

8-26-15

ORDINANCE NO. 29834

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 2341 1/2; fronting approximately 205 feet on the northwest line of Crestview Drive northeast of Hall Street; and containing approximately 0.649 acre, from an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193 (the Oak Lawn Special Purpose District) to Planned Development Subdistrict No. 118 within Planned Development District No. 193; amending Part II, "PD Subdistrict Regulations," of Article 193, "PD 193," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Division S-118; establishing use regulations and development standards for this planned development subdistrict; 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 subdistrict; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193 to Planned Development Subdistrict No. 118 within Planned Development District No. 193 on the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”).

SECTION 2. That Part II, “PD Subdistrict Regulations,” of Article 193, “PD 193,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Division S-118 to read as follows:

“Division S-118. PD Subdistrict 118.

SEC. S-118.101. LEGISLATIVE HISTORY.

PD Subdistrict 118 was established by Ordinance No. _____, passed by the Dallas City Council on August 26, 2015.

SEC. S-118.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 118 is established on property located at the northwest terminus of Crestview Drive, approximately 249 feet southwest of Lemmon Avenue. The size of PD Subdistrict 118 is 0.649 acre.

SEC. S-118.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division, SUBDISTRICT means a subdistrict of PD 193.

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

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

SEC. S-118.104. EXHIBIT.

The following exhibit is incorporated into this division: Exhibit S-118A: development/landscape plan.

SEC. S-118.105. DEVELOPMENT/LANDSCAPE PLAN.

(a) For a surface parking use, development and use of the Property must comply with the development/landscape plan (Exhibit S-118A). If there is a conflict between the text of this division and the development/landscape plan, the text of this division controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. S-118.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the MF-2 Multiple-Family Subdistrict, subject to the same conditions applicable in the MF-2 Multiple-Family Subdistrict, as set out in Part I of this article. For example, a use permitted in the MF-2 Multiple-Family Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the MF-2 Multiple-Family Subdistrict is subject to DIR in this subdistrict; etc.

(b) The following additional main use is permitted:

- Surface parking (*May not be used to satisfy off-street parking requirements*).

SEC. S-118.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-118.108. 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 Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

The yard, lot, and space regulations for the MF-2 Multiple-Family Subdistrict apply.

SEC. S-118.109. OFF-STREET PARKING AND LOADING.

Consult Part I of this article for the specific off-street parking and loading requirements for each use.

SEC. S-118.110. INGRESS AND EGRESS.

For a surface parking use, ingress and egress are prohibited from Crestview Drive.

SEC. S-118.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-118.112. LANDSCAPING.

(a) Except as provided in this section, landscaping and screening must be provided in accordance with Part I of this article.

(b) For a surface parking use, landscaping must be provided as shown on the development/landscape plan.

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

SEC. S-118.113. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. S-118.114. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) 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.

(c) Development and use of the Property must comply with Part I of this article.

SEC. S-118.115. 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, in this subdistrict until there has been full compliance with this division, 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 subdistrict must comply with the full-scale version of Exhibit S-118A (development/landscape 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 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Division S-118 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:

WARREN M.S. ERNST, City Attorney

By 
Assistant City Attorney

AUG 26 2015

Passed _____

LEGAL DESCRIPTION

BEING a tract of land situated in the City of Dallas, Dallas County, Texas, in the Crawford Grigsby Survey, Abstract No. 532, and also in City Block 2341 ½ (formerly plat as Block 5702) and being more particularly described as follows:

COMMENCING at the southeast corner of the Eagle II Addition, Lot 10, Block 8/5701, as recorded in Volume 94040, Page 2776, of the Deed Records of Dallas County, Texas (DRDCT), also being the northeast corner of the HI-LO LEMMON ADDITION as recorded in Volume 93197, Page 1176, (DRDCT); and also lying in the southwest right-of-way line of Lemmon Avenue (100' R.O.W.);

THENCE South 43 degrees 36 minutes 42 seconds West, leaving said southwest right-of-way line and along the north line of said HI-LO LEMMON ADDITION and south line of said EAGLE II Addition, a distance of 268.49 feet to the southwest corner of said EAGLE II Addition and the POINT OF BEGINNING;

THENCE South 43 degrees 36 minutes 42 seconds West, continuing along the north line of said HI-LO LEMMON ADDITION, a distance of 1.54 feet to a point for corner, said corner being in the east line of Lot 33, Block 2341-1/2 of the M.L. Day Subdivision, an addition to the City of Dallas, as recorded in Volume 2, Page 3 of the Map Records of Dallas County, Texas (MRDCT);

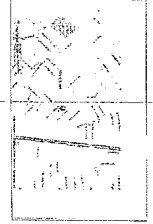
THENCE South 59 degrees 12 minutes 51 seconds East, a distance of 94.93 feet to a 1/2 inch iron rod found for corner at the southeast corner of said Lot 33 and also being in the Northwest right-of-way line of Crestview Drive (53' R.O.W.);

