

ORDINANCE NO. 29009

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Blocks 8390 and 8391 located at the southwest corner of Midway Road and Lyndon B. Johnson Freeway (IH 635); fronting approximately 986.70 feet on the west line of Midway Road; and containing approximately 33.418 acres,

from a CR Community Retail District, an MF-1(A) Multifamily District, and a P(A) Parking District to Planned Development District No. 885; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 885; 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, an MF-1(A) Multifamily District, and a P(A) Parking District to Planned Development District No. 885 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 885 to read as follows:

“ARTICLE 885.

PD 885.

SEC. 51P-885.101. LEGISLATIVE HISTORY.

PD 885 was established by Ordinance No. _____, passed by the Dallas City Council on May 22, 2013.

SEC. 51P-885.102. PROPERTY LOCATION AND SIZE.

PD 885 is established on property located on the west side of Midway Road, south of Lyndon B. Johnson Freeway (IH 635). The size of PD 885 is approximately 33.418 acres.

SEC. 51P-885.103. CREATION OF SUBAREAS.

(a) This district is divided into Subareas A and B as shown on the conceptual plan (Exhibit 885A).

(b) Phase I and Phase II are as shown on the conceptual plan.

SEC. 51P-885.104. DEFINITIONS AND INTERPRETATIONS.

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

(1) NONRESIDENTIAL DEVELOPMENT means a development with uses that are typical of a CR Community Retail District, such as community-serving retail, personal service, and office uses.

(2) RESIDENTIAL DEVELOPMENT means a development with uses that are typical of an MF-1(A) Multifamily District, such as single family, duplex, and multifamily dwellings.

(b) For purposes of determining a residential or nonresidential development, all uses within a subarea are considered one development.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(d) This district is considered to be a nonresidential zoning district.

SEC. 51P-885.105. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 885A: conceptual plan.
- (2) Exhibit 885B: Phase I nonresidential development plan.
- (3) Exhibit 885C: elevations.

SEC. 51P-885.106. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 885A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-885.107. DEVELOPMENT PLAN.

(a) In general.

(1) Except as provided in this section, a development plan that complies with the conceptual plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

(2) A development plan is not required to reflect the entire Property, but may be submitted in development phases.

(3) No development plan is required, and the provisions for 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, for the following activities on the Property:

- (A) work that does not expand the floor area of a structure;
- (B) a temporary construction trailer;
- (C) a demolition permit;
- (D) a tree removal permit; or
- (E) a grading permit.

(4) Access to a Phase II development may be provided from driveways located within Phase I without amending a development plan.

(b) Subarea A.

(1) For a nonresidential development, development and use of the Property must comply with the Phase I nonresidential development plan (Exhibit 885B).

(2) If there is a conflict between the text of this article and the Phase I nonresidential development plan, the text of this article controls.

(3) If there is a conflict between the Section 51A-4.605, "Design Standards," and the Phase I nonresidential development plan, the Phase I nonresidential development plan controls.

(4) For a residential development, no development plan is required, and the provisions for 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) Subarea B.

(1) Unless a building permit for a nonresidential development has been issued in Subarea A, 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, and development schedule, and landscape plan, do not apply.

(2) Except as provided in this section, if a building permit for a nonresidential development has been issued in Subarea A, a development plan that complies with the conceptual plan must be approved by the city plan commission before the issuance of any building permit to authorized work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

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SEC. 51P-885.108. ELEVATIONS.

(a) For that portion of the Property covered by the Phase I nonresident development plan, development and use of the Property must comply with the elevations (Exhibit 885C).

(b) If there is a conflict between the text of this article and the elevations, the text of this article controls.

(c) If there is a conflict between the Section 51A-4.605, "Design Standards," and the elevations, the elevations control.

SEC. 51P-885.109. MAIN USES PERMITTED.(a) Subarea A.

(1) Except as provided in this section, the only main uses permitted are those main uses permitted in the CR Community Retail District and MF-1(A) Multifamily District, subject to the same conditions applicable in the CR Community Retail District and MF-1(A) Multifamily District, as set out in Chapter 51A. For example, a use permitted in either the CR Community Retail District or MF-1(A) Multifamily District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in either the CR Community Retail District or MF-1(A) Multifamily District is subject to DIR in this district; etc.

(2) The following main use is permitted by right:

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

(3) The following main use may not be located within 200 feet of the south or west Property lines:

-- Restaurant with drive-in or drive-through service.

(4) The following main uses are prohibited:

-- Mortuary, funeral home, or commercial wedding chapel.

-- Overnight general purpose shelter.

-- Pawn shop.

-- Recycling buy-back center.

-- Theater.

(b) Subarea B.

(1) Except as provided in this subsection, 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.

(2) The following main use is permitted by right:

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

SEC. 51P-885.110. ACCESSORY USES.

(a) 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.

