

ORDINANCE NO. 28004

An ordinance amending the zoning ordinances of the City of Dallas by changing the zoning classification on the following property:

BEING a tract of land in City Block 8710 located approximately 862 feet south of the south line of Kiest Boulevard, approximately 645 feet west of the west line of Spur 408, and approximately 461 feet east of the east line of S. Merrifield Road; and containing approximately 6.321 acres of land,

from an A(A) Agricultural District to Planned Development District No. 585; amending Article 585, "PD 585," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code to reflect the expansion of Planned Development District No. 585; providing a new property description for Subarea 2; providing a new subarea boundary map; providing a new development plan for Subarea 1; providing a new development plan for Subarea 2; providing a new landscape plan for Subarea 2; 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 hereinafter described and this amendment to the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to grant this change in zoning and amend Article 585 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from an A(A) Agricultural District to Planned Development District No. 585 on the property described in Exhibit A, which is attached to and made a part of this ordinance.

SECTION 2. That Article 585, "PD 585," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"ARTICLE 585.

PD 585.

SEC. 51P-585.101. LEGISLATIVE HISTORY.

PD 585 was established by Ordinance No. 24302, passed by the Dallas City Council on June 28, 2000. Ordinance No. 24302 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended.

SEC. 51P-585.102. PROPERTY LOCATION AND SIZE.

PD 585 is established on property generally located along both sides of Kiest Boulevard, between Spur 408 and Merrifield Road. The size of PD 585 is approximately 54.679 [~~48.358~~] acres.

SEC. 51P-585.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations contained in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to sections, divisions, or articles in this article are to sections, divisions, or articles in Chapter 51A.

(c) This district is considered to be a residential zoning district.

(d) Unless otherwise stated, all references to the Property are to Subarea 1 and 2 collectively.

SEC. 51P-585.103.1**EXHIBITS**

The following exhibits are incorporated into this article:

- (1) Exhibit 585A: Subarea 1 property description.
- (2) Exhibit 585B: Subarea 2 property description.
- (3) Exhibit 585C: Subarea boundary map.
- (4) Exhibit 585D1: Subarea 1 development plan.
- (5) Exhibit 585D2: Subarea 2 development plan.
- (6) Exhibit 585E: Subarea 1 landscape plan.
- (7) Exhibit 585F: Subarea 2 landscape plan.

SEC. 51P-585.104.**CREATION OF SUBAREAS.**

This planned development district is divided into two subareas: Subarea 1 and Subarea 2, as shown on Exhibit 585C, "Subarea Boundary Map." Property descriptions of Subarea 1 and Subarea 2 are labelled as Exhibit 585A and Exhibit 585B, respectively. If there is ~~[In the event of]~~ a conflict between Exhibit 585C and Exhibits 585A or 585B, Exhibits 585A or 585B control, respectively.

SEC. 51P-585.105.**DEVELOPMENT PLAN.**

Development and use of Subarea 1 must comply with the development plan for Subarea 1 (Exhibit 585D1). Development and use of Subarea 2 must comply with the development plan for Subarea 2 (Exhibit 585D2). If there is ~~[In the event of]~~ a conflict between this article and the development plans, this article controls.

SEC. 51P-585.106.**MAIN USES.**

(a) Subarea 1. The only main uses permitted in Subarea 1 are those main ~~[all]~~ uses permitted in the TH-2(A) Townhouse District, subject to the same conditions applicable in the TH-2(A) Townhouse District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the TH-2(A) Townhouse District only by specific use permit ("SUP") is permitted in Subarea 1 only by SUP; a use subject to development impact review ("DIR") in the TH-2(A) Townhouse District is subject to DIR in Subarea 1.

(b) Subarea 2. The only main uses permitted in Subarea 2 are those main [all] uses permitted in the A(A) Agricultural District, plus surface parking limited to providing a portion of the parking for the church located in Subarea 1.

SEC. 51P-585.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific ~~[types of]~~ accessory uses, however, due to their unique nature, are subject to additional regulations ~~[contained]~~ in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-585.108. 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 ~~[contained]~~ in Division 51A-4.400. If there is ~~[In the event of]~~ a conflict between this section and Division 51A-4.400, this section controls.)

