

ORDINANCE NO. 27391

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block A/3414, fronting approximately 410.43 feet on the south line of Oakenwald Street, fronting approximately 62.70 feet on the east line of Plowman Avenue, and containing approximately 31,700 square feet of land,

from Subdistrict D within Planned Development District No. 468 (the Oak Cliff Gateway Special Purpose District) to Subdistrict D-1 within Planned Development District No. 468; amending the “Subdistrict D-1 – Founders Park Retail (Tracts 1 and 3) and Founders Park Residential (Tract 2)” regulations in Section 51P-468.112 of Article 468; providing a new subdistrict map; providing a new Tract 1 and 3 conceptual plan/Tract 2 development plan; amending Exhibit A of Ordinance No. 23057, as amended; 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 this amendment to the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to change the zoning classification and amend Article 468 as specified in this ordinance; Now, Therefore,

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

27391

SECTION 1. That the zoning classification is changed from Subdistrict D within Planned Development District No. 468 (the Oak Cliff Gateway Special Purpose District) to Subdistrict D-1 within Planned Development District No. 468 on the property described in Exhibit A, which is attached to and made a part of this ordinance.

SECTION 2. That Subparagraph (B) of Paragraph (3), “Density,” of Subsection (c), “Yard, Lot, and Space Regulations,” of Section 51P-468.112, “Subdistrict D-1 – Founders Park Retail (Tracts 1 and 3) and Founders Park Residential (Tract 2),” of Article 468, “PD 468,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(B) For Tract 1, maximum number of dwelling units is 400 [~~300~~]. A development impact review under Section 51A-4.803(e) is not required.”

SECTION 3. That Subparagraph (B) of Paragraph (4), “Floor Area,” of Subsection (c), “Yard, Lot, and Space Regulations,” of Section 51P-468.112, “Subdistrict D-1 – Founders Park Retail (Tracts 1 and 3) and Founders Park Residential (Tract 2),” of Article 468, “PD 468,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(B) For Tract 1, maximum floor area is 30,000 square feet for nonresidential uses and 400,000 [~~300,000~~] square feet for residential uses. The floor area must be located within the building setbacks as shown on the Tract 1 and 3 Conceptual Plan/Tract 2 Development Plan.”

SECTION 4. That Subparagraph (A) of Paragraph (6), “Lot Coverage,” of Subsection (c), “Yard, Lot, and Space Regulations,” of Section 51P-468.112, “Subdistrict D-1 – Founders Park Retail (Tracts 1 and 3) and Founders Park Residential (Tract 2),” of Article 468, “PD 468,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(A) For Tract 1, except as provided in this subparagraph, maximum lot coverage is 80 percent. Aboveground parking structures do not count toward lot coverage if at least 50 percent of their off-street parking spaces are dedicated to residential uses and at least 60 percent the roof surface is a landscape area as defined in Article X. Any portion of a building that is above 75 feet in height, measured [For structures] along the west boundary of Tract 1 (Plowman right-of-way) may not have a floor plate greater than 60 percent of the lot area [that exceed 30 feet in height, the maximum lot coverage is 55 percent].”

SECTION 5. That Paragraph (1) of Subsection (d), “Off-Street Parking and Loading,” of Section 51P-468.112, “Subdistrict D-1 – Founders Park Retail (Tracts 1 and 3) and Founders Park Residential (Tract 2),” of Article 468, “PD 468,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(1) Except as provided below, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(A) For any permitted nonresidential use developed on Tract 1, no more than one head-in parking space may be credited for each nine feet of frontage along Plowman Avenue, with no more than 21 head-in parking spaces being provided as shown on the Tract 1 and 3 Conceptual Plan/Tract 2 Development Plan. The head-in or parallel parking on Plowman Avenue or Oakenwald Street as shown on the Tract 1 and 3 Conceptual Plan/Tract 2 Development Plan is not required.

(B) The property owner must stripe the head-in parking spaces in accordance with city striping standards up to a distance of eight feet from the curb.

