

4-9-13

ORDINANCE NO. 28956

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 45/7940; fronting approximately 189 feet on the southeast line of Metromedia Place south of John W. Carpenter Freeway; and containing approximately 35,532 square feet of land,

from an IR Industrial/Research District to Planned Development District No. 881; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 881; 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 an IR Industrial/Research District to Planned Development District No. 881 on the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property").

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SECTION 2. That Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Article 881 to read as follows:

"ARTICLE 881.

PD 881.

SEC. 51P-881.101. LEGISLATIVE HISTORY.

PD 881 was established by Ordinance No. _____, passed by the Dallas City Council on April 10, 2013.

SEC. 51P-881.102. PROPERTY LOCATION AND SIZE.

PD 881 is established on property on the southeast line of Metromedia Place south of John W. Carpenter Freeway. The size of PD 881 is approximately 35,532 square feet of land.

SEC. 51P-881.103. 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-881.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 881A: development plan.

SEC. 51P-881.105. DEVELOPMENT PLAN.

(a) For an industrial (inside) potentially incompatible use limited to metal refining, development and use of the Property must comply with the development plan (Exhibit 881A). 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 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-881.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the IR Industrial/Research District, subject to the same conditions applicable in the IR Industrial/Research District as set out in Chapter 51A. For example, a use permitted in the IR Industrial/Research 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 IR Industrial/Research District is subject to DIR in this district, etc.

(b) Industrial (inside) potentially incompatible use limited to metal refining is permitted by right.

SEC. 51P-881.107. 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-881.108. 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) In general. Except as provided in this section, the yard, lot, and space regulations for the IR Industrial/Research District apply.

(b) Floor area. For an industrial (inside) potentially incompatible use limited to metal refining, maximum floor area is 21,760 square feet.

SEC. 51P-881.109. 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) Industrial (inside) potentially incompatible use limited to metal refining. For an industrial (inside) potentially incompatible use limited to metal refining, one space per 1,028 square feet of floor area is required.

SEC. 51P-881.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-881.111. LANDSCAPING.

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-881.112. SIGNS.

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

SEC. 51P-881.113. ADDITIONAL PROVISIONS.

- (a) Outside storage is prohibited.
- (b) The Property must be properly maintained in a state of good repair and neat appearance.
- (c) 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-881.114. 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 city.
- (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 version of Exhibit 881A (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 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 881 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 Casey Byness
Assistant City Attorney

Passed APR 10 2013

Exhibit A

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LEGAL DESCRIPTION

GIS Approved

Being all that certain lot, tract, or parcel of land located in the JAMES MCLAUGHLIN SURVEY, Abstract 845, City Block 45/7940, and being a part of Installment No. 4, of Brookhollow Industrial District, an Addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 31, Page 113, Map Records, Dallas County, Texas, and being the same tract of land described in deed to SCI LIMITED PARTNERSHIP-II, recorded in volume 94029, Page 3501, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Commencing at a point at the intersection of the Southwest line of S. H. 183, (Carpenter Freeway), 250-foot wide, together with a 25-foot wide easement to the City of Dallas, recorded in Volume 4145, Page 556, Deed Records, Dallas County, Texas, with the Southeast line of Metromedia Place, (formerly Currency Drive), a 60-foot wide right-of-way, said point being the North corner of said City Block 45/7940, same being the North corner of that portion of said City Block 45/7940, described in deed to CBS RADIO TEXAS, INC., recorded in Instrument No. 200900085957, Official Public Records, Dallas County, Texas;

Thence South 38 deg. 09 min. 00 sec. West, along said Southeast line, a distance of 221.60 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set at the most Westerly corner of said CBS RADIO TEXAS, INC. tract, and being the PLACE OF BEGINNING;

Thence South 51 deg. 51 min. 00 sec. East, a distance of 188.00 feet to an X-found at an interior "ell" corner of said CBS RADIO TEXAS, INC. tract;

Thence South 38 deg. 09 min. 00 sec. West, a distance of 189.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner in the Northeast line of a 40-foot wide railroad right-of-way, at the Southerly West corner of said CBS RADIO TEXAS, INC. tract;