THENCE South 43 degrees 36 minutes 37 seconds West, leaving said east line and along said northwest right-of-way line of Crestview Drive, a distance of 205.00 feet to a point for corner, said corner being in the west line of Lot 31, Block 2341-1/2 of said M.L. Day Subdivision;

THENCE North 46 degrees 23 minutes 23 seconds West, leaving said northwest right-of-way line and along said west right-of-way line of Lot 31, a distance of 150.00 feet to a point for corner, said corner being the northwest corner of said Lot 31, Block 2341-1/2 of said M.L. Day Subdivision;

THENCE North 43 degrees 36 minutes 37 seconds East, leaving said west line of Lot 31 and along the northwest line of said M.L. Day Subdivision, a distance of 172.45 feet to a point for corner, said corner being the northeast corner of said Lot 33 and also being in the west line of said EAGLE II ADDITION;

THENCE South 59 degrees 09 minutes 32 seconds East, along said west line a distance of 58.89 feet to the POINT OF BEGINNING and containing 0.649 acres or 28,279.156 square feet of land more or less.



VICINITY MAP

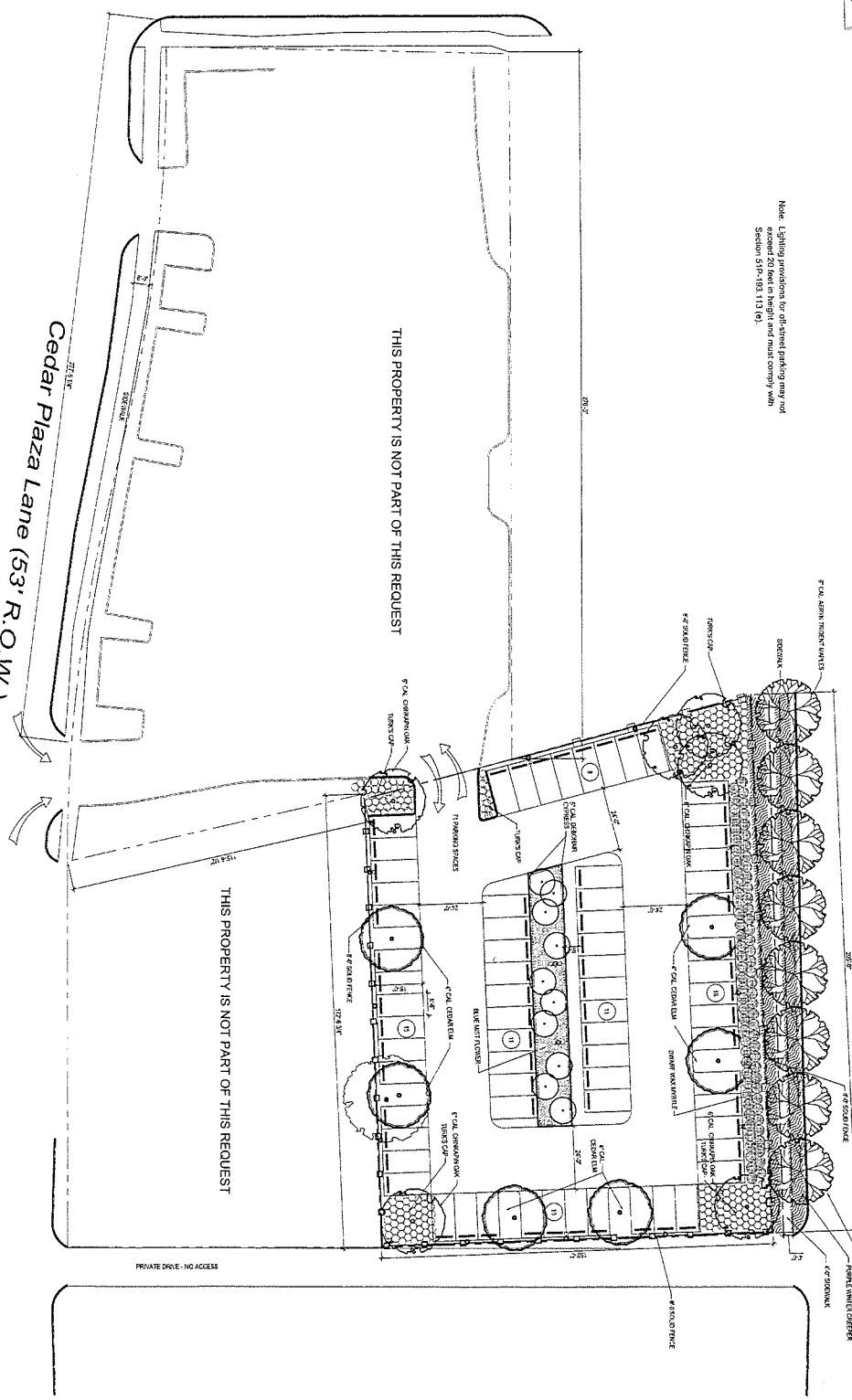
LEGEND
EXIST. ASPH. DRIVE
EXIST. DRIVE
LANDSCAPE PROPOSED
SCHEMATIC POSITION

Lemmon Avenue (100' R.O.W.)

