

ORDINANCE NO. 28864

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 8721; fronting approximately 343 feet on the north line of Wheatland Road; fronting approximately 918 feet on the west line of Clark Road; and containing approximately 18.392 acres,

from a CR Community Retail District to Planned Development District No. 876; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 876; establishing use regulations and development standards for this planned development district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the property described in this ordinance; and

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

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

SECTION 1. That the zoning classification is changed from a CR Community Retail District to Planned Development District No. 876 on the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property").

SECTION 2. That Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Article 876 to read as follows:

"ARTICLE 876.

PD 876.

SEC. 51P-876.101. LEGISLATIVE HISTORY.

PD 876 was established by Ordinance No._____, passed by the Dallas City Council on December 12, 2012.

SEC. 51P-876.102. PROPERTY LOCATION AND SIZE.

PD 876 is established on property located on the west side of Clark Road, north of Wheatland Road. The size of PD 876 is approximately 18.392 acres.

SEC. 51P-876.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.
- (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-876.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 876A: development plan.
- (2) Exhibit 876B: elevations.
- (3) Exhibit 876C: traffic improvements illustration.

SEC. 51P-876.105. DEVELOPMENT PLAN.

(a) For a general merchandise or food store 100,000 square feet or more use, development and use of the Property must comply with the development plan (Exhibit 876A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

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

SEC. 51P-876.106. MAIN USES PERMITTED.

(a) Except as provide in this section, the only main uses permitted are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. For example, a use permitted in the CR Community Retail District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the CR Community Retail District is subject to DIR in this district; etc.

(b) The following main use is permitted:

-- General merchandise or food store 100,000 square feet or more.

SEC. 51P-876.107. 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-876.108. 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.)

The yard, lot, and space regulations for the CR Community Retail District apply.

SEC. 51P-876.109. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P-876.110. INGRESS AND EGRESS.

For a general merchandise or food store 100,000 square feet or more use, ingress to and egress from the Property must be provided in the general locations shown on the development plan.

SEC. 51P-876.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-876.112. LANDSCAPING.

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

(b) Plant groupings with large evergreen shrubs must be located within the landscape buffer along the western Property line.

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

SEC. 51P-876.113. SIGNS.

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

SEC. 51P-876.114. TRAFFIC IMPROVEMENTS.

For a general merchandise or food store 100,000 square feet or more use, the following traffic improvements must be provided in accordance with the current standards of the department of public works before the issuance of a certificate of occupancy in this district:

(1) A westbound right-turn deceleration lane on Wheatland Road in location 1, shown on the traffic improvements illustration.

(2) A median opening and eastbound left-turn lane on Wheatland Road in location 2, shown on the traffic improvements illustration.

(3) A southbound right-turn deceleration lane on Clark Road in location 3, shown on the traffic improvements illustration.

(4) Relocation of the median opening and northbound left-turn lane on Clark Road to location 4, shown on the traffic improvements illustration.

(5) A southbound right-turn deceleration lane on Clark Road in location 5, shown on the traffic improvements illustration.

SEC. 51P-876.115. ADDITIONAL PROVISIONS.

(a) General merchandise or food store 100,000 square feet or more use.

(1) Except as provided in this subsection, the design standards in Section 51A.4-605 apply.

(A) Parking lot landscaped islands must be provided as shown on the development plan.

(B) Screening of mechanical equipment on the ground may include landscaping and retaining walls.

(C) Trees required along the west side facade wall must be located in the landscape islands as shown on the development plan.

(2) A tubular metal fence a minimum of six feet in height must be provided and maintained within 30 feet of the western and northern Property lines.

(3) Material, color, and texture variations to the primary and secondary facade walls must be provided as shown on the elevations.

(b) All uses.

(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 regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-876.116. 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 3. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

SECTION 4. That development of this district must comply with the full-scale versions of Exhibits 876A (development plan), 876B (elevations), and 876C (traffic improvements illustration) attached to this ordinance. Reduced-sized versions of these plans shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale versions of these plans.

SECTION 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 876 in Chapter 51P.

