

ARTICLE 215.

PD 215.

SEC. 51P-215.101. LEGISLATIVE HISTORY.

PD 215 was established by Ordinance No. 19195, passed by the Dallas City Council on June 18, 1986. Ordinance No. 19195 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 19195 was amended by Ordinance No. 23683, passed by the Dallas City Council on October 14, 1998. (Ord. Nos. 10962; 19195; 23683; 25711)

SEC. 51P-215.102. PROPERTY LOCATION AND SIZE.

PD 215 is established on property generally located at the northeast corner of Noel Road and Peterson Lane. The size of PD 215 is approximately 6.92 acres. (Ord. Nos. 19195; 25711)

SEC. 51P-215.103. 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. (Ord. 25711)

SEC. 51P-215.104. CONCEPTUAL SITE PLAN.

A conceptual site plan approved by the city plan commission ("the commission") is labelled Exhibit 215A. (Ord. Nos. 19195; 25711; 26282; 26755)

SEC. 51P-215.105. LAND USE PLAN.

The Dallas Parkway Center Study is a land use study adopted by the city council, on June 26, 1985, which addresses, among other things, problems of density and transportation in an area bounded by L.B.J. Freeway (I.H. 635), the Dallas North Tollway, Belt Line Road, and Montfort Road. A copy of the adopted study is on file in the department of development services. (Ord. Nos. 19195; 25711)

SEC. 51P-215.106. DEVELOPMENT PLAN.

(a) Except as provided below, a development plan for each phase of development must be submitted to the city plan commission for approval prior to the issuance of a building permit for any structure within that phase. Within one year of June 18, 1986, a development plan for all or a portion of the Property must be submitted to the city plan commission for approval. Each development plan must be accompanied by a landscape plan which must also be approved by the city plan commission. All development must be in accordance with the approved development and landscape plans.

(b) For Lots 2a and 2b in City Block C/7017, a development plan must be submitted to the city plan commission for approval prior to the issuance of a building permit for any structure on those

lots. The development plan must be accompanied by a landscape plan which must also be approved by the city plan commission. All development must be in accordance with the approved development and landscape plans.

(c) All development plans and any amendments must comply with the conceptual plan.

(d) The development plan and landscape plan approved by the city plan commission on December 7, 2007 were repealed by Ordinance No. 26755, passed by the Dallas City Council on May 23, 2007. (Ord. Nos. 19195; 25711; 26282; 26755)

SEC. 51P-215.107. BUILDING SETBACKS.

(a) Minimum building setback lines (in feet) are:

(1) for the east, zero feet;

(2) for the west, from the eastern right-of-way line of Noel Road, the setbacks are as shown on the conceptual plan;

(3) for the south, 12 feet from the existing northern right-of-way line of Peterson Lane, except for that portion of any building over 145 feet in height which must be set back a minimum of 27 feet from the existing right-of-way line; and

(4) for the north, 25 feet from the southern existing right-of-way line of Alpha Road.

(b) The director of public works and transportation shall determine the proposed and existing right-of-way lines for the purposes of this article.

(c) Section 51-4.401(a)(6) does not apply to this PD. (Ord. Nos. 23683; 25711; 26282; 26755)

SEC. 51P-215.108. HEIGHT.

(a) Maximum permitted height for any structure is 225 feet, with the following exception.

(b) On the northernmost 168 feet of the Property, measured from the existing southern right-of-way line of Alpha Road, maximum permitted height for any structure is 24 feet, unless either of the tracts abutting this portion of the Property to the east or west is rezoned to permit a building height greater than 24 feet, in which case the permitted height on this portion of the Property is automatically increased to the lesser of 225 feet or the maximum height permitted on either abutting tract. (Ord. Nos. 19195; 25711)

SEC. 51P-215.109. USES.

The only uses permitted on the Property are those uses permitted in an SC Shopping Center District and those uses permitted in an MF-3 Multiple-Family District. (Ord. Nos. 19195; 25711)

SEC. 51P-215.110. OFFICE USES DEFINED.

For purposes of this article, references to office uses include office, medical clinic, and bank or savings and loan office uses unless otherwise stated herein. (Ord. Nos. 19195; 25711; 26282)

SEC. 51P-215.111. BUILDING COVERAGE.

Maximum permitted coverage of the Property, excluding aboveground parking structures, is 150,718 square feet. (Ord. Nos. 19195; 25711)

SEC. 51P-215.112. FLOOR AREA.