Cedar Plaza Lane (53' R.O.W.)

Crestview Drive (53' R.O.W.)

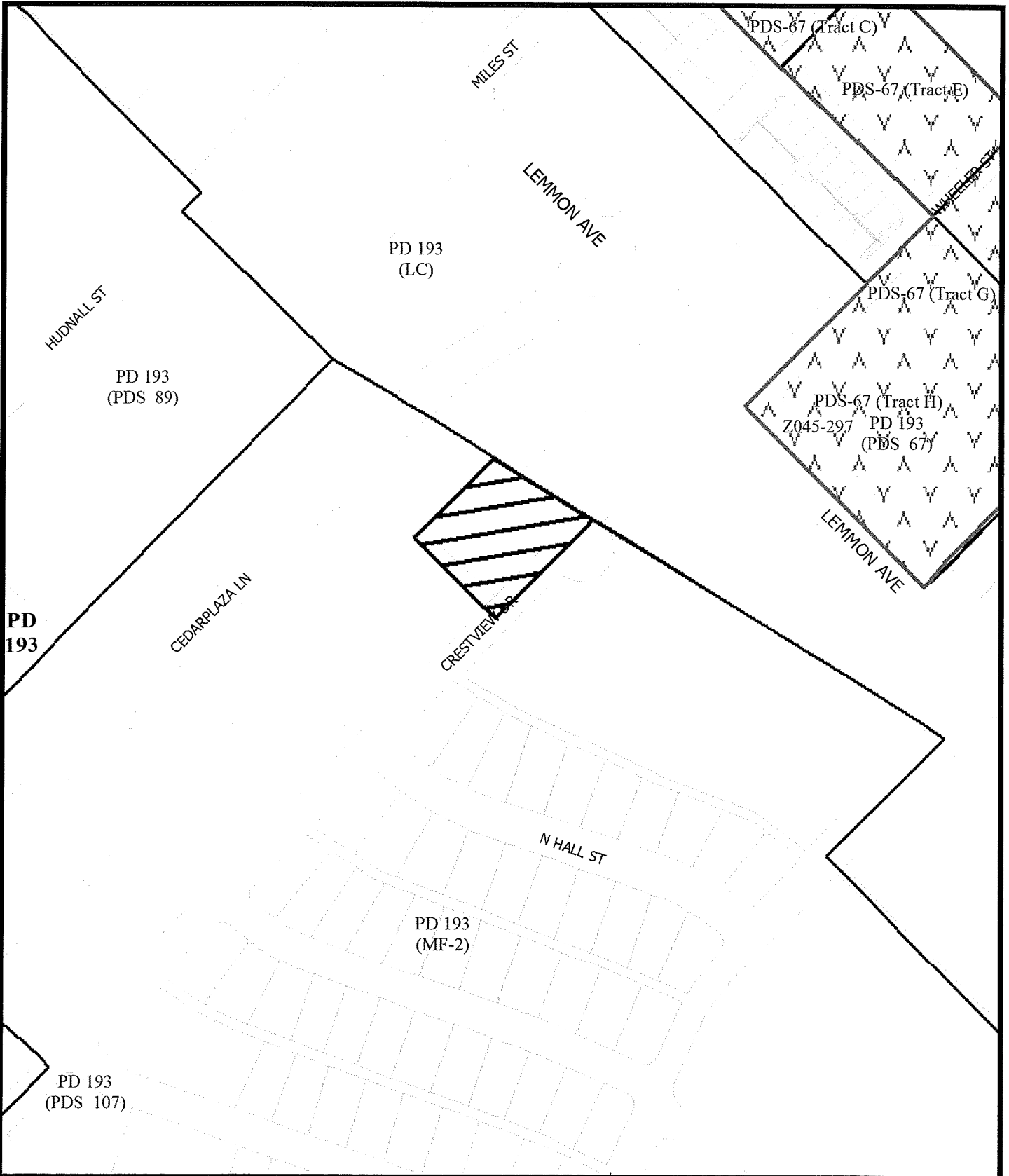
Note: Lighting provisions for off-street parking may not exceed 20 feet in height and must comply with Section 51P-083.113 (e)



01 DEVELOPMENT AND LANDSCAPE PLAN
 Development/Landscape Plan
 Exhibit S-118A
 PDD No. 193, PDS No. 118

2145 -271

<p>QUICK LUBE 5403 LEMMON AVE DALLAS, TEXAS 75209</p>	<p>NCA Partners ARCHITECTURE P L L C</p> <p>8008 LEBLANC ST SUITE 1100 DALLAS, TX 75243 214.774.2370 NCAARCHITECT.COM</p>	<p>PRELIMINARY THIS DOCUMENT SHALL NOT BE USED FOR REGISTRATION CONSULTATION, RESUBMIT MODIFICATION, OR OTHER PROJECT WORK</p> <p>NCA JOB # 14051</p>	<p>DATE</p> <p>DESCRIPTION</p>
--	--	--	--------------------------------



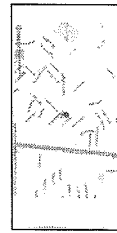
1:2,400

ZONING MAP

Case no: Z145-271

Date: 6/11/2015

CPC Recommended Development/Landscape Plan



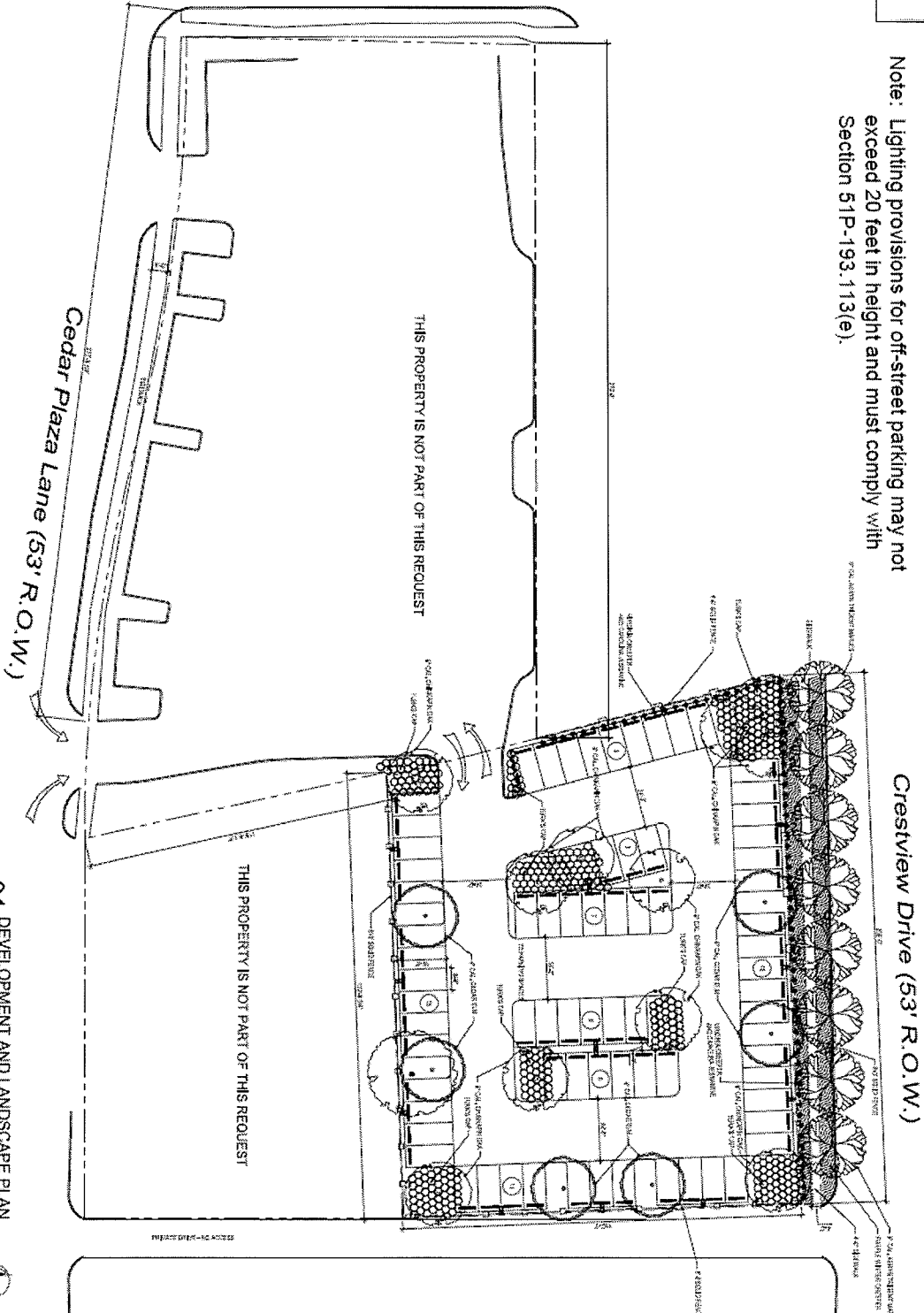
VICINITY MAP

LEGEND

PROPOSED LOT LINES
EXISTING LOT LINES
EXISTING BUILDINGS
EXISTING DRIVEWAYS

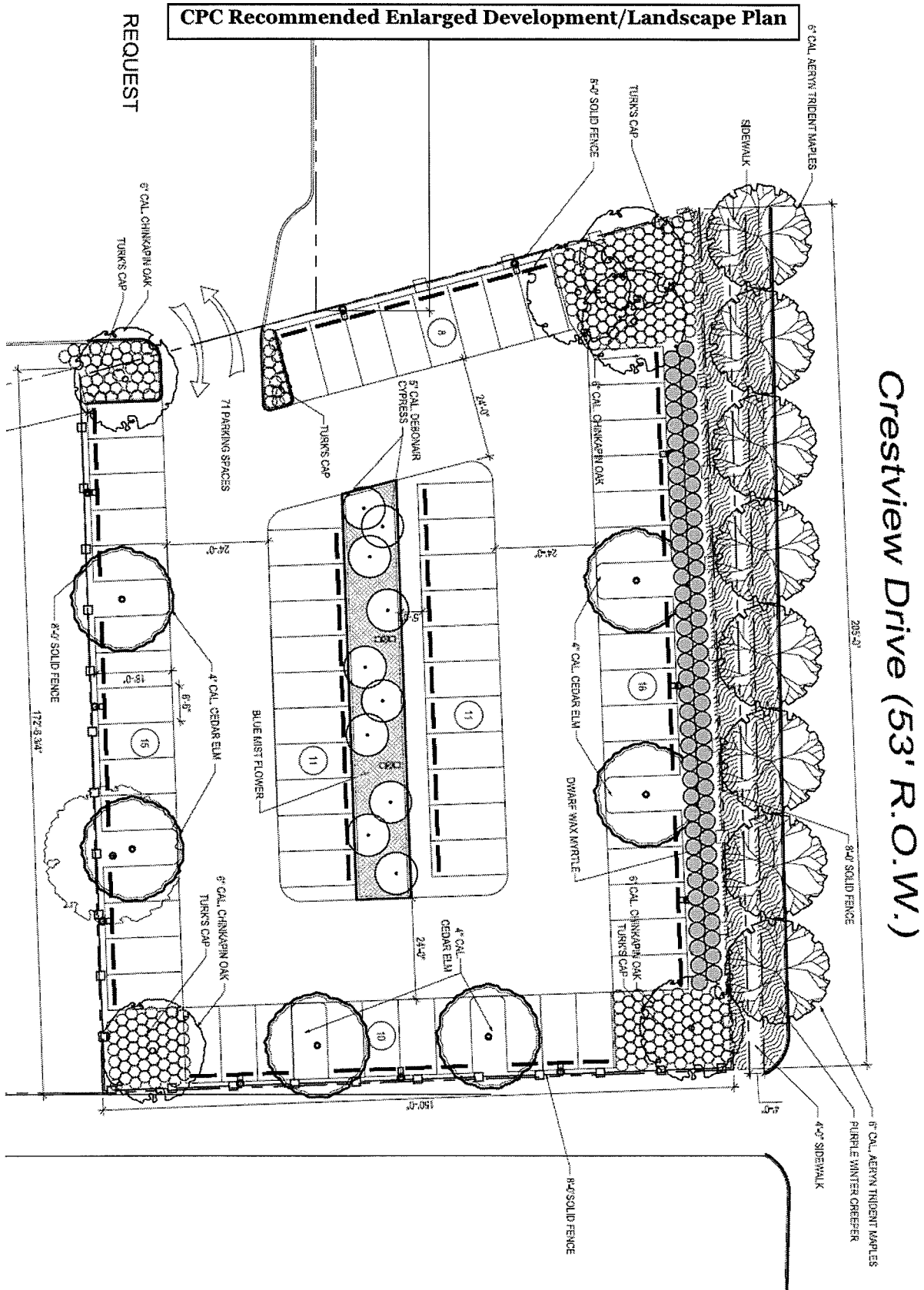
Lemmon Avenue (100' R.O.W.)

Note: Lighting provisions for off-street parking may not exceed 20 feet in height and must comply with Section 51P-193.113(e).



01 DEVELOPMENT AND LANDSCAPE PLAN

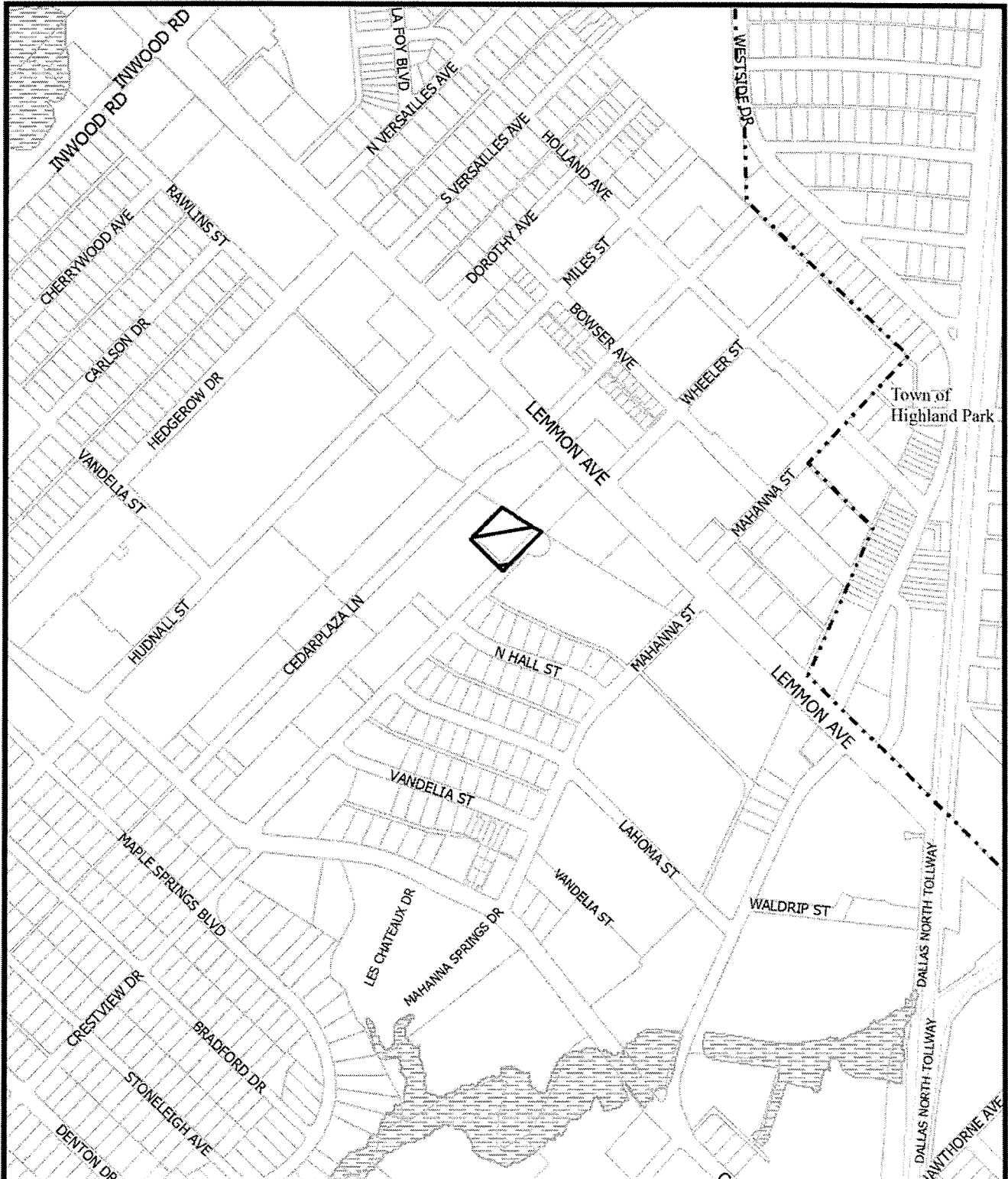




Z145-271(SM)

29834

151590



1:6,000

VICINITY MAP

Case no: Z145-271

Date: 6/11/2015

Z145-271(SM)

