

ORDINANCE NO. 28269

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 1684 and City Block 5831; fronting approximately 206.7 feet on the southwest side of Lamar Street; and containing approximately 3.402 acres,

from Planned Development District No. 276 and an RS-MU Regional Service Mixed Use Subdistrict within Planned Development District No. 595 (the South Dallas/Fair Park Special Purpose District) to Planned Development District No. 853; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code; amending Articles 276 and 595 to reflect the change of zoning; creating a new Article 853; establishing use regulations and development standards for Planned Development District No. 853; 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 amend Article 276, amend Article 595, and establish Planned Development District No. 853 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That Section 51P-276.102, "Property Location and Size," of Article 276, "PD 276," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

**"SEC. 51P-276.102. PROPERTY LOCATION AND SIZE.**

PD 276 is established on property generally fronting on the southwest line of Lamar Street, northwest of the southwesterly prolongation of the northwest line of Garden Drive. The size of PD 276 is approximately 10.734 [~~11.334~~] acres."

SECTION 2. That Section 51P-595.102, "Property Location and Size," of Article 595, "PD 595," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

**"SEC. 51P-595.102. PROPERTY LOCATION AND SIZE.**

PD 595 is established on property generally bounded by the Union Pacific (DART) Railroad, the Southern Pacific Railroad, C.F. Hawn Freeway, the D.P.&L. Company easement, Central Expressway (S.M. Wright Freeway), the Southern Pacific Railroad, the Santa Fe Railroad, R.L. Thornton Freeway, Second Avenue, Parry Avenue, Robert B. Cullum Boulevard, Fitzhugh Avenue, Gaisford Street, and the common line between City Blocks 1820 and D/1821. PD 595 excludes the following planned development districts: 276, 320, 331, 354, 363, 477, 489, 513, 552, 557, 597, 660, 716, 729, 730, 746, 747, 764, 793, 806, 813, [~~and~~] 849, and 853. The size of PD 595 is approximately 3,617.676 [~~3,620.476~~] acres."

SECTION 3. That the zoning classification is changed from Planned Development District No. 276 and an RS-MU Regional Service Mixed Use Subdistrict within Planned Development District No. 595 to Planned Development District No. 853 on the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property").

SECTION 4. That Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Article 853 to read as follows:

**“ARTICLE 853.****PD 853.****SEC. 51P-853.101. LEGISLATIVE HISTORY.**

PD 853 was established by Ordinance No.\_\_\_\_\_, passed by the Dallas City Council on June 22, 2011.

**SEC. 51P-853.102. PROPERTY LOCATION AND SIZE.**

PD 853 is established on property located at Hatcher Street and Lamar Street. The size of PD 853 is approximately 3.402 acres.

**SEC. 51P-853.103. DEFINITIONS AND INTERPRETATIONS.**

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

(1) BODY PIERCING STUDIO means a facility in which body piercing is performed. BODY PIERCING means the creation of an opening in an individual's body, other than an individual's earlobe, to insert jewelry or another decoration.

(2) MASSAGE PARLOR means a MASSAGE ESTABLISHMENT and MASSAGE as defined by Texas Occupation Code Chapter 455, as amended.

(3) METAL RECYCLING-RELATED USE means any combination of one or more of the following uses actually operating on the Property on June 22, 2011: a metal salvage facility; outside salvage or reclamation; outside storage (with visual screening); and recycle buy-back center for the collection of household metals, industrial metals, or recyclable materials.

(4) TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

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

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

**SEC. 51P-853.104. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 853A: development plan.
- (2) Exhibit 853B: traffic management plan.

**SEC. 51P-853.105. DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development plan (Exhibit 853A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

**SEC. 51P-853.106. MAIN USES PERMITTED.**

(a) The following uses are the only main uses permitted:

- (1) Agricultural uses.

None.

- (2) Commercial and business service uses.

- Catering service.
- Custom business services.

- (3) Industrial uses.

- Metal recycling-related use. *[See Subsection (b) for regulations regarding termination of metal recycling-related uses. Except as provided in this provision, must comply with the additional provisions for each component use, treated as if in an IM Industrial/Manufacturing District. The following additional provisions do not apply: Sections 51A-4.203(3)(E)(iv), 51A-4.203(5)(E)(iv), and 51A-4.213(11)(E)(vi).]*

- (4) Institutional and community service uses.

