

4-5-13

ORDINANCE NO. 28963

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 6055; fronting approximately 10 feet on the north line of Stemmons Freeway between Wycliff Avenue and Medical District Drive; and containing approximately 4.637 acres,

from an MU-3 Mixed Use District to Planned Development District No. 882; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 882; 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 MU-3 Mixed Use District to Planned Development District No. 882 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 882 to read as follows:

**"ARTICLE 882.**

**PD 882.**

**SEC. 51P-882.101. LEGISLATIVE HISTORY.**

PD 882 was established by Ordinance No.\_\_\_\_\_, passed by the Dallas City Council on April 10, 2013.

**SEC. 51P-882.102. PROPERTY LOCATION AND SIZE.**

PD 882 is established on property generally located along the northeast line of Interstate Highway 35E, approximately 1,736 feet southeast of Medical District Drive. The size of PD is approximately 4.637 acres.

**SEC. 51P-882.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article, PROTON TREATMENT CENTER means a facility for treating cancer patients with proton radiation on an out-patient basis.

(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-882.104. EXHIBITS.**

The following exhibit is incorporated into this article: Exhibit 882A: development/landscape plan.

**SEC. 51P-882.105.****DEVELOPMENT/LANDSCAPE PLAN.**

(a) For a proton treatment center use, development and use of the Property must comply with the development/landscape plan (Exhibit 882A). If there is a conflict between the text of this article and the development/landscape 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.

(c) An amendment to an approved development/landscape plan for a proton treatment center use is not required for:

- (1) relocating or adding utilities, including lighting and electrical service;
- (2) changes to site preparation and drainage work; and
- (3) parking space reconfigurations, additions, and relocation that do not reduce the number of required off-street parking spaces.

**SEC. 51P-882.106.****MAIN USES PERMITTED.**

(a) The only main uses permitted are those main uses permitted in the MU-3 Mixed Use District, subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-3 Mixed Use 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 MU-3 Mixed Use District is subject to DIR in this district; etc.

(b) A proton treatment center use is permitted by right.

**SEC. 51P-882.107.****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-882.108. 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 MU-3 Mixed Use District apply.

(b) Floor area. Maximum floor area for a proton treatment center use is 125,000 square feet.

**SEC. 51P-882.109. OFF-STREET PARKING AND LOADING.**

(a) 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) For a proton treatment center use, one space per 553 square feet of floor area is required.

**SEC. 51P-882.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P-882.111. LANDSCAPING.**

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

(b) For a proton treatment center use, landscaping must be provided as shown on the development/landscape plan (Exhibit 882A). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

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

**SEC. 51P-882.112. SIGNS.**

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

**SEC. 51P-882.113.****ADDITIONAL PROVISIONS.**

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

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

**SEC. 51P-882.114.****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 882A (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 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 882 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.

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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.

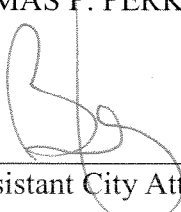
SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

Passed

**APR 10 2013**

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## DALLAS PROTON TREATMENT CENTER

Legal Description

GIS Approved

All that certain lot, tract, or parcel of land being situated in the R.W. Woodruff Survey, Abstract No. 1565, City of Dallas, Dallas County, Texas, being part of that remainder of called 23.104 acres of land described in a deed from Industrial Properties Corporation to Market Center Land, L.P. recorded in Volume 2003138, Page 15079 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), part of that remainder of called 5.518 acres of land described in a deed from Industrial Properties Corporation to Market Center Land, L.P. recorded in Volume 2005149, Page 4050 (D.R.D.C.T.), and being more completely described as follows, to-wit:

COMMENCING at a 5/8" capped iron rod found stamped "Carter & Burgess" for the Northeast corner of Lot 1, Block B/6055 of Pavilion at Childrens Medical Center recorded in instrument No. 200503636948 (D.R.D.C.T.), said point being in the North line of the above mentioned 5.518 acre tract and the South line of Dallas Area Rapid Transit and Fort Worth Transportation Authority tract recorded in Volume 99251, Page 3713 (D.R.D.C.T.)