Maximum total permitted floor area and maximum total floor area for each use category, expressed in square feet ("sf") are as shown on the following chart:

<u>USE</u>	<u>MAXIMUM FLOOR AREA BY RIGHT</u>	<u>BONUS, CONVERSION, AND PHASING COMMENTS</u>	<u>MAXIMUM POSSIBLE FLOOR AREA</u>
Office	512,439 sf	a, b, c, d, e, f	685,764 sf
Retail, Bar and Restaurant Uses (hereinafter referred to as retail-related uses)	45,215 sf	d, f	60,286 sf
Hotel	211,004 sf	e, f	211,004 sf
All residential uses and hotel uses combined	768,658 sf	a, b, c, d, e, f	874,161 sf
Multiple-Family (Ord. Nos. 19195; 25711)	301,435 sf	a, f	301,435 sf

SEC. 51P-215.113. BONUS, CONVERSION, AND PHASING COMMENTS.

(a) Notwithstanding the "maximum floor area by right" stated in Section 51P-215.112, the following may be accomplished.

(b) One additional square foot of office floor area may be constructed for every two square feet of residential floor area constructed (other than hotel floor area), to a maximum of 37,679 additional square feet of office for 75,358 square feet of residential constructed.

(c) Certificates of occupancy for 45,215 additional square feet of office floor area may be issued if all of the following transportation improvements are completed and operational in the opinion of the director of public works and transportation.

- (1) Transfer stations for DART buses:

(A) within a one-half mile radius of the Dallas Parkway/Arapaho Road intersection; and

(B) within a one-half mile radius of the Noel Road/Interstate Highway 635 ("I.H. 635") intersection.

(2) An internal circulation bus system service as described in the Dallas Parkway Center Study for "initial" and "intermediate years" is in operation.

(3) The Noel Road/I.H. 635 ramp connections, as described in the Dallas Parkway Center Study, are constructed, or December 31, 1990, whichever first occurs.

(d) An additional 15,070 square feet of office floor area may be constructed upon dedication of all "off-site" right-of-way along Alpha and Noel Road as indicated on the conceptual site plan.

(e) Up to 30,143 square feet of office floor area may be converted to retail-related use, and up to 15,071 square feet of retail-related floor area may be converted to office floor area, at a ratio of two square feet of office to one square foot of retail-related floor area.

(f) Hotel floor area may be converted to additional office floor area at a ratio of three square feet of hotel to one square foot of office, to a maximum of 70,335 square feet of office floor area.

(g) Under no circumstances may office floor area exceed 685,764 square feet, floor area for all nonresidential and hotel uses combined exceed 874,161 square feet, and floor area for all uses combined exceed 1,085,166 square feet. (Ord. Nos. 19195; 25711)

SEC. 51P-215.114. ACCESS.

Curb cuts for vehicular ingress-egress are limited to the number and approximate locations shown on the conceptual site plan. (Ord. Nos. 19195; 25711)

SEC. 51P-215.115. 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 when building permits have been issued for construction of more than 342,882 square feet of office use, to 2.38 for each 1,000 square feet, when building permits have been issued for construction of more than 428,602 square feet of office use. For the purposes of this phased office parking limit, "office use" does not include medical clinics.

(2) 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 342,882 square feet of office use. When building permits have been issued for construction of more than 342,882 square feet of office use, but less than 428,602 square feet, maximum number of parking spaces is 2.5 spaces per 1,000 square feet of office use. Maximum number of parking spaces for office use when building permits have been issued for construction of more than 438,602 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 code. Except for Lots 2a and 2b in City Block C/7017, no off-street parking may be supplied in excess of the code requirements. 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 or bordering the Property at the direction of the director of public works and transportation.

(e) Parking setback. No off-street parking spaces or maneuvering aisles, at, or less than 8.5 feet below-grade are permitted within 10 feet of the back of projected street curb lines along Noel Road, Alpha Road, and Peterson Lane. (Ord. Nos. 19195; 23683; 25711; 26282)

SEC. 51P-215.116. ROAD IMPROVEMENTS.

(a) Mandatory dedications. A dedication fulfills the requirements of this subsection if it is an easement for street purposes or a greater estate in real property. The owner(s) must dedicate the following street rights-of-way within 90 days of receipt of notice from the director of public works and transportation or the director's designee that the city is preparing to begin paving operations or prior to applying for any building permit, whichever comes first:

(1) Peterson Lane.

(i) Except as provided in (ii) below, 32 feet from the centerline of Peterson Lane along the entire southern boundary of the Property;

(ii) For Lot 2a in City Block C/7017, 30 feet from the centerline of Peterson Lane, provided that this dedication is related to the impact of the proposed development, is roughly proportional to the needs created by the proposed development, and provides a benefit to the development.

(2) Noel Road.