(b) For a general merchandise or food store 100,000 square feet or more use, the following additional accessory uses are permitted:

- Financial institution without drive-in window.
- Medical clinic or ambulatory service center.
- Nursery, garden shop, or plant sales.
- Office.
- Outside sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.

SEC. 51P-885.111. 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.

(1) For a residential development, the yard, lot, and space regulations for the MF-1(A) Multifamily District apply.

(2) Except as provided in this section, for a nonresidential development, the yard, lot, and space regulations for the CR Community Retail District apply.

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(b) Height.

(1) Except as provided in this subsection, for a nonresidential development in Subarea A, maximum structure height, measured to the highest point of the structure, is 36 feet.

(2) The Building 1 entry vestibule in Subarea A, shown on the Phase I nonresidential development plan, may project a maximum of five feet above the maximum structure height.

(3) Roof-mounted mechanical equipment located within the 36 foot height area shown on the conceptual plan must be screened or set back so that the mechanical equipment is not visible from the Property line.

(c) Residential proximity slope.

(1) Residential development.

(A) Except as provided in this paragraph, if any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.)

(B) Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(C) Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(2) Nonresidential development.

(A) Except as provided in this paragraph, if any portion of a structure is over 36 feet in height, that portion may not be located above a residential proximity slope.

(B) Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(C) Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(D) The residential proximity slope does not apply to Building 1 shown on the Phase I nonresidential development plan.

SEC. 51P-885.112. 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-885.113. INGRESS AND EGRESS.

(a) For a general merchandise or food store 100,000 square feet or more:

(1) Ingress to and egress from Midway Road is permitted in the locations shown on the Phase I nonresidential development plan.

(2) Ingress to and egress from the Lyndon B. Johnson Freeway (IH 635) frontage road shown on the Phase I nonresidential development plan must be approved by the Texas Department of Transportation.

(b) Access to Phase II development from Midway Road must be approved by the City of Dallas.

SEC. 51P-885.114. INFRASTRUCTURE IMPROVEMENTS.

Before the issuance of a certificate of occupancy for a nonresidential development in Subarea A, the following infrastructure improvements must be provided:

(1) An eastbound right-turn deceleration lane on the Lyndon B. Johnson Freeway (IH 635) eastbound frontage road at Driveway 1, shown on the Phase I nonresidential development plan, subject to approval from the Texas Department of Transportation.

(2) Reconstruct Driveway 2 onto Midway Road, shown on the Phase I nonresidential development plan, to provide separate left-turn and right-turn lanes, subject to approval by the City of Dallas.

(3) Reconstruct the driveway onto Midway Road at Harvest Hill Road, shown on the Phase I nonresidential development plan, to provide three eastbound lanes, subject to approval by the City of Dallas.

(4) Construct a southbound right-turn deceleration lane on Midway Road at the Harvest Hill Road driveway in the location shown on the Phase I nonresidential development plan, subject to approval by the City of Dallas.

(5) Improve the signal lights at the intersection of Midway Road and Harvest Hill Road to accommodate driveway changes and provide for split-phase operation of the east and west legs, subject to approval by the City of Dallas.

SEC. 51P-885.115.**ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

SEC. 51P-885.116.**LANDSCAPING AND TREE MITIGATION.**

(a) In general.

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

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

(b) Street trees.

(1) Lyndon B. Johnson Freeway (IH 635) frontage.

(A) One large street tree must be provided for each 50 feet of frontage, with a minimum of two large trees being provided.

(B) Large trees may be provided within the landscape setback shown on the Phase I nonresidential development plan or within the right-of-way.

(C) Large trees located within city rights-of-way must comply with the licensing and permitting provisions of Article VI of Chapter 43 of the Dallas City Code, Chapter 52 of the Administrative Procedures for the Construction Codes of Dallas, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

(2) Midway Road frontage.

(A) In general. Except as provided in this paragraph, along the west line of Midway Road, street trees must be provided in accordance with Section 51A-10.125(b)(4).

(B) Phase I nonresidential development.

(i) South of the driveway onto Midway Road at Harvest Hill Road, street trees must be provided for every 25 feet of street frontage, measured from the southernmost point of the driveway to the alley shown on the Phase I nonresidential development plan.

(ii) North of the driveway onto Midway Road at Harvest Hill Road, street trees must be provided for every 25 feet of street frontage, measured from the northernmost point of the driveway for a distance of 125 feet north.

(iii) Street trees provided in the Phase I nonresidential development may count toward the requirements of Article X for Phase II development.

SEC. 51P-885.117. SIGNS.

(a) Signs for a residential development must comply with the provisions for residential zoning districts in Article VII.

(b) Signs for nonresidential development must comply with the provisions for business zoning districts in Article VII.

(c) If a certificate of occupancy is issued for a general merchandise or food store 100,000 square feet or more use, detached signs in Phase II may only be monument signs.

SEC. 51P-885.118. ADDITIONAL PROVISIONS.