THENCE South 66 deg. 40 min. 09 sec. East with the North line of said 5.518 acre tract and the South line of said Dallas Area Rapid Transit and Fort Worth Transportation Authority tract, a distance of 6.49 feet to the POINT OF BEGINNING,

THENCE South 66 deg. 40 min. 09 sec. East continuing with the North line of said 5.518 acre tract and the South line of said Dallas Area Rapid Transit and Fort Worth Transportation Authority tract, a distance of 437.70 feet to a 1/2" capped iron rod set, from which a 1" iron pipe found for the Northeast corner of said 5.518 acre tract same being the Northwest corner of a called 3.090 acres of land described in a deed to Market Center Land, L.P. recorded in Volume 2005187, Page 9677 (D.R.D.C.T.) bears South 66 deg. 40 min. 09 sec. East - 147.99 feet,

THENCE South 29 deg. 04 min. 46 sec. West departing the North line of said 5.518 acre tract and the South line of said Dallas Area Rapid Transit and Fort Worth Transportation Authority tract, a distance of 872.58 feet to a 1/2" capped iron rod set in the South line of said 23.104 acre tract, said point being in the North right-of-way line of Interstate Highway No. 35E (Stemmons Freeway) having a variable width R.O.W.,

THENCE North 60 deg. 58 min. 18 sec. West with the South line of said 23.104 acre tract and said right-of-way line, a distance of 10.00 feet to a 1/2" capped iron rod set,

THENCE North 29 deg. 04 min. 46 sec. East departing the South line of said 23.104 acre tract and said right of way line, a distance of 396.13 feet to a 1/2" capped iron rod set,

THENCE North 60 deg. 58 min. 18 sec. West, a distance of 425.50 feet to a 1/2" capped Iron rod set,

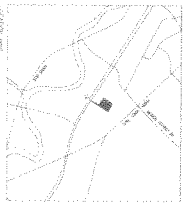
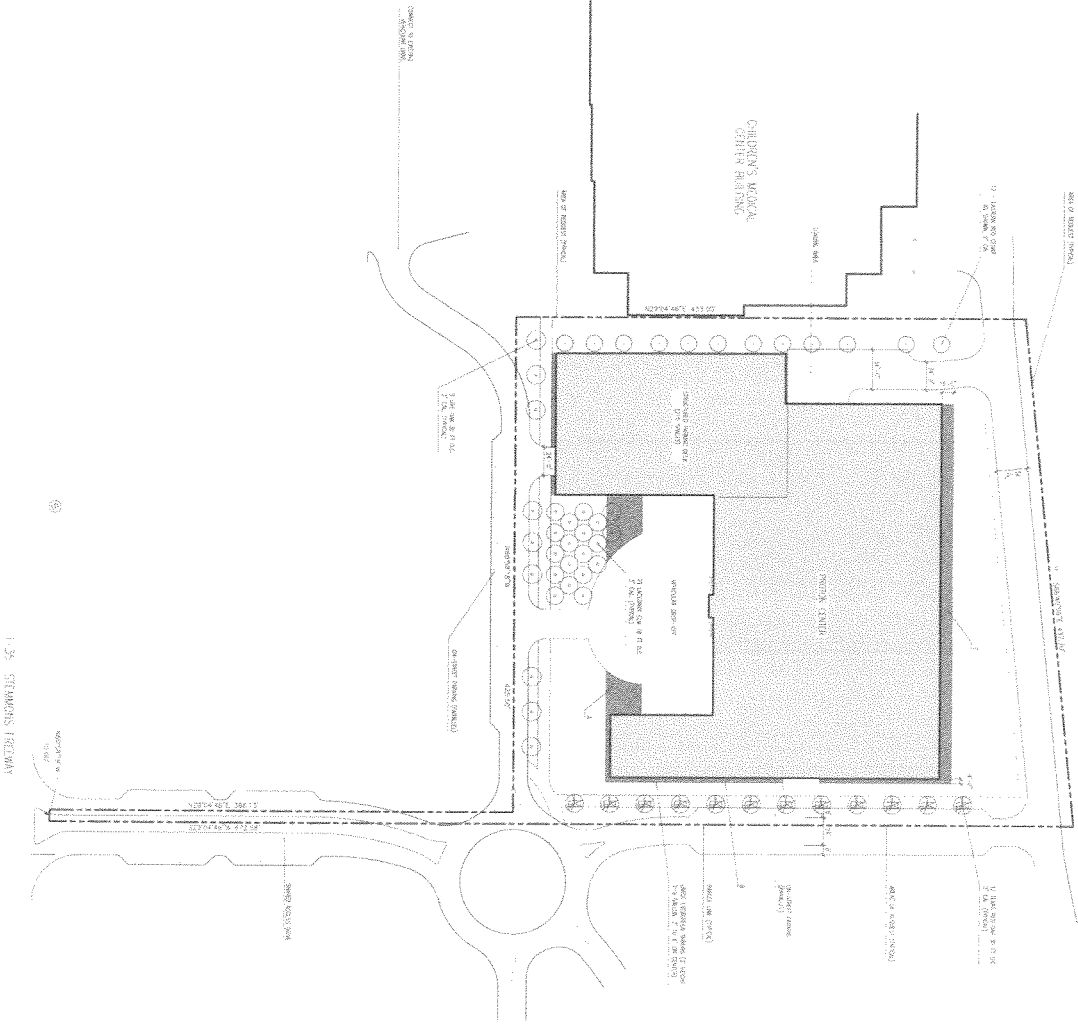
THENCE North 29 deg. 04 min. 46 sec. East being 6.46 feet East and parallel to the East line of said Lot 1, a distance of 433.00 feet to the PLACE OF BEGINNING, containing 201,995 square feet or 4.637 acres of land.