(i) Except as provided in (ii) below, 45 feet from the centerline of Noel Road along the western boundary of the Property;

(ii) For Lots 2a and 2b in City Block C/7017, 30 feet from the centerline of Noel Road along the western boundary of the Property, increasing to 40 feet from the centerline within 350 feet of the centerline of Alpha Road at the Alpha Road/Noel Road intersection, provided that this dedication is related to the impact of the proposed development, is roughly proportional to the needs created by the proposed development, and provides a benefit to the development.

(3) 45 feet from the centerline of Alpha Road along the northernmost portion of the Property that is adjacent to Alpha Road, increasing to 55 feet from the centerline of Alpha Road within 350 feet of the centerline of Noel Road at the Noel Road/Alpha Road intersection.

(b) Optional dedications. In order to take advantage of the floor area bonus in Sec. 51P-215.113(d), the owner(s) must dedicate the following off-site land.

(1) The strip of land along the east side of Noel Road, and within 55 feet of the centerline of Noel Road beginning at a point 591 feet north of the north line of Peterson Lane ending at the south line of Alpha Road.

(2) The strip of land along the south side of Alpha Road and within 55 feet of the centerline of Alpha Road beginning at the east line of Noel Road at its intersection with Alpha Road and ending at a point 247.5 feet east of the east line of Noel Road.

(c) Funding for on-site improvements. The owner(s) must fund all paving, drainage, and sidewalk improvement costs along the Property frontage for the following streets, when required by the director of public works and transportation:

(1) Widening Noel Road to its complete thoroughfare standard from the centerline east.

(2) Widening Peterson Lane to its complete thoroughfare standard from the centerline north.

(d) Funding for off-site improvements.

(1) Generally. 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 shall 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, 3,000 psi reinforced Portland cement concrete pavement. The fees collected under this article must be:

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

(B) used for off-site road improvements, as defined in the Dallas Parkway Center Study.

(2) Credits. If a person finances directly any off-site road construction within the area defined in the Dallas Parkway Center Study, and if that financing has received prior written approval from the director of public works and transportation, he or she shall receive a credit for those construction costs. Included in this credit is the appraised value, or the acquisition cost, whichever is less, of off-site right-of-way conveyed to the city. The appraised value is to be determined by the director of development services as of the date of conveyance. No credit given under this paragraph may exceed the maximum fee required for full development of the Property under this article.

(3) Refund of fee. If, after a period of 10 years from the time of payment of a fee, 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 fee paid shall be refunded to the payor, or the payor's assignee, with interest accrued at the city's investment rate, less administrative costs upon his or her application for refund, which must include proof of the amount and time of payment.

(4) Replacement of fee. If an area-wide road improvement fee is established by the city, that fee shall 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. 19195; 25711; 26282)

SEC. 51P-215.117. PAVING.

All streets, driveways, parking spaces, and maneuvering areas for parking must comply with the requirements of the code. (Ord. Nos. 19195; 25711)

SEC. 51P-215.118. SIGNS.

All signs must comply with the provisions for business zoning districts contained in Article VII, "Sign Regulations," except that no non-premise signs are permitted. (Ord. Nos. 19195; 25711)

SEC. 51P-215.119. TRANSPORTATION SYSTEMS MANAGEMENT.

(a) General.

(1) Except as provided below, the owner(s) shall establish and operate a transportation systems management ("TSM") program to encourage carpool, van pool, and other transit alternatives. A specific TSM action program must be submitted to the city plan commission within one year of June 18, 1986, 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.

(2) For Lots 2a and 2b in City Block C/7017, the owner(s) shall establish and operate a transportation systems management ("TSM") program to encourage carpool, van pool, and other transit alternatives for office uses. A TSM program plan must be submitted to the city plan commission with the first development plan submitted for office uses. An annual report must be furnished to the director of public works and transportation.

(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 development plan(s).

(c) Alternative. 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 that is approved by the city. (Ord. Nos. 19195; 25711; 26282)

SEC. 51P-215.120. MANDATORY TRANSPORTATION MANAGEMENT ORGANIZATION 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 ordinance must:

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

(2) be used for the establishment and operation of an area-wide Transportation Management Organization ("TMO") for the area described in the Dallas Parkway Center Study. The fee shall 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 shall 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. 19195; 25711)

SEC. 51P-215.121. GENERAL REQUIREMENTS.

(a) Development of the Property must comply with the requirements of all ordinances, rules, and regulations of the city.

(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.

(c) The building official shall not issue a building permit or a 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. 19195; 25711)

SEC. 51P-215.122. ZONING MAP.

PD 215 is located on Zoning Map No. C-7. (Ord. Nos. 19195; 25711)