(a) In general.

(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.

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

(1) Parking lot landscape islands must be provided in the locations shown on the Phase I nonresidential development plan.

(2) A perimeter landscape buffer must be provided in the location shown on the Phase I nonresidential development plan.

(3) Mechanical equipment located on the ground must be screened and may include landscaping and retaining walls.

(4) For the automobile service bays, six-foot-high landscape screening must be provided in the location shown on the Phase I nonresidential development plan.

(5) For Building 2, trees required along a side facade must be located along the east side facade in the landscape islands shown on the Phase I nonresidential development plan.

(6) Material, color, texture variations, and facade design elements must be provided as shown on the elevations.

(7) Sidewalks must be provided along the west side of Midway Road from the north Property line to the south Property line.

(c) Subarea A nonresidential development screening.

(1) Except as provided in this subsection, a minimum 10-foot-high solid masonry screening wall must be provided and maintained within 30 feet of and along the west and south Property lines as shown on the Phase I nonresidential development plan.

(2) The minimum 10-foot-high solid masonry screening wall may be located in a required setback.

(3) If approved by the Texas Department of Transportation, the minimum 10-foot high solid masonry screening wall at the northwest corner of the Property must connect to the LBJ Freeway sound wall.

(4) At the southeast corner of the Property, the minimum 10-foot-high solid masonry screening wall must extend to the Midway Road right-of-way, excluding visibility triangles.

(5) West of the east facade of Building 2, the height of the required solid masonry screening wall, when combined with the height of any retaining walls or grade changes, must be a minimum of 12 feet above the paved surface of the adjacent alley. A 15-foot-wide tree planting area must be provided on both sides of the solid masonry screening wall. One large tree a minimum of three caliper inches must be provided within the tree planting areas for each twenty linear feet of solid masonry screening wall and must be diagonally off-set on each side of the wall. Trees must be evenly spaced and planted along each side of the solid masonry screening wall. Trees planted in the tree planting areas may count towards the requirements of Article X.

SEC. 51P-885.119.

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 versions of Exhibits 885A (conceptual plan), 885B (Phase I nonresidential development plan), and 885C (elevations) 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 the plans.

SECTION 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 885 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.

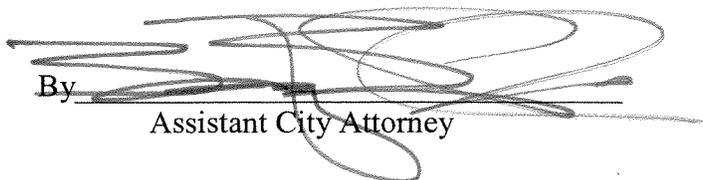
SECTION 7. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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.

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 MAY 22 2013

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**EXHIBIT A
PD Legal Descriptions****PD Boundary**

BEING a 33.418 acre tract of land situated in the V. Wampler Survey, Abstract No. 1570, City of Dallas, Dallas County, Texas, and being situated in the Official City of Dallas Blocks 8389, 8390 and 8391, same also being all of a called Tract 1 (6.8878 acres) and all of a called Tract 2 (6.6283 acres), conveyed to ECF North Ridge Associates, L.P., as evidenced in a General Warranty Deed, recorded in Volume 95217, Page 3407 of the Deed Records of Dallas County, Texas, also being all of a called Tract I (12.9598 acres) conveyed to 4121 Harvest Hill Road Holdings Limited Partnership, as evidenced in a Substitute Trustee's Deed, recorded in Instrument No.201100144547 of the Official Public Records of Dallas County, Texas, same also being a portion of Block A/8391 of Midway Park Shopping Center, an Addition to the City of Dallas, Texas, according to the Final Plat thereof recorded in Volume 74248, Page 0546 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" cut set for the southeast corner of said Tract 1, same being the northeast corner of Tamarack Addition, an Addition to the City of Dallas, Texas, according to the Map or Plat, thereof recorded in Volume 67122, Page 0027 of the Map Records of Dallas County, Texas, same also being the southeast corner of a 20' wide Street Easement to the City of Dallas, Texas, as recorded in Volume 68127, Page 0595 of the Deed Records of Dallas County, Texas, said corner also being in Midway Road (a called 100' wide right of way);

THENCE South 89°28'36" West, along the south line of said Tract 1 and the north line of said Tamarack Addition, passing at a distance of 20.00 feet, a found 5/8-inch iron rod on the current west right of way line of said Midway Road, continuing for a total distance of 1,303.54 feet (called 1,303.62 feet) to a PK nail found for a corner;

THENCE South 62°34'36" West, continuing along the south line of said Tract 1, along the south line of aforesaid Tract 2 and continuing along the north line of said Tamarack Addition, a distance of 418.88 feet to a 3/8-inch iron rod found for the southwest corner of said Tract 2, same being the northwest corner of said Tamarack Addition, same also being on the east line of Block AB/8387 of Rosser Village Revised, an Addition to the City of Dallas, Texas, according to the Map or Plat, thereof recorded in Volume 81051, Page 0921 of the Map Records of Dallas County, Texas;

