

6-25-14

ORDINANCE NO. 29390

An ordinance changing the zoning classification on the following property:

BEING Lots 6 through 9 in City Block 308; fronting approximately 200 feet on the northwest line of Live Oak Street; and containing approximately 0.92 acres,

from Subarea 10 within Planned Development District No. 298 (Bryan Area Special Purpose District) to Subarea 10B within Planned Development District No. 298; amending Article 298, "PD 298," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by amending the creation of subareas regulations, development plans regulations, landscaping regulations, maximum heights regulations, setbacks regulations, maximum coverage regulations, parking requirements, and floor area ratio and floor area regulations in Sections 51P-298.104, 51p-298.105.1, 51P-298.106, 51P-298.110, 51P-298.112, 51P-298.113, 51P-298.115, and 51P-298.116 of Article 298; providing an Exhibit 298A (subarea boundary map); providing a development plan for Subarea 10B; 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 rezoning of the property described in this ordinance; and

WHEREAS, the city council finds that it is in the public interest to amend Article 298 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 Subarea 10 within Planned Development District No. 298 to Subarea 10B within Planned Development District No. 298 on the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”).

SECTION 2. That Section 51P-298.103.1,” Exhibits,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

**“SEC. 51P-298.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 298A: subarea boundary map.
- (2) Exhibit 298B: Subarea 9 requirements.
- (3) Exhibit 298C: major street and pedestrian linkage systems.
- (4) Exhibit 298D: standard construction details for barrier free ramps.
- (5) Exhibit 298E: use chart.
- (6) Exhibit 298F: property descriptions for portions of Subareas 1, 3, and 4.
- (7) Exhibit 298G: development plan for Subarea 11.
- (8) Exhibit 298I: master parking and floor area plan for the Baylor Expanded District.
- (9) Exhibit 298I-1: master parking and floor area plan supplement for the Baylor Expanded District.
- (10) Exhibit 298I-2: total floor area tabulation form for the Baylor Expanded District.
- (11) Exhibit 298J: tabulation of total floor area in Subarea 12A.
- (12) Exhibit 298K: development plan for Subarea 10B.”

SECTION 3. That Section 51P-298.104, "Creation of Subareas," of Article 298, "PD 298," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

**"SEC. 51P-298.104. CREATION OF SUBAREAS.**

A map showing the boundaries of the 18[17] subareas of the Bryan Area SPD is provided as Exhibit 298A."

SECTION 4. That Section 51P-298.105.1, "Development Plans," of Article 298, "PD 298," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

**"SEC. 51P-298.105.1. DEVELOPMENT PLANS.**

(a) Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development and use of Subarea 11 must comply with the development plan for Subarea 11 (Exhibit 298G).

(c) Development and use of Subarea 10B must comply with the development plan for Subarea 10B (Exhibit 298K). If there is a conflict between the text of this article and the development plan for Subarea 10B, the text of this article controls."

SECTION 5. That section 51P-298.106, "Landscaping," of Article 298, "PD 298," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

**"SEC. 51P-298.106. LANDSCAPING.**

(a[1]) General requirements. The landscaping provisions of Article X apply in the Bryan Area SPD. The following additional requirements apply in all subareas except Subareas 1A, 6, and 9. Compliance with previously approved landscape plans is not required.

(b[2]) Street trees.

(1[A]) Location, number, and type of trees required.

(A[i]) Except as provided in this subsection, e[E]ach building site must have at least one tree located within the tree planting zone. A tree is not considered located within the tree planting zone unless its trunk is entirely within the zone.

(B[ii]) The number of trees required is calculated by dividing the number of feet or lot frontage by 30 for property abutting pedestrian linkage streets and by 50 in all other cases. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number.

(C[iii]) All required trees must be recommended for local area use by the director of parks and recreation and must be "canopy trees" and "large trees" as defined in Article X.

(D) In Subarea 10B, street trees are not required along Carmel Street.

(2[B]) Minimum tree height and trunk caliper. Required trees must have a minimum height of 15 feet, and a minimum trunk caliper of four inches.

(3[C]) Tree spacing requirements. Required trees must be spaced as uniformly as practicable. The center of a trunk of a required tree, measured at grade, must be within the following distance of the center of the trunk of another required tree, measured at grade:

(A[i]) Thirty feet along pedestrian linkage streets, as shown in Exhibit 298C.

