

ORDINANCE NO. 28290

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block A/5495; fronting approximately 200 feet on the south line of Orchid Lane east of Preston Road, and containing approximately 0.8164 acre,

from an R-16(A) Single Family District to Planned Development District No. 553; amending Article 553, "PD 553," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code to reflect the expansion of the planned development district; amending the property location and size, definitions and interpretations, development/landscape plan, yard, lot, and space, off-street parking and loading, screening and fences, traffic reduction, Preston Road, ingress/egress, construction, delivery, and service vehicles regulations in Sections 51P-553.102, 51P-553.103, 51P-553.104, 51P-553.105, 51P-553.107, 51P-553.108, 51P-553.111, 51P-553.114, 51P-553.115, 51P-553.117, and 51P-553.118 of Article 553; providing a new Section 51P-553.103.1; deleting Section 51P-553.113, "Private Drive," Section 51P-553.116, "Alleys," and Section 51P-553.127, "Zoning Map"; providing a new development/landscape plan; 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 553 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 R-16(A) Single Family District to Planned Development District No. 553 on the property described in Exhibit A, which is attached to and made a part of this ordinance. Planned Development District No. 553 now encompasses all of Lot 1 in City Block A/5495.

SECTION 2. That Section 51P-553.102, "Property Location and Size," of Article 553, "PD 553," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-553.102. PROPERTY LOCATION AND SIZE.

PD 553 is established on property generally located on the east line of Preston Road, at its intersection with the south line of Orchid Lane. The size of PD 553 is approximately 40.4926 [~~39.6762~~] acres."

SECTION 3. That Section 51P-553.103, "Definitions and Interpretations," of Article 553, "PD 553," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-553.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) HEADMASTER'S DWELLING UNIT means a residential dwelling for a school executive.

(2) OVERFLOW PARKING means off-street parking for any event which occurs on the Property after 4:00 p.m., Monday through Friday, or on weekends, during any academic school year.

(3) SPECIAL EVENT [~~special event~~] means an activity that is not a part of the routine school day and that involves an increase in traffic to the Property which cannot be reasonably accommodated by the Preston Road entrances. Special events may include certain sports events and weekend activities.

(b) Unless otherwise stated, all [~~code~~] 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 residential zoning district.”

SECTION 4. That Article 553, “PD 553,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Section 51P-553.103.1, “Exhibit,” to read as follows:

“SEC. 51P-553.103.1. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 553A: development/landscape plan.”

SECTION 5. That Section 51P-553.104, “Development/Landscape Plan,” of Article 553, “PD 553,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-553.104. DEVELOPMENT/LANDSCAPE PLAN.

(a) Except as provided in this section, d[~~D~~]development and use of the Property must comply with the development/landscape plan (Exhibit 553A). In the event of a conflict between the provisions of this article and the development/landscape plan, the provisions of this article control.

(b) No structures are permitted in the “future paved parking” area shown on the development/landscape plan except for a headmaster’s dwelling unit.”

SECTION 6. That Section 51P-553.105, “Main Uses Permitted,” of Article 553, “PD 553,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-553.105. MAIN USES PERMITTED.

(a) Church.

(b) Private school for grades K through 12.

(c) Headmaster's dwelling unit. [Only in the future paved parking area shown on the development/landscape plan.]

SECTION 7. That Section 51P-553.107, "Yard, Lot, and Space Regulations," of Article 553, "PD 553," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-553.107. 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. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Headmaster's dwelling unit.

(1) Except as provided in this subsection, the yard, lot, and space regulations for the R-16(A) Single Family District apply.

(2) The maximum number of dwelling units is one.

(b) All other uses.

(1) Front, side, and rear yard. Minimum front, side, and rear yards are as shown on the development/landscape plan.

(2[b]) Density. No maximum dwelling unit density.

(3[e]) Floor area. Maximum floor area ratio is as shown on the development/landscape plan.

(4[d]) Height.

(A[1]) In general. Except as provided in Subparagraphs [Paragraphs] (B[2]), (C[3]), and (D[4]) below, maximum structure heights are as follows:

(i[A]) Building A [~~Administration and industrial arts building~~] - 38 feet.

(ii[B]) Building B [~~Athletic center~~] - 38 [43] feet.

(iii[C]) Building C [~~Bell tower~~] - 38 [65] feet.