THENCE North 00°36'31" West, along the west line of said Tract 2 and the east line of said Block AB/8387, a distance of 764.52 feet (called 764.75 feet) to a 4-inch brass TXDOT right of way monument found for the northwest corner of said Tract 2 and the northeast corner of said Block AB/8387, same being on the southerly right of way line of L. B. J. Freeway (Interstate Highway No. 635), a variable width right of way);

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THENCE in an easterly direction, along the northerly line of said Tract 1(6.8878 acres), along the northerly line of aforesaid Tract I (12.9598 acres) and the southerly right of way line of said L. B. J. Freeway (Interstate Highway No. 635), the following:

North 62°35'01" East, a distance of 539.80 feet to a 4-inch brass TXDOT right of way monument found for a corner;

North 85°07'31" East, a distance of 382.59 feet to a 4-inch brass TXDOT right of way monument found for a corner;

North 64°34'44" East, a distance of 435.62 feet to a 1/2-inch "PEISER" capped iron found for the northeast corner of said Tract I (12.9598 acres), same being the northwest corner of aforesaid Block A/8391 of Midway Park Shopping Center;

THENCE South 00°32'20" East, along the common line of said Tract I (12.9598 acres) and said Block A/8391, a distance of 51.36 feet to a corner;

THENCE North 89°27'40" East, departing the common line of said Tract I (12.9598 acres) and said BlockA/8391, crossing said Block A/8391 and along the south line of a 25' wide utility easement as created in said Midway Park Shopping Center, a distance of 64.358 feet to a corner;

THENCE South 00°32'20" East, departing the south line of said 25' wide utility easement, a distance of 14.20 feet to a corner;

THENCE North 89°27'40" East, a distance of 21.00 feet to a corner;

THENCE North 00°32'20" West, a distance of 14.20 feet to a corner on the south line of said 25' wide utility easement;

THENCE North 89°27'40" East, along the south line of a 25' wide utility easement as created in said Midway Park Shopping Center, a distance of 303.13 feet to a corner on the current westerly right of way line of Midway Road, a variable width right of way as described in a Deed to the State of Texas, recorded in Instrument No. 200600370168 of the Official Public Records of Dallas County, Texas;

THENCE South 08°50'06" East, along the westerly right of way line of said Midway Road, a distance of 73.56 feet to the south corner of said State of Texas tract, same being on the east line of said Block A/8391 of Midway Park Shopping Center and the west right of way line of said Midway Road as described in a 20-foot wide street easement to the City of Dallas, recorded in Volume 68127, Page 0595 of the Deed Records of Dallas County, Texas;

THENCE South 00°35'26" East, along the east line of said Block A/8391 and along the west right of way line of said Midway Road, a distance of 686.27 feet to an "X" cut set

for the southeast corner of said Block A/8391, same being on the north line of aforesaid Tract 1(6.8878 acres);

THENCE North 89°27'11" East, along the north line of said Tract 1(6.8878 acres) and crossing said 20-foot wide street easement, a distance of 20.00 feet to the northeast corner of said Tract 1(6.8878 acres), from said corner, a found "X" cut bears South 12°20' West, 0.7 feet;

THENCE South 00°35'26" East, along the east line of said Tract 1 (6.8878 acres, a distance of 221.29 feet to the **POINT OF BEGINNING** and containing 33.418 acres (1,455,675 square feet) of land.

SUBAREA "A"

BEINGa 26.474 acre (1,153,202 square feet) tract of land out of City of Dallas Block No. 8389, 8390, 8391, and Block A/8391, in the V. Wampler Survey, Abstract No. 1570, in the City of Dallas, Dallas County, Texas, and being all of Tract I, called 12.9598 acres, conveyed to 4121 Harvest Hill Road Holdings Limited Partnership, as evidenced in a Substitute Trustee's Deed recorded in Instrument No. 201100144547 of the Official Public Records of Dallas County, Texas, and as previously conveyed to Spanish Point, LP, as evidenced in a Special Warranty Deed recorded in Volume 2005153, Page 08762 of the Official Public Records of Dallas County, Texas, all of Tract 1, Called 6.8878 acres, and all of Tract 2, called 6.6283 acres, conveyed to ECF North Ridge Associates, L.P., as evidenced in a General Warranty Deed recorded in Volume 95217, Page 3407 of the Deed Records of Dallas County, Texas, and a portion of a called 8.1852 acre tract of land conveyed to Prescott Interests Midway Plaza, LTD., as evidenced in a Special Warranty Deed recorded in Volume 97169, Page 3985 of the Deed Records of Dallas County, Texas, said 8.1852 acre tract being out of Block A/8391 of Midway Park Shopping Center, an addition to the City of Dallas according to the plat recorded in Volume 74248, Page 0546 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "PEISER" found for the northeast corner of said Tract I (12.9598 acres) and the northwest corner of said 8.1852 acre tract, same being the northwest corner of Block A/8391 of said Midway Park Shopping Center, and also being in the south right-of-way line of L.B.J. Freeway (I.H. No. 635), a variable width right-of-way, according to the deed recorded in Volume 443, Page 364 of the Deed Records of Dallas County, Texas;

