

9-13-16

ORDINANCE NO. 30197

An ordinance changing the zoning classification on the following property,

BEING Lots 4-16 and part of Lots 17 and 18 in City Block 38/1341 and part of City Block 1341; fronting approximately 451 feet on the southeast line of Throckmorton Street; fronting approximately 322 feet on the northeast line of Fairmount Street; fronting approximately 300 feet on the northwest line of Reagan Street; fronting approximately 111 feet on the southwest line of Brown Street; and containing approximately 3.51 acres;

from an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193 (the Oak Lawn Special Purpose District) to Planned Development Subdistrict No. 78 within Planned Development District No. 193; amending Division S-78, "PD Subdistrict 78," of 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, as amended, to reflect the expansion of the planned development subdistrict; amending the property location and size, definitions and interpretations, exhibits, conceptual plan, development plan, yard, lot, and space regulations, off-street parking and loading, and urban design elements for residential uses regulations in Sections S-78.102, S-78.103, S-78.104, S-78.105, S-78.105.1, S-78.108, S-78.109, S-78.114 of that division; providing a conceptual plan for Tract III; amending Ordinance No. 29033, passed by the Dallas City Council on June 12, 2013 by providing a revised property description; 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 193 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 an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193 to Planned Development Subdistrict No. 78 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 Section S-78.102, “Property Location and Size,” of Division S-78, “PD Subdistrict 78,” of 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 to read as follows:

“SEC. S-78.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 78 is established on property generally bounded by Douglas Avenue, Brown Street, Reagan Street [~~Throckmorton Street~~], and Fairmount Street. The size of PD Subdistrict 78 is approximately 10.78 [~~7.27~~] acres.”

SECTION 3. That Section S-78.103, “Definitions and Interpretations,” of Division S-78, “PD Subdistrict 78,” of 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 to read as follows:

“SEC. S-78.103. 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:^[5]

(1) STOOP means a small porch leading to the entrance of a residence..

(2) SUBDISTRICT means a subdistrict of PD 193

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

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

(e) This subdistrict is divided into three [~~two~~] tracts: Tract I, [~~and~~] Tract II, and Tract III.”

SECTION 4. That Section S-78.104, “Exhibits,” of Division S-78, “PD Subdistrict 78,” of 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 to read as follows:

“SEC. S-78.104. EXHIBITS.

The following exhibits are incorporated into this division:

(1) Exhibit S-78A: Tract I development plan.

(2) Exhibit S-78B: Tract II conceptual plan.

(3) Exhibit S-78C: Tract III conceptual plan.”

SECTION 5. That Section S-78.105, "Conceptual Plan," of Division S-78, "PD Subdistrict 78," of 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 to read as follows:

"SEC. S-78.105. CONCEPTUAL PLAN.

(a) Development and use of Tract II must comply with the Tract II conceptual plan (Exhibit S-78B). If there is a conflict between the text of this division and the conceptual plan, the text of this division controls.

(b) Development and use of Tract III must comply with the Tract III conceptual plan (Exhibit S-78C). If there is a conflict between the text of this division and the conceptual plan, the text of this division controls.

SECTION 6. That Section S-78.105.1, "Development Plan," of Division S-78, "PD Subdistrict 78," of 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 Subsection (c), "Tract III," to read as follows:

"(c) Tract III. A development plan must be approved by the city plan commission before issuance of any building permit to authorize work in Tract III. If there is a conflict between the text of this division and the development plan, the text of this division controls."

SECTION 7. That Section S-78.108, "Yard, Lot, and Space Regulations," of Division S-78, "PD Subdistrict 78," of 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 to read as follows:

"SEC. S-78.108. 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 [~~In the event of~~] a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MF-2 Multiple Family Subdistrict apply.

- (b) Multiple family uses.
- (1) Front yard.
- (A) Minimum front yard is 10 feet.
- (B) In Tract II and Tract III, stoops are allowed to encroach five feet into the front yard setback.
- (2) Side and rear yard. Minimum side and rear yards are 10 feet.
- (3) Density.
- (A) Tract I. The maximum number of dwelling units is 277.
- (B) Tract II. The maximum number of dwelling units is 370.
- (C) Tract III. The maximum number of dwelling units is 350.
- (4) Height.
- (A) Tract I. Maximum structure height is 54 feet.
- (B) Tract II and Tract III. Maximum structure height is 75 feet.
- (C) Extensions above maximum structure height. Elevators, mechanical equipment, and clerestory may extend up to 12 feet above the maximum structure height. Parapet walls may extend up to four feet above the maximum structure height.
- (5) Lot coverage.
- (A) Tract I and Tract II. Maximum lot coverage is 75 percent.
- (B) Tract III. Maximum lot coverage is 85 percent.
- (C) Additional provisions. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.
- (6) Stories.
- (A) Tract I. Maximum number of stories for residential uses is four. Maximum number of stories for parking structures is four[five].

(B) Tract II. Maximum number of stories for residential uses is five. Maximum number of stories for parking structures is six

(C) Tract III. Maximum number of stories for residential uses is six. Maximum number of stories for parking structures is six.

(7) Building separation and courtyards. In Tract II and Tract III, Section 51P-193.107(a)(3)(E)(ii), (iii), and (iv) do not apply.”