(C) The following off-street parking requirements apply for an accessory community center (private) use on Tract 1: A minimum of one space per 500 square feet of floor area.

(D) The following off-street parking requirements apply for a multifamily use on Tract 1: A minimum one and one-half spaces are required for each dwelling unit.

(~~E~~) The following off-street parking requirements apply for a multifamily use on Tract 2:

(i) A minimum of one-and-one-half spaces are required for each dwelling unit in the building.

27391

(ii) In addition, a minimum of three visitor spaces must be provided in the location shown on the Tract 1 and 3 Conceptual Plan/Tract 2 Development Plan.

(F) Aboveground parking structures located on Tract 1 must be constructed of materials similar to the materials used for any main structure located on Tract 1.

SECTION 6. That Paragraph (2) of Subsection (h), "Signs," of Section 51P-468.112, "Subdistrict D-1 – Founders Park Retail (Tracts 1 and 3) and Founders Park Residential (Tract 2)," of Article 468, "PD 468," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"(2) A maximum of three [One] monument signs are permitted at [with an effective area of 120 square feet per side with a maximum height of 34 feet is permitted on Tract 1 in] the locations shown on the Tract 1 and 3 Conceptual Plan/Tract 2 Development Plan."

SECTION 7. That the subdistrict map, Exhibit 468A of Article 468, "PD 468," of Chapter 51P of the Dallas City Code is replaced by the Exhibit 468A attached to this ordinance.

SECTION 8. That the Tract 1 and 3 conceptual plan/Tract 2 development plan, Exhibit 468B of Article 468, "PD 468," of Chapter 51P of the Dallas City Code is replaced by the Exhibit 468B attached to this ordinance.

SECTION 9. That development of this district must comply with the full-scale version of Exhibit 468B (Tract 1 and 3 conceptual plan/Tract 2 development plan) attached to this ordinance. A reduced-sized version of this plan shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale version of the plan.

SECTION 10. That the Exhibit A attached to Ordinance No. 23057, as amended, is amended by replacing the metes and bounds description for Subdistrict D-1 with the metes and bounds description in Exhibit B, which is attached to and made a part of this ordinance.

SECTION 11. 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 12. That the director of development services shall correct Zoning District Map No. K-7 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 13. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.


SECTION 14. That 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 15. 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 16. 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:

THOMAS P. PERKINS, JR., City Attorney

By   
Assistant City Attorney

Passed NOV 10 2008

## EXHIBIT A

27391

Expansion Tract for Subdistrict D-1 Tract 1

Being all of that certain lot, tract or parcel of land located in the Elizabeth Robertson Survey, Abstract No. 1211, Dallas, Dallas County Texas, and being parts of Lots 1, 2, 3, 4 and all of Lot 5A, Block A/3414 and being more particularly described as follows:

Beginning at an 'x' set in the concrete paving at the intersection of the south right of way line of Oakenwald Street, a 60 foot right of way, with the east line of Plowman Avenue, a 70 foot wide right of way, from which an 'x' found for reference bears West, a distance of 0.50 feet;

THENCE East, along said south line of Oakenwald Street, a distance of 410.43 feet to an ½ inch iron rod set at the beginning of a non-tangent curve to the right having a radius of 172.00 feet, a central angle of 18°16'16", and a chord bearing and distance of S68°28'52"E, 54.62 feet;

THENCE Southeasterly, along said non-tangent curve to the right an arc distance of 54.85 feet to a ½ inch iron rod set at the beginning of a compound curve to the right having a radius of 20.00 feet, a central angle of 104°39'07", and a chord bearing and distance of S07°01'21"E, 31.66 feet;

THENCE Southerly, along said compound curve to the right an arc distance of 36.53 feet to a ½ inch iron rod set in the northwest line of N. Zang Boulevard, a 100 foot right of way, at the beginning of a reverse curve to the left having a radius of 1850.00 feet, a central angle of 00°31'01", and a chord bearing and distance of S45°02'30"W, 16.69 feet;