- Adult day care facility. *[L]*
- Child-care facility. *[L]*
- Church.
- College, university, or seminary.
- Community service center. *[SUP]*

- Convalescent and nursing homes, hospice care, and related institutions. *[SUP]*
  - Convent or monastery.
  - Hospital. *[RAR]*
  - Library, art gallery, or museum.
  - Open-enrollment charter school or private school. *[SUP]*
  - Public school other than an open-enrollment charter school. *[SUP]*
- (5) Lodging uses.
- None.
- (6) Miscellaneous uses.
- Temporary construction or sales office.
- (7) Office uses.
- Financial institution without drive-in window.
  - Financial institution with drive-in window. *[SUP]*
  - Medical clinic or ambulatory surgical center.
  - Office.
- (8) Recreation uses.
- Country club with private membership.
  - Private recreation center, club, or area.
  - Public park, playground, or golf course.
- (9) Residential uses.
- Duplex.
  - Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*
  - Multifamily.
  - Retirement housing.
  - Single family.
- (10) Retail and personal service uses.
- Animal shelter or clinic without outside runs. *[RAR]*
  - Auto service center.
  - Business school.
  - Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B). Treat as if in a CR Community Retail District.]*

- Commercial motor vehicle parking. [SUP]
- Commercial parking lot or garage. [RAR]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. [SUP]
- Home improvement center, lumber, brick, or building materials sales yard. [SUP]
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel. [SUP]
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses. *[Body piercing studio, massage parlor, and tattoo studio prohibited.]*
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Theater.

(11) Transportation uses.

- Transit passenger shelter.

(12) Utility and public service uses.

- Electrical substation.
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4). Treat as if in a MU Mixed Use District.]*
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1). Treat as if in a MU Mixed Use District.]*
- Utility or government installation other than listed. [SUP]

(13) Wholesale, distribution, and storage uses.

None.

(b) Termination of metal recycling-related use.

- (1) A metal recycling-related use may expand onto an abutting building site or relocate to another building site within this district.

(2) A metal recycling-related use may not operate within this district if the use ceases to operate for one year or the use is converted to another permitted use.

(3) For purposes of this provision, a metal recycling-related use is considered the same use even if it expands onto or relocates to another building site in this district.

**SEC. 51P-853.107. ACCESSORY USES.**

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

**SEC. 51P-853.108. 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 Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard. Minimum front yard is 15 feet.

(b) Side and rear yard.

(1) Except as provided in this subsection, no minimum side or rear yard is required.

(2) Minimum side and rear yard is 10 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district.

(c) Density. No maximum dwelling unit density.

(d) Floor area ratio. Maximum floor area ratio is:

- (1) 1.5 for office uses;
- (2) 0.85 for residential uses;
- (3) 0.5 for retail and personal service uses; and
- (4) 1.5 for all uses combined.

(e) Height.

(1) Residential proximity slope.

(A) Except as provided in this subsection, any portion of a structure that is over 26 feet in height may not be located above a residential proximity slope.

(B) Structures listed in Section 51A-4.408(a)(2) may project through the residential proximity slope to a height not to exceed the maximum structure height, or 12 feet above the residential proximity slope, whichever is less.

(C) Chimneys may project through the residential proximity slope to a height 12 feet above the residential proximity slope and 12 feet above the maximum structure height.

(2) Maximum height. Unless further restricted in Paragraph (e)(1), maximum structure height is 90 feet.

(f) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. No minimum lot size.

(h) Stories. Except as provided in this subsection, maximum number of stories above grade is seven. Aboveground parking structures are not included in story calculations, but must comply with the height provisions in Subsection (e).

**SEC. 51P-853.109. OUTSIDE STORAGE.**

For a metal recycling-related use:

(1) Within 50 feet of a right-of-way, excluding TXDOT rights-of-way, stacking height may not exceed the height of the screening wall. In all other locations, maximum stacking height is 30 feet. Outside storage must comply with this paragraph by December 22, 2012.

(2) Outside storage must comply with Article V by June 22, 2016.

**SEC. 51P-853.110.****OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Parking setback. Except for a metal recycling-related use, required off-street parking is not permitted within 30 feet of the back of the curb.

(c) Parking screening.

(1) Required off-street parking must be screened from the street in accordance with Section 51A-4.301(f)(5).

(2) Required off-street parking must be screened from adjacent residential uses in accordance with Section 51A-4.301(f)(3).