- (iv[~~D~~]) Building D [Chapel] – 24 [45] feet.
- (v[~~E~~]) Building E [Classroom building (proposed)] – 41 [42] feet.
- (vi[~~F~~]) Building F [Commons] – 38 [45] feet.
- (vii[~~G~~]) Building G [Davis hall (including expansion)] – 17 [42] feet.
- (viii[~~H~~]) Building H [Davis hall lantern] – 42 [60] feet.
- (ix[~~I~~]) Building I [Decherd center] – 45 [38] feet.
- (x[~~J~~]) Athletic field netting [East stadium] – 40 [26] feet.
- (xi[~~K~~]) Bell tower [Fine arts/music building (including proposed expansion)] – 65 [38] feet.
- (xii[~~L~~]) Chapel [Fitness center] – 45 [38] feet.
- (xiii) East stadium – 26 feet.
- (xiv[~~M~~]) Flag poles – 50 feet.
- (xv[~~N~~]) Gate building [(proposed)] – 17 feet.
- [~~(O)~~] Gymnasium and physical plant – 38 feet.
- (~~P~~) Headmaster's residence – 17 feet.
- (~~Q~~) Library/study center – 41 feet.
- (~~R~~) Lower school – 24 feet.
- (~~S~~) Math science building A, B, C – 17 feet.]
- (xvi[~~T~~]) Observatory - 37 feet.
- [~~(U)~~] Physical science center – 38 feet.
- (~~V~~) Tennis court pavilion (existing) – 15 feet.]
- (xvii[~~W~~]) Tennis court pavilion [(proposed)] - 17 feet.

(B[2]) Roof-top structures. The following structures located on top of a building are allowed to project 12 feet above the maximum structure height:

(i[A]) Mechanical equipment rooms.

(ii[B]) Elevator penthouses or bulkheads.

(iii[C]) Visual screens surrounding roof mounted mechanical equipment.

(C[3]) Parapet walls. Parapet walls may project four feet above the maximum structure height.

(D[4]) Outdoor lighting heights. Maximum heights for exterior lighting are as follows:

(i[A]) Bollards - 42 inches.

(ii[B]) Poles - 38 feet.

(iii[C]) Walkway lighting - 15 feet.

(iv[D]) Wall mounted lighting - 30 feet.

(v[E]) Stadium lighting - 80 feet.

(5[e]) Lot coverage. Maximum lot coverage is as shown on the development/landscape plan.

(6[f]) Lot size. No minimum lot size.

(7[g]) Stories. No maximum number of stories.”

SECTION 8. That 51P-553.108, “Off-Street Parking and Loading,” of Article 553, “PD 553,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-553.108. OFF-STREET PARKING AND LOADING.

(a) Off-street parking and loading must be located as shown on the development/landscape plan.

(b) Except as provided in this subsection, a minimum of 428 off-street parking spaces must be provided on the Property at all times. During construction, a minimum of 341 off-street parking spaces must be provided on the Property.

(c) Overflow parking for special events must be provided on the Property.

(d) Parking during school hours is prohibited in areas designated for overflow parking on the development/landscape plan. ~~[Head-in parking adjacent to a public alley where the maneuvering of the vehicle in parking or leaving the parking space is done on the public alley is permitted in this district.]~~

(e) The area identified on the development/landscape plan as "future paved parking" may not be used for parking until the earthen berm required by Section 51P-553.111(g) has been constructed.

(f) For purposes of this section, the Property is considered one lot."

SECTION 9. That Section 51P-553.111, "Screening and Fences," of Article 553, "PD 553," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-553.111. SCREENING AND FENCES.

(a) Screening on the Property must be provided in accordance with the development/landscape plan.

(b) Screening on the eastern and southwestern boundary of the Property, as shown on the development/landscape plan, must consist of evergreen plant materials recommended for local area use by the director of parks and recreation, and must be capable of obtaining a minimum height of four feet in three growing seasons.

(c) The screening hedge along Orchid Lane must be planted at a minimum height of five feet at three feet on center and must obtain a minimum height of six feet within three years of planting.

(d) All screening must be completed within 15 months of the date of issuance of a building permit for new construction on the Property.

(e) The fence along Orchid Lane must be located as shown on the development/landscape plan and completed within 15 months of the date of issuance of a building permit for new construction on the Property.

