.

- (a) All uses permitted in the Shopping Center zoning district are permitted, except a hotel, motel, tourist court, eating place with drive-in or curb service, commercial aquarium, health studio,

bowling alley, pool hall, skating rinks, and new or used car sales (for other automotive related uses, see Section 51P-70.106 of this article).

(b) Except as provided in this subsection, uses that include the sale or service of alcoholic beverages as part of their operation are not permitted in this PD, except that a use which sells beer and wine for off-premise consumption is permitted if it is not otherwise disallowed by and through the establishment of a liquor control overlay district. Within Subdistricts 1 and 2, a restaurant with alcoholic beverage service is allowed by specific use permit. (Ord. Nos. 21348; 25423; 25884)

SEC. 51P-70.106. AUTOMOTIVE RELATED USES.

Only one service station or area where gasoline or fuel can be pumped or sold is permitted. Any car wash or muffler sales and service, or repair of automobiles is limited to the one permitted service station. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.107. MAXIMUM HEIGHT AND STORIES.

All portions of a building may be constructed to, but not to exceed, a height of 36 feet above finished grade with the exceptions that (1) mechanical equipment, screening, cooling towers, tanks, skylights, and ornamental cupolas and domes created on the top of a building may project beyond the 36-foot height to a maximum height of 12 feet and not exceeding 33 1/3 percent of the roof area, and (2) one building or a part of the building may extend up to, but not to exceed, 50 feet in height provided the horizontal section of the building so extended may not exceed 500 square feet of usable floor area. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.108. BUILDING LOCATION AND SPACING.

The location of all buildings must be confined within the buildable area shown on the development plan. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.109. FLOOR AREA.

Retail and shopping areas are to be no more than 90,000 square feet exclusive of malls, entrances, and covered walks. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.110. RESIDENTIAL LOT DEPTH AND AREA.

A minimum depth of 120 feet must be provided on the residential lots to the north of the shopping center. All residential lots to the east of the shopping center must be a minimum of 16,000 square feet. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.111. OFF-STREET PARKING.

Off-street parking must be provided for as required by the comprehensive general ordinance of the city based on the uses within the PD, and arranged as shown on the development plan. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.112. SUBDIVISION PLAT.

Prior to the issuance of a building permit for any part of this PD, a subdivision plat of the entire area, plus the residential buffer, must be approved by the city plan commission and filed for record in the office of the County Clerk of Dallas County, Texas. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.113. STREETS, PAVING, AND DEDICATIONS.

(a) All driveways, entrances, and parking areas must have a minimum surfacing of six inches compacted gravel and two coats of penetration asphalt. The developer shall bear the total cost and maintenance of all such improvements, including curb and drainage structures that may be necessary.

(b) At the time of platting, the property necessary to provide for 50 feet of right-of-way from the centerline of Midway Road must be dedicated to the city.

(c) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications to the satisfaction of the director of public works and transportation. (Ord. Nos. 14645; 25423; 25884; 25884)

SEC. 51P-70.114. FIRE LANES.

Fire lanes or fire protection must be provided in accordance with the requirements of the fire department. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.115. LIGHTING.

Light poles or standards for parking areas must be covered to deflect light downward and not shine directly onto any adjacent residential properties. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.116. LANDSCAPING.

A landscaped area must be provided along the Northwest Highway and Midway Road frontage, these areas to be a minimum of 12 feet in width along Northwest Highway and seven feet in width along Midway Road. Landscaping is also to be provided on both sides of the proposed wall along the north and east sides of the shopping center in all areas that are now owned by the applicant for this PD. The landscaped area outside the PD must be maintained by the applicant or owner until the adjacent residential property to the north and east of the PD is sold by the applicant or present owners. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.117. SPRINKLER SYSTEM.

A sprinkler system must be provided for the landscaped area, excluding the landscaped areas outside the boundaries of the PD. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.118. SIGNS.

All signs, either temporary or permanent, must comply with Chapter 41 of the Dallas City Code (the Sign Standards of Ordinance No. 14086). (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.119. SCREENING WALL.

A maximum of a nine-foot and a minimum of a six-foot all masonry wall must be constructed as shown on the development plan on the north and east sides of this PD. The wall can be stepped or constructed as steps, but the overall average height should be between seven and eight feet. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.120. TYPE OF CONSTRUCTION.

The service station must be constructed with the same architecture and character and materials as the total retail development, including canopies, gables, etc., insofar as permitted by the building code. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.121. MAINTENANCE.

The entire area must be maintained in a state of good repair and neat appearance. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.122. ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

No certificate of occupancy is to be issued for the shopping center until the time as the residential property to the north and east of the area of request has been platted in accordance with Section 51P-70.112, streets and utilities are in place, and the screening wall to be constructed around the north and east of the shopping center property is in place. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.123. DEED RESTRICTIONS.

Prior to the passage of an ordinance, deed restrictions must be filed for record in the County Clerk's Office, Dallas County, Texas, providing for the following conditions:

(1) The Residential-10,000 Square Foot District lots to the east and north of this PD must be deed restricted to single-family detached homes for a period of 30 years.

(2) The approximate four acre tract of land zoned Residential-1 Acre Dwelling District located at the northeast corner of Guernsey Lane and Northwest Highway in City Block 5558, owned by Jack Lively, J.T. Lively, and Joan Stansbury must be deed restricted to single-family detached homes for a period of 30 years.

(3) The city shall be made a party to all of the above restrictions. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.124.

COMPLIANCE WITH CODES AND CONDITIONS.

(a) This PD is subject to all requirements of all departments of the city and must comply with all codes and ordinances of the city.

(b) No certificate of occupancy may be issued by the building official until there has been full compliance with this article and any applicable provisions of the zoning ordinance and the building codes. (Ord. Nos. 14645; 25423; 25884)

SEC. 51P-70.125.

ZONING MAP.

PD 70 is located on Zoning Map No. F-6. (Ord. Nos. 18360; 25423; 25884)