29834

151590

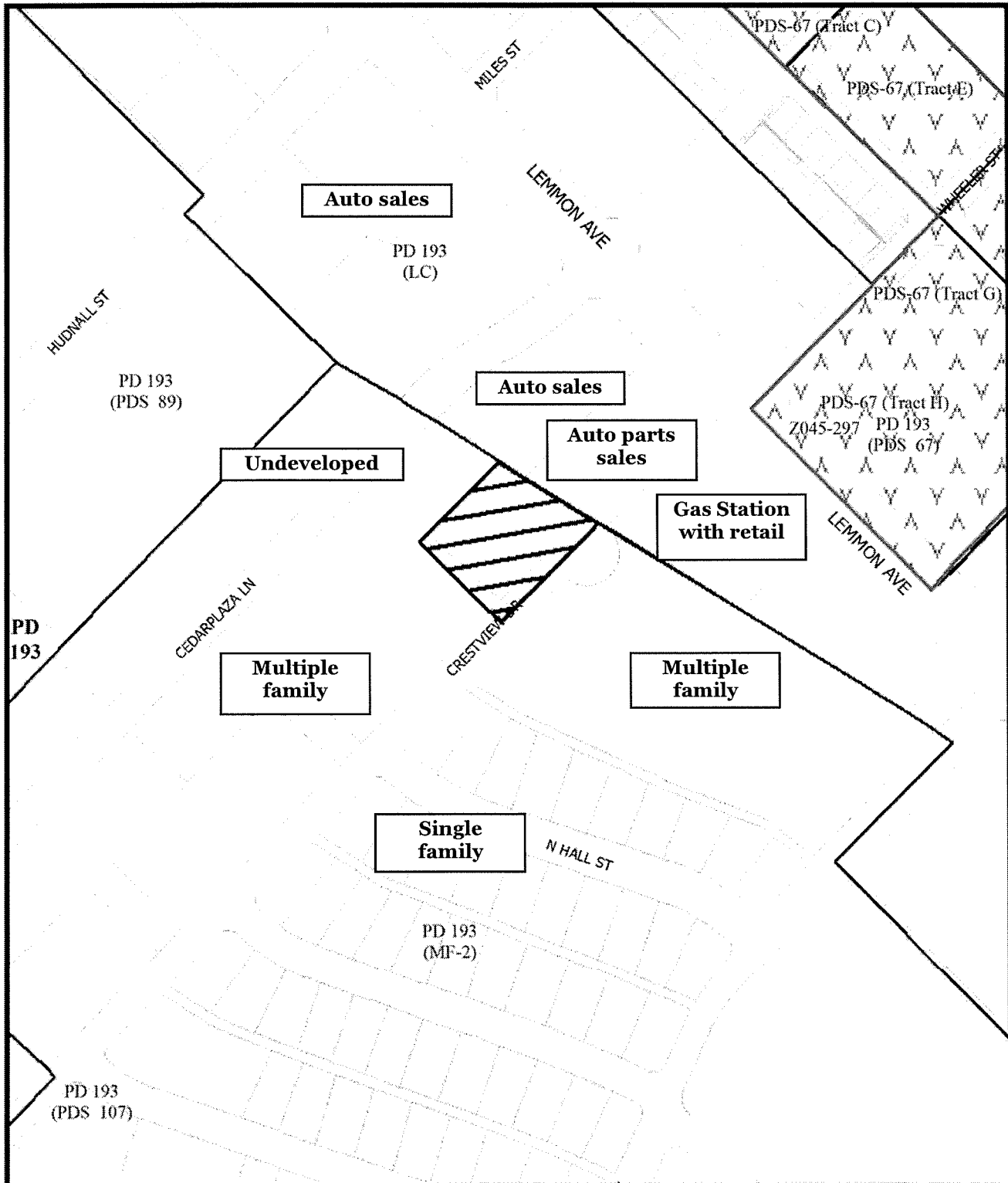


1:2,400

AERIAL MAP

Case no: Z145-271

Date: 6/11/2015

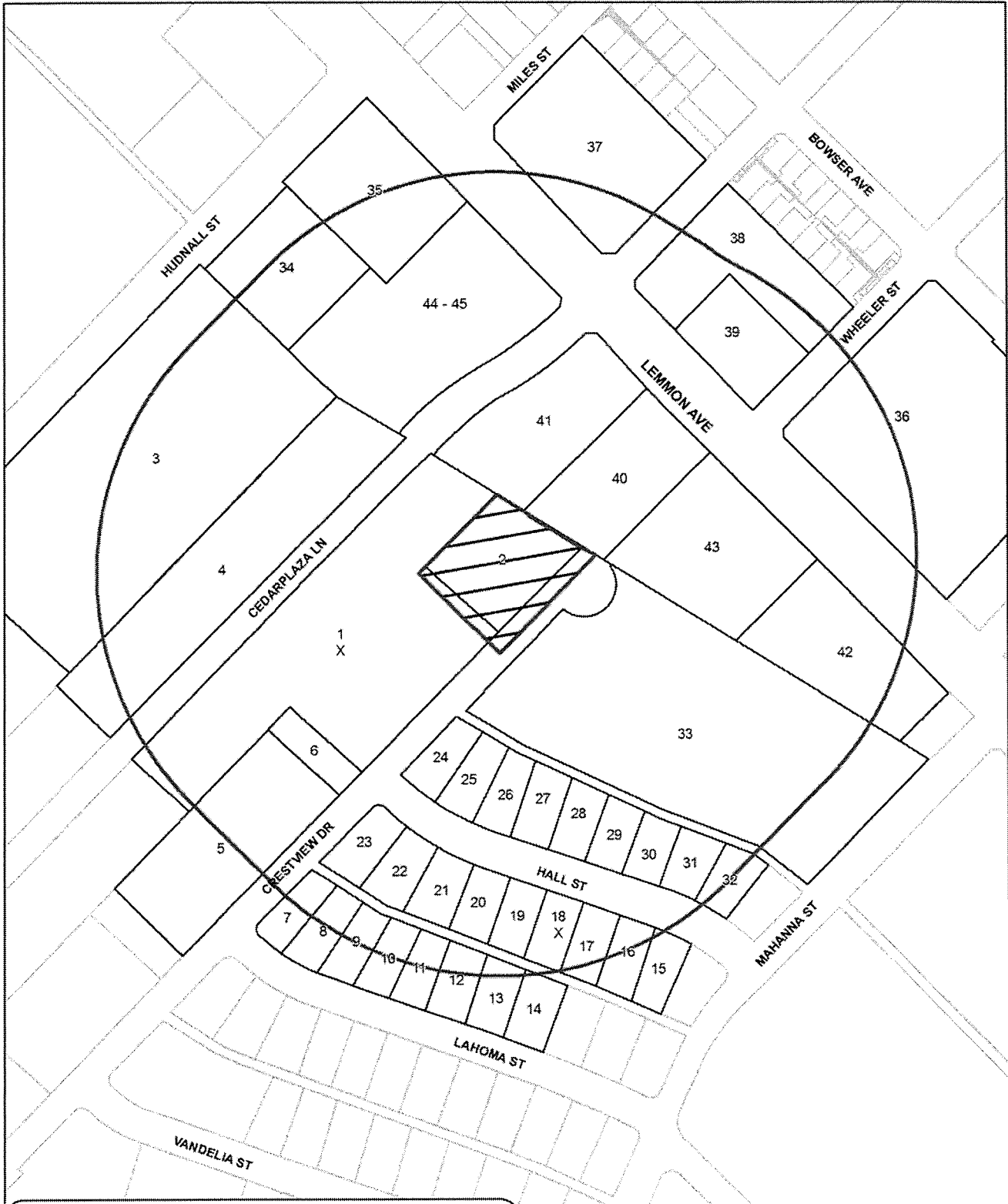


1:2,400

ZONING AND LAND USE

Case no: Z145-271

Date: 6/11/2015



<u>45</u>	Property Owners Notified (44 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>500'</u>	Area of Notification
<u>7/23/2015</u>	Date

Z145-271
CPC



1:2,400

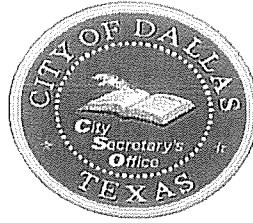
07/22/2015

Reply List of Property Owners**Z145-271****45 Property Owners Notified****0 Property Owners in Favor****2 Property Owners Opposed**

Reply	Label #	Address	Owner
X	1	3327 CRESTVIEW DR	CREST MEX CORP ETAL
	2	3347 CRESTVIEW DR	TEXNEB PROPERTIES LLC
	3	3232 HUDNALL ST	HUB APARTMENTS LTD THE
	4	3357 CEDARPLAZA LN	CEDAR PLAZA TOWNHOUSE LLC
	5	3225 CRESTVIEW DR	CRESTVIEW PARTNERS LP
	6	3321 CRESTVIEW DR	TOLUCA SQUARE LTD PS
	7	5152 LAHOMA ST	JARAMILLO DOMINGA S
	8	5146 LAHOMA ST	CANDELA JOSE F &
	9	5142 LAHOMA ST	MCCRIGHT PHILLIP L
	10	5138 LAHOMA ST	ADAMES JESSE A
	11	5134 LAHOMA ST	SPENCE VIRGINIA HEATHER
	12	5128 LAHOMA ST	WEISFELD RONALD A
	13	5122 LAHOMA ST	VIDAL VICTOR P &
	14	5118 LAHOMA ST	MCGREGOR CLARICE M
	15	5107 HALL ST	JOHNSON RODNEY E
	16	5111 HALL ST	BINYON MERELENE &
	17	5117 HALL ST	LEE RANDELL
X	18	5123 HALL ST	TOBIAS HILDA &
	19	5127 HALL ST	SOLIS AURELIA
	20	5131 HALL ST	MAJORS JOHN A III
	21	5135 HALL ST	BLAS EUSEBIA
	22	5141 HALL ST	GARCIA EUSEBIA BLAS
	23	5147 HALL ST	ANDRADE JOSE & CARMEN
	24	5142 HALL ST	CUNNINGHAM DIANA PINSON
	25	5138 HALL ST	GANDARA JUAN B &
	26	5134 HALL ST	SERESEROZ AGAPITO P

07/22/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	5130 HALL ST	WYNNE MARIA
	28	5124 HALL ST	RIVERA RAUL
	29	5118 HALL ST	NEAGOE ALEXANDRU
	30	5114 HALL ST	VILLASANA MAXIMILIANO C &
	31	5110 HALL ST	VILLASANA MAXIMILIANO &
	32	5104 HALL ST	AVES VICTOR R
	33	3443 MAHANNA ST	TEXAS MSI LTD
	34	3412 HUDNALL ST	EAGLE ROBERT M
	35	5333 LEMMON AVE	ADLER PROP CO LLP PS
	36	5150 BOWSER AVE	GS CITYVILLE LP
	37	5300 LEMMON AVE	PPA RLTY LTD
	38	5220 LEMMON AVE	PLAZA REAL ESTATE INVST
	39	5200 LEMMON AVE	PRESCOTT INTEREST HAGGAR AT WELL LTD &
	40	5211 LEMMON AVE	OREILLY AUTOMOTIVE INC
	41	5219 LEMMON AVE	TWO BIRDS PROPERTY
	42	5107 LEMMON AVE	SERVICE KING PAINT & BODY
	43	5151 LEMMON AVE	RT LEMMON LP
	44	5311 LEMMON AVE	EAGLE ROBERT M
	45	5311 LEMMON AVE	EAGLE JOHN R TRUST



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 AUG 26 2015

ORDINANCE NUMBER 29834

DATE PUBLISHED AUG 29 2015

ATTESTED BY: