

9-28-17

ORDINANCE NO. 30667

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 1035; fronting approximately 349.18 feet on the southwest line of Cedars Springs Road; fronting approximately 356.41 feet on the northwest line of Turtle Creek Boulevard; and containing approximately 3.009 acres,

from an O-2 Office Subdistrict within Planned Development District No. 193 (the Oak Lawn Special Purpose District) to Planned Development Subdistrict No. 135 within Planned Development District No. 193; amending Part II, "PD Subdistrict Regulations," of Article 193, "PD 193," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Division S-135; establishing use regulations and development standards for this planned development subdistrict; 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, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the property described in this ordinance; and

WHEREAS, the city council finds that it is in the public interest to establish this planned development subdistrict; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from an O-2 Office Subdistrict within Planned Development District No. 193 to Planned Development Subdistrict No. 135 within Planned Development District No. 193 on the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”).

SECTION 2. That Part II, “PD Subdistrict Regulations,” of Article 193, “PD 193,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Division S-135 to read as follows:

“Division S-135. PD Subdistrict 135.

SEC. S-135.101. LEGISLATIVE HISTORY.

PD Subdistrict 135 was established by Ordinance No. _____, passed by the Dallas City Council on October 11, 2017.

SEC. S-135.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 135 is established on property at the west corner of Turtle Creek Boulevard and Cedar Springs Road. The size of PD Subdistrict 135 is 3.009 acres.

SEC. S-135.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division, SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-135.104. EXHIBITS.

The following exhibits are incorporated into this division:

- (1) Exhibit S-135A: development plan.
- (2) Exhibit S-135B: landscape plan.

SEC. S-135.105. DEVELOPMENT PLAN.

(a) For an office, development and use of the Property must comply with the development plan (Exhibit S-135A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. S-135.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the O-2 Office Subdistrict, subject to the same conditions applicable in the O-2 Office Subdistrict, as set out in Part I of this article. For example, a use permitted in the O-2 Office Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the O-2 Office Subdistrict is subject to DIR in this subdistrict, etc.

(b) The following additional main use is permitted by right at street level only:

- Retail food store.

SEC. S-135.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-135.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the O-2 Office Subdistrict apply.

(b) Front yard.

(1) Cedar Springs Road. Minimum front yard is 20 feet and is measured from the property line.

(2) Dickason Avenue. Minimum front yard is 20 feet and is measured from the property line.

(c) Side yard. Minimum side yard is 30 feet. An additional setback of 20 feet must be provided for any structures above 80 feet.

(d) Floor area.

(1) In conjunction with an office use, maximum combined floor area for retail, bakery or confectionery shop, cigar, tobacco and candy store, drugstore, florist store, gift shop, health studio, restaurant with alcoholic beverages and/or entertainment, retail food store, tailor, custom sewing and millinery, and travel bureau uses is 16,000 square feet.

(2) The aggregate floor area of retail, bakery or confectionery shop, cigar, tobacco and candy store, drugstore, florist store, gift shop, health studio, restaurant with alcoholic beverages and/or entertainment, retail food store, tailor, custom sewing and millinery, and travel bureau uses on the street level of a building may not exceed 50 percent of the aggregate floor area of all uses on the street level.

SEC. S-135.109. OFF-STREET PARKING AND LOADING.

Consult Part I of this article for the specific off-street parking requirements for each use.

SEC. S-135.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-135.111. LANDSCAPING.

(a) For office uses, landscaping and screening must be provided in accordance with the landscape plan (Exhibit S-135B).

(b) For all other uses, landscaping and screening must be provided in accordance with Part I this article.

(c) Plant materials must be maintained in a healthy, growing condition.

SEC. S-135.112. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. S-135.113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Development and use of the Property must comply with Part I of this article.

SEC. S-135.114. COMPLIANCE WITH CONDITIONS.

(a) 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 city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.”

SECTION 3. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

SECTION 4. That development of this subdistrict must comply with the full-scale versions of Exhibit S-135A (development plan) and Exhibit S-135B (landscape plan) attached to this ordinance. Reduced-sized versions of these plans shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale versions of the plans.