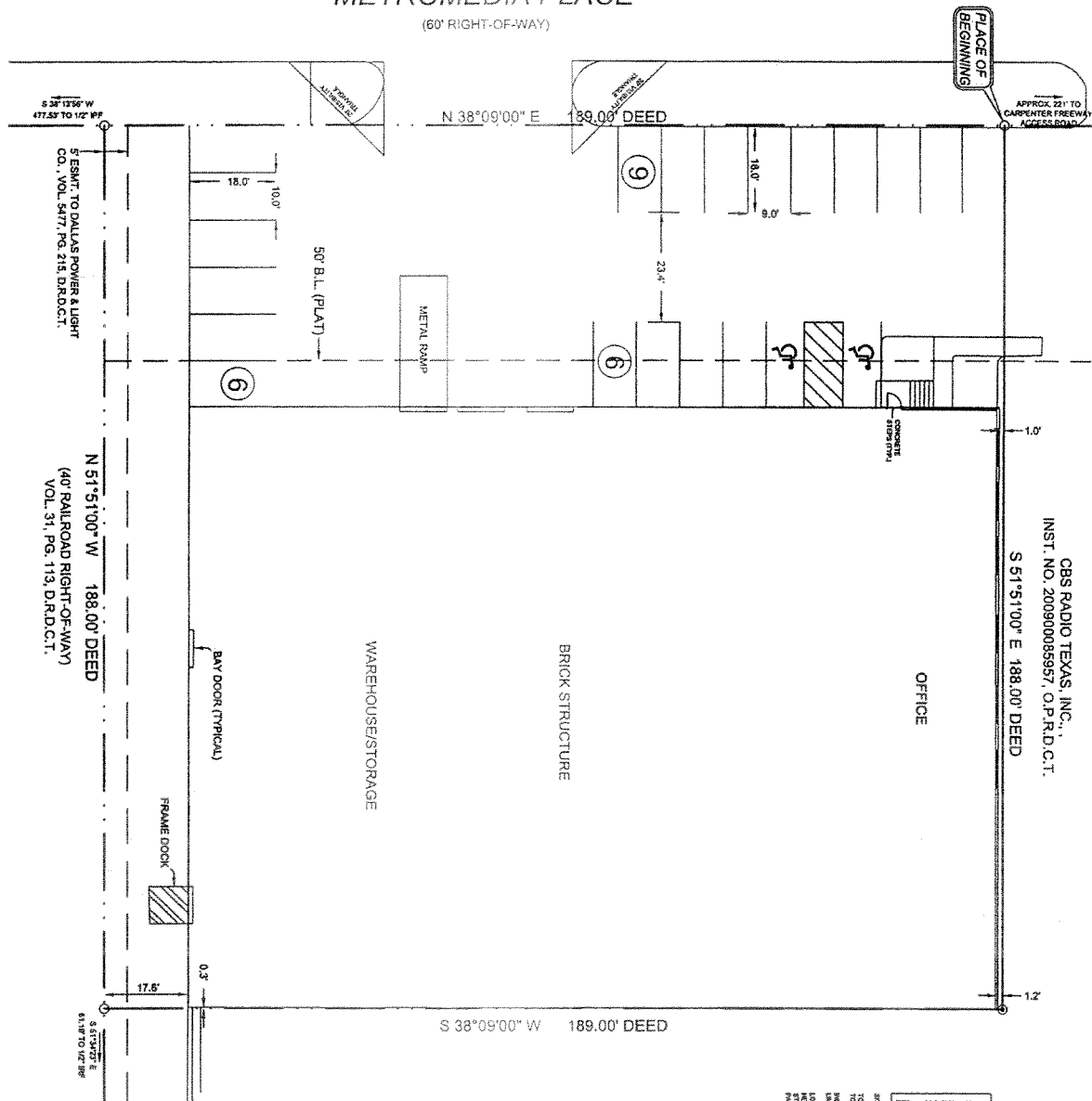
Thence North 51 deg. 51 min. 00 sec. West, a distance of 188.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the intersection of said Northeast line of railroad right-of-way, with the said Southeast line of Metromedia Place;

Thence North 38 deg. 09 min. 00 sec. East, along said Southeast line, a distance of 189.00 feet to the PLACE OF BEGINNING and containing 35,532 square feet or 0.816 of an acre of land.