(3) A perimeter landscape buffer strip and plant materials must be provided in accordance with Sections 51A-10.125(b)(1), "Perimeter Landscape Buffer Strip," and 51A-10.125(b)(7), "Buffer Plant Materials."

**SEC. 51P-853.111.****TRAFFIC MANAGEMENT PLAN.**

(a) In general. The operation of a metal recycling-related use must comply with the traffic management plan (Exhibit 853B).

(b) Queuing. Queuing is only permitted inside the property where the use is located.

(c) Loading and unloading. Loading and unloading of commercial vehicles is permitted behind the required screening wall. For the purposes of this section, commercial vehicles do not include passenger trucks or vans.

(d) Implementation. By July 22, 2011, the traffic management plan must be implemented and signage directing ingress/egress must be installed on the property where the use is located.

(e) Traffic study.

(1) The property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The traffic study must be submitted to the Director by June 22, 2014. No further traffic studies are required.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different business days at different times over a two-week period, and must contain an analysis of the following:

- (A) ingress and egress points;
- (B) queue lengths;
- (C) number and location of personnel assisting with loading and unloading of material;
- (D) drop-off and pick-up locations; and
- (E) circulation.

(3) Within 30 days after submission of a traffic study, the Director shall determine if the current traffic management plan is sufficient.

(A) If the Director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the Director determines that the current traffic management plan results in traffic hazards or traffic congestion, the Director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the Director shall notify the city plan commission.

(f) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

**SEC. 51P-853.112.**

**LANDSCAPING.**

(a) In general.

(1) Except as provided in this section, landscaping must be provided in accordance with Article X.

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

(b) Metal recycling-related use.

(1) Parkway trees.

(A) Location. Parkway trees must be planted within the tree planting zone and must be planted on center not closer than 2.5 feet from any curb or paved surface. Large trees must be planted on center not closer than 10 feet from a building or wall and not closer than 20 feet from another large tree.

(B) Tree planting zone. The tree planting zone is that area parallel to and between two-and-one-half and 10 feet from the back of the street curb.

(C) Number. The property must have one or more trees whose trunks are located wholly within the tree planting zone. The number of parkway trees is determined by dividing the number of feet of lot frontage by 30, excluding visibility triangles. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number.

(D) Type. Parkway trees must be large trees from the replacement list in Article X and recommended for local area use by the building official.

(E) Size. Parkway trees must have a minimum height of 14 feet and a caliper of at least three-and-one-half inches measured at a point 12 inches above the root ball at the time of installation. Height is measured from the top of the root ball.

(F) Spacing. Parkway trees must be spaced as uniformly as practicable. The trunk of a required tree must be within 50 feet of the trunk of another required tree.

(2) Other plant material screening. Excluding driveways and visibility triangles, a minimum of 50 percent of the street frontage along Lamar Street between the sidewalk and screening fence must be a landscape area that has turf, ground cover, shrubs, trees, seasonal planting, or a combination of these plant materials.

(3) Landscape area protections. Required landscape areas must be protected from vehicular traffic using concrete curbs, wheel stops, or other permanent barriers.

(4) Mitigation. Replacement trees planted anywhere within this district may count toward tree mitigation. Replacement trees planted in a parkway may count toward tree mitigation only if planted at least 2.5 feet away from any utility easement.

(5) Completion date. Landscaping must be installed in accordance with this subsection by December 22, 2012.

**SEC. 51P-853.113. SIDEWALKS AND PEDESTRIAN AMENITIES.**

(a) Sidewalks. A minimum six-foot-wide sidewalk must be provided along the Lamar Street frontage.

(b) Pedestrian scale lighting.

(1) Pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 footcandles must be provided along sidewalks and adjacent to internal streets at one lighting fixture per 100 linear feet of frontage.

(2) Pedestrian scale lighting must emanate from a source that is no more than 14 feet above the grade of the sidewalk or be a pedestrian light fixture approved by the director of public works and transportation.

(3) The design and placement of both the standards and fixtures must be approved by the director of public works and transportation.

(4) Unless otherwise provided, each property owner is responsible for the cost of installation, operation, and maintenance of the lighting on their property or in the rights-of-way adjacent to their property.

(c) Implementation. Sidewalks and pedestrian scale lighting must be installed in accordance with this section by December 22, 2012.

**SEC. 51P-853.114. LANDSCAPING IN THE PARKWAY.**

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping and pedestrian amenities requirements of this article. "Parkway" means the portion of a street right-of-way between the street curb and the lot line. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(4) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(b) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the building official shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a parkway landscape permit to the property owner; otherwise, the building official shall deny the permit.

(3) If compliance or partial compliance with the parkway landscaping requirement is made impossible due to the building official's denial of a parkway landscape permit, the director may approve an alternate landscaping that meets the intent of the parkway landscaping requirement, including but not limited to replacing a requirement for large trees with small trees where overhead utilities exist. If no alternative exists, the director may waive all or part the parkway landscaping requirement.

(4) A parkway landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the building official's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way.

**SEC. 51P-853.115. SIGNS.**

- (a) Signs must comply with the provisions for business zoning districts in Article VII.
- (b) The existing sign shown on the development plan is considered a premise sign.

**SEC. 51P-853.116. SCREENING AND FENCING.**

- (a) In general.

(1) Except as provided in this section, screening and fencing must comply with Section 51A-4.602.

(2) Barbed wire or concertina wire may not be visible from the Lamar Street right-of-way.

- (b) Screening of a metal recycling-related use.

(1) Location. A solid screening wall must be provided within 25 feet Lamar Street. To prevent visual monotony a screening wall must have one or more of the following every 60 linear feet:

- (A) alternating materials or textures; or
- (B) offsets of at least 18 inches.

(2) Materials. Screening walls must be masonry or concrete. Vehicular gates must be metal.

(3) Height. Minimum of eight feet in height.

(4) Implementation. Screening must be provided in accordance with this subsection by December 22, 2012.

(c) Fencing for metal recycling-related uses.

(1) Height.

(A) Minimum fence height is eight feet; maximum fence height is 20 feet.

(B) No maximum fence height is required where the Highway Beautification Act applies adjacent to TxDOT rights-of-way.

(2) Materials. Fencing must be painted or finished in a consistent manner.

(3) Implementation. Fencing must be provided in accordance with this subsection by December 22, 2012.

#### **SEC. 51P-853.117. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

#### **SEC. 51P-853.118. ADDITIONAL PROVISIONS.**

(a) In general.

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

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

(3) Smelting of lead, breaking of batteries, or storage of battery parts is prohibited.

(b) Development impact review. Except for a metal recycling-related use, a site plan must be submitted and approved in accordance with the development impact review requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generations.

(c) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) District may penetrate or be located above a residential proximity slope origination in that district. For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

#### **SEC. 51P-853.119. 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 to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.”

SECTION 5. 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 6. That development of this district must comply with the full-scale version of Exhibit 853A (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 7. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 853 in Chapter 51P.

SECTION 8. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 9. 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 10. 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 11. 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 JUN 22 2011

28269

## EXHIBIT A

LEGAL DESCRIPTION  
4717 South Lamar Street

BEING a tract of land situated in the Andrew J. Clark Survey, Abstract No. 285, City of Dallas, Dallas County, Texas, also being situated in City of Dallas Block No. 1684 and City of Dallas Block No. 5831, and being all of that certain tract of land conveyed to MLOK, LLC, by Quit Claim Deed dated December 8, 2005, recorded in Instrument No. 200503646452, Deed Records, Dallas County, Texas, and all of that certain tract of land conveyed to MLOK, LLC, by Quit Claim Deed dated November 1, 2006, recorded in Instrument No. 200600459890, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the most northerly corner of City of Dallas Block No. 5831, same being the most easterly corner of City of Dallas Block No. 1684, and being on the southwest right-of-way line of Lamar Street;

THENCE along the southwest line of Lamar Street, South 48 degrees 29 minutes 58 seconds East, a distance of 106.50 feet to a Point, same being the most easterly corner of said MLOK, LLC tract;

THENCE along the southeast line of said MLOK, LLC tract, South 45 degrees 00 minutes 00 seconds West, a distance of 250.00 feet to a Point for corner;

THENCE North 48 degrees 29 minutes 58 seconds West, a distance of 106.50 feet to a Point, same being on the southeast line of City Block 1684;

THENCE along the southeast line of City Block 1684, South 45 degrees 00 minutes 00 seconds West, a distance of 972.09 feet to a Point, same being the most southerly corner of said tract and being on the northeast line of the St. Louis Southwest Railway Company right-of-way;