THENCE South 00°32'20" East, departing the south right-of-way line of said L.B.J. Freeway (I.H. No. 635), and along the east line of said Tract I (12.9598 acres) and the common west line of said 8.1852 acre tract and said Block A/8391, a distance of 810.47

feet to an "X" cut in concrete found for the southeast corner of said Tract I (12.9598 acres) and the southwest corner of said 8.1852 acre tract and said Block A/8391, said corner being in the north line of said Tract 1 (6.8878 acres);

THENCE North 89°27'11" East, departing said common line, and along the north line of said Tract 1 (6.8878 acres) and the common south lines of said 8.1852 acre tract and said Block A/8391, passing at a distance of 399.71 feet an "X" cut in concrete found for the southeast corner of said 8.1852 acre tract and an ell corner in said Midway Road right-of-way, and continuing along the north line of said Tract 1 (6.8878 acres) and a south right-of-way line of said Midway Road, for a total distance of 419.71 feet to the northeast corner of said Tract 1 (6.8878 acres) and an ell corner in said Midway Road right-of-way, from which an "X" cut in concrete found bears South 12°20' West a distance of 0.7 feet;419.71

THENCE South 00°35'26" East, departing said north line, and along the east line of said Tract 1 (6.8878 acres) and the west right-of-way line of said Midway Road, a distance of 221.29 feet to an "X" cut in concrete found for the southeast corner of said Tract 1 (6.8878 acres) and the northeast corner of Tamarack Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 67122, Page 0027 of the Map Records of Dallas County, Texas;

THENCE South 89°28'36" West, along the south line of said Tract 1 (6.8878 acres) and the common north line of said Tamarack Addition, a distance of 1303.54 feet to a P.K. Nail found for an angle point in the south line of said Tract 1 (6.8878 acres) and the north line of said Tamarack Addition;

THENCE South 62°34'36" West, continuing along said common line, passing at a distance of 55.36 feet the southwest corner of said Tract 1 (6.8878 acres) and the most southerly southeast corner of said Tract 2 (6.6283 acres), and continuing along the south line of said Tract 2 (6.6283 acres) and the common north line of said Tamarack Addition, for a total distance of 418.88 feet to a 3/8 inch iron rod found for the southwest corner of said Tract 2 (6.6283 acres) and the northwest corner of said Tamarack Addition, said corner being in the east line of Block AB/8387 of Rosser Village Revised, an addition to the City of Dallas according to the plat thereof recorded in Volume 81051, Page 0321 of the Map Records of Dallas County, Texas;

THENCE North 00°36'31" West, departing said common line, and along the west line of said Tract 2 (6.6283 acre tract) and the common east lines of said Rosser Village Revised and said Block AB/8387, a distance of 764.52 feet to a 4-inch brass TXDOT right-of-way monument found for the northwest corner of said Tract 2 (6.6283 acres) and the northeast corners of said Rosser Village Revised and said Block AB/8387, said corner being in the south right-of-way line of said L.B.J. Freeway (I.H. No. 635), a variable width right-of-way;

THENCE North 62°35'01" East, departing said common line, and along the northwest line said Tract 2 (6.6283 acres) and the south right-of-way line of said L.B.J. Freeway (I.H. No. 635), passing at a distance of 448.54 feet a 1/2 inch iron rod found for the northeast corner of said Tract 2 (6.6283 acres) and the northwest corner of said Tract I

(12.9598 acres), and continuing along the north line of said Tract I (12.9598 acres) and the south right-of-way line of said L.B.J. Freeway (I.H. No. 635), for a total distance of 539.80 feet to a 4-inch brass TXDOT right-of-way monument found for corner;

THENCE North 85°07'31" East, continuing along the north line of said Tract I (12.9598 acres) and the south right-of-way line of said L.B.J. Freeway (I.H. No. 635), a distance of 382.59 feet to a 4-inch brass TXDOT right-of-way monument found for corner;

THENCE North 64°34'44" East, continuing along the north line of said Tract I (12.9598 acres) and the south right-of-way line of said L.B.J. Freeway (I.H. No. 635), a distance of 435.62 feet to the **POINT OF BEGINNING** and containing 26.474 acres (1,153,202 square feet) of land, more or less.