Z123-174

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DEVELOPMENT & LANDSCAPE PLAN

Planned Development  
District No. 882



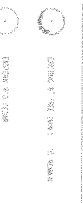
PERKINS  
WILL  
DALLAS  
PROTON  
TREATMENT  
CENTER

2800 N. Stemmons Freeway  
Dallas, TX 75207

Site Name: 2800 N. Stemmons Freeway  
Site Address: 2800 N. Stemmons Freeway  
City: Dallas, TX 75207  
County: Dallas County  
State: Texas  
Project No.: 2800 N. Stemmons Freeway  
Scale: 1" = 100'-0"

PERKINS WILL

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENT	TOTAL
1	Building Footprint	10,000	10.0%	10,000
2	Parking Lot	5,000	5.0%	5,000
3	Landscaping	1,000	1.0%	1,000
4	Other	1,000	1.0%	1,000
5	Water	1,000	1.0%	1,000
6	Other	1,000	1.0%	1,000
7	Other	1,000	1.0%	1,000
8	Other	1,000	1.0%	1,000
9	Other	1,000	1.0%	1,000
10	Other	1,000	1.0%	1,000
11	Other	1,000	1.0%	1,000
12	Other	1,000	1.0%	1,000
13	Other	1,000	1.0%	1,000
14	Other	1,000	1.0%	1,000
15	Other	1,000	1.0%	1,000
16	Other	1,000	1.0%	1,000
17	Other	1,000	1.0%	1,000
18	Other	1,000	1.0%	1,000
19	Other	1,000	1.0%	1,000
20	Other	1,000	1.0%	1,000
21	Other	1,000	1.0%	1,000
22	Other	1,000	1.0%	1,000
23	Other	1,000	1.0%	1,000
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26	Other	1,000	1.0%	1,000
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37	Other	1,000	1.0%	1,000
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45	Other	1,000	1.0%	1,000
46	Other	1,000	1.0%	1,000
47	Other	1,000	1.0%	1,000
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51	Other	1,000	1.0%	1,000
52	Other	1,000	1.0%	1,000
53	Other	1,000	1.0%	1,000
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88	Other	1,000	1.0%	1,000
89	Other	1,000	1.0%	1,000
90	Other	1,000	1.0%	1,000
91	Other	1,000	1.0%	1,000
92	Other	1,000	1.0%	1,000
93	Other	1,000	1.0%	1,000
94	Other	1,000	1.0%	1,000
95	Other	1,000	1.0%	1,000
96	Other	1,000	1.0%	1,000
97	Other	1,000	1.0%	1,000
98	Other	1,000	1.0%	1,000
99	Other	1,000	1.0%	1,000
100	Other	1,000	1.0%	1,000