(B[ii]) Fifty feet along all other streets.

(4[D]) Tree grates required in sidewalks. Tree grates must be provided for all trees within a public sidewalk. These tree grates must:

(A[i]) conform to city standards and specifications; and

(B[ii]) be large enough to permit healthy tree growth.

(5[E]) Points for street trees. Each tree provided in accordance with Paragraph (3[C])(A[i]) is awarded eight points. Each tree provided in accordance with Paragraph (C)(ii) is awarded six points.

(c[3]) Front yard landscaping and parkway landscaping.

(1[A]) Three points will be awarded if, along pedestrian linkage streets, enhanced paving is provided in at least 50 percent of the area between the main structure and the curb, or if ground cover is provided in 25 percent of this area.

(2[B]) Building sites along pedestrian linkage streets must achieve at least one-half of their landscaping credits in the area between the main structure and the curb.

(d[4]) Sidewalks.

(1[A]) Where the director of public works and transportation determines that sufficient right-of-way exists, sidewalks must be a minimum of eight feet in width for pedestrian linkage streets and, except as provided in this subsection, six feet in width in all other cases. If the director of public works and transportation determines that the foregoing standard cannot be satisfied within existing right-of-way, a sidewalk must be no less than four feet in width.

(2[B]) Barrier free ramps, as shown on Drawing No. 1007 of the department of public works and transportation "Standard Construction Details" (Exhibit 298D), must be provided in the Bryan Area SPD.

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(e[5]) Pedestrian amenities.

(1[A]) Three points will be awarded for pedestrian scale lighting. To qualify as pedestrian scale lighting, lighting must:

(A[i]) provide a minimum of 1.5 footcandles; and

(B[ii]) be mounted at a height no greater than 14 feet.

(2[B]) A building site located in Subarea 3 must achieve at least two points in the parkway fronting the pedestrian linkage streets through the use of pedestrian scale lighting or pedestrian facilities as described in Section 51A-10.107(f)(2).

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(f[6]) Parkway landscape permit.

(1[A]) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or pavement [other than for the sidewalk required under Paragraph (4) of this section] in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the construction and planting proposed.

(2[B]) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise, he shall deny the permit.

(3[€]) A property owner is not required to comply with any parkway landscaping requirement of this subsection if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4[Ð]) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5[£]) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of way.”

SECTION 6. That Section 51P-298.110, “Maximum Heights,” of Article 298, “PD 298,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

**“SEC.51P-298.110. MAXIMUM HEIGHTS.**

Unless further restricted under Sections 51P-298.107(b) and 51P-298.109, maximum structure heights for each subarea within the Bryan Area SPD arc as follow:

<u>Subarea</u>	<u>Maximum Structure Height (in feet)</u>
<b>1, 1A, and 1B</b>	<b>120</b>
<b>3</b>	<b>160</b>
<b>4</b>	<b>54</b>
<b>5</b>	<b>270</b>
<b>6</b>	<b>36-40</b>
<b>7</b>	<b>39</b>
<b>8</b>	<b>100</b>
<b>10, <del>and</del> 10 A, and 10B</b>	<b>100</b>
<b>11 and 11A</b>	<b>100</b>
<b>12 and 12A</b>	<b>160</b>
<b>13</b>	<b>54”</b>

SECTION 7. That Section 51P-298.112, “Setbacks,” of Article 298, “PD 298,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

**“SEC.51P-298.112. SETBACKS.**

(a[1]) Front yard.

(1[A]) Except as provided in this paragraph, the minimum front yard setback is five feet in all subareas.

(2[B]) No minimum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(3[C]) Except as provided in this paragraph, the maximum front yard setback is 15 feet in Subareas 1, 1A, 1B, 3, 4, 5, 8, 10, 10A, 12, and 13 in front yards fronting on Pedestrian Linkage Streets as shown on Exhibit 298C.

(4[D]) No maximum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(5[E]) Maximum front yard setback is 25 feet in Subareas 6 and 7.

(6[F]) No maximum front yard setback is required in Subareas 11A and 12A.

(b[2]) Side yard.

(1[A]) Except as provided in this paragraph, no side yard setback is required in Subareas 1, 1A, 1B, 3, 4, 5, 7, 8, 10, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.

(2[B]) No side yard setback is required in Subarea 6; however, if a side yard setback is provided, it must be a minimum of five feet.

(3[C]) No side yard setback is required in Subareas 10A, 10B, 11A, and 12A.

(4[D]) No side yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(c[3]) Rear yard. The minimum rear yard setback is five feet in all subareas.”

SECTION 8. That Section 51P-298.113, “Maximum Coverage,” of Article 298, “PD 298,” Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

**“SEC. 51P-298.113. MAXIMUM COVERAGE.**

Unless further restricted under Section 51P-298.107(b), maximum lot coverages in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Lot Coverage (percent)</u>
<b>1, 1A, and 1B</b>	<b>90</b>
<b>3</b>	<b>70*</b>
	<b>80***</b>
<b>4</b>	<b>90</b>
<b>5</b>	<b>90</b>
<b>6</b>	<b>80</b>
<b>7</b>	<b>70*</b>
	<b>90**</b>
<b>8</b>	<b>70*</b>
	<b>80***</b>
<b>10, <del>and</del> 10A, and 10B</b>	<b>90</b>
<b>11 and 11A</b>	<b>70*</b>
	<b>80***</b>
<b>12 and 12A</b>	<b>90</b>
<b>13</b>	<b>90</b>

**\*Applies if less than one-half of the floor area of the structure is occupied by residential uses.**

**\*\* Applies if at least one-half of the floor area of the structure is occupied by residential uses.**

**\*\*\*Applies if at least 10 percent of the floor area of the structure is occupied by residential uses.”**

SECTION 9. That Section 51P-298.115, “Parking Requirements,” of Article 298, “PD 298,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to add Subsection (c), “Special Parking Provisions for Subarea 10B,” to read as follows:

**“(c) Special parking provisions for Subarea 10B.**

**(1) Enclosed garages fronting Carmel Street may be located within five feet of the Property line, and must be equipped with automatic garage doors that are maintained in working order at all times.**

**(2) The visual obstruction regulations in Section 51A-4.602(d) do not apply to dwelling units fronting on Carmel Street.**



(3) Dwelling units fronting on Carmel Street do not count toward any guest parking requirements.

(4) Along Carmel Street, at no time may the areas in front of the enclosed garages be used for parking of vehicles.

(5) Along Carmel Street, in front of the dwelling units shown on the development plan, no parking is allowed, and "No Parking" signs must be provided in accordance with the standard city specifications and completed to the satisfaction of the director of public works and transportation.

(6) A total of 10 guest parking spaces are required for Subarea 10B.

(i) The guest parking spaces must comply with the dimensional requirements of the Dallas Development Code.

(ii) Six guest parking spaces must be located on the Property.

(iii) Four guest parking spaces may be located in the Live Oak Street right-of-way, immediately adjacent to Subarea 10B."

SECTION 10. That Section 51P-298.116, "Floor Area Ratio and Floor Area," of Article 298, "PD 298," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

**"SEC. 51P-298.116. FLOOR AREA RATIO AND FLOOR AREA.**

(a) Maximum floor area ratios in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Floor Area Ratio</u>
1,1A, and 1B	4:1
3	4:1
4	2:1
5	4:1
6	None
7	3:1*
	2:1**
8	2.5:1
<b>10, [and] 10A, and 10B</b>	<b>3:1</b>
<b>11 and 11A</b>	<b>2.5:1</b>

12 and 12A  
13

4:1  
2:1

**\* Applies if at least one-half of the floor area of the structure is occupied by residential uses.**

**\*\*Applies in all other cases.**

(b) The maximum total floor area permitted in Subarea 12A is 1,334,848 square feet.”

SECTION 11. That pursuant to Section 51A-4.701 of Chapter 51A of 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 12. That the Exhibit 298A (subarea boundary map) of Article 298, “PD 298,” of Chapter 51P of the Dallas City Code is replaced by the Exhibit 298A attached to this ordinance.

SECTION 13. That the development of this district must comply with the full-scale version of Exhibit 298 K (development plan for Subarea 10B) attached to this ordinance. A reduced-size 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 plans.

SECTION 14. That the building official shall not issue a building permit or a certificate of occupancy for a use on the property until there has been full compliance with the Dallas Development Code, the construction code, and all other ordinances, rules, and regulations of the city of Dallas.