- (a) Front yard. No minimum front yard.
- (b) Side and rear yard.
 - (1) No minimum side and rear yard for single family structures.
 - (2) Minimum side yard for duplex structures is five feet.
 - (3) Minimum rear yard for duplex structures is 10 feet.
 - (4) Minimum side and rear yard for other permitted structures is 10 feet.
 - (5) If this planned development district abuts a district that requires a greater side yard, the side yard requirements of the more restrictive district apply to the abutting side yard in this planned development district.
- (c) Dwelling unit density.
 - (1) Subarea 1. Maximum number of dwelling units is nine.
 - (2) Subarea 2. No maximum dwelling unit density.
- (d) Floor area. No maximum floor area ratio.
- (e) Height. Maximum structure height is 65 feet.

(f) Lot coverage. Maximum lot coverage is 60 percent for residential structures, and 25 percent for nonresidential structures. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not. In Subarea 1, 80 percent of an individual lot may be covered by structures if the total lot coverage for the subarea does not exceed 60 percent and at least 40 percent is reserved for open space.

(g) Lot size. No minimum lot size.

(h) Stories. No maximum number of stories.

SEC. 51P-585.109. OFF-STREET PARKING AND LOADING.

(a) Consult the use regulations [~~contained~~] in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Except as provided below, consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(b) A church may use remote and/or shared parking to satisfy up to 50 percent of its off-street parking requirement, provided that the remote or shared parking is on a lot that is:

(1) dedicated to parking use by an instrument filed in the deed records, and approved by the building official and approved as to form by the city attorney; and

(2) located within 600 feet of the lot occupied by the church.

(c) A remote parking lot for a church use may be located within 1.5 miles from the lot occupied by the church if a shuttle service is provided to transport persons between the church and the remote parking lot.

(d) An agreement authorizing a church to use remote parking may be based on a lease of the remote parking spaces if:

(1) the lease is for a minimum term of three years; and

(2) the agreement provides that both the owner of the lot occupied by the church and the owner of the remote lot shall notify the city in writing if there is a breach, modification, or termination of the lease.

SEC. 51P-585.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-585.111. LANDSCAPING.

(a) Landscaping of Subarea 1 must comply with the landscape plan for Subarea 1 (Exhibit 585E).

(b) Landscaping of Subarea 2 must comply with the landscaping shown on the landscape plan for Subarea 2 (Exhibit 585F). Landscaping for Subarea 2 must be installed in accordance with Article X. The landscaping shown on the Subarea 2 Landscape Plan must be provided as shown, regardless of whether Subarea 2 is being used for excess or required parking.

SEC. 51P-585.112. SIGNS.

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

SEC. 51P-585.113. DRAINAGE PLANS.

For each watershed, a drainage plan must be prepared covering that portion of the watershed that is located within the boundaries of the Property. Prior to approval of a plat submitted within a particular watershed, the drainage plan for that watershed must have been approved by the department of public works and transportation. Each drainage plan must contain a drainage area map and a backwater study for creeks. The applicable 100-year flood plain boundaries must be shown on each plat regardless of whether the area has been officially designated "Flood Plain" by the city.

SEC. 51P-585.114. SLOPE STABILITY ANALYSIS.

A slope stability analysis meeting the requirements of S[s]ection 51A-5.205 must be submitted for approval to the department of public works and transportation prior to the issuance of a building permit on any portion of the Property that [~~which~~] exceeds a 25 percent slope.

SEC. 51P-585.115. TRAFFIC IMPROVEMENTS.

(a) The following traffic improvements must be completed prior to the issuance of the certificate of occupancy for the church shown on the development plan for Subarea 1:

(1) Full execution of a three-way contract of a right turn deceleration lane on east bound and west bound Kiest Boulevard into the main points of ingress-egress to the Property, as shown on the development plan for Subarea 1 and for the modification of the median to provide left-turn lanes according to Texas Department of Transportation specifications.

(2) Funding for the cost of installation of parking control signs on Kiest Boulevard placed in escrow with the department of public works and transportation.

(3) Full execution of a three-way contract for construction of sidewalks to city standards along Kiest Boulevard, except as partially waived in Paragraph (5) below.

(4) Provision of marked pedestrian crosswalks on Kiest Boulevard.

(5) A waiver of the sidewalk requirements pursuant to Section 51A-8.606 is hereby granted only as to that portion of Subarea 1 where a sidewalk would otherwise be required, beginning at the church driveway shown on the Subarea 1 development plan, and from that point in an easterly direction for 360 feet.

(b) A waiver of the sidewalk requirements pursuant to Section 51A-8.606 is hereby granted only as to that portion of Subarea 2 where a sidewalk would otherwise be required.

SEC. 51P-585.116. TRAFFIC MANAGEMENT PLAN.

(a) Prior to issuance of certificate of occupancy for the 8,400 seat sanctuary shown on the development plan for Subarea 1, the Property owner shall provide to the director of public works and transportation a Traffic Management Plan (TMP) for the operation of traffic associated with the new development that addresses parking, shuttle service, time intervals between services, area traffic movement, and communications and supervision of traffic control officers and parking lot attendants so as to ensure safe operations. The Property owner must comply with the submitted TMP.

(b) The Property owner shall provide an annual survey of traffic operations that evaluates compliance with the TMP. The survey must be prepared by a registered professional engineer skilled in transportation engineering. The annual survey of traffic operations must be submitted to the director of public works and transportation on or before December 31 of each calendar year following the submission of the traffic management plan. The survey must be submitted each year for five years until December 31, 2015 ~~[until the 8,400 seat sanctuary ceases operation or seven years from the date of passage of Ordinance No. 24302, whichever occurs first].~~

SEC. 51P-585.117. ADDITIONAL PROVISIONS.

(a) The ~~[entire]~~ 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 c[C]ity [of Dallas].

28004

SEC. 51P-585.118. 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 director of public works and transportation.

(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. 51P-585.119. ZONING MAPS.

PD 585 is located on Zoning Map No. N-4.

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 the director of sustainable development and construction shall correct Zoning District Map No. N-4 in the offices of the city secretary, the building official, and the department of sustainable development and construction to reflect the changes in zoning made by this ordinance.

SECTION 5. That the Subarea 2 property description, Exhibit 585B of Article 585, "PD 585," of Chapter 51P of the Dallas City Code is replaced by the Exhibit 585B attached to this ordinance.

SECTION 6. That the subarea boundary map, Exhibit 585C of Article 585, "PD 585," of Chapter 51P of the Dallas City Code is replaced by the Exhibit 585C attached to this ordinance.

SECTION 7. That the Subarea 1 development plan and Subarea 2 development plan, Exhibit 585D of Article 585, "PD 585," of Chapter 51P of the Dallas City Code is replaced by the Subarea 1 development plan, Exhibit 585D1, and the Subarea 2 development plan, Exhibit 585D2, attached to this ordinance.

SECTION 8. That the Subarea 2 landscape plan, Exhibit 585F of Article 585, "PD 585," of Chapter 51P of the Dallas City Code is replaced by the Exhibit 585F attached to this ordinance.

SECTION 9. That development of this district must comply with the full-scale versions of Exhibit 585C (Subarea boundary map), Exhibit 585D1 (Subarea 1 development plan), 585D2 (Subarea 2 development plan), and Exhibit 585F (Subarea 2 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 version of the plan.

SECTION 10. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 11. 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 12. 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.

28004

102428

SECTION 13. 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 SEP 22 2010

28004
Approved
EXHIBIT A

102428
2090-194
EXPANSION Area

BEING a parcel of land located in the City of Dallas, Dallas County, Texas, a part of the William O'Gwinn Survey, Abstract Number 1104, a part of City of Dallas Block Number 8710, and being a part of that tract of land conveyed to E.W. Merrifield as recorded in Volume 2543, Page 329, Dallas County Deed Records, and being further described as follows:

COMMENCING at a five-eighths inch iron rod found at the southeast corner of a called 20 acre tract of land conveyed to Merrifield Properties, LLC as recorded in Volume 2000109, Page 8266, Dallas County Deed Records;

THENCE South 89 degrees 14 minutes 55 seconds West, 50.96 feet along the south line of said 20 acre tract to a one-half inch iron rod set for the POINT OF BEGINNING of this tract of land;

THENCE South 32 degrees 18 minutes 30 seconds West, 354.41 feet to a one-half inch iron rod set for corner;

THENCE North 89 degrees 51 minutes 58 seconds West, 174.50 feet to a one-half inch iron rod found for corner;

THENCE South 45 degrees 08 minutes 02 seconds West, 79.20 feet to a one-half inch iron rod set for corner;

THENCE North 89 degrees 51 minutes 58 seconds West, 453.84 feet to a one-half inch iron rod set for corner;

THENCE North 19 degrees 42 minutes 54 seconds West, 309.57 feet to a one-half inch iron rod set for corner;

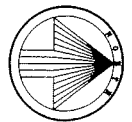
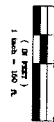
THENCE North 00 degrees 45 minutes 05 seconds West, 49.69 feet to a one-half inch iron rod set in the south line of said 20 acre tract of land;

THENCE North 89 degrees 14 minutes 55 seconds East, 979.06 feet along the south line of said 20 acre tract of land to the POINT OF BEGINNING and containing 275,322 square feet or 6.321 acres of land.

28004

ZONING A/A
(VACANT)SOUTH MERRIFIELD ROAD
(A VARIABLE WIDTH RIGHT-OF-WAY)ZONING A/A
(VACANT)ORIGINAL SUBAREA 2 CALLED 20 ACRES (ACTUAL AREA 19.98 ACRES)
EXPANSION SUBAREA 2 6.321 ACRESPD 585 ~ SUBAREA 2
Called 26.301 acresZONING A/A
(VACANT)ZONING A/A
(VACANT)STATE HIGHWAY 408
(A VARIABLE WIDTH RIGHT-OF-WAY)PD 186
(VACANT)PD 585 ~ SUBAREA 1
28.358 ACRESKEST BOULEVARD
(150 FOOT RIGHT-OF-WAY)PD 186
(VACANT)Planned Development
District No. 585Approved
City Plan Commission
August 19, 2010

Z090-194(W/E)



POTTER'S HOUSE CHURCH
REMOTE PARKING EXPANSION
PD 585 AMENDMENT
 Dallas, Texas

EXHIBIT 585C - SUBAREA BOUNDARY MAP

Scale: 1" = 150'
 Date: 08/19/10
 Drawn By: DD
 Checked By: DD

Revisions:

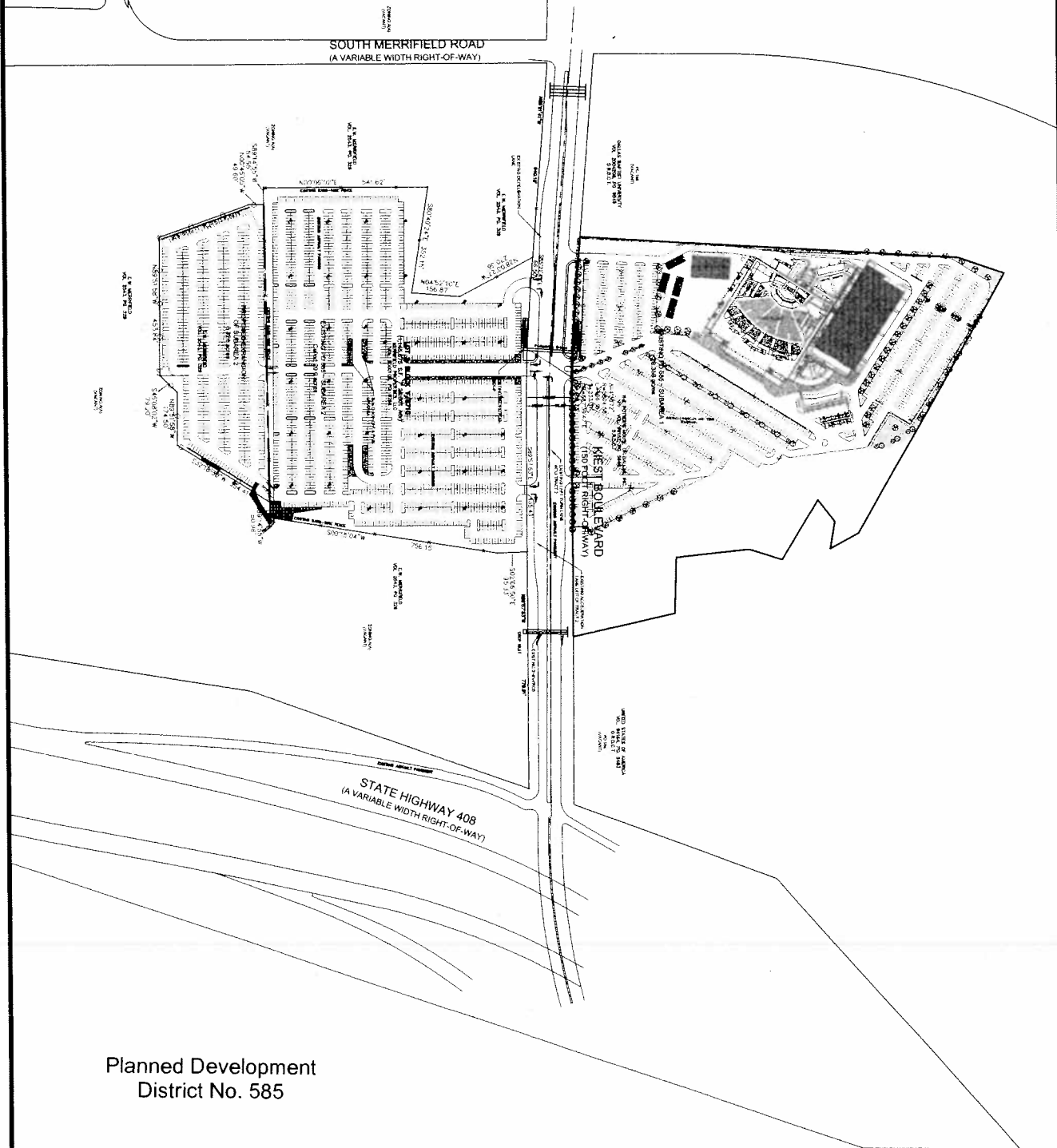


Drawn By: DD
EX 585C
 City Plan Commission
 PHC001

Exhibit 585D1

102428

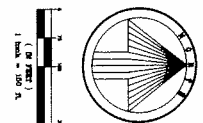
28004



Planned Development
District No. 585

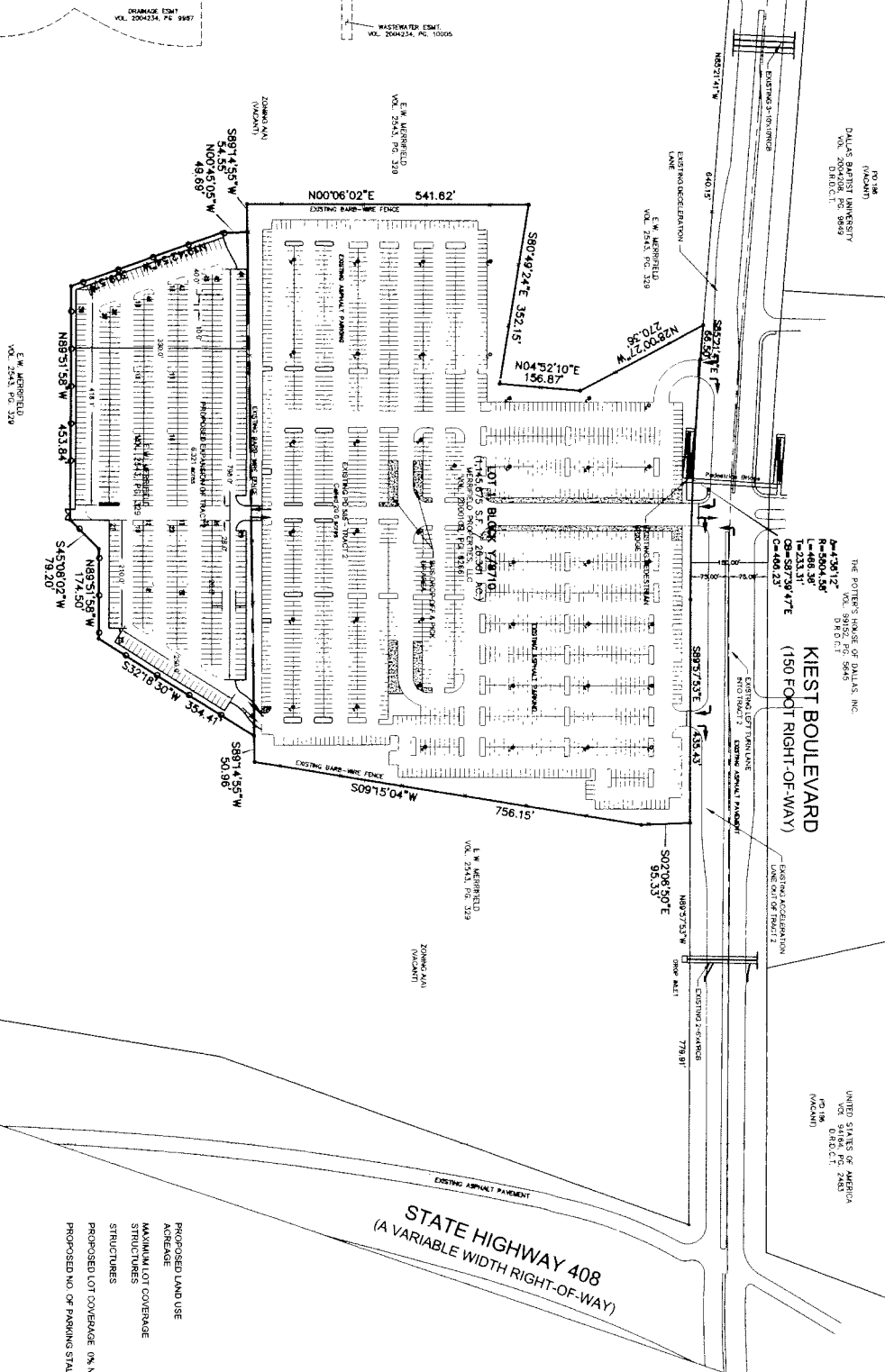
Approved
City Plan Commission
August 19, 2010

Z090-194(W/E)



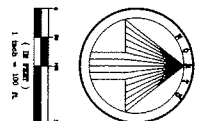
TITLE SHEET EX 585D1 V/E JOB NUMBER PNC001	POTTER'S HOUSE CHURCH REMOTE PARKING EXPANSION SUBAREA 1 - PD 585 AMENDMENT Dallas, Texas SUBAREA 1 - DEVELOPMENT PLAN	Scale: 1"=100' Date: 07/26/10 Drawn by: DD Checked by: DD		
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Z090-194(W/E)



PROPOSED LAND USE AGEAGE	SURFACE PARKING 26.20 ACRES
MAXIMUM LOT COVERAGE STRUCTURES	60% FOR RESIDENTIAL 25% FOR NONRESIDENTIAL STRUCTURES
PROPOSED LOT COVERAGE	0% NO STRUCTURES ARE PROPOSED
PROPOSED NO. OF PARKING STALLS	636

STATE HIGHWAY 408
(A VARIABLE WIDTH RIGHT-OF-WAY)



OBI
 CONSULTING & DESIGN, INC.
 2001 W. 10th Street
 Suite 307 B
 Ankeny, IA 50021
 Main 515-241-5875
 Fax 515-241-5114
 www.obiconsult.com
 Total Management Engineering, Inc. is an Equal Opportunity Employer

POTTER'S HOUSE CHURCH
REMOTE PARKING EXPANSION
 SUBAREA 2 ~ PD 585 AMENDMENT
 Dallas, Texas

SUBAREA 2 - DEVELOPMENT PLAN

Ordering Number:
EX 585D2

A/E Job Number:
PHC001

PD 186
(VACANT)
DALLAS BAPTIST UNIVERSITY
BOX 2004208, P.O. 9049
DALLAS, TEXAS 75220-4208

THE POTTER'S HOUSE OF DALCAS, INC.

UNITED STATES OF AMERICA
VOL. 94184, PG. 2483
0806T

SYMBOL	BOTANICAL NAME	SIZE	SPACING	QTY	REMARKS
4	ORCHID ELM (ULMUS CRASSIFOLIUS)	3" CAL.	24" SPACING	18	5 INCHES SPACING, 12' MINIMUM HEIGHT & MINIMUM DIAMETER IN ROOT, B.B. FIELD ORCHARD
5	REDWOOD GRASS (STYCHOMENIA DACTYLOIDES)	1/2" CAL.	24" SPACING	22,500	COMMON REDWOOD PINEAPPLE AND PLANT GROWING IN THE AREA OF THE STYCHOMENIA DACTYLOIDES STYCHOMENIA DACTYLOIDES

NOTE: ALL PARKING SPACES ARE
WITHIN 120' FROM A MIN. 3" CALIPER
TREE PER CITY OF DALLAS ARTICLE X

Approved
City Plan Commission
August 19, 2010

EXISTING PLANT / SITE MATERIALS LIST

[illegible]

NO EXISTING TREES GREATER THAN 8-INCHES IN CALIPER ARE WITHIN THE PLATTED AREA. THE EXISTING PARKING LOT WAS LANDSCAPED PER THE PLANS APPROVED BY THE CITY PLAN COMMISSION IN 2000.

Z090-194(WE)

POTTER'S HOUSE CHURCH
REMOTE PARKING EXPANSION
SUBAREA 2 ~ PD 585 AMENDMENT
Dallas, Texas
LANDSCAPE PLAN

Scale:
1"=100'

Date:
01/05/2010

Drawn By:
PLB

Checked By:
CLB

OBI
 14201 Oakview Drive
 Suite 200
 Addison, Texas 75001
 Main 972.240.7270
 Fax 972.240.1414
 www.obiconsult.com
 Texas Registered Engineering Firm F-4242

THE FORMER HOUSE

PO Box 10400, Salem, NC 27155
877-9-NEEDS-HELP
Call toll free 1-877-9-NEEDS-HELP
Fax 714-531-0643