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

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

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By


Assistant City Attorney

DEC 12 2012

Passed _____

18.392 ACRES, BLOCK 8721

GIS Approved

BEING a tract of land situated in the Arthur Ledbetter Survey, Abstract No. 772, City of Dallas, Dallas County, Texas, in City of Dallas Block 8721 and being all of a tract of land described in Special Warranty Deed to Wheatland Crossing, LP, recorded in Instrument No. 201100291389, Official Public Records of Dallas County, Texas, all of a tract of land described in Special Warranty Deed to Wheatland Crossing, LP, recorded in Instrument No. 201100291390, Official Public Records of Dallas County, Texas and all of a tract of land described in Special Warranty Deed to Huyen M. Ta and Van Troung, recorded in Volume 97147, Page 3037, Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING a 1/2" iron rod found in the north right-of-way line of Wheatland Road (a 100-foot wide right-of-way) at the southwest corner of Helen Marie Peterson Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 86236, Page 258, Deed Records of Dallas County, Texas;

THENCE with said north right-of-way line of Wheatland Road, South 88°45'10" West, a distance of 228.88 feet to the **POINT OF BEGINNING**;

THENCE continuing with said north right-of-way line, South 88°45'10" West, a distance of 343.13 feet to the southeast corner of Duncanville Ninth Grade School Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 89082, Page 2312, Deed Records of Dallas County, Texas;

THENCE departing said north right-of-way line and with said east line, the following courses and distances:

North 1°13'30" West, a distance of 550.13 feet to a point for corner;
North 18°33'17" West, a distance of 574.06 feet to a point at the northwest corner of said 10.58 acre Wheatland Crossing, LP tract;

THENCE with the south line of a tract of land described in Warranty Deed to Duncanville Independent School District, recorded in Volume 86249, Page 1314, Deed Records of Dallas County, Texas, North 88°45'59" East, a distance of 924.34 feet to a point in the west right-of-way line of Clark Road (a variable width right-of-way);

THENCE with said west right-of-way line, the following courses and distances:

South 0°02'23" West, a distance of 2.47 feet to the beginning of a tangent curve to the left having a central angle of 1°57'39", a radius of 2260.00 feet, a chord bearing and distance of South 0°56'27" East, 77.34 feet;
In a southeasterly direction, with said curve to the left, an arc distance of 77.34 feet to the end of said curve;
South 1°55'16" East, at a distance of 838.25 feet to a 1/2" iron rod with "Brittain & Crawford" cap found at the northeast corner of said Helen Marie Peterson Addition and at the easternmost southeast corner of said Ta and Troung tract;

THENCE departing said west right-of-way line and with the north line of Helen Marie Peterson Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 86236, Page 258, Deed Records of Dallas County, Texas, South 88°45'10" West, a distance of 193.37 feet to a point at the northwest corner of said Helen Marie Peterson Addition;

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Exhibit A

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THENCE North 1°57'00" West, a distance of 13.48 feet to a point for corner;

THENCE South 88°44'37" West, a distance of 213.61 feet to a point for corner;