SUBAREA "B"

BEING a 6.944 acre (302,474 square feet) tract of land out of City of Dallas Block A/8391, in the V. Wampler Survey, Abstract No. 1570, in the City of Dallas, Dallas County, Texas, and being a portion of a called 8.1852 acre tract of land conveyed to Prescott Interests Midway Plaza, LTD., as evidenced in a Special Warranty Deed recorded in Volume 97169, Page 3985 of the Deed Records of Dallas County, Texas, said 8.1852 acre tract being out of Block A/8391 of Midway Park Shopping Center, an addition to the City of Dallas according to the plat recorded in Volume 74248, Page 0546 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod with plastic cap stamped "PEISER" found for the northwest corner of said 8.1852 acre tract and Block A/8391, of said Midway Park Shopping Center, and the northeast corner of Tract I, called 12.9598 acres, conveyed to 4121 Harvest Hill Road Holdings Limited Partnership, as evidenced in a Substitute Trustee's Deed recorded in Instrument No. 201100144547 of the Official Public Records of Dallas County, Texas, and as previously conveyed to Spanish Point, LP, as evidenced in a Special Warranty Deed recorded in Volume 2005153, Page 08762 of the Official Public Records of Dallas County, Texas, said corner also being in the south right-of-way line of L.B.J. Freeway (I.H. No. 635), a variable width right-of-way, according to the deed recorded in Volume 443, Page 364 of the Deed Records of Dallas County, Texas;

THENCE South 00°32'20" East, departing the south right-of-way line of said L.B.J. Freeway (I.H. No. 635), and along the east line of said Tract I (12.9598 acres) and the common west line of said 8.1852 acre tract and said Block A/8391, a distance of 51.36 feet to the **POINT OF BEGINNING**;

THENCE, departing said common line, over and across said 8.1852 acre tract and said Block A/8391, the following courses and distances:

North 89°27'40" East, a distance of 64.35 feet to a point for corner;

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South 00°32'20" East, a distance of 14.20 feet to a point for corner;

North 89°27'40" East, a distance of 21.00 feet to a point for corner;

North 00°32'20" West, a distance of 14.20 feet to a point for corner;

North 89°27'40" East, a distance of 303.13 feet to a point for corner in the west right-of-way line of Midway Road, a variable width right-of-way, as evidenced by occupation, from which a 3/4 inch iron rod found bears North 08°50'06" West a distance of 33.93 feet;

THENCE South 08°50'06" East, along the west right-of-way line of said Midway Road, a distance of 73.56 feet to a 5/8 inch iron rod found for corner on the east line of aforesaid Midway Park Shopping Center;

THENCE South 00°35'26" East, continuing along the east line of said Midway Park Shopping Center and the west right-of-way line of said Midway Road, a distance of 686.27 feet to an "X" cut set for the southeast corner of said Block A/8391 of Midway Park Shopping Center;

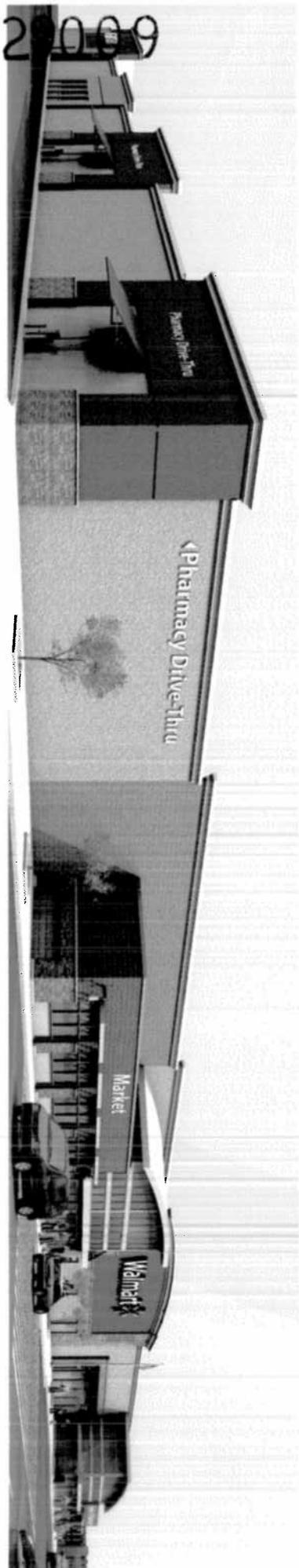
THENCE South 89°27'11" West, departing the west line of said 20-foot wide street easement, the westerly right of way line of said Midway Road, along the south line of said Block A/8391 of Midway Park Shopping, a distance of 399.71 feet to an "X" cut found for the southwest corner of said Block A/8391 of Midway Park Shopping Center, same being the southeast corner of aforesaid Tract I (12.9598 acres) as conveyed to 4121 Harvest Hill Road Holdings Limited Partnership;

THENCE North 00°32'20" West, along the west line of said Midway Park Shopping Center and the east line of said Tract I (12.9598 acres), a distance of 759.11 feet to the **POINT OF BEGINNING** and containing 6.944 acres (302,474 square feet) of land, more or less.