SECTION 15. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

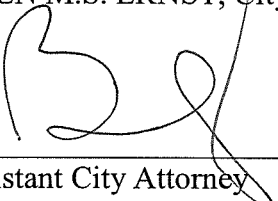
SECTION 16. That Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 17. 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 18. 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:

WARREN M.S. ERNST, City Attorney

By  \_\_\_\_\_  
Assistant City Attorney

Passed   JUN 25 2014

GIS Approved

EXHIBIT "A"

LEGAL DESCRIPTION

BEING a 0.9161 acre tract of land situated in the JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, City of Dallas, Dallas County, Texas and being all of Lots 6, 7, 8, and 9, Block 308 of the Building Association Ground Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 34, Page 306, Map Records, Dallas County, Texas and also being all of that tract of land conveyed by deed to Locksmith Lot Development, LP recorded in Volume 200600176623, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at 1/2 inch iron rod set for corner in the northwesterly right-of-way line of Live Oak Street (an 80' ROW) and being the east corner of said Lot 9 and also being the south corner of Live Oak Townhomes Addition, an addition to the City of Dallas, according to the plat thereof, recorded in Volume 2003016, Page 58, Plat Records, Dallas County, Texas (P R D C T),

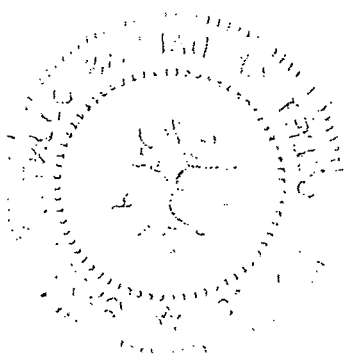
THENCE S 45 Deg 00 min 00 sec W, along the northwesterly right-of-way line of said Live Oak Street, a distance of 200.37 feet to a 1/2 inch iron rod set for corner and being the east corner of Lot 1A, Block 308 of Jefferson @ Bryan Place, an addition to the City of Dallas, according to the plat thereof recorded in Volume 98057, Page 63, P R D C T, and also being the south corner of said Lot 6,

62

THENCE N 45 deg 11 min 21 sec W, along the northeasterly line of said Lot 1A, a distance of 199.91 feet to a 1/2 inch iron rod set for corner in the southeasterly right-of-way line of Carmell Street (20' ROW) and being the east most northeast corner of said Lot 1A and also being the west corner of said Lot 6,

THENCE N 45 deg 00 min 00 sec E, along the southeasterly right-of-way line of said Carmell Street, a distance of 198.89 feet to a 1/2 inch iron rod set for corner and being the north corner of said Lot 9,

THENCE S 45 deg 36 min 52 sec E, passing at a distance of 5.00 feet the west corner of said Live Oak Townhome Addition and continuing along the southwestern line of said Live Oak Townhome Addition, a distance of 199.91 feet to the POINT OF BEGINNING and containing 39,905 sq. ft. or 0.9161 acres of land.

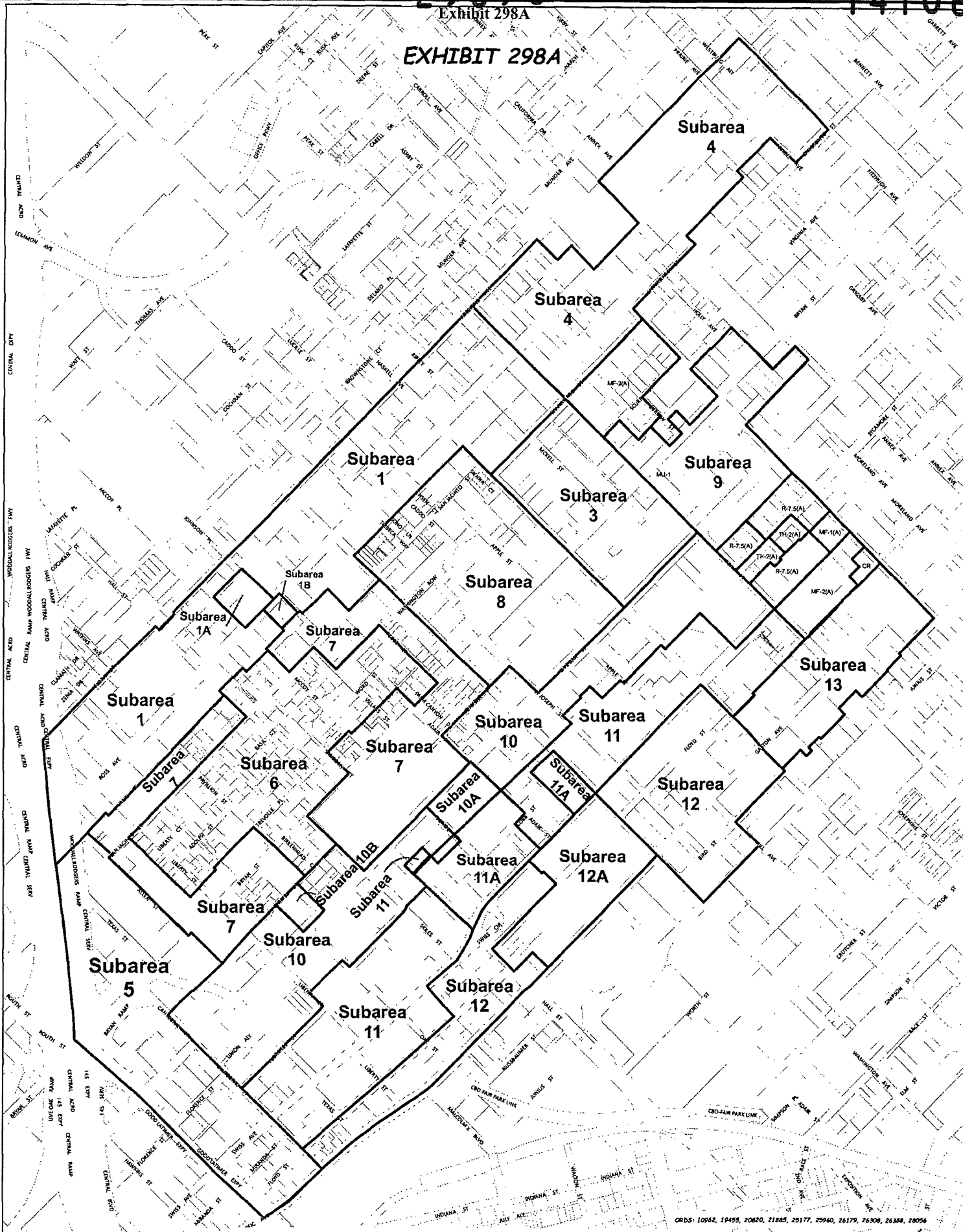


Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
10/28/2011 11:42:17 AM  
\$32.00  
201100283163



Exhibit 298A  
**EXHIBIT 298A**

141068



ORDS: 10962, 19459, 20620, 21885, 25177, 25960, 26179, 26306, 26388, 26056

**PD 298 Subarea Map**  
Contains 18 Subareas

Z134-150(WE) 1, 1A, 1B, 3, 4, 5, 6, 7, 8, 9, 10, 10A, 10B, 11, 11A, 12, 12A, 13  
(Exhibit 298A) Page 1 of 1  
No longer contains a Subarea 2



1:4,400  
211A.1A0

Dist. Plan. 8/16/2014

141068

29390

AS HABILITAT FOR HUMANITY, INC.  
VOLUME 95117, PAGE 020706  
D.R.D.C.T.

JOHN GRISBY SURVEY,  
ABSTRACT NO. 495

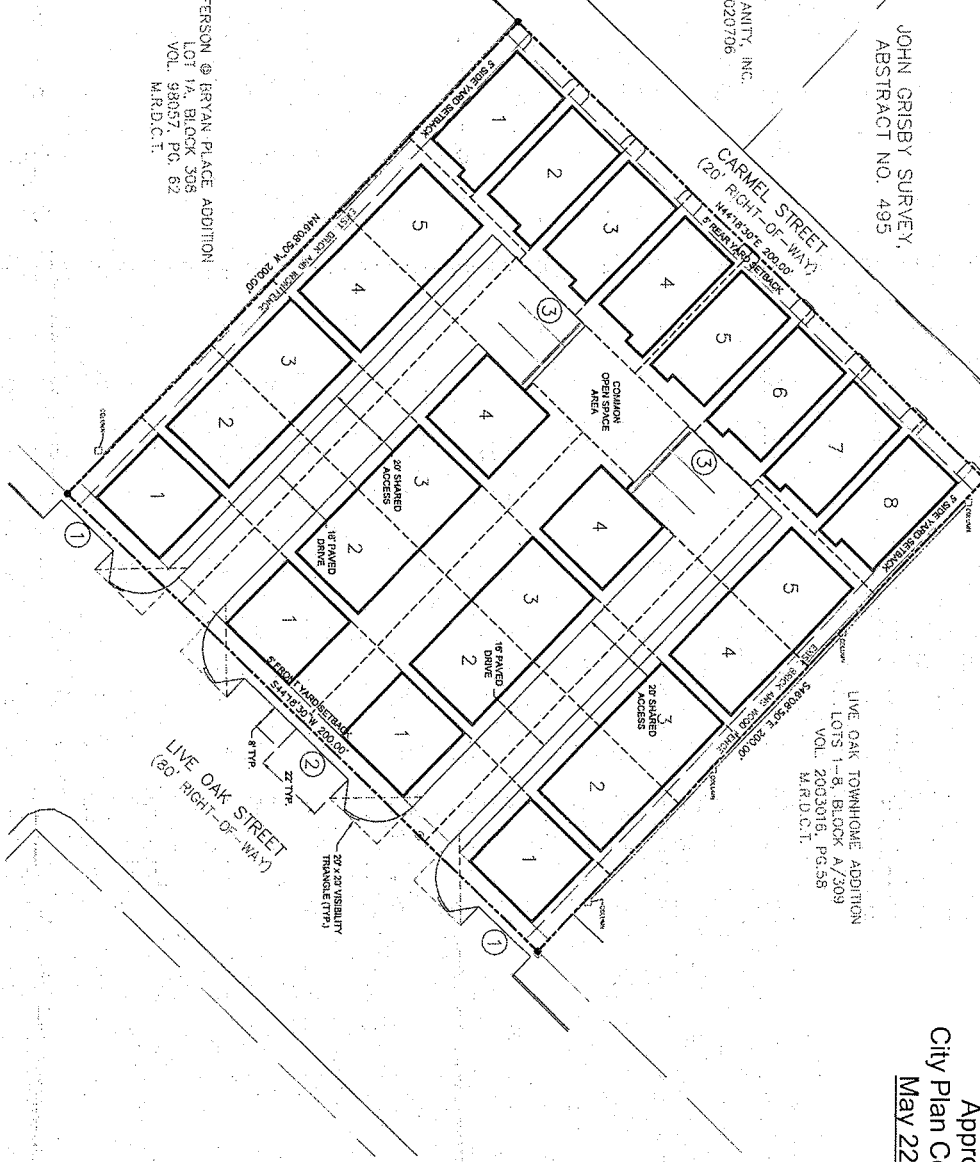
JEFFERSON @ BRYAN PLACE ADDITION  
LOT 1A, BLOCK 506  
VOL. 98057, PG. 82  
M.R.D.C.T.

CARMEL STREET  
(20' RIGHT-OF-WAY)  
17' FAVED DRIVE

LIVE OAK TOWNHOME ADDITION  
LOTS 1-8, BLOCK A/309  
VOL. 2003016, PG. 58  
M.R.D.C.T.

Development Plan, Subarea 10B  
Exhibit 298K  
Planned Development No. 298

Approved  
City Plan Commission  
May 22, 2014



DEVELOPMENT PLAN

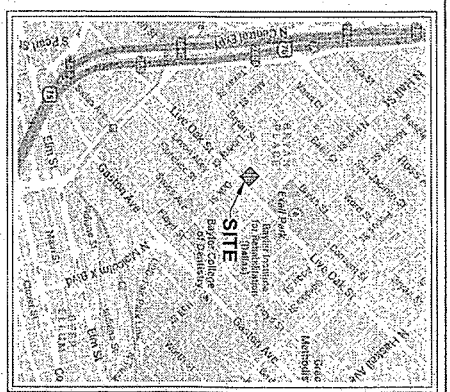
SCALE: 1" = 20'-0"



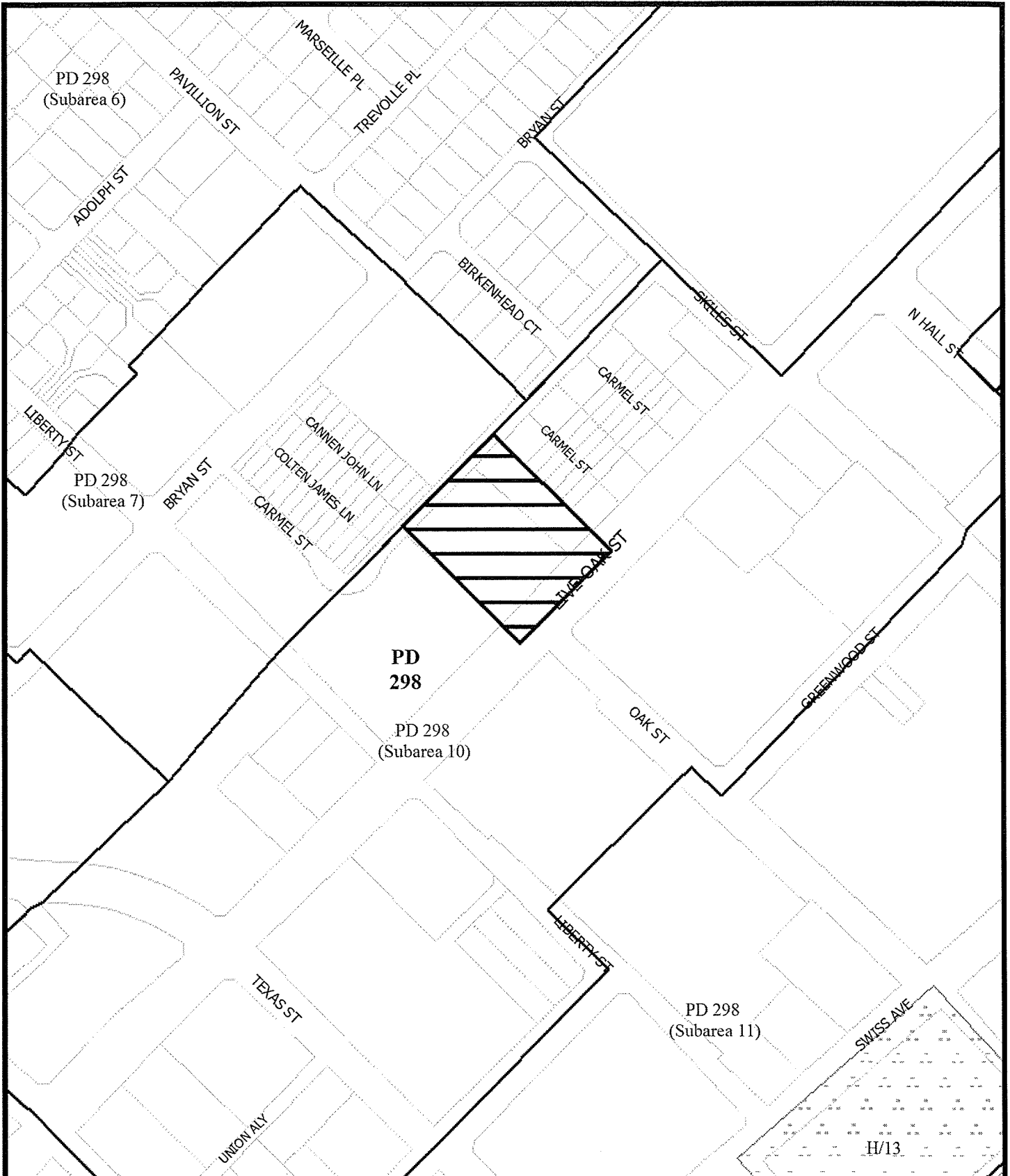
DEVELOPMENT PLAN  
LOT SIZE: 39,999 SQ. FT.  
NUM. OF LOTS: 26



VICINITY MAP  
NTS



Z134-150 (WE)

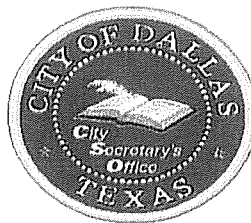


1:2,400

# ZONING MAP

Case no: Z134-150

Date: 1/24/2014



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL JUN 25 2014

ORDINANCE NUMBER 29390

DATE PUBLISHED JUN 28 2014

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose G. Liss".