North Arrow

L-001

Development & Landscape Plan

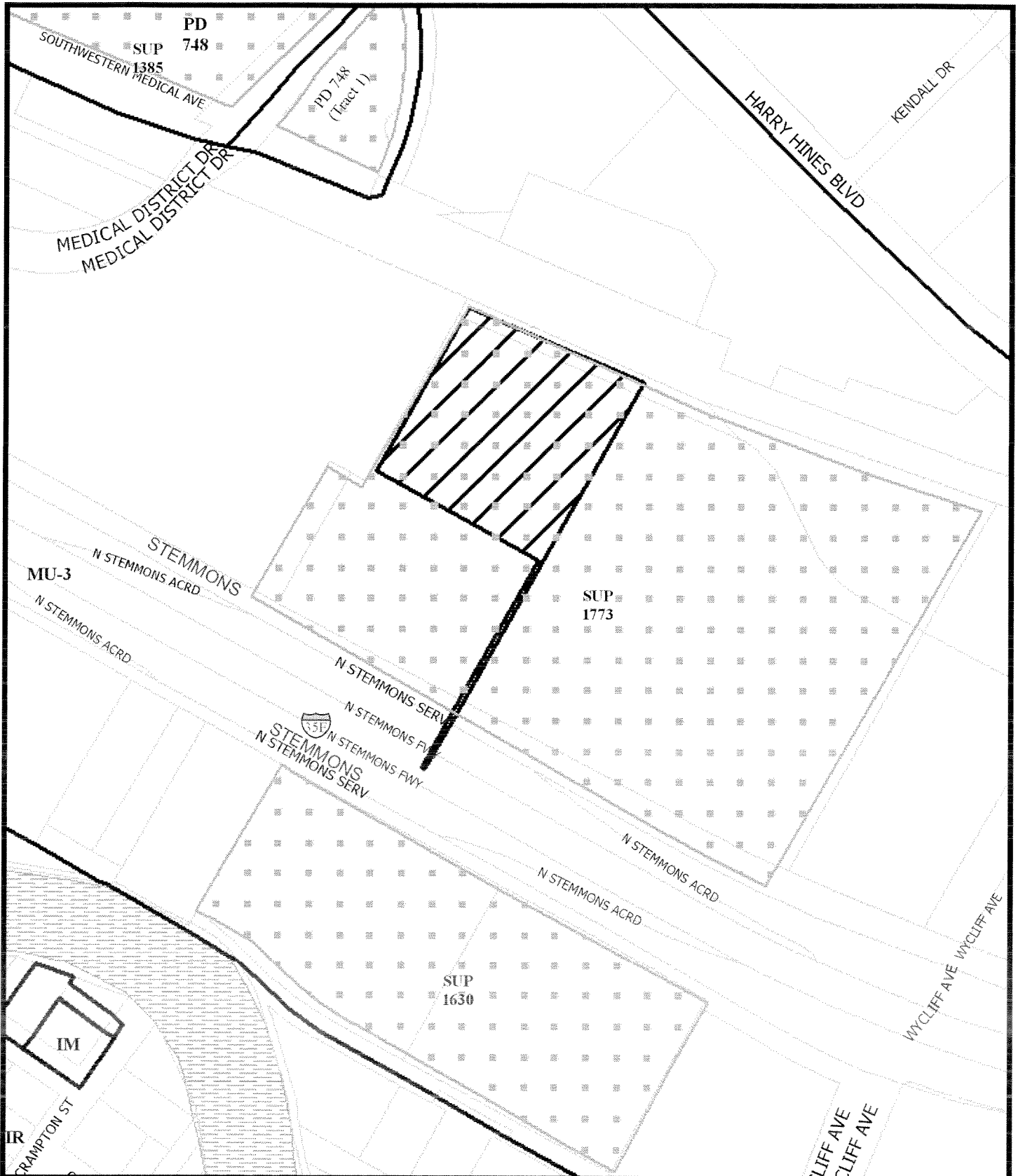
Approved  
City Plan Commission  
March 7, 2013

2123-174



28963

130658



1:3,600

## ZONING AND LAND USE

Case no: **Z123-174**

Date: **1/31/2013**