SECTION 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Division S-135 in Chapter 51P.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

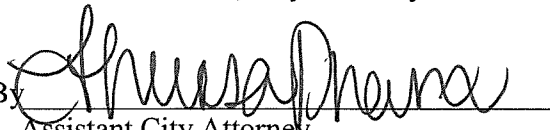
SECTION 7. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. 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 9. 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:

LARRY E. CASTO, City Attorney

By 
Assistant City Attorney

Passed OCT 11 2017

30667

171612

GIS approved

EXHIBIT A

BEING a tract of land situated in the J.A. Sylvester Survey, Abstract Number 1383, City of Dallas, Dallas County, Texas, and being a part of City of Dallas Block 1035, and being a part of that tract of land described as TRACT II in deed to Linpro Esplanade Land Limited Partnership, as described in special warranty deed recorded in Volume 86146, Page 4498 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and including a portion of a 15,234 square foot subsurface abandonment of Dickason Avenue as described in City of Dallas Ordinance No. 19256, as recorded in Volume 86221, Page 6113, D.R.D.C.T., and being more particularly described as follows:

COMMENCING at a 3/8-inch found iron rod at the intersection of the southeast right-of-way line of Sale Street (a 40 foot wide right-of-way) with the southwest right-of-way line of Cedar Springs Road (a 60 foot wide right-of-way);

THENCE South 48 degrees 01 minute 29 seconds East, along said southwest right-of-way line of Cedar Springs Road, a distance of 248.25 feet to PK Nail set in concrete for the POINT OF BEGINNING of the herein described tract;

THENCE South 48 degrees 01 minute 29 seconds East, continuing along said southwest right-of-way line of Cedar Springs Road, a distance of 349.18 feet to set "X" in concrete at the intersection of the said southwest right-of-way line of Cedar Springs Road with the northwest right-of-way line of Cedar Springs Road (a variable width right-of-way);

THENCE South 34 degrees 16 minutes 26 seconds West, along said northwest right-of-way line of Cedar Springs Road, a distance of 356.41 feet to a PK nail set with shiner at the intersection of the said northwest right-of-way line of Cedar Springs Road with the northeast right-of-way line of Dickason Avenue (a 40 foot wide right-of-way);

THENCE North 45 degrees 40 minutes 18 seconds West, along said northeast right-of-way line of Dickason Avenue, passing at 406.35 feet the southeast line of said 15,234 square foot subsurface abandonment tract, and continuing along said northeast line of Dickason Avenue, in all a total distance of 412.29 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "Half set for corner";

THENCE North 44 degrees 31 minutes 46 seconds East, departing said northeast right-of-way line of Dickason Avenue, and over and across said Linpro Esplanade tract, passing at a distance of 10.00 feet the northeast line of said 15,234 square foot tract, and continuing said Linpro tract, in all a total distance of 336.60 feet to the POINT OF BEGINNING AND CONTAINING 131,053 square feet or 3.009 acres of land, more or less.