Bearings are based upon the Texas Coordinate System of 1983, Zone 4202, NAD 83 datum, as determined by GPS observations resulting in a bearing of North 62°35'01" East along the southerly right of way line of L. B. J. Freeway. The bearings listed are Grid values and the distances listed are surface values.

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.

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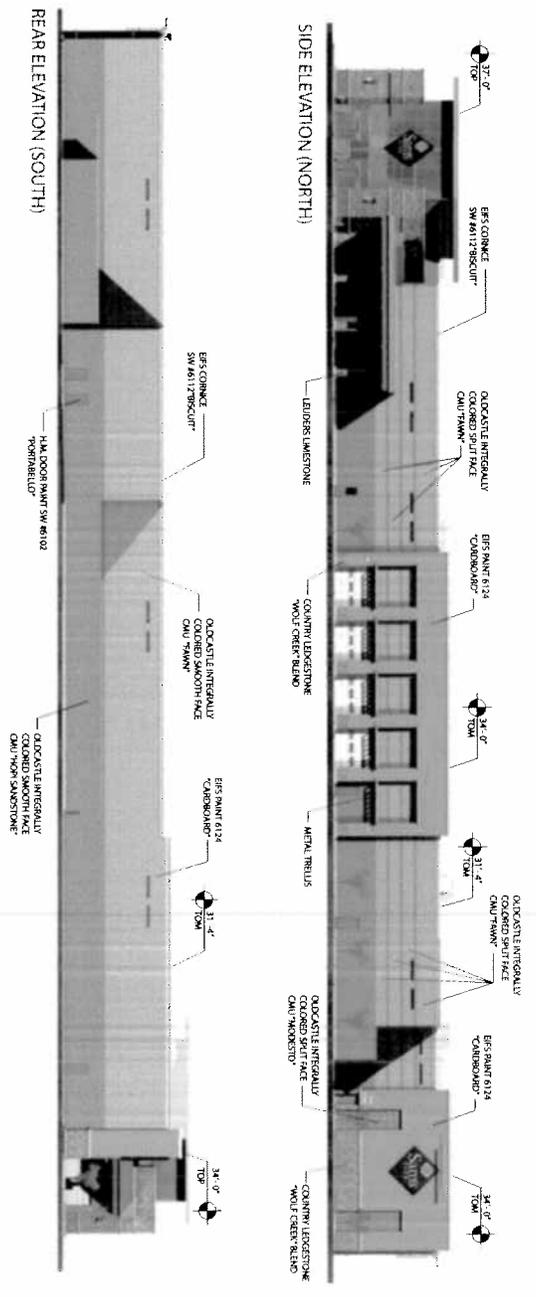
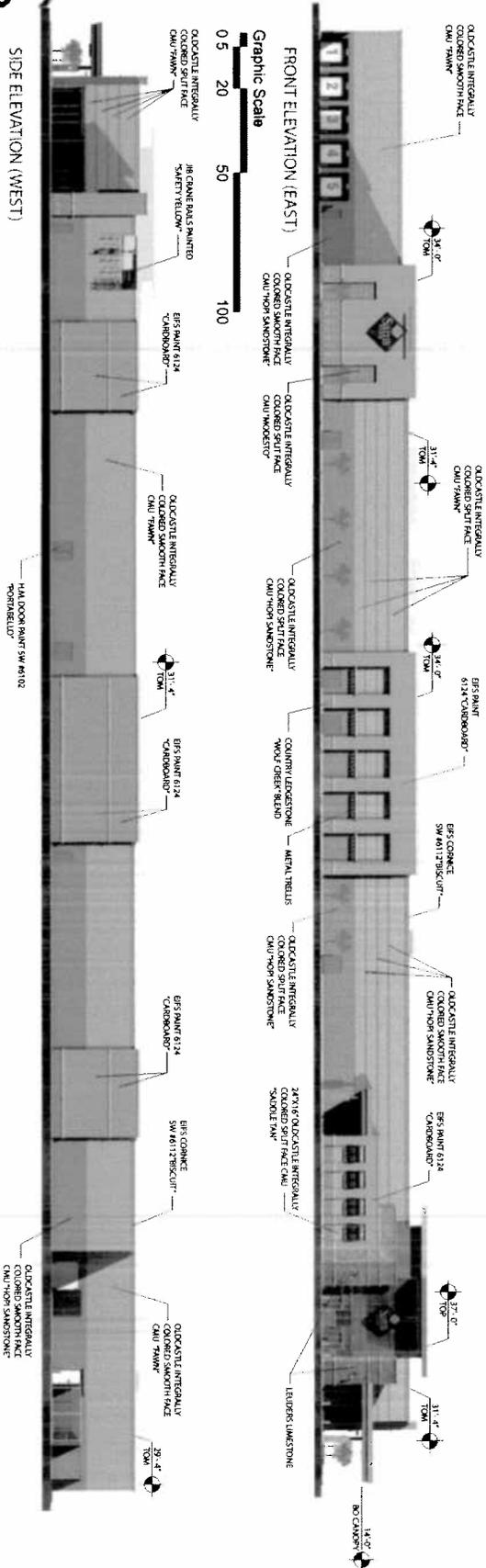
March 1, 2013