THENCE along the southwest line of said MLOK, LLC tract, same being the northeast line of the St. Louis Southwest Railway Company right-of-way, North 41 degrees 39 minutes 57 seconds West, a distance of 100.18 feet to a Point, same being the most westerly corner of said MLO, Inc. tract;

THENCE along the northwest line of said MLOK, LLC tract, North 45 degrees 00 minutes 00 seconds East, a distance of 1210.14 feet to a Point, same being the most northerly corner of said tract and being on the southwest right-of-way line of Lamar Street;

THENCE along the southwest line of Lamar Street, South 48 degrees 29 minutes 58 seconds East, a distance of 100.20 feet to the POINT OF BEGINNING hereof and containing 3.4022 acres or 148,201 square feet of land, more or less.

Z101-182

28269

111781  
GIS\_APPROVED

**PD 595  
RS-MU (Tract 3)**

Being a 2.78 acre tract of land situated in the Andrew J. Clark Survey, Abstract No. 285, City of Dallas, Dallas County, Texas, also being in the Dallas City Block 1684, being more particularly described by metes and bounds as follows:

BEGINNING at the most southeasterly corner of the 2.78 acre tract in Dallas City Block 1684, a point in the southwest right of way line of south Lamar Street, a 100 foot wide right of way;

THENCE South 45° 00' 00" West a distance of 1222.09 feet to a point for corner;

THENCE North 41° 39' 57" West a distance of 100.18 feet to a point for corner;

THENCE North 45° 00' 00" East a distance of 1210.14 feet to a point in the southwest right of way line of south Lamar Street, a point for corner;

THENCE South 48° 29' 58" East along the southwest right of way line of south Lamar Street a distance of 100.20 feet to the POINT OF BEGINNING and containing 2.78 acres of land.

**Z101-182**

GIS\_Approved  
28269

101-182  
111781

**Portion from PD 276**

Being a tract of land out of the Andrew J. Clark Survey, Abstract No. 285, City of Dallas, Dallas County, also being in Dallas City Block 5831 and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of Dallas City Block 5831, also being a point in the southwest right of way line of south Lamar Street, a 100 foot right of way;

THENCE South  $48^{\circ} 29' 58''$  East along the southwest right of way line of south Lamar Street a distance of 106.50 feet to a point for corner;

THENCE South  $45^{\circ} 00' 00''$  West a distance of 250 feet to a point for corner;

THENCE North  $48^{\circ} 29' 58''$  West a distance of 106.50 feet to a point for corner;

THENCE North  $45^{\circ} 00' 00''$  East a distance of 250.00 feet to a point in the southwest line of south Lamar Street to the POINT OF BEGINNING and containing 0.61 acres of land.



**Traffic Management Plan  
Okon Metals  
4717 South Lamar**

28269

Traffic consists of personal vehicles such as automobiles and pickup trucks. The vehicles drive in the main gate. If the amount of metal to be sold is small then the vehicle is unloaded and the commodity is weighed on a scale. The driver of the vehicle gets a receipt for the commodity and presents it to the office person who in turn processes the sale. After the sale the person returns to the vehicle and leaves the property.

Vehicles that deliver a commodity to the property (this is generally a pickup truck) that is too heavy to handle on the small scale will go to the large scale and get weighed. The vehicle then exits the scale and goes to the unloading area on the north side of the property and unloads. The vehicle then returns to the scale and is weighed again. The person is paid for the commodity and leaves the premises.

Each vehicle and each person is identified through digital photo when on the property. This is done to prevent crime and to abide by city laws that are intended to prevent theft of metals in the city.

All vehicles are processed as fast as possible on the property. Loading areas on the south side of the property are now striped for easy separation of parked vehicles. Persons in the office that process weigh tickets and payments for commodities do nothing but those tasks. Employees that handle the commodities only handle commodities. The separation of responsibilities provides for a shorter time that customers must be on the property.

Okon Metals removes commodities with its own trucks. Those trucks are staged at a different location to make their trips to the site as short as possible. Trucks properly staged spend less time on the property than they do if they are sent only to load when commodity levels are high enough to load.

Vehicle routes are shown on the site plan and are followed. All visitors to the property are properly identified. Identity of persons and vehicles are made and maintained per City of Dallas regulations.