(f) An earthen berm must be constructed between the fence and screening hedge along Orchid Lane within 15 months of the date of issuance of a building permit for new construction on the Property. The earthen berm must be planted with turf grass recommended for local area use by the director of parks and recreation and must achieve a minimum of two feet in height at the peak. Except as provided in this subsection, the berm may consist of separate sections as long as the appearance of continuous screening between Orchid Lane and the parking lot is achieved. Elimination of small portions of the berm is permitted if necessary in order to protect existing trees.

(g) An earthen berm must be constructed in the area identified on the development/landscape plan as “future paved parking” by September 22, 2011. The earthen berm must be planted with turf grass recommended for local area use by the director of parks and recreation and must achieve a minimum of two feet in height at the peak. Except as provided in this subsection, the berm may consist of separate sections as long as the appearance of continuous screening between Orchid Lane and the parking lot is achieved. Elimination of small portions of the berm is permitted if necessary in order to protect existing trees.

(h) The athletic field netting shown on the development/landscape plan along Preston Road cannot be extended along Orchid Lane.”

SECTION 10. That Section 51P-553.113, “Private Drive,” of Article 553, “PD 553,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is deleted as follows:

“SEC. 51P-553.113. RESERVED [~~PRIVATE DRIVE~~].

~~[The drive from Orchid Lane to the Property, identified as “private drive” on the development/landscape plan, must be located and constructed as shown on the development/landscape plan.]”~~

SECTION 11. That Section 51P-553.114, “Traffic Reduction,” of Article 553, “PD 553,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-553.114. TRAFFIC REDUCTION.

(a) Generally. Traffic reduction management must be vigorously pursued.

(b) ~~[Northport/Brookshire access. A gate must be provided at the Northport/Brookshire entry which is equipped with a moveable arm that allows access to the Property only in a controlled manner. This gate must remain closed and accessible exclusively to card or code holders at all times other than the 7:00 - 9:30 a.m. and 2:00 - 5:00 p.m. peak hours and during special events. The gate must remain open continuously for unrestricted access to the Property during the 7:00 - 9:30 a.m. and 2:00 - 5:00 p.m. peak hours and for special events.~~

(e)] Orchid Lane access. A gate must be provided at the Orchid Lane entry which is equipped with a moveable arm that allows access to the Property only in a controlled manner. This gate must remain closed at all times other than the 7:00 - 9:30 a.m. and 2:00 - 7:00 p.m. peak hours and during special events. The gate must remain open continuously for unrestricted access to the Property during the 7:00 - 9:30 a.m. and 2:00 - 7:00 p.m. peak hours and for special events.”

SECTION 12. That Section 51P-553.115, “Preston Road,” of Article 553, “PD 553,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-553.115. PRESTON ROAD.

(a) Preston Road Entrance No. 1. ~~[Preston Road Entrance No. 1 must be located and constructed as shown on the development/landscape plan. The entrance must contain the following: (1) two lanes inbound to the Property from Preston Road; and (2) two lanes outbound from the Property onto Preston Road.]~~ Any gate located at this entrance must automatically open and allow the free-flow of vehicles into the Property during the hours of 6:00 a.m. and 6:00 p.m. In the event of power failure, the gate must remain open. The gate at this entrance must be located at least 100 feet from the Property line to provide adequate stacking and turn around space.

(b) Preston Road Entrance No. 2. Preston Road Entrance No. 2 must be located and constructed as shown on the development/landscape plan and must be no less than 24 feet wide at its intersection with Preston Road. The curb radius must be no less than 20 feet. The gate at this entrance must remain continuously open between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday.”

SECTION 13. That Section 51P-553.116, “Alleys,” of Article 553, “PD 553,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is deleted as follows:

“SEC. 51P-553.116. RESERVED [ALLEYS].

~~[Alleys must be provided as shown on the development/landscape plan. Abandonment of any existing alley or portion thereof must comply with city regulations. Alley access to Pemberton Circle is prohibited. Any change to the location or configuration of an alley shown on the development/landscape plan is not considered a minor amendment to the plan. An application to amend the development/landscape plan due to a change in the location or configuration of an alley is exempt from the two year limitation period contained in Section 51A-4.701.]”~~

SECTION 14. That Section 51P-553.117, “Ingress/Egress,” of Article 553, “PD 553,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-553.117. INGRESS/EGRESS.

[~~(a)~~] All points of ingress and egress from the Property must be approved by the director of public works and transportation as to location, design, and construction.