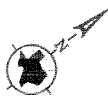
Z112-314

28956
METROMEDIA PLACE

(60' RIGHT-OF-WAY)



SCALE: 1" = 10'-0"

[illegible]

Drawing Number

Issue Date:	0904
Coker Co Project	2121
Reviewed By:	MRDC
Drawn By:	ACS

PLAN

Z112-314(RB)

ISSUE/REVISIONS		
NO.	DATE	DESCRIPTION
01	05/01/12	ISSUE
02	07/01/12	REVISED
03	12/04/13	REVISION
04	02/04/17	REVISED

1050 METROMEDIA PLACE
AMERICAN RECYCLING
ASSOCIATES
BLOCK 45/7940
CITY OF DALLAS
DALLAS COUNTY, TEXAS

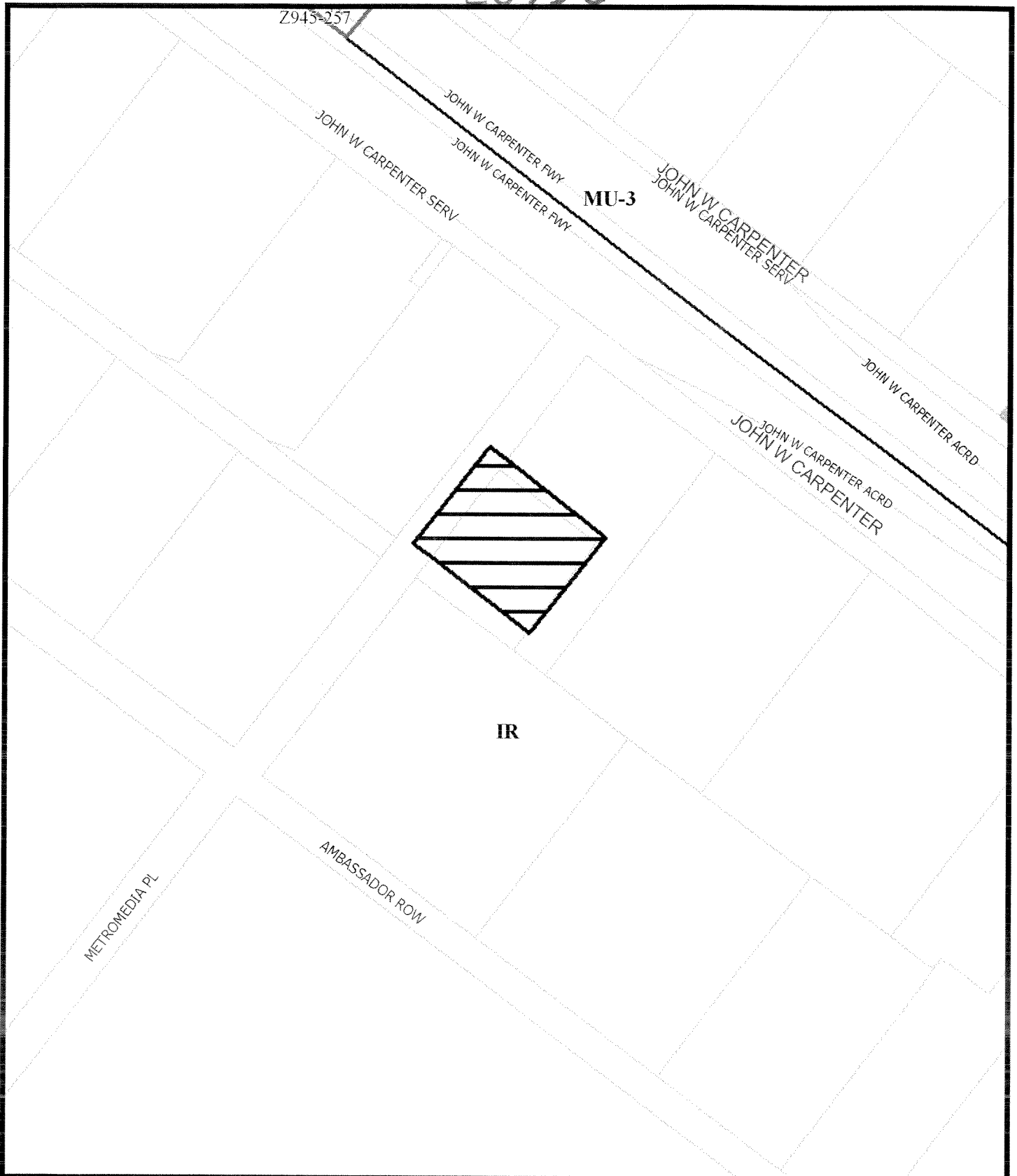
Michael R. COKER Company



Approved
City Plan Commission
February 21, 2013

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1:2,400

ZONING AND LAND USE

Case no: Z112-314

Date: 11/9/2012