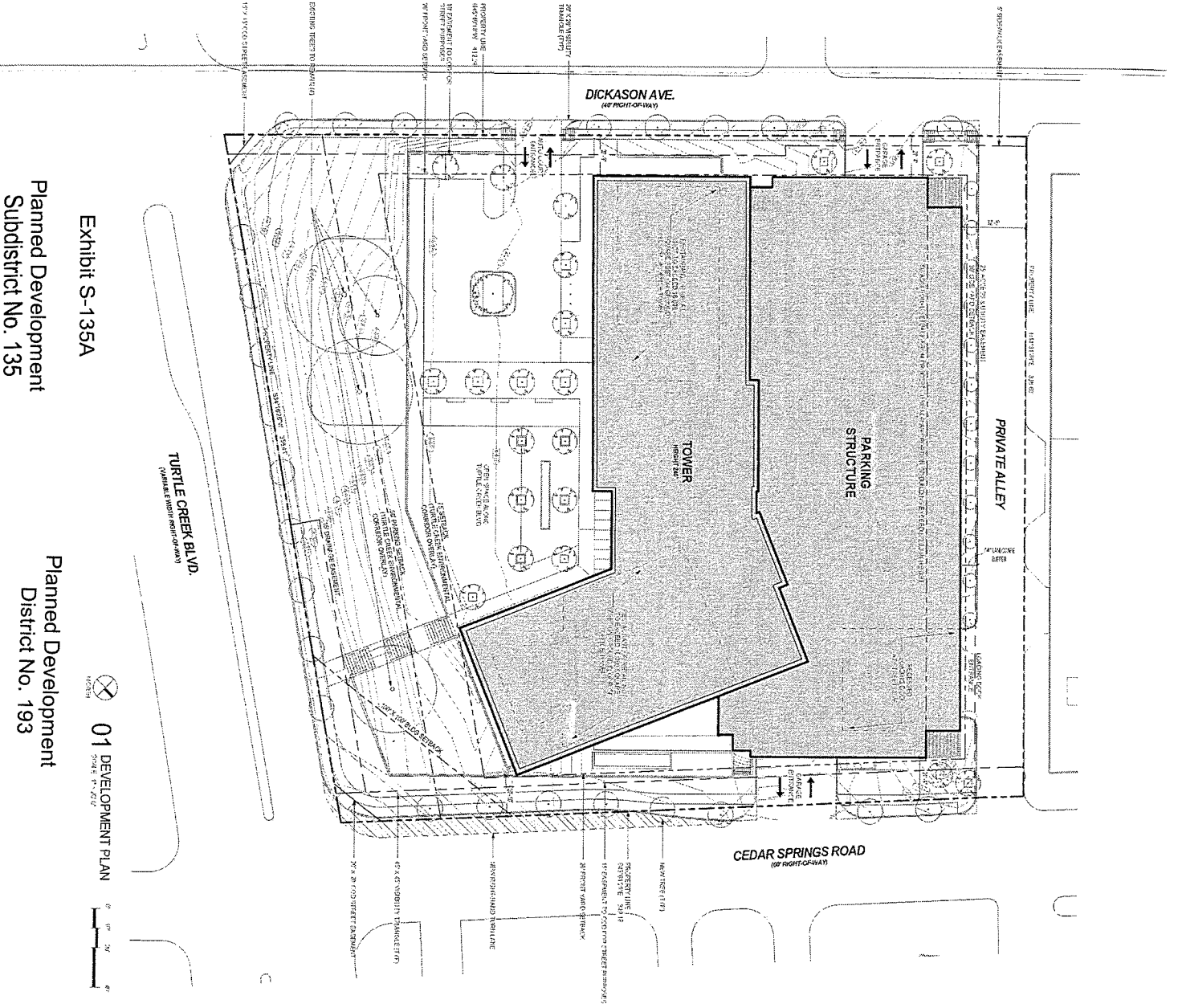
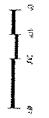


Exhibit S-135A
 Planned Development
 Subdistrict No. 135

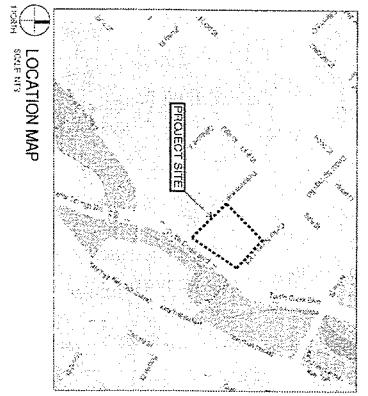
Planned Development
 District No. 193

01 DEVELOPMENT PLAN
 SHEET 11 OF 12



Approved
 City Plan Commission
 September 7, 2017

Z167-306(WE)



ZONING SUMMARY

ZONING DISTRICT: M-100 (MEDIUM DENSITY RESIDENTIAL)

GENERAL NOTES:

- 1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS ZONING ORDINANCE.
- 2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF DALLAS ZONING ORDINANCE.
- 3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF DALLAS ZONING ORDINANCE.
- 4. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF DALLAS ZONING ORDINANCE.
- 5. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF DALLAS ZONING ORDINANCE.

PICKARD CHILTON
POWER

10000 HILLWOOD DRIVE, SUITE 100
 DALLAS, TEXAS 75231

ARCHITECT:
 PICKARD CHILTON ARCHITECTS, INC.
 10000 HILLWOOD DRIVE, SUITE 100
 DALLAS, TEXAS 75231

ENGINEER:
 RICHARD G. HILL, P.E.
 10000 HILLWOOD DRIVE, SUITE 100
 DALLAS, TEXAS 75231

DATE: 05.01.2017

PROJECT:
 3001 TURTLE CREEK BLVD
 DALLAS, TX 75213

DEVELOPMENT PLAN
 SHEET 11 OF 12

EX-A

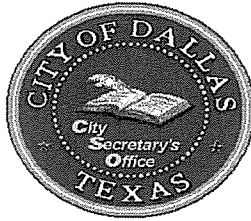


1:3,600

ZONING MAP

Case no: Z167-306

Date: 5/31/2017



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL OCT 11 2017

ORDINANCE NUMBER 30667

DATE PUBLISHED OCT 14 2017

ATTESTED BY: