

ORDINANCE NO. 29021

An ordinance amending Article 759, "PD 759," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code; adding a new Section 51P-759.103.1; amending the definitions and interpretations, main uses permitted, yard, lot, and space, design standards, and landscaping regulations in Sections 51P-759.103, 51P-759.106, 51P-759.108, 51P-759.109, and 51P-759.113 of Article 759; deleting the zoning map regulations in Section 51P-759.117; providing a new property description; 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 759 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That Section 51P-759.103, "Definitions and Interpretations," of Article 759, "PD 759," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-759.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) SHOPPING CENTER SIGN means a sign that identifies several owners, tenants, or occupants within the district.

(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 divided into three Subdistricts: Subdistrict I, Subdistrict II-A, and Subdistrict II-B.

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

SECTION 2. That Article 759, "PD 759," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Section 51P-759.103.1, "Exhibit," to read as follows:

"SEC. 51P-759.103.1. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 759A: conceptual plan."

SECTION 3. That Section 51P-759.106, “Main Uses Permitted,” of Article 759, “PD 759,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-759.106. MAIN USES PERMITTED.

(a) Except as provided in this section, t[~~F~~]he only main uses permitted in this district are those main uses permitted in the RR Regional Retail District, subject to the same conditions applicable in the RR Regional Retail District, as set out in Chapter 51A. For example, a use permitted in the RR Regional 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 RR Regional Retail District is subject to DIR in this district, etc.

(b) Multifamily uses are permitted by right in Subdistrict II-A and Subdistrict II-B.”

SECTION 4. That Section 51P-759.108, “Yard, Lot, and Space Regulations,” of Article 759, “PD 759,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-759.108. 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.

(1) Subdistrict I. Except as provided in this section, the yard, lot, and space regulations for the RR Regional Retail District apply.

(2) Subdistrict II-A and Subdistrict II-B. Except as provided in this section, the yard, lot, and space regulations for the MF-3(A) Multifamily District apply.

(b) Front yard. Minimum front yard is 15 feet at the boundaries of this district, as shown on the conceptual plan. Otherwise, no front yard setback is required.

(c) Side and rear yard. Minimum side and rear yard is 15 feet at the boundaries of this district. Otherwise, no side and rear yard setback is required.

(d) Floor area ratio.

(1) Except as provided in this subsection, m[M]aximum floor area ratio is 1.5 [0.5].

(2) For lodging and office uses, maximum floor area ratio is 2.0.

(3) For multifamily uses, no maximum floor area ratio.

(e) Floor area.

(1) All subareas. Maximum total floor area for all [~~retail and personal service~~] uses on the Property other than lodging and residential is 365,000 square feet.

(2) Subdistrict I. Maximum total floor area for all uses other than lodging and residential is 175,000 square feet.

(3) Subdistrict II-A and Subdistrict II-B. Maximum total floor area for all uses other than lodging and residential is 190,000 square feet.

(f) Height.

(1) Subdistrict I. Maximum structure height is 95 [50] feet.

(2) Subdistrict II-A. Maximum structure height is 90 feet.

(3) Subdistrict II-B. Maximum structure height is 65 feet.

(g) Density/Guest rooms.

(1) Subdistrict II-A and Subdistrict II-B. Overall maximum density is 75 units per acre.

(2) Subdistrict I and Subdistrict II-A. Maximum number of guest rooms for all lodging uses is 300.

(h) Lot coverage. Maximum lot coverage is 80 percent.

(i) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 60 feet in height.

(j) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 60 feet is required for that portion of a structure over 60 feet in height, up to a total of 30 feet. This subsection does not require a total side or rear setback greater than 30 feet."

SECTION 5. That Section 51P-759.109, "Design Standards," of Article 759, "PD 759," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-759.109. DESIGN STANDARDS.

(a) Except as provided in this section, the design standards and procedures in Section 51A-4.605 apply to any retail uses, personal service uses, or combination thereof, totalling 75,000 square feet or more of floor area and located within the same structure.

(b) Trees planted in planters count toward the tree planting requirements in Section 51A-4.605(a)(8)(F).

(c) The city plan commission, whether or not a specific use permit is required, may approve a site plan that does not comply with the requirements of the design standards provided that:

(1) strict compliance with the design standards is impractical due to site constraints or would result in substantial hardship;

(2) the site plan complies with the spirit and intent of the design standards;

(3) the site plan furthers the stated purpose of the design standards; and

(4) the variation or exception from the design standards will not adversely affect surrounding properties.

For amendments to the design standards site plan, t[F]he city plan commission shall follow the same procedures used for approval of minor amendments to development plans, and the fee for a minor plan amendment shall apply."

SECTION 6. That Subsection (c), "Alternative Tree Mitigation," of Section 51P-759.113, "Landscaping," of Article 759, "PD 759," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"(c) Alternative tree mitigation.

(1) ~~[The building official shall allow an inch-for-inch tree mitigation credit for healthy, growing trees located in the permanently reserved, publicly accessible open space shown on the conceptual plan.~~

(2)] The building official shall allow an inch-for-inch tree mitigation credit for healthy, growing, protected trees with a caliper of six inches or more that are transplanted into parking lot islands or medians on the Property.

(2[3]) The building official shall evaluate the condition of trees used for alternative tree mitigation during the first landscape inspection on the Property."

SECTION 7. That Section 51P-759.117, "Zoning Map," of Article 759, "PD 759," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is deleted as follows:

~~"[SEC. 51P-759.117. **ZONING MAP.**~~

~~PD 759 is located on Zoning Map No. H-6.]"~~

SECTION 8. That the property description, Exhibit A, attached to Ordinance No. 26871 is replaced by the Exhibit A attached to this ordinance.

SECTION 9. That the conceptual plan, Exhibit 759A of Article 759, "PD 759," of Chapter 51P of the Dallas City Code, is replaced by the Exhibit 759A attached to this ordinance.

SECTION 10. That development of this district must comply with the full-scale version of Exhibit 759A (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 11. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 12. 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 13. 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 14. 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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**PD 759
BOUNDARY LEGAL DESCRIPTION**

BEING a tract of land situated in the Miles Bennett Survey, Abstract No. 52, Dallas County, Texas and in City of Dallas Blocks 2367 and 2368 of the Official Block Numbers of the City of Dallas; and being part of Lots 1, 2 & 7, Block B/2368, Forest Park, an addition to Dallas County, according to the plat recorded in Volume 241, Page 41 of the Map Records of Dallas County, Texas; and being all of Lot 2-A, Block B/2368 of Swif-T Addition, an addition to the City of Dallas, according to plat recorded in Volume 85074, Page 4646 of the Deed Records of Dallas County, Texas; and being all of a 10-foot wide alley across Block B/2367, Heartsill Addition, an addition to the City of Dallas, according to the plat recorded in Volume 10, Page 269 of said Map Records; and being those tracts of land described as Tracts 1-2, 4-11 in Special Warranty Deed to Mockingbird Venture Partners, L.L.C recorded in Instrument No. 200900077070 of the Official Public Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at the east end of a right-of-way corner clip at the intersection of the northwest right-of-way line of Mockingbird Lane (a variable width right-of-way) and the northeast right-of-way line of Forest Park Road (a variable width right-of-way);

THENCE with said corner clip, North 89°54'49" West, a distance of 14.48 feet to the west end of said corner clip;

THENCE with said northeast right-of-way line of Forest Park Road, the following courses and distances:

North 46°16'18" West, a distance of 96.08 feet to an angle point;

North 46°07'02" West, a distance of 150.44 feet to an angle point;

North 46°18'39" West, a distance of 329.51 feet to the intersection of said northeast right-of-way line of Forest Park Road and the northwest right-of-way line of Hawes Street (a variable width right-of-way);

THENCE with said northwest right-of-way line of Hawes Street, South 45°29'09" West, a distance of 371.72 feet to a point at the beginning of a tangent curve to the right having a central angle of 89°18'13", a radius of 51.13 feet, a chord bearing and distance of North 89°51'45" West, 71.87 feet; said point being at the east end of a circular corner clip at the intersection of said northwest right-of-way line of Hawes Street and said northeast right-of-way line of Forest Park Road;

THENCE in a westerly direction, with said circular corner clip and said curve to the right, an arc distance of 79.70 feet to the west end of said circular corner clip;

THENCE with said northeast right-of-way line of Forest Park Road, the following courses and distances:

North 45°23'53" West, a distance of 222.29 feet to an angle point;

North 37°52'28" West, a distance of 195.47 feet to an angle point;

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North 38°08'05" West, a distance of 54.00 feet to an angle point;

North 31°24'49" West, a distance of 102.72 feet to a point at the south corner of a tract of land being described in Special Warranty Deed with Vendor's Lien to BFH, LTD. recorded in Volume 97029, Page 3795 of said Deed Records;

THENCE departing said northeast right-of-way line of Forest Park Road, with the southeast line of said BFH, LTD. tract, North 44°06'38" East, a distance of 411.30 feet to an angle point;

THENCE continuing with said southeast line of the BFH, LTD. tract, North 44°43'00" East, a distance of 302.01 feet to the east corner of said BFH, LTD. tract;

THENCE with the northeast line of said BFH, LTD. tract, North 45°13'36" West, passing at a distance of 110.43 feet the northernmost corner of said BFH, LTD. tract recorded in Volume 97029, Page 3795 and the east corner of a tract of land described in Special Warranty Deed to BFH, LTD. recorded in Instrument No. 20080003338 of said Official Public Records, continuing along the northeast line of said BFH, LTD. tract recorded in Instrument No. 20080003338, in all a total distance of 392.10 feet to the north corner said BFH, LTD. tract recorded in Instrument No. 20080003338; said point also being in the southeast right-of-way line of Empire Central (a 50-foot wide right-of-way);

THENCE with said southeast right-of-way line of Empire Central, North 44°25'39" East, passing at a distance of 167.31 feet the intersection of said southeast right-of-way line of Empire Central and the southwest line of said 10-foot wide alley across Block B/2367, continuing in all a total distance of 177.31 feet to the intersection of said southeast right-of-way line of Empire Central and the northeast line of said 10-foot wide alley across Block B/2367;

THENCE with said northeast line of the 10-foot wide alley across Block B/2367, South 45°10'33" East, a distance of 300.32 feet to the east end of the southeast terminus of said 10-foot wide alley and the south corner of Lot 4, Block B/2367 of said Heartsill Addition;

THENCE with the southeast line of said Lot 4, Block B/2367, North 43°45'13" East, a distance of 100.00 feet to the east corner of said Lot 4, Block B/2367; said point also being in the southwest right-of-way line of Mohawk Street (a 50-foot wide right-of-way);

THENCE with said southwest right-of-way line of Mohawk Street, South 45°13'57" East, a distance of 25.00 feet to the south end of the southeast terminus of Mohawk Street;

THENCE with said southeast terminus of Mohawk Street, North 43°51'03" East, a distance of 50.01 feet to the east end of said southeast terminus of Mohawk Street; said point also being the south corner of Lot 4, Block A/2367 of said Heartsill Addition and in the southwest line of a tract of land described in Warranty Deed to City of Dallas recorded in Volume 81201, Page 1192 of said Deed Records;

THENCE with said southwest line of the City of Dallas tract, South 45°11'57" East, a distance of 100.00 feet to the south corner of said City of Dallas tract;

THENCE with the southeast line of said City of Dallas tract, North 43°51'03" East, a distance of 107.49 feet to the east corner of said City of Dallas tract; said point also being in the southwest

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line of a tract of land described in Warranty Deed to Bill Booziotis recorded in Volume 84046, Page 2529 of said Deed Records;

THENCE with said southwest line of the Bill Booziotis tract, South 45°11'57" East, a distance of 291.54 feet to the south corner of said Bill Booziotis tract and the west corner of that tract of land described as Tract 3 in said Special Warranty Deed to Mockingbird Venture Partners, L.L.C.;

THENCE with the southwest line of said Tract 3, South 45°00'12" East, a distance of 351.42 feet to the south corner of said Tract 3;

THENCE with the southeast line of said Tract 3, North 45°33'19" East, a distance of 157.21 feet to the south corner of a tract of land described in Special Warranty Deed to Dallas Power & Light Company (D.P.&L.) recorded in Volume 85080, Page 4483 of said Deed Records;

THENCE with the southeast line of said D.P.&L. tract, North 45°19'03" East, a distance of 300.44 feet to the east corner of said D.P.&L. tract; said point also being in said southwest right-of-way line of Maple Avenue;

THENCE with said southwest right-of-way line of Maple Avenue, South 46°36'32" East, a distance of 150.00 feet to the north corner of a tract of land described in Warranty Deed with Vendor's Lien to 6627 Maple Avenue Partners recorded in Volume 89223, Page 365 of said Deed Records;

THENCE departing said southwest right-of-way of Maple Avenue, with the northwest line of said 6627 Maple Avenue Partners tract, South 45°14'39" West, a distance of 321.00 feet to the west corner of said 6627 Maple Avenue Partners tract;

THENCE with the southwest line of said 6627 Maple Avenue Partners tract, South 44°37'11" East, a distance of 200.00 feet to the south corner of said 6627 Maple Avenue Partners tract; said point also being in the northwest line of a tract of land described in Special Warranty Deed with Vendor's Lien to Greenway-Mockingbird, L.P. recorded in Instrument No. 200600441187 of said Official Public Records;

THENCE with said northwest line of said Greenway-Mockingbird, L.P. tract, South 45°16'38" West, a distance of 288.95 feet to the west corner of said Greenway-Mockingbird, L.P. tract;

THENCE with the southwest line of the Greenway-Mockingbird, L.P. tract, South 45°34'23" East, a distance of 214.00 feet to the south corner of said Greenway-Mockingbird, L.P. tract; said point also being in said northwest right-of-way line Mockingbird Lane;

THENCE with said northwest right-of-way line of Mockingbird Lane, South 46°27'54" West, a distance of 609.83 feet to the **POINT OF BEGINNING** and containing 31.07 acres of land.

SUBDISTRICT I

BEING a tract of land situated in the Miles Bennett Survey, Abstract No. 52, Dallas County, Texas and in City of Dallas Block 2368 of the Official Block Numbers of the City of Dallas; and being part of Lots 1, 2 & 7, Block B/2368, Forest Park, an addition to Dallas County, according to the plat recorded in Volume 241, Page 41 of the Map Records of Dallas County, Texas; and

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being all of Lot 2-A, Block B/2368, Swif-T Addition, an addition to the City of Dallas, according to plat recorded in Volume 85074, Page 4646 of the Deed Records of Dallas County, Texas; and being all of those tracts of land described as Tracts 1, 4, 5, 6, 7 and 8 in Special Warranty Deed to Mockingbird Venture Partners, L.L.C recorded in Instrument No. 200900077070 of the Official Public Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at the east end of a right-of-way corner clip at the intersection of the northwest right-of-way line of Mockingbird Lane (a variable width right-of-way, 100-foot wide at this point) and the northeast right-of-way line of Forest Park Road (a variable width right-of-way, 60-foot wide at this point);

THENCE with said right-of-way corner clip, North 89°54'49" West, a distance of 14.48 feet to the west end of said right-of-way corner clip;

THENCE with said northeast right-of-way line of Forest Park Road, the following courses and distances:

North 46°16'18" West, a distance of 96.08 feet to an angle point;

North 46°07'02" West, a distance of 150.44 feet to an angle point;

North 46°18'39" West, a distance of 299.66 feet to the west corner of said Lot 2, Block B/2368;

THENCE with the northwest line of said Lot 2, Block B/2368, North 45°33'19" East, at a distance of 626.14 feet passing the north corner of said Lot 2, Block B/2368 and the west corner of said Lot 1, Block B/2368, continuing with the northwest line of said Lot 1, Block B/2368, in all a total distance of 936.30 feet to the south corner of a tract of land described in Special Warranty Deed to Dallas Power & Light Company (D.P.&L.) recorded in Volume 85080, Page 4483 of said Deed Records;

THENCE with the southeast line of said D.P.&L. tract, North 45°19'03" East, a distance of 300.44 feet to the east corner of said D.P.&L. tract; said point also being in the southwest right-of-way line of Maple Avenue (a 60-foot wide right-of-way);

THENCE with said southwest right-of-way line of Maple Avenue, South 46°36'32" East, a distance of 150.00 feet to the north corner of a tract of land described in Warranty Deed with Vendor's Lien to 6627 Maple Avenue Partners recorded in Volume 89223, Page 365 of said Deed Records;

THENCE departing said southwest right-of-way of Maple Avenue, with the northwest line of said 6627 Maple Avenue Partners tract, South 45°14'39" West, a distance of 321.00 feet to the west corner of said 6627 Maple Avenue Partners tract;

THENCE with the southwest line of said 6627 Maple Avenue Partners tract, South 44°37'11" East, a distance of 200.00 feet to the south corner of said 6627 Maple Avenue Partners tract; said point also being in the northwest line of a tract of land described in Special Warranty Deed with Vendor's Lien to Greenway-Mockingbird, L.P. recorded in Instrument No. 200600441187 of said Official Public Records;

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THENCE with said northwest line of said Greenway-Mockingbird, L.P. tract, South 45°16'38" West, a distance of 288.95 feet to the west corner of said Greenway-Mockingbird, L.P. tract;

THENCE with the southwest line of the Greenway-Mockingbird, L.P. tract, South 45°34'23" East, a distance of 214.00 feet to the south corner of said Greenway-Mockingbird, L.P. tract; said point also being in said northwest right-of-way line Mockingbird Lane;

THENCE with said northwest right-of-way line of Mockingbird Lane, South 46°27'54" West, a distance of 609.83 feet to the **POINT OF BEGINNING** and containing 11.47 acres of land.

SUBDISTRICT 2A

BEING a tract of land situated in the Miles Bennett Survey, Abstract No. 52, Dallas County, Texas and in City of Dallas Block 2367 of the Official Block Numbers of the City of Dallas; and being all of those tracts of land described as Tracts 2, 9, 10 and part of that tract described as Tract 11 in Special Warranty Deed to Mockingbird Venture Partners, L.L.C. recorded in Instrument No. 200900077070 of the Official Public Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at the east end of a circular right-of-way corner clip at the intersection of the northwest right-of-way line of Hawes Street (a variable width right-of-way, 50-feet wide at this point) and the northeast right-of-way line of Forest Park Road (a variable width right-of-way, 40-feet wide at this point); said point being the beginning of a curve to the right having a central angle of 89°18'13", a radius of 51.13 feet, a chord bearing and distance of North 89°51'45" West, 71.87 feet;

THENCE in a westerly direction, with said circular right-of-way corner clip and said curve to the right, an arc distance of 79.70 feet to the west end of said circular right-of-way corner clip;

THENCE with said northeast right-of-way line of Forest Park Road, the following courses and distances:

North 45°23'53" West, a distance of 222.29 feet to an angle point;

North 37°52'28" West, a distance of 195.47 feet to an angle point;

North 38°08'05" West, a distance of 54.00 feet to an angle point;

North 31°24'49" West, a distance of 102.72 feet to the south corner of a tract of land being described in Special Warranty Deed with Vendor's Lien to BFH, LTD. recorded in Volume 97029, Page 3795 of the Deed Records of Dallas County, Texas;

THENCE departing said northeast right-of-way line of Forest Park Road, with the southeast line of said BFH, LTD. tract, North 44°06'38" East, a distance of 411.30 feet to an angle point;

THENCE continuing with said southeast line of the BFH, LTD. tract, North 44°43'00" East, a distance of 302.01 feet to the east corner of said BFH, LTD. tract;

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THENCE North 49°56'19" East, a distance of 328.31 feet to the south corner of a tract of land described in Warranty Deed to City of Dallas recorded in Volume 81201, Page 1192 of said Deed Records;

THENCE with the southeast line of said City of Dallas tract, North 43°51'03" East, a distance of 107.49 feet to the east corner of said City of Dallas tract; said point also being in the southwest line of a tract of land described in Warranty Deed to Bill Booziotis recorded in Volume 84046, Page 2529 of said Deed Records;

THENCE with said southwest line of the Bill Booziotis tract, South 45°11'57" East, a distance of 291.54 feet to the south corner of said Bill Booziotis tract; said point also being the west corner of that tract of land described as Tract 3 in said Special Warranty Deed to Mockingbird Venture Partners, L.L.C.;

THENCE, with the southwest line of said Tract 3, South 45°00'12" East, a distance of 351.42 feet to the south corner of said Tract 3; said point also being in the northwest line of Lot 1, Block B/2368, Forest Park, an addition to Dallas County, according to the plat recorded in Volume 241, Page 41 of the Map Records of Dallas County, Texas;

THENCE with the northwest line of said Lot 1, Block B/2368, South 45°33'19" West, at a distance of 152.95 feet passing the west corner of said Lot 1, Block B/2368 and the north corner of Lot 2, Block B/2368 of said Forest Park addition, continuing with the northwest line of said Lot 2, Block B/2368, in all a total distance of 779.09 feet to the west corner of said Lot 2, Block B/2368; said point also being in said northeast right-of-way line of Forest Park Road (60-foot wide at this point);

THENCE with said northeast right-of-way line of Forest Park Road, North 46°18'39" West, a distance of 29.85 feet to the intersection of said northeast right-of-way line of Forest Park Road and said northwest right-of-way line of Hawes Street;

THENCE with said northwest right-of-way line of Hawes Street, South 45°29'09" West, a distance of 371.72 feet to the **POINT OF BEGINNING** and containing 17.60 acres of land.

SUBDISTRICT 2B

BEING a tract of land situated in the Miles Bennett Survey, Abstract No. 52, Dallas County, Texas and in City of Dallas Block 2367 of the Official Block Numbers of the City of Dallas; and being part of that tract of land described as Tract 11 in Special Warranty Deed to Mockingbird Venture Partners, L.L.C recorded in Instrument No. 200900077070 of the Official Public Records of Dallas County, Texas; and being all of a 10-foot wide alley across Block B/2367, Heartsill Addition, an addition to the City of Dallas, according to the plat recorded in Volume 10, Page 269 of said Map Records; and being more particularly described as follows:

BEGINNING at the intersection of the southeast right-of-way line of Empire Central (a 50-foot wide right-of-way) and the northeast line of said 10-foot wide alley across Block B/2367;

THENCE with said northeast line of the 10-foot wide alley across Block B/2367, South 45°10'33" East, a distance of 300.32 feet to the east end of the southeast terminus of said 10-foot wide alley and the south corner of Lot 4, Block B/2367 of said Heartsill Addition;

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THENCE with the southeast line of said Lot 4, Block B/2367, North 43°45'13" East, a distance of 100.00 feet to the east corner of said Lot 4, Block B/2367; said point also being in the southwest right-of-way line of Mohawk Street (a 50-foot wide right-of-way);

THENCE with said southwest right-of-way line of Mohawk Street, South 45°13'57" East, a distance of 25.00 feet to the south end of the southeast terminus of Mohawk Street;

THENCE with said southeast terminus of Mohawk Street, North 43°51'03" East, a distance of 50.01 feet to the east end of said southeast terminus of Mohawk Street; said point also being the south corner of Lot 4, Block A/2367 of said Heartsill Addition and in the southwest line of a tract of land described in Warranty Deed to City of Dallas recorded in Volume 81201, Page 1192 of the Deed Records of Dallas County, Texas;

THENCE with said southwest line of the City of Dallas tract, South 45°11'57" East, a distance of 100.00 feet to the south corner of said City of Dallas tract;

THENCE South 49°56'19" West, a distance of 328.31 feet to the east corner of a tract of land being described in Special Warranty Deed with Vendor's Lien to BFH, LTD. recorded in Volume 97029, Page 3795 of said Deed Records;

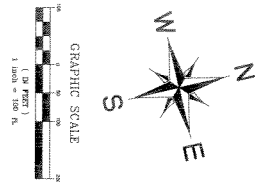
THENCE with the northeast line of said BFH, LTD. tract, North 45°13'36" West, passing at a distance of 110.43 feet the northernmost corner of said BFH, LTD. tract recorded in Volume 97029, Page 3795 and the east corner of a tract of land described in Special Warranty Deed to BFH, LTD. recorded in Instrument No. 20080003338 of said Official Public Records, continuing along the northeast line of said BFH, LTD. tract recorded in Instrument No. 20080003338, in all a total distance of 392.10 feet to the north corner said BFH, LTD. tract recorded in Instrument No. 20080003338; said point also being in said southeast right-of-way line of Empire Central;

THENCE with said southeast right-of-way line of Empire Central, North 44°25'39" East, passing at a distance of 167.31 feet the intersection of said southeast right-of-way line of Empire Central and the southwest line of said 10-foot wide alley across Block B/2367, continuing in all a total distance of 177.31 feet to the **POINT OF BEGINNING** and containing 2.00 acres of land.

Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202.

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.

Approved
City Plan Commission
May 2, 2013



SUBDISTRICT	MAXIMUM STRUCTURE HEIGHT
I	95 FEET*
II-A	90 FEET
II-B	65 FEET

*HEIGHT RESTRICTED ZONE 150' BACK FROM
MOCKINGBIRD 50 FEET. SEE PLAN FOR AREA
LOCATION

ZONING CASE Z123-177

Kimley-Horn
and Associates, Inc.