THENCE Southwesterly, along said reverse curve to the left an arc distance of 16.69 feet to a ½ inch iron rod set in said northwest line;

THENCE South 44°47'00" W, along said northwest line, a distance of 28.23 feet to a ½ inch iron rod set for corner in the north line of a tract of land described in deed to Zang Development LLC;

THENCE North 85°35'00" W, along the north line of said Zang Development LLC tract and the south line of Lot 5a of Block A/3414, a distance of 184.20 feet;

THENCE North 88°49'00"W, a distance of 10.00 feet;

THENCE North 85°33'26" West, a distance of 80.01 feet;

THENCE West, a distance of 160.00 feet, to an ½ inch iron rod set in the west line of Plowman Avenue;

THENCE North, a distance of 62.70 feet along the west line of Plowman Avenue, to return to the Point of Beginning and containing approximately 31,700.00 square feet of land.

## TOTAL TRACT:

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LOCATED IN THE ELIZABETH ROBERTSON SURVEY, ABSTRACT NO. 1211, DALLAS, DALLAS COUNTY, TEXAS, AND BEING ALL OF CITY BLOCKS 3422 AND 3423, AND BEING ALL OF LOTS 1,2,3,4 AND 5, BLOCK A/3414 OF M.M. PLOWMAN'S SUBDIVISION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4, PAGE 55, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING ALL OF LOT 5A, BLOCK 4/3414 OF GASTON'S ZANG BOULEVARD ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 98159, PAGE 1, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO RIVER DISTRICT HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY, RECORDED IN INSTRUMENT NO. 20080179764, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO ZANG DEVELOPMENT LLC, A DELAWARE LIMITED LIABILITY COMPANY, RECORDED IN INSTRUMENT NO. 20080042962, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO MIKE REYNA RECORDED IN VOLUME 86028, PAGE 3752, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO DALLAS SPANISH BIBLE MISSIONARY CHURCH RECORDED IN VOLUME 94216, PAGE 574, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" SET IN CONCRETE PAVING AT THE INTERSECTION OF THE SOUTH LINE OF OAKENWALD STREET, A 60 FOOT WIDE PUBLIC RIGHT-OF-WAY, WITH THE EAST LINE OF PLOWMAN AVENUE, A 70 FOOT WIDE PUBLIC RIGHT-OF-WAY, FROM WHICH AN "X" FOUND FOR REFERENCE BEARS WEST, A DISTANCE OF 0.50 FEET;

THENCE EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 410.43 FEET TO 1/2" IRON ROD FOUND WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 172.00 FEET, A CENTRAL ANGLE OF 18°16'16", AND A CHORD BEARING AND DISTANCE OF SOUTH 68°28'52" EAST, 54.62 FEET;

THENCE SOUTHEASTERLY, ALONG SAID NON-TANGENT CURVE TO THE RIGHT AN ARC DISTANCE OF 54.85 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET AT THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 104°39'07", AND A CHORD BEARING AND DISTANCE OF SOUTH 07°01'21" EAST, 31.66 FEET;

THENCE SOUTHERLY, ALONG SAID COMPOUND CURVE TO THE RIGHT AN ARC DISTANCE OF 36.53 FEET TO A 1/2" I.R. WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET IN THE NORTHWEST LINE OF ZANG BOULEVARD, A 100 FOOT WIDE PUBLIC RIGHT-OF-WAY, AT THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 1850.00 FEET, A CENTRAL ANGLE OF 00°31'01", AND A CHORD BEARING AND DISTANCE OF SOUTH 45°02'30" WEST, 16.69 FEET;

THENCE SOUTHWESTERLY, ALONG SAID REVERSE CURVE TO THE LEFT AN ARC DISTANCE OF 16.69 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET IN SAID NORTHWEST LINE;