[~~(b)~~ ~~Gates or similar barriers must be installed to prohibit access to the Property from Northport/Brookshire Drive during all hours except school operating hours and for special events.~~]”

SECTION 15. That Section 51P-553.118, “Construction, Delivery, and Service Vehicles,” of Article 553, “PD 553,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-553.118. CONSTRUCTION, DELIVERY, AND SERVICE VEHICLES.

(a) Except as otherwise provided in this section, construction vehicles must use the Preston Road entrances for access to the Property. Construction vehicles may use entrances other than the Preston Road entrances only when access to the construction site is significantly restricted from Preston Road or in order to allow the construction or installation of landscaping, screening, tennis courts, and parking lots around the perimeter of the Property.

(b) Upon completion of Preston Road Entrance No. 1, the owner shall require delivery vehicles, service vehicles, and busses to use Preston Road exclusively for ingress to and egress from the Property. [~~This does not prohibit authorized emergency vehicles from using the private drive or the Northport/Brookshire Drive for ingress and egress.~~]”

SECTION 16. That Section 51P-553.127, “Zoning Map,” of Article 553, “PD 553,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is deleted as follows:

“SEC. 51P-553.127. **RESERVED [ZONING MAP]**.

~~[PD 553 is located on Zoning Map No. E-7.]”~~

SECTION 17. 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 18. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 19. That the development/landscape plan, Exhibit 553A of Article 553, “PD 553,” of Chapter 51P of the Dallas City Code is replaced by the Exhibit 553A attached to this ordinance.

SECTION 20. That development of this district must comply with the full-scale version of Exhibit 553A (development/landscape 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 21. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

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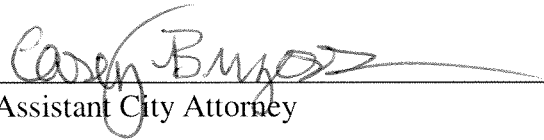
SECTION 22. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 23. 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 24. 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

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Exhibit A**Lot 5, Block 6/5499****Preston Royal No. 3****James A. Smith Survey, Abstract No. 1339****City of Dallas, Dallas County, Texas**

Being a tract or parcel of land situated in the James A. Smith Survey, Abstract No. 1339, City of Dallas, Dallas County Texas and being all of Lot 5, Block 6/5499, Preston Royal No. 3, an addition to the City of Dallas as recorded in Volume 10, Page 159, Map Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point for corner in the south line of Orchid Lane (a 50' right-of-way), said point being the northerly common corner between said Lot 5 and Lot 6 of said Preston Royal No. 3;

THENCE South $00^{\circ} 07' 13''$ East along the common line of said Lots 5 and 6 a distance of 177.80 feet to a point for corner at the southerly common corner between said Lot 5 and Lot 6, said point being in the north line of a 15' Alley as abandoned by City of Dallas Ordinance No. 26913;

THENCE South $89^{\circ} 52' 47''$ West along the common line of said Lots 5 and said Alley, as abandoned, a distance of 100.00 feet to a point for corner at the southerly common corner of said Lot 5 and Lot 1A, Block 6/5499, St. Mark's Addition an addition to the City of Dallas as recorded in Volume 2002139, Page 00057, Deed Records, Dallas County, Texas;

THENCE North $00^{\circ} 07' 13''$ West along the common line of said Lots 5 and Lot 1A a distance of 177.80 feet to a point for corner in the south line of said Orchid Lane and the northerly common corner of said Lot 5 and Lot 1A;

THENCE North $89^{\circ} 52' 47''$ East along the southerly line of said Orchid Lane a distance of 100.00 feet to the **POINT OF BEGINNING** and containing 17,780 square feet or 0.4082 acres of land.

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111830

Exhibit A

**Lot 6, Block 6/5499
Preston Royal No. 3
James A. Smith Survey, Abstract No. 1339
City of Dallas, Dallas County, Texas**

Being a tract or parcel of land situated in the James A. Smith Survey, Abstract No. 1339, City of Dallas, Dallas County Texas and being all of Lot 6, Block 6/5499, Preston Royal No. 3, an addition to the City of Dallas as recorded in Volume 10, Page 159, Map Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point for corner in the south line of Orchid Lane (a 50' right-of-way), said point being the northerly common corner between said Lot 5 and Lot 6 of said Preston Royal No. 3;

THENCE North 89° 52' 47" East along the southerly line of said Orchid Lane a distance of 100.00 feet to a point for corner at the northerly common corner of said Lot 6 and Lot 7A, Block 6/5499, St. Mark's Addition an addition to the City of Dallas as recorded in Volume 2002139, Page 00057 Deed Records, Dallas County, Texas;