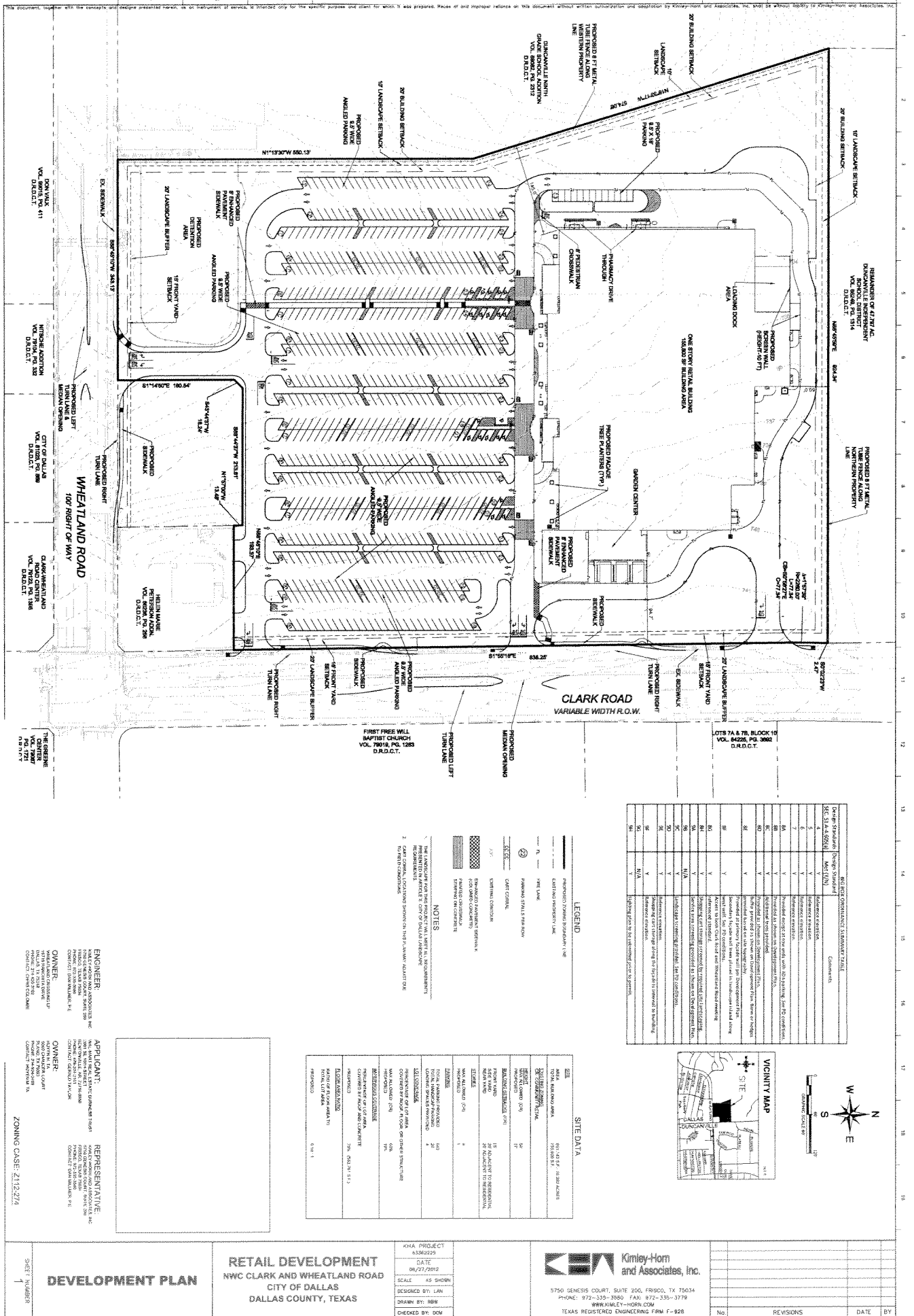
THENCE South 43°44'37" West, a distance of 18.24 feet to a point for corner;

THENCE South 1°14'50" East, a distance of 180.54 feet to the **POINT OF BEGINNING** and containing 18.392 acres or 801,143 square feet of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Planned Development
District No. 876