Dallas (RJ & Midway), TX #2105/6376

Perspectives

2

Z123-183(WE)



RHA
ARCHITECTS

March 1, 2013

Dallas (BJ) & Midway, TX #2105/46376

Elevations

Z123-183(WE)



Walmart  

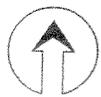
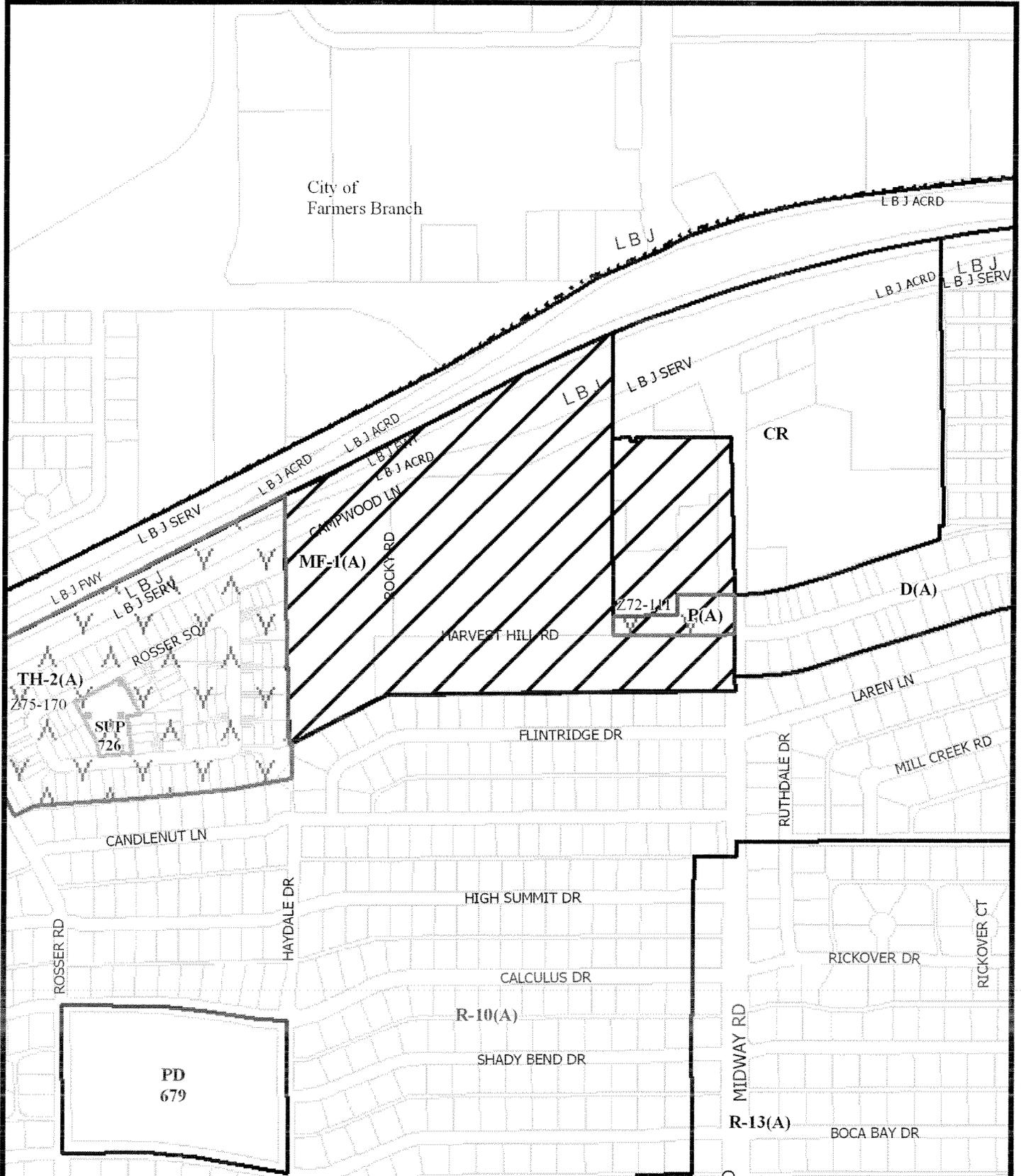


March 1, 2013

Dallas (BJ & Midway), TX #210546376

Perspectives

City of
Farmers Branch



1:6,000

ZONING AND LAND USE

Case no: Z123-183

Date: 2/20/2013