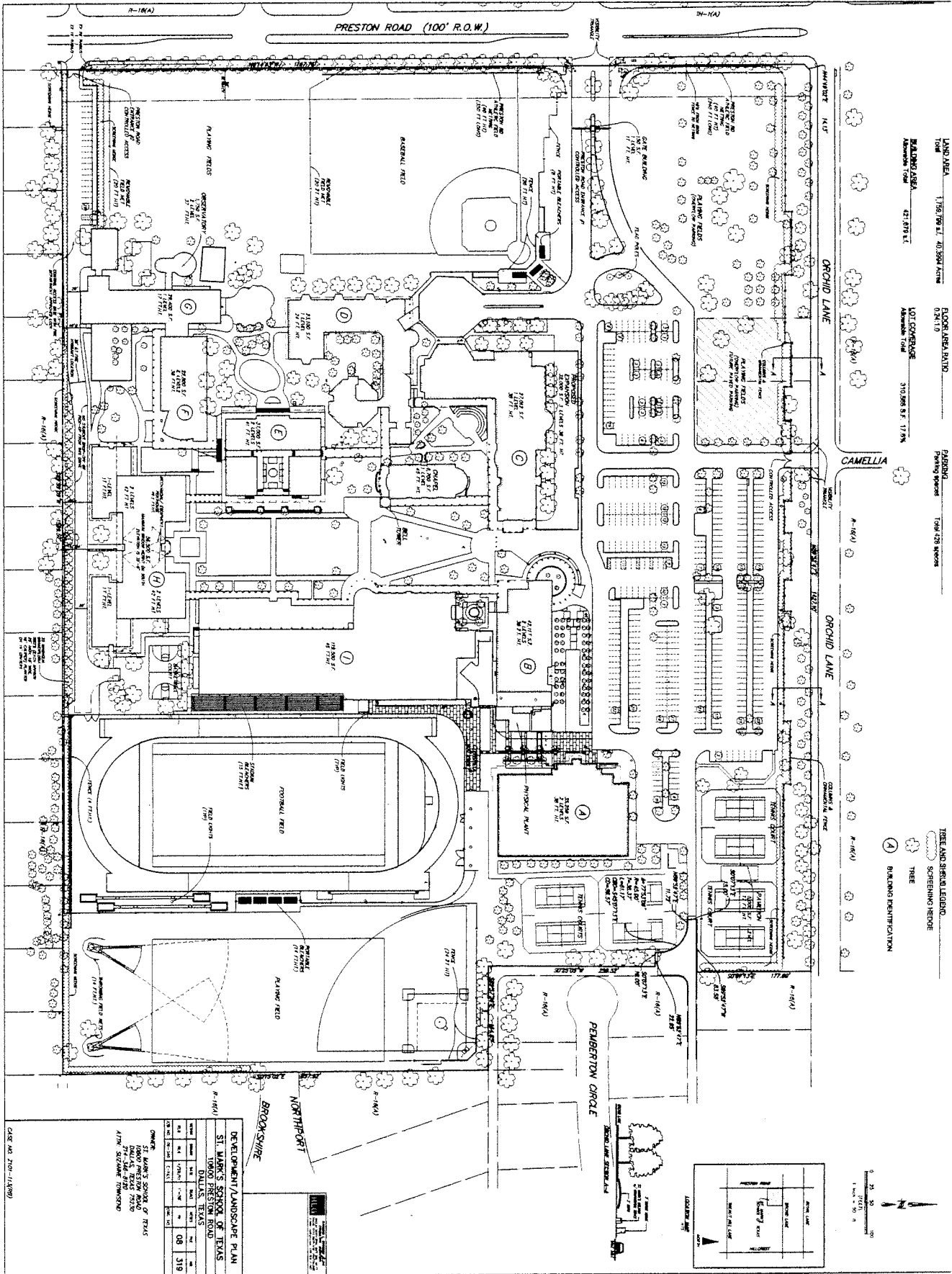
THENCE South 00° 07' 13" East along the common line of said Lots 6 and 7A a distance of 177.80 feet to a point for corner at the southerly common corner between said Lot 6 and Lot 7A, said point being in the north line of a 15' Alley as abandoned by City of Dallas Ordinance No. 26913;

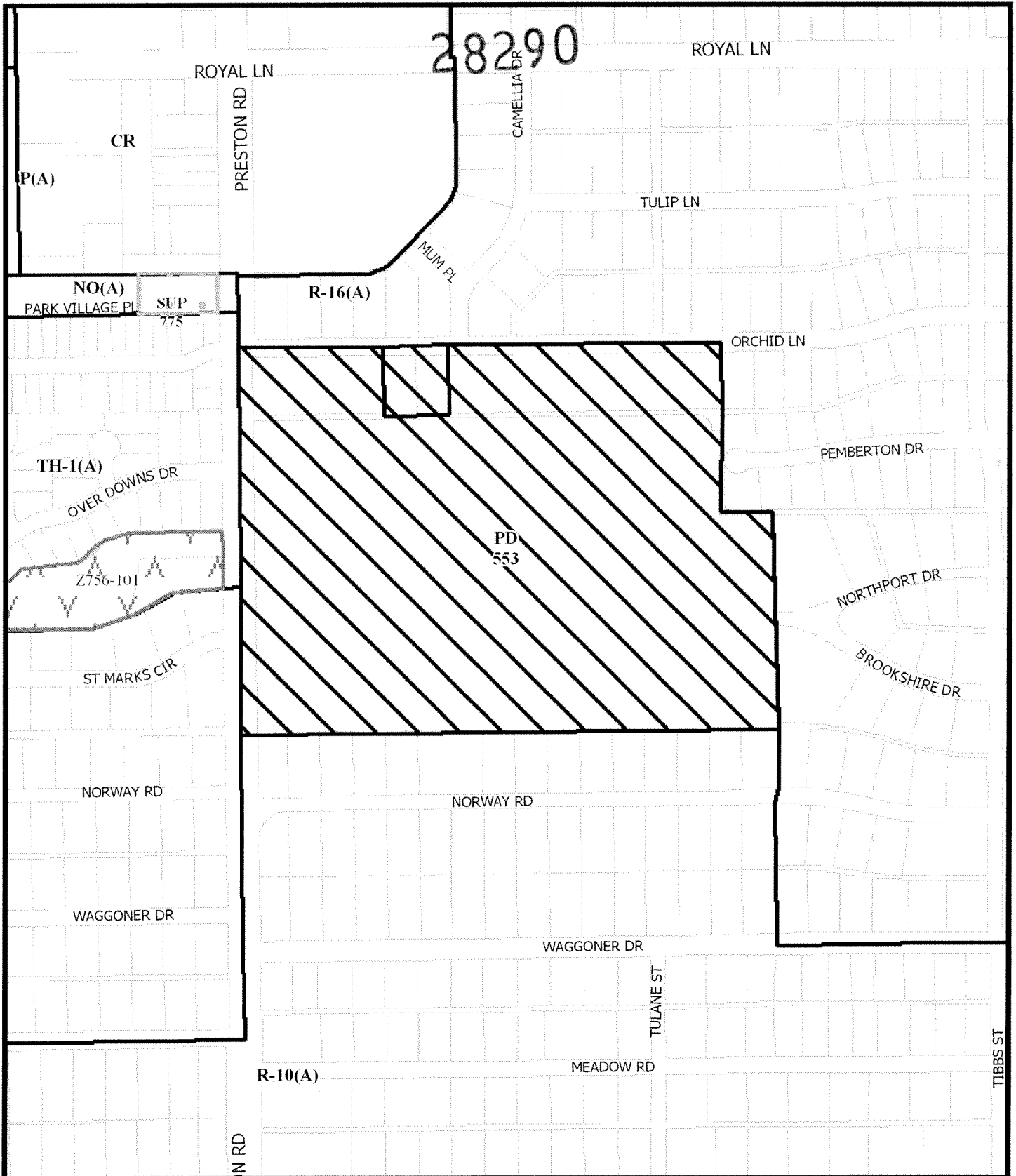
THENCE South 89° 52' 47" West along the northerly line of said Alley, as abandoned, a distance of 100.00 feet to a point for corner at the southerly common corner between said Lot 5 and Lot 6;

THENCE North 00° 07' 13" West along the common line of said Lots 5 and 6 a distance of 177.80 feet to the **POINT OF BEGINNING** and containing 17,780 square feet or 0.4082 acres of land.

Planned Development
District No. 553

Approved
City Plan Commission
April 21, 2011





1:4,800

ZONING AND LAND USE

Map no: **E-7**

Case no: **Z101-113**