Approved
City Plan Commission
October 18, 2012



123033

10 of 4

FRONT ELEVATION

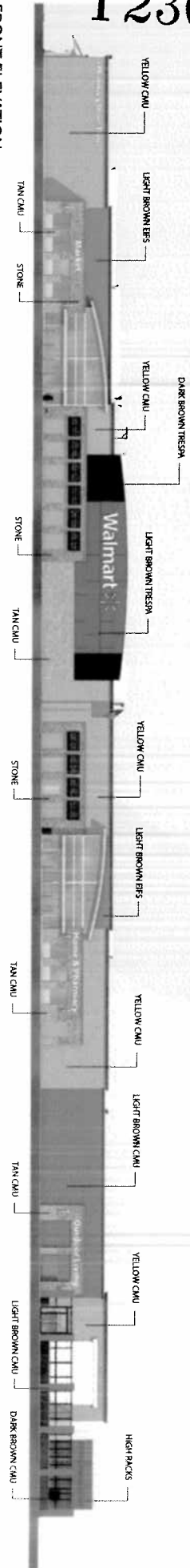


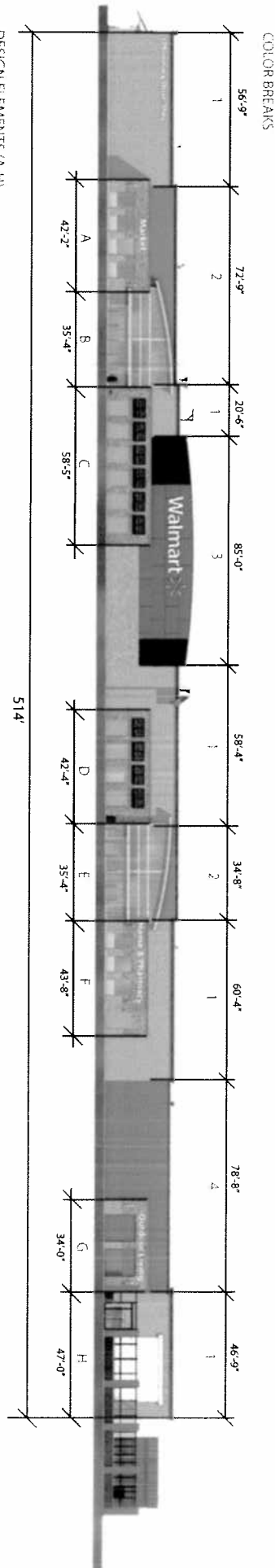
Exhibit 876B

28864

DESIGN FEATURES:

- FRONT FACADE:
- DESIGN ELEMENTS: PROJECTIONS/RECESSES, WINDOW ELEMENTS, AWNINGS
- A- WINDOW ELEMENT AT 42' LENGTH AND 26' DEEP
- B- PROJECTION AT 35' LENGTH AND 26' DEEP
- C- PROJECTION AT 38' LENGTH AND 8' DEEP
- D- PROJECTION AT 42' LENGTH AND 8' DEEP
- 514' (TOTAL FACADE LENGTH) X 0.60 = 309' (REQUIRED ARTICULATION)
- PROVIDED ARTICULATION: $42' + 35' + 58' + 42' + 35' + 43' + 34' + 47' = 336'$
- CHANGES IN COLOR/TEXTURE/MATERIALS:
- BREAK 1: $56' + 20' + 58' + 60' + 46' = 240' / 514' = 47\%$
- BREAK 2: $72' + 34' = 106' / 514' = 21\%$
- BREAK 3: $85' / 514' = 17\%$
- BREAK 4: $78' / 514' = 15\%$

DESIGN ELEMENTS (A-H)



Walmart

4 OCTOBER 2012

#5810 DALLAS (CLARK & WHEATLAND), TX

FRONT ELEVATION- DESIGN FEATURES

Planned Development
District No. 876

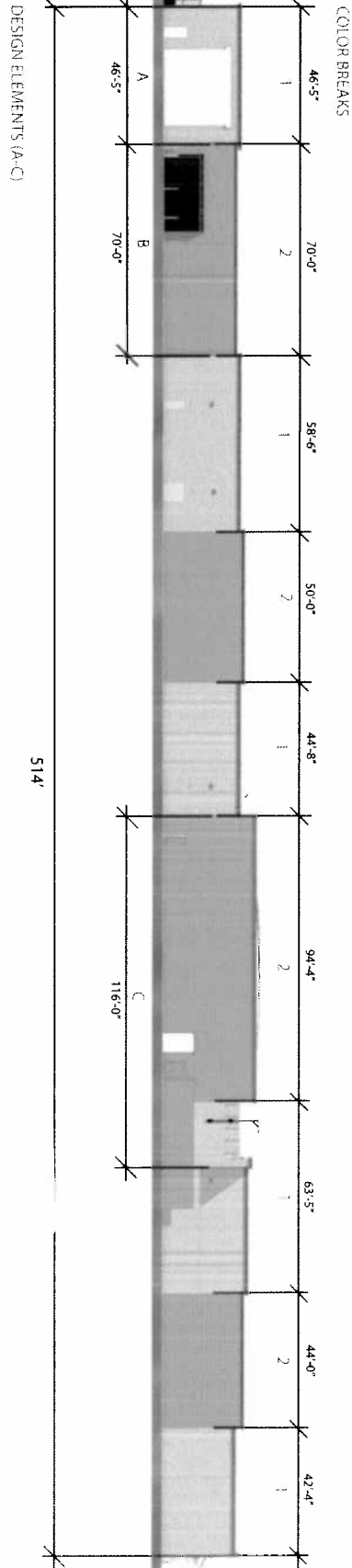
Approved
City Plan Commission
October 18, 2012

2112-274

123033

REAR ELEVATION

28864



DESIGN FEATURES:

- REAR FACADE:

- DESIGN ELEMENTS: PROJECTIONS/RECESSES
 - A- RECESS AT 46' LENGTH AND 130" DEEP
 - B- RECESS AT 70' LENGTH AND 34" DEEP
 - C- PROJECTION AT 116' LENGTH AND 55" DEEP
- 514' (TOTAL FACADE LENGTH) X 0.60 = 309' (REQUIRED ARTICULATION)
- PROVIDED ARTICULATION: 46'+70'+116' = 232'
- CHANGES IN COLOR/TEXTURE/MATERIALS:
 - BREAK 1: 47'+59'+45'+64'+42' = 257' / 514' = 50%
 - BREAK 2: 70'+50'+94'+44' = 258' / 514' = 50%

Planned Development
District No. 876

Approved
City Plan Commission
October 18, 2012



Walmart

4 OCTOBER 2012

#5810 DALLAS (CLARK & WHEAT) AND, TX

REAR ELEVATION - DESIGN FEATURES

2112-274

28864



4 OCTOBER 2012

#5810 DALLAS (CLARK & WHEATLAND), TX

LEFT ELEVATION-DESIGN FEATURES

22

DESIGN FEATURES:

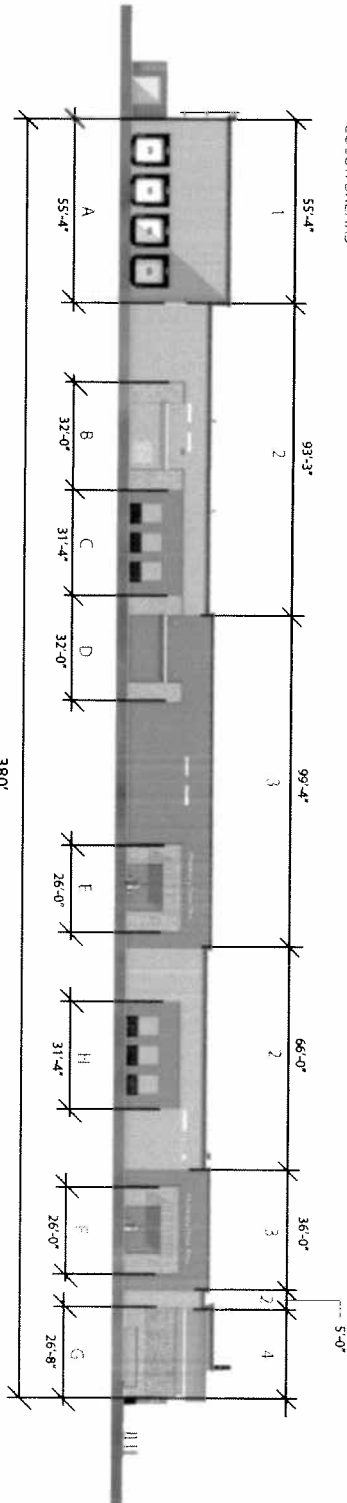
- LEFT FACADE:

- DESIGN ELEMENTS: PROJECTIONS/RECESSES, WINDOW ELEMENT, AWNINGS

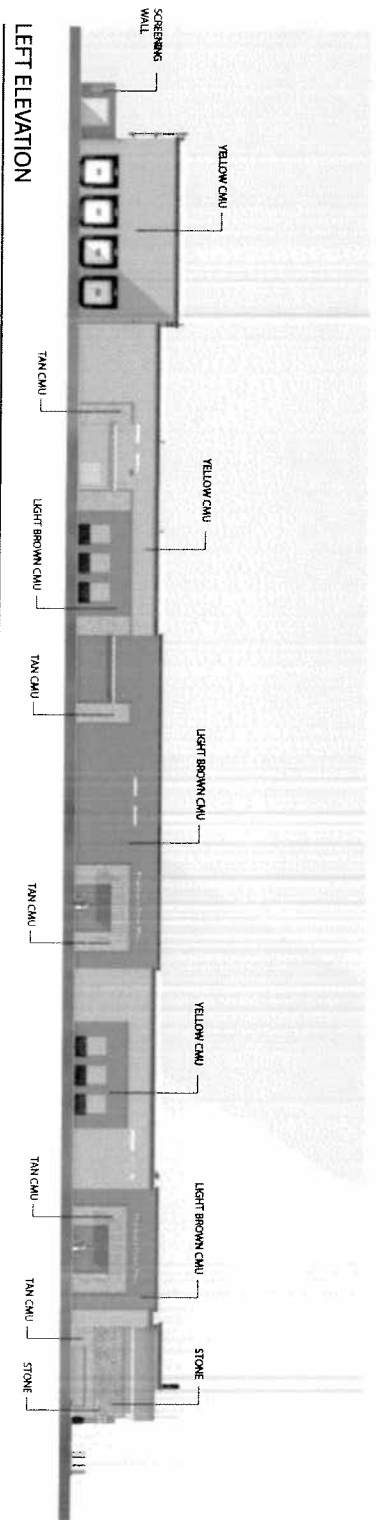
- A- RECESS AT 55' LENGTH AND 128" DEEP
- B- PROJECTION AT 32' LENGTH AND 8" DEEP
- C- WINDOW ELEMENT AT 31' LENGTH AND 8" DEEP
- D- PROJECTION AT 32' LENGTH AND 8" DEEP
- 380' (TOTAL FACADE LENGTH) X 0.60 = 228' (REQUIRED ARTICULATION)
- PROVIDED ARTICULATION: 55'+32'+31'+32'+26'+26'+31' = 259'
- CHANGES IN COLOR/TEXTURE/MATERIALS:
 - BREAK 1: 55'/380 = 14%
 - BREAK 2: 93'+66'+5 = 164'/380 = 43%
 - BREAK 3: 99'+36 = 135'/380 = 36%
 - BREAK 4: 26'/380 = 7%
- E- PROJECTION AT 26' LENGTH AND 8" DEEP
- F- PROJECTION AT 26' LENGTH AND 8" DEEP
- G- RECESS AT 26' LENGTH AND 54" DEEP
- H- WINDOW ELEMENT AT 31' LENGTH AND 8" DEEP

DESIGN ELEMENTS (A-H)

380'



LEFT ELEVATION



Approved
City Plan Commission
October 18, 2012

Planned Development
District No. 876

2112-274

123033

Exhibit 876B

4 of 4

28864



Walmart

4 OCTOBER 2012

#5810 DALLAS (CLARK & WHEAT) AND, TX

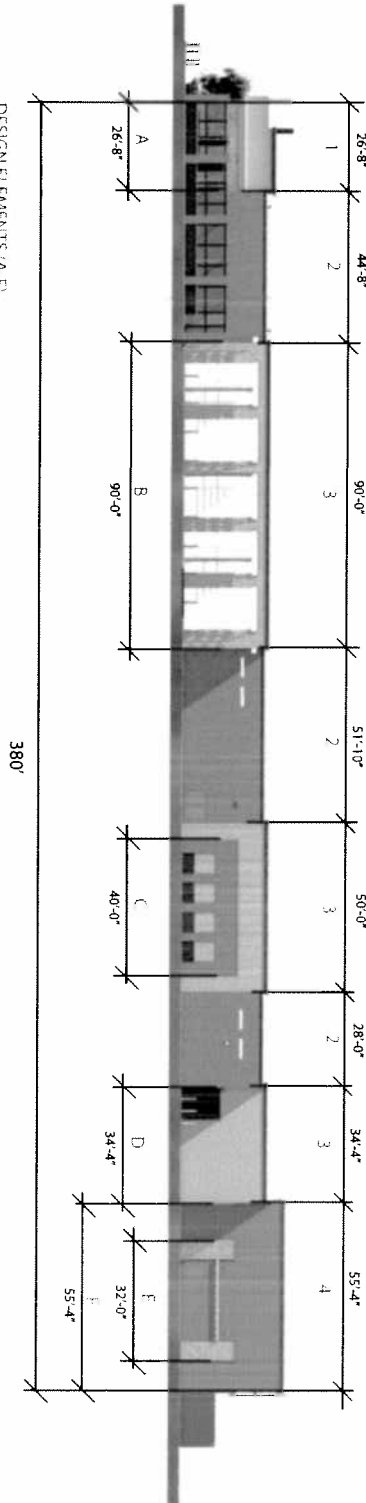
RIGHT ELEVATION- DESIGN FEATURES

4

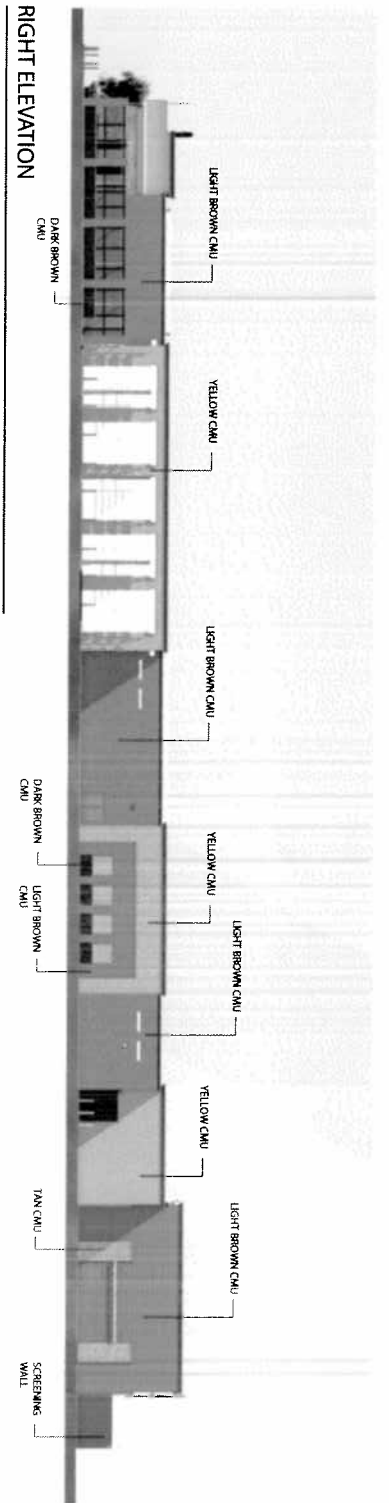
- RIGHT FACADE:
- DESIGN ELEMENTS: PROJECTIONS/RECESSES, WINDOW ELEMENT, AWNINGS
 - A- RECESS AT 26' LENGTH AND 95' DEEP
 - B- PROJECTION AT 90' LENGTH AND 46' DEEP
 - C- WINDOW ELEMENT AT 40' LENGTH AND 8' DEEP
- 380' (TOTAL FACADE LENGTH) X 0.60 = 228' (REQUIRED ARTICULATION)
- PROVIDED ARTICULATION: 26+90+40+34+32+55 = 277'
- CHANGES IN COLOR/TEXTURE/MATERIALS:
 - BREAK 1: 26'/380' = 7%
 - BREAK 2: 44'+51'+28' = 123'/380' = 32%
 - BREAK 3: 90'+50'+34' = 174'/380' = 46%
 - BREAK 4: 55'/380' = 15%

DESIGN FEATURES:

DESIGN ELEMENTS (A-F)



COLOR BREAKS



RIGHT ELEVATION

Planned Development
District No. 876

Approved
City Plan Commission
October 18, 2012

2112-274

28864

REMAINDER OF 47.797 AC.
DUNCANVILLE INDEPENDENT
SCHOOL DISTRICT
VOL. 89248, PG. 1314
D.R.D.C.T.

N88°45'59"E 924.34'

ONE STORY RETAIL BUILDING
155,600 SF BUILDING AREA

18.392 ACRES
801,143 SQ. FT.

$\Delta = 1^{\circ}57'39"$
 $R = 2260.00'$
 $L = 77.34'$
 $CB = S0^{\circ}58'27"E$
 $C = 77.34'$

S0°02'23"W 2.47'

SCALE
1" = 150'

DUNCANVILLE NINTH
GRADE SCHOOL ADDITION
VOL. 89062, PG. 2312
D.R.D.C.T.

N1°13'30"W 550.13'

DRIVE 1

DRIVE 2

S1°55'16"E 838.25'

CBL

CLARK ROAD

FRONT STREET WALL
BAPTIST CHURCH
VOL. 78518, PG. 128
D.R.D.C.T.

S88°44'37"W 213.61'

S43°44'37"W 18.24'

N1°57'00"W 13.48'

S1°14'50"E 180.54'

S88°45'10"W 343.13'

N88°45'10"E 193.37'

HELEN MARIE
PETERSON ADDL.
VOL. 85236, PG. 258
D.R.D.C.T.

①

②

WHEATLAND ROAD

DON VALK
VOL. 99015, PG. 411
D.R.D.C.T.

NITSCHKE ADDITION
VOL. 79104, PG. 322
D.R.D.C.T.

CITY OF DALLAS
VOL. 81025, PG. 859
D.R.D.C.T.

CLARK-WHEATLAND ROAD CENTER

THE GR CENT

Proposed Roadway Improvements

- 1- New Westbound Right-Turn Deceleration Lane on Wheatland Road
- 2- New Median Opening and Eastbound Left-Turn Lane on Wheatland Road
- 3- New Southbound Right-Turn Deceleration Lane on Clark Road
- 4- Relocated Median Opening and Northbound Left-Turn Lane on Clark Road
- 5- New Southbound Right-Turn Deceleration Lane on Clark Road

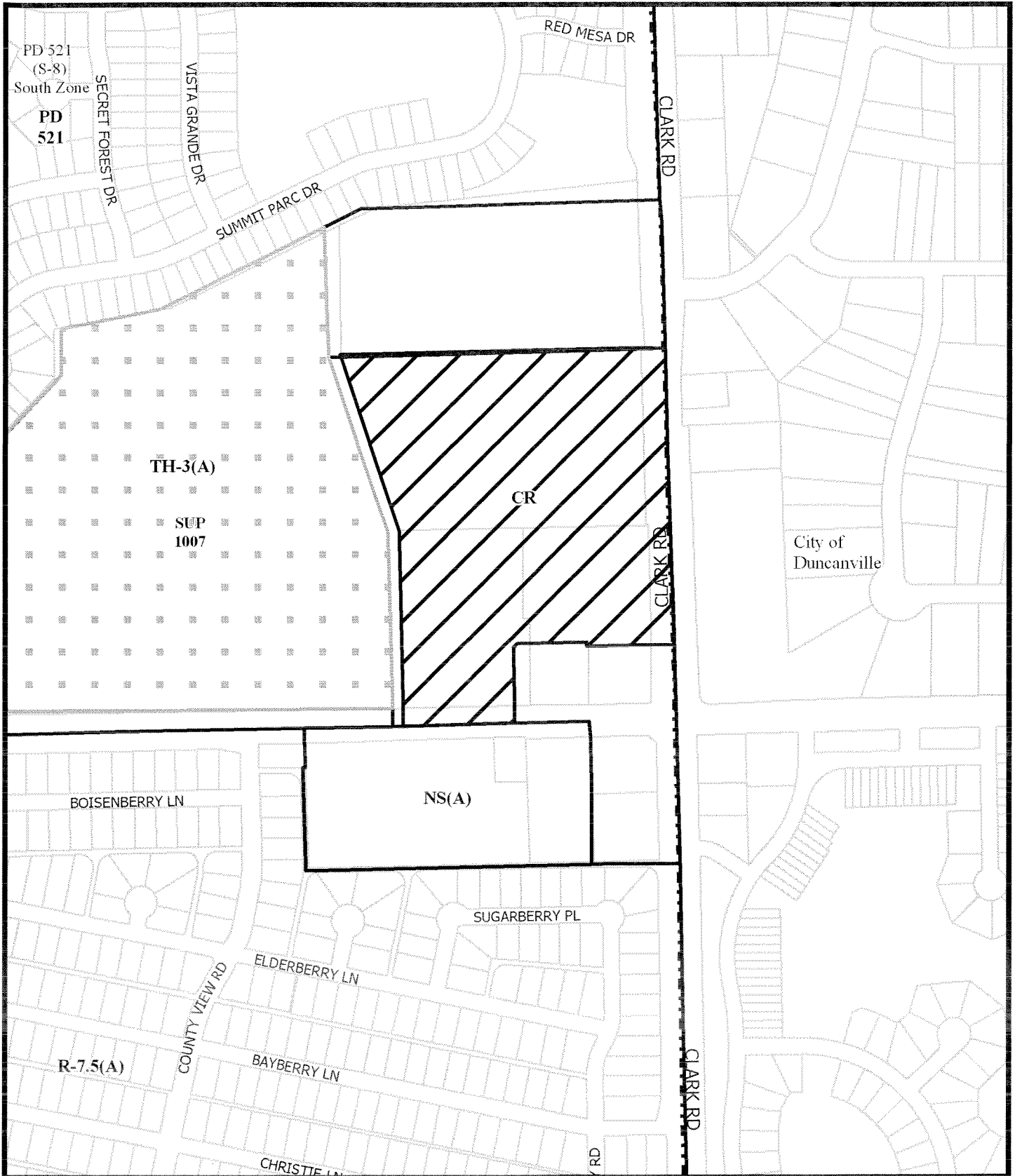
Planned Development
District No. 876

Approved
City Plan Commission
October 18, 2012

INTERSECTION
and Associates, Inc.
Z112-274

28864

123033



1:4,800

ZONING AND LAND USE

Case no: Z112-274

Date: 11/15/2012