

5-14-13

ORDINANCE NO. 28997

An ordinance amending Ordinance No. 27455, passed by the Dallas City Council on January 14, 2009, which amended the zoning ordinances of the City of Dallas, and granted Specific Use Permit No. 1739 for an open-enrollment charter school; amending the conditions in Section 2 of that ordinance; providing a revised site 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 this amendment to Specific Use Permit No. 1739; and

WHEREAS, the city council finds that it is in the public interest to amend Specific Use Permit No. 1739; Now, Therefore,

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

SECTION 1. That the conditions in Section 2 of Ordinance No. 27455 are amended to read as follows:

- “1. USE: The only use authorized by this specific use permit is an open-enrollment charter school.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on January 14, 2029, but is eligible for automatic renewal for additional 10-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the

120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4. LANDSCAPING: Landscaping must be provided as shown on the attached landscape plan. Plant materials must be maintained in a healthy, growing condition.
5. CLASSROOMS: The maximum number of classrooms is 40.
6. FENCE: A fence must be provided in the location shown on the attached site plan.
7. HOURS OF OPERATION: The open-enrollment charter school may only operate between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 12:00 p.m. (noon) on Saturday.
8. INGRESS-EGRESS:
 - a. Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
 - b. "Do Not Enter" signs must be installed at the Eagle Ford Drive exit.
 - c. Signage must be provided to direct traffic to turn right only on Eagle Ford Drive.
9. PARKING: A minimum of 152 off-street parking spaces must be provided in the location shown on the attached site plan.
10. SCHOOL ZONE SIGNS: The Property owner or operator shall pay for and install school zone signs and markings if warranted by a traffic study.
11. SCREENING:
 - a. Screening of off-street parking must be provided as shown on the attached site plan.
 - b. Garbage storage areas must be screened on any side visible from the street by a minimum six-foot-high solid screening fence.
12. TRAFFIC MANAGEMENT PLAN:
 - a. In general. The open-enrollment charter school must comply with the attached traffic management plan.

- b. Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.
- c. Traffic study.
 - i. The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by May 1, 2014 [~~2011~~]. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by May 1st of each year.
 - ii. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up 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 students;
 - D. drop-off and pick-up locations;
 - E. drop-off and pick-up hours for each grade level;
 - F. hours for each grade level; and
 - G. circulation.
 - iii. 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.

d. Amendment process.

- i. A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.
- ii. 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.

13. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
14. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.”

SECTION 2. That the site plan attached to Ordinance No. 27455 is replaced by the site plan attached to this ordinance.

SECTION 3. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. 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 6. 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:

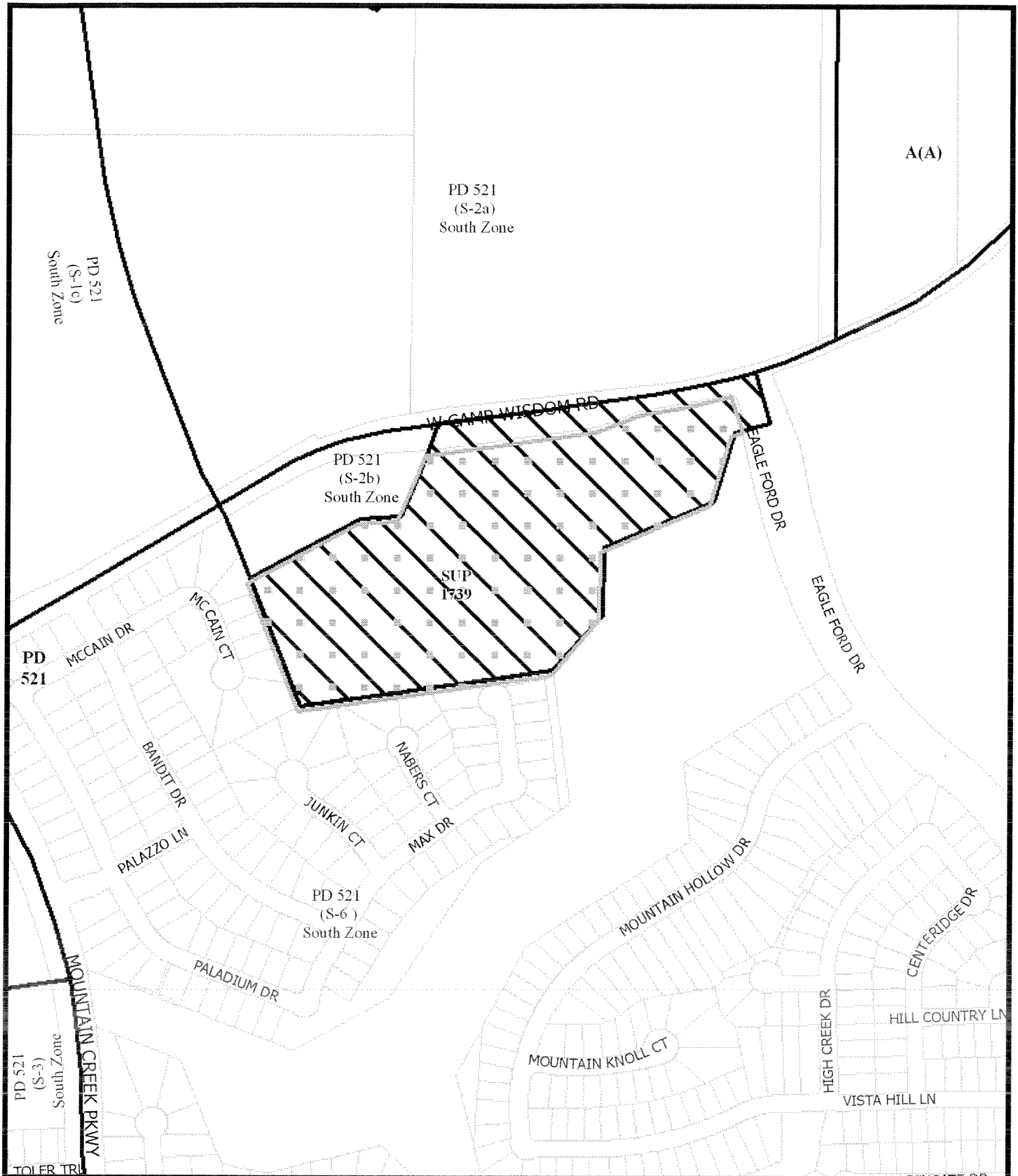
THOMAS P. PERKINS, JR., City Attorney

By Casey B. Myers
Assistant City Attorney

Passed MAY 22 2013

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1:4,800

ZONING AND LAND USE

Case no: Z112-282

Date: 4/2/2013