

ORDINANCE NO. 29020

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 18/2006; fronting approximately 690 feet on the east line of North Central Expressway; fronting approximately 600 feet on the north line of Haskell Avenue; and containing approximately 10.596 acres,

from Subdistrict E within Planned Development District No. 305 (Cityplace) to Subdistrict E2 within Planned Development District No. 305; providing a property description for Subdistricts E, E1, and E2; amending Article 305, "PD 305," of Chapter 51P, "Dallas Development Code to reflect the change of zoning; amending Sections 51P-305.103, 51P-305.106, 51P-305.107, 51P-305.108, 51P-305.110, and 51P-305.117 of Article 305; providing a new conceptual 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 the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to amend Article 305 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from Subdistrict E within Planned Development District No. 305 to Subdistrict E2 within Planned Development District No. 305 on the property described in Exhibit A (property description for Subdistricts E, E1, and E2), which is attached to and made a part of this ordinance (“the Property”).

SECTION 2. That Subsection (a) of Section 51P-305.103, “Definitions and Interpretations,” of Article 305, “PD 305,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Paragraph (1.1), “Data Center,” to read as follows:

“(1.1) DATA CENTER means a facility whose primary service is data processing and is used to house computer systems and associated components, such as telecommunications and storage systems, including but not limited to web hosting organizations and internet service organizations.”

SECTION 3. That Subsection (d), “Subdistricts,” of Section 51P-305.106, “Creation of Separate Zones, Subzones, Subdistricts, and Subareas,” of Article 305, “PD 305,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(d) Subdistricts.

(1) The West Residential Subzone is divided into three subdistricts: A, B, and B1.

(2) The West Mixed Use Subzone is divided into two subdistricts: C and D.

(3) The East Residential Subzone is divided into two subdistricts: I and J.

(4) The East Mixed Use Subzone is divided into six subdistricts: E, E1, E2, F, G, H, and H1.”

SECTION 4. That Subparagraph (C) of Paragraph (1), “In General,” of Subsection (b), “Mixed Use Subzones,” of Section 51P-305.107, “Use Regulations,” of Article 305, “PD 305,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(C) Notwithstanding Subparagraphs (A) and (B), the following main uses are permitted by right in the West and East Mixed Use Subzones:

- Institution for special education.
- Job or lithographic printing.
- Public park, playground, or golf course.
- Required parking for PD 183.
- In Subdistrict D, required parking for PD 375.
- Outside commercial amusement.
- Mechanical plant.
- Data center [Permitted in Subdistrict E2 only.]”

SECTION 5. That Subsection (b), “Non-Residential Density,” of Section 51P-305.108, “Yard, Lot, and Space Regulations,” of Article 305, “PD 305,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(b) Non-residential density.

(1) The maximum FAR for each building site varies depending on which subdistrict the site is in. The column entitled “FAR” shows the maximum FAR for non-residential uses. The maximum FAR shown in the chart below may be further limited by the phasing requirements of Section 51P-305.113. The FAR’s for a Mixed Use Subdistrict, as shown on Exhibit 305A, are pursuant to Section 51A-4.125 of Chapter 51A.

MAXIMUM NONRESIDENTIAL FAR’S IN THE MIXED USE SUBZONES

SUBDISTRICT/SUBAREA	FAR
C	1.5
D-1	2.83*
D-2	4.0
D-3	4.0
D-4	2.5

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D-5	2.5
E	2.5
E1	2.0
<u>E2</u>	<u>2.5</u>
F	1.2
G	1.2
H	1.6
H1	1.2

***Any area of Subarea D-1 dedicated for street purposes shall be included as lot area in order to calculate the maximum nonresidential FAR of Subarea D-1.**

(2) The maximum allowable floor area for retail and personal service uses allowed on the Property is 640,000 square feet which is further limited to a maximum of 450,000 square feet of floor area for either side of North Central Expressway.

(3) The maximum allowable floor area for all nonresidential uses combined is 7,715,114 square feet.”

SECTION 6. That Subsection (c), “Residential Density in Mixed Use Subzones,” of Section 51P-305.108, “Yard, Lot, and Space Regulations,” of Article 305, “PD 305,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(c) Residential density in mixed use subzones.

(1) West Mixed Use Subzone. Except as provided in Paragraph (3), the maximum residential density permitted in the West Mixed Use Subzones is:

- (A) 1.5 FAR for Subdistrict C;
- (B) 2.83* FAR for Subarea D-1;
- (C) 4.0 FAR for Subareas D-2 and D-3; and
- (D) 2.5 FAR for Subareas D-4 and D-5.

*Any area of Subarea D-1 dedicated for street purposes shall be included as lot area in order to calculate the maximum residential FAR of Subarea D-1.

(2) East Mixed Use Subzone. Except as provided in Paragraph (3), the maximum residential density permitted in the Subdistricts is 1.5 FAR for Subdistrict E and E2; 1.75 FAR for Subdistrict E1; 1.5 FAR for Subdistricts F and G; and 1.5 FAR for Subdistricts H and H1.

(3) Phasing. The maximum residential density may be further limited by the phasing requirements of Section 51P-305.113.”

SECTION 7. That Subsection (e), “Maximum Structure Height,” of Section 51P-305.108, “Yard, Lot, and Space Regulations,” of Article 305, “PD 305,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(e) Maximum structure height.

(1) If any portion of a structure in this district is over 36 feet in height, that portion may not be located above a residential proximity slope. Exception: 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. The maximum structure heights in Paragraph (2) are subject to the height restrictions in this paragraph. For more information regarding the residential proximity slope applicable to structures in this district, see Section 51P-305.109 of this article.

(2) The maximum structure heights in this district are as follows:

- (A) In Subdistrict A, maximum height is 43 feet.
- (B) In Subdistrict B, maximum height is 48 feet.
- (C) In Subdistrict B1, maximum height is 60 feet.
- (D) In Subdistrict C, maximum height is 90 feet.
- (E) In Subdistrict D, maximum height is 240 feet.
- (F) In Subdistricts E, E2, and G, maximum height is 270 feet.
- (G) In Subdistrict E1, maximum height is 135 feet.
- (H) In Subdistrict F, maximum height is 180 feet.
- (I) In Subdistrict H, maximum height is 180 feet.

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- (J) In Subdistrict H1, maximum height is 60 feet.
- (K) In Subdistrict I, maximum height is 60 feet.
- (L) In Subdistrict J, maximum height is 36 feet.”

SECTION 8. That Subsection (a) of Section 51P-305.110, “Off-Street Parking, Off-Street Loading, and Bicycle Parking Requirements,” of Article 305, “PD 305,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Paragraph (4.2), “Data Center,” to read as follows:

“(4.2) Data center. For a data center, one off-street parking space for each 2,000 square feet of floor area is required.”

SECTION 9. That Subsection (g), “Sidewalks Required,” of Section 51P-305.117, “Landscaping Requirements,” of Article 305, “PD 305,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(g) Sidewalks required.

(1) Sidewalk construction is required along all public and private streets. All sidewalks must be designed and constructed to be barrier-free to the handicapped, and in accordance with the construction requirements contained in the Paving Design Manual and the Standard Construction Details of the city.

(2) No certificate of occupancy may be issued for new construction until hard surface sidewalks are provided on that building site in accordance with the following standards:

(A) Mixed Use Subzones C, E, E1, E2, F, G, H, and H1. A minimum unobstructed width of eight feet must be provided.

(B) Mixed Use Subzone D.

(i) Except as provided in this subparagraph, a minimum unobstructed width of eight feet must be provided.

(ii) Along Noble Street and Oak Grove Avenue, as shown on Exhibit 305A, and all other future streets located within Subzone D, a minimum unobstructed width of seven feet must be provided.

(iii) Along Lemmon Avenue East, a minimum unobstructed width of five feet must be provided.

(C) Residential Subzones A, B, B1, and I. A minimum unobstructed width of six feet must be provided.

(3) Sidewalks provided to comply with this subsection may be located in the public right-of-way. An existing sidewalk may not be used to comply with this subsection unless it meets the construction standards and minimum unobstructed widths specified above. New sidewalks provided to comply with this subsection must meet the unobstructed width standards specified above.”

SECTION 10. 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 11. That the conceptual plan, Exhibit 305A of Article 305, “PD 305,” of Chapter 51P of the Dallas City Code, is replaced by the Exhibit 305A attached to this ordinance.

SECTION 12. That development of this district must comply with the full-scale version of Exhibit 305A (conceptual 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 13. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 14. That 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 15. 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.

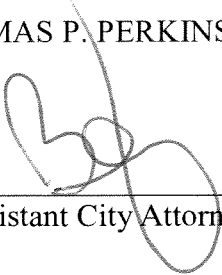
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SECTION 16. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

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 305
Subdistricts
E, E1 and new E2**

**East Mixed Use
Subdistrict E**

Being all of Block A/663 Lot 3 containing approximately 42,484 square feet or 0.9753 acres of land, more or less.

**East Mixed Use
Subdistrict E1**

Being all of Block A/663 Lot 2 containing approximately 250,491.78 square feet or 5.7505 acres of land, more or less and Being all of Block A/663 Lot 2.1 containing approximately 175,877.78 square feet or 4.0376 acres of land, more or less

**East Mixed Use
Subdistrict E2**

DESCRIPTION, of a 10.596 acre tract of land situated in the John Grigsby, Survey Abstract No. 495, Dallas County, Texas; said tract of land being part of a tract described in Warranty Deed to Affiliated Computer Services, Inc. recorded in Volume 2000141, Page 472 of the Deed Records of Dallas County, Texas; said tract also being part of Lot 2, Block 18/2006 of Affiliated Computer Services Addition, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 2002047, Page 255 of said Deed Records; said 10.596 acre tract being more particularly described as follows;

BEGINNING at a "+" cut in concrete at the intersection of the northeast line of North Haskell Avenue (a 150-foot right of way) and the east right of way line of North Central Expressway, said point also being the furthest southwest corner of said Lot 2, Block 18/2006, and the end of a curve to the left;

THENCE, in a northeasterly direction, departing the northeast line of said North Haskell Avenue and along the said east and the southeast line of North Central Expressway, the following three (3) calls;

North 08 degrees, 08 minutes, 01 seconds East, a distance of 106.10 feet to a "+" cut in concrete set for the beginning of a non-tangent curve to the right;

In a northerly direction along the said non-tangent curve to the right, having a central angle of 06 degrees, 31 minutes, 38 seconds, a radius of 2090.00 feet, a chord bearing and distance of North 10 degrees, 06 minutes, 12 seconds East, 237.97 feet, an arc distance of 238.10 feet, to a 1/2-inch iron rod with "PACHECO KOCH" cap found at the beginning of a compound curve to the right;

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In a northerly direction along said compound curve to the right, having a central angle of 08 degrees, 07 minutes, 22 seconds, a radius of 2734.00 feet, a chord bearing and distance of North 17 degrees, 25 minutes, 42 seconds East, 387.27 feet, an arc distance of 387.59 feet, to a "+" cut in concrete set for corner at the end of said curve;

THENCE, in a southeasterly direction, the following four (4) calls;

South 66 degrees, 15 minutes, 22 seconds East, a distance of 310.71 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner;

South 23 degrees, 44 minutes, 38 seconds West, a distance of 94.40 feet to "PK" Nail set for corner;

South 44 degrees, 31 minutes, 25 seconds East, a distance of 439.96 feet to a "+" cut in concrete set for corner;

North 45 degrees, 28 minutes, 35 seconds East, a distance of 119.64 feet to a "+" cut in concrete set for corner, in the westerly line of a 15-foot wide alley;

THENCE, South 44 degrees, 50 minutes, 32 seconds East, a distance of 129.63 feet to a point for corner in the centerline of Peak Street (a variable width right-of-way); said point being the northern most corner of Lot 1A, Block A/663, Cityplace Northeast, Section One, an addition to the City of Dallas, Texas according to the plat recorded in Volume 95051, Page 1321 of said Deed Records;

THENCE, South 45 degrees, 16 minutes, 15 seconds West, departing the said centerline of Peak Street and along the northwest line of said Lot 1A, a distance of 679.77 feet to a "PK" nail found in asphalt for corner in the northeast right-of-way line of North Haskell Avenue (a 150-foot wide right-of-way);

THENCE, North 44 degrees, 53 minutes, 56 seconds West, along said northeast line of North Haskell Avenue, a distance of 229.93 feet to a "+" cut in brick found at the beginning of a curve to the left;

THENCE, in a northwesterly direction along the northeast line of N. Haskell Avenue and said curve to the left, having a central angle of 33 degrees, 27 minutes, 38 seconds, a radius of 511.50 feet, a chord bearing and distance of North 61 degrees, 37 minutes, 45 seconds West, 294.49 feet, an arc distance of 298.71 feet to a "+" cut in concrete set for corner at the end of said curve; said point being in the east right-of-way line of North Central Expressway (a variable width right-of-way) to return to the Point of Beginning and CONTAINING, 461,445 square feet or 10.596 acres of land, more or less.