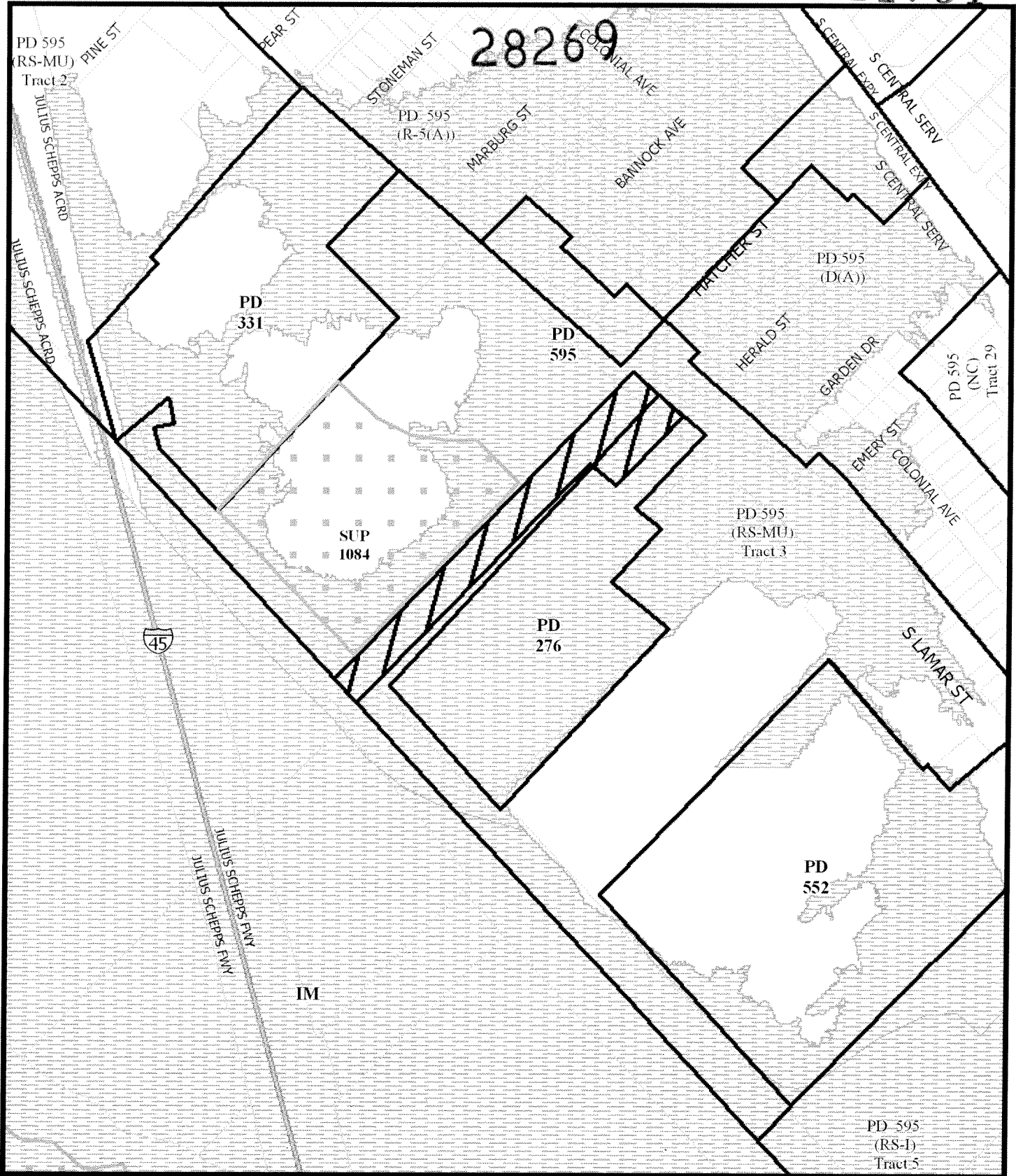
All vehicles are directed to unload and or park in an efficient process to limit the time a vehicle spends on the property.

New striping along the commodity intake area will be done to properly separate vehicles and control unloading.

The entry will be redone when the fence is moved back to accommodate two entry drives and one exit drive. The scale will have its own entry drive. There will be no backup due to waits at the scale. Traffic for the scale and other activity will be separated to more quickly get vehicles onto the property.

The security guard will direct traffic if needed during peak times if traffic is delayed off site.

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# **ZONING AND LAND USE**

Map no: **L-8**  
Case no: **Z101-182**