THENCE SOUTH 44°47'47" WEST, ALONG SAID NORTHWEST LINE A DISTANCE OF 28.23 FEET TO 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET FOR CORNER;

THENCE SOUTH 85°35'00" EAST, A DISTANCE OF 26.25 FEET TO A POINT FOR CORNER;

THENCE SOUTH 44°47'00" WEST, ALONG SAID NORTHWEST LINE A DISTANCE OF 637.43 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 6.18 FEET, A CENTRAL ANGLE OF 135°13'00", AND A CHORD BEARING AND DISTANCE OF NORTH 67°36'30" WEST, 11.43 FEET;

THENCE WESTERLY, ALONG SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 14.58 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID PLOWMAN AVENUE;

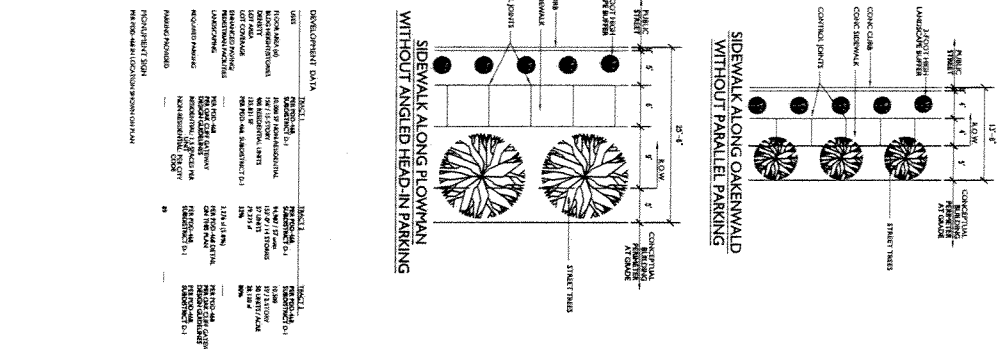
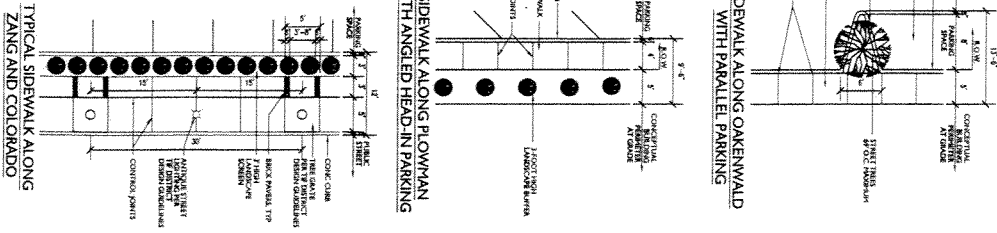
THENCE NORTH, A DISTANCE OF 533.39 FEET TO THE PLACE OF BEGINNING AND CONTAINING 145,104 SQUARE FEET OR 3.331 ACRES OF LAND.

"Being the same land shown on the survey entitled ALTA/ACSM Land Survey, Elizabeth Robertson Survey, Abstract No. 1211, City of Dallas, Dallas County, Texas, 1340 Plowman Avenue, 316 Oakenwald, 318 Oakenwald, 1321 North Zang Boulevard, 1335 North Zang Boulevard and 1339 North Zang Boulevard, July 17, 2008, RPLS No. 5310; Being assessed as Dallas Appraisal District Account No.'s 00000268111000000, 00000268114000100, 00000268114000000, 003414000A05A0000, 00000268261000000 and 00000268108000000, which account numbers covers no other land."



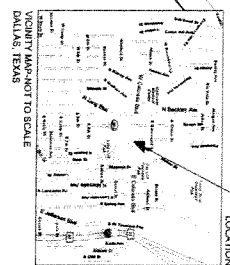
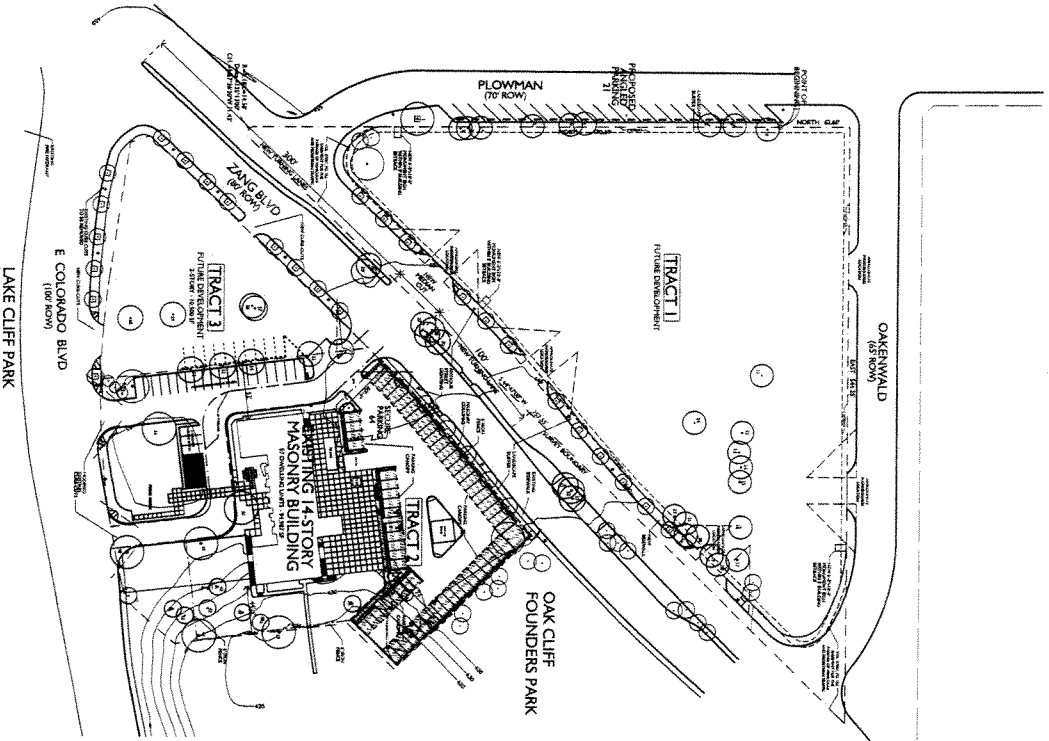


27391



**DEVELOPMENT DATA**

USE	PLANNING	TRACT 1	TRACT 2
FLOOR AREA	1,200,000	1,200,000	1,200,000
NUMBER OF UNITS	100	100	100
HEIGHT	15	15	15
ADDITIONAL NOTES			



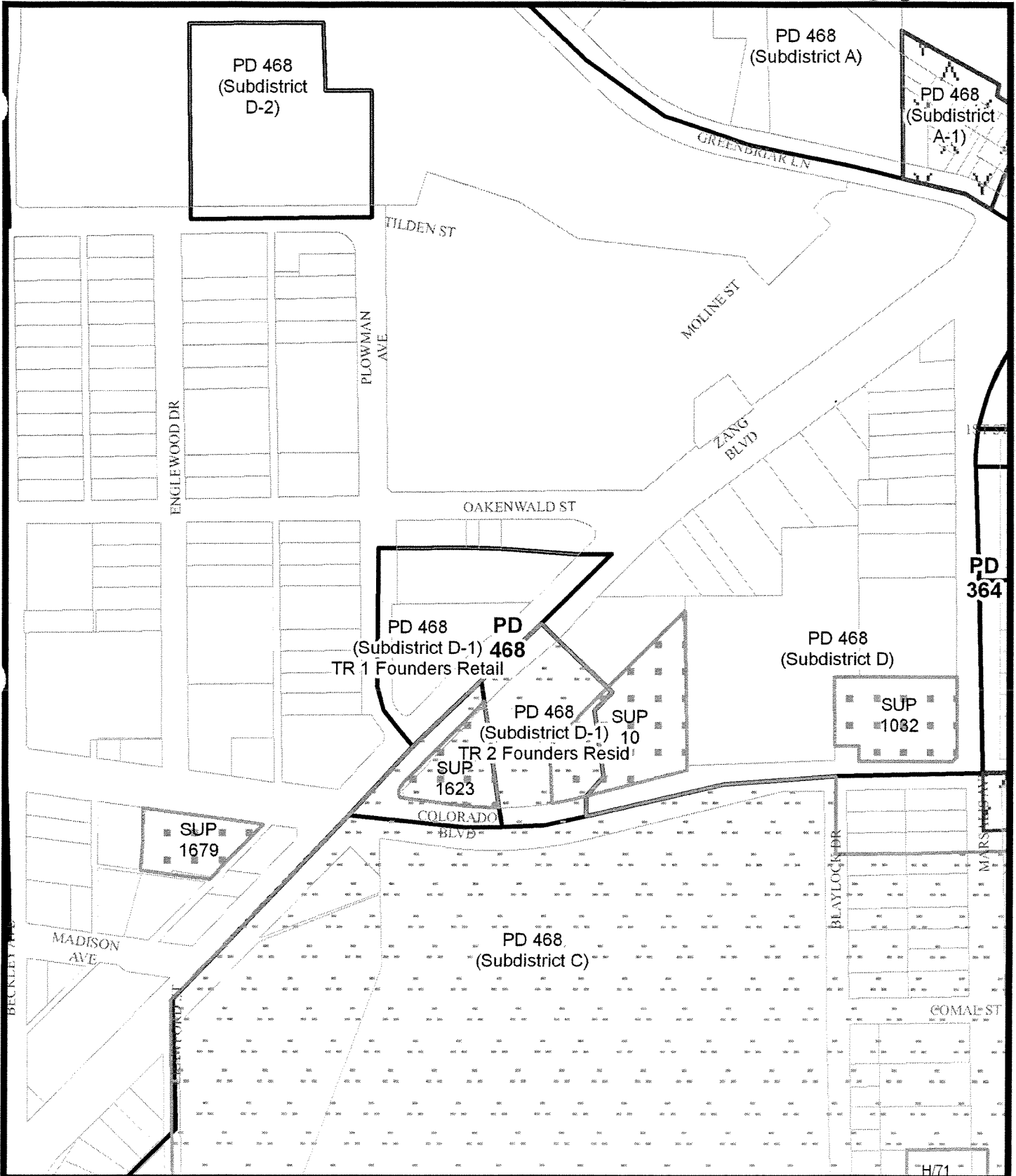
- LANDSCAPE NOTES**
1. ALL TREES TO BE PLANTED BY THE CONTRACTOR.
  2. ALL TREES TO BE PLANTED IN ACCORDANCE WITH THE CITY OF DALLAS TREE PLANTING SPECIFICATIONS.
  3. ALL TREES TO BE PLANTED IN ACCORDANCE WITH THE CITY OF DALLAS TREE PLANTING SPECIFICATIONS.
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  20. ALL TREES TO BE PLANTED IN ACCORDANCE WITH THE CITY OF DALLAS TREE PLANTING SPECIFICATIONS.

TRACT 1 and 3 CONCEPTUAL PLAN / TRACT 2 DEVELOPMENT PLAN  
SCALE: 1/8" = 1'-0"  
2076-215 (28)

Approved  
City Plan Commission  
September 25, 2008

Planned Development  
District No. 468

GFF Planning  
2008 Richmond Street  
Dallas, Texas 75201  
214.333.1500/16  
214.333.1522/16  
www.gffplanning.com  
Job # 05210.00, File Name: SP-3-CP-REV11.dwg, Date: 08/13/08, Drawn By: EJB



1:3,600

# ZONING AND LAND USE

Map no:           K-7            
 Case no:           Z078-215 RB