SECTION 8. That Section S-78.109, “Off-Street Parking and Loading,” of Division S-78, “PD Subdistrict 78,” of 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 to read as follows:

“SEC. S-78.109. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) Multiple family uses in Tract I and Tract II. One-and-a-half off-street parking spaces are required for each dwelling unit. Of the required off-street parking spaces, a quarter space per dwelling unit must be reserved for guest parking”

SECTION 9. That Section S-78.114, “Urban Design Elements for Residential Uses,” of Division S-78, “PD Subdistrict 78,” of 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 Subsection (e), “Open Space in Tract III,” to read as follows:

“(e) Open space in Tract III. A minimum of 12,000 square feet of private open space such as an outside roof deck, rooftop garden, pool area, or similar outside common area is required.”

SECTION 10. That the Exhibit A (property description) attached to Ordinance No. 29033 is replaced by the Exhibit B attached to this ordinance.

SECTION 11. That development of this district must comply with the full-scale version of Exhibit S-78C (Tract III 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 12. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.


SECTION 13. 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 14. 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 15. 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:

CHRISTOPHER D. BOWERS, Interim City Attorney

By  _____
Assistant City Attorney

SEP 14 2016

Passed _____

Exhibit A

BEING a tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, City of Dallas, Dallas County, Texas; and being part of City Block 1341; and being all of Lots 4-16 and part of Lots 17 & 18, Block 38/1341, P.B. Yeargan's Addition, an addition to the City of Dallas according to the plat recorded in Volume 1, Page 146 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at the centerline intersection of Throckmorton Street (a variable width right-of-way) and Fairmount Street (a variable width right-of-way);

THENCE with the centerline of Throckmorton Street, North 45°00'00" East, a distance of 495.00 feet to the centerline intersection of Throckmorton Street and Brown Street (a 50-foot wide right-of-way);

THENCE with the centerline of said Brown Street, South 45°00'00" East, a distance of 154.73 feet to the intersection of the centerline of Brown Street and the projected northwest line of a tract of land described in Deed Without Warranty to Pinar, Inc. recorded in Instrument No. 201100328217 of the Official Public Records of Dallas County, Texas;

THENCE with the northwest line of said Pinar, Inc. South 44°54'19" West, a distance of 125.00 feet to the west corner of said Pinar, Inc. tract and in the common line between said Lots 16 and 17;

THENCE with said common line between Lots 16 and 17, South 45°00'00" East, a distance of 39.06 feet to the east corner of said Lot 16 and the north corner of Lot 3 of said Block 38/1341;

THENCE with the common line between said Lots 3 and 16, South 45°00'00" West, a distance of 50.00 feet to the west corner of said Lot 3;

THENCE with the southwest line of said Lot 3, South 45°00'00" East, a distance of 192.50 feet to the intersection of the projected southwest line of said Lot 3 and the centerline of Reagan Street (a 55-foot wide right-of-way);

THENCE with said centerline of Regan Street, South 45°00'00" West, a distance of 320.00 feet to the centerline intersection of Regan Street and Fairmount Street;

THENCE with the centerline of Fairmount Street, North 45°00'00" West, a distance of 386.50 feet to the POINT OF BEGINNING and containing 3.51 acres of land.

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.

Exhibit B
PDS 78**PERIMETER**

Description, of a 12.99 acre tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, Dallas County, Texas; said tract being all of Block 4/2060 and Block 1/2057 and being part of City Block 38/1341; said 12.99 acre tract being more particularly described as follows:

BEGINNING; at the intersection of the centerline of Fairmount Street (a 50-foot wide right-of-way) and the centerline of Douglas Avenue (a 50-foot right-of-way);

THENCE, North 45 degrees, 22 minutes, 39 seconds East, along the said centerline of Douglas Avenue, a distance of 500.02 feet, to a point for corner at the intersection of the said centerline of Douglas Avenue and the centerline of Brown Street (a 50-foot wide right-of-way);

THENCE, South 46 degrees, 28 minutes, 21 seconds East, along the said centerline of Brown Street, a distance of 974.94 feet, to a point for corner at the intersection of the centerline of Brown Street and the projected northwest line of a tract of land described in Deed Without Warranty to Pinar, Inc. recorded in Instrument No. 201100328217 of the Official Public Records of Dallas County, Texas;

THENCE South 44°33'43" West, along the northwest line of said Pinar, Inc., a distance of 124.64 feet to the west corner of said Pinar, Inc. tract and in the common line between said Lots 16 and 17;

THENCE South 45 degrees, 20 minutes, 36 seconds East, along said common line between Lots 16 and 17, a distance of 43.40 feet to the east corner of said Lot 16 and the north corner of Lot 3 of said Block 38/1341;

THENCE South 45 degrees, 25 minutes, 22 seconds West, along the common line between said Lots 3 and 16, a distance of 50.00 feet to the west corner of said Lot 3;

THENCE South 45 degrees, 20 minutes, 36 seconds East, along the southwest line of said Lot 3, a distance of 189.08 feet to the intersection of the projected southwest line of said Lot 3 and the centerline of Reagan Street (a 55-foot wide right-of-way);

THENCE South 44 degrees, 33 minutes, 43 seconds West, along said centerline of Regan Street, a distance of 320.63 feet to the centerline intersection of Regan Street and Fairmount Street;

THENCE, North 46 degrees, 28 minutes, 21 seconds West, along the said centerline of Fairmount Street, a distance of 1213.83 feet to the POINT OF BEGINNING and containing, 12.99 acres of land, more or less.

TRACT 1

BEING all of City Block 1/2057 bounded by Knight Street, Brown Street, Throckmorton Street and Fairmount Street, and containing approximately 3.72 acres.

TRACT 2

Description, of a 3.727 acre tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, Dallas County, Texas; said tract being all of Lots 1-18, Block 4/2060, Clifton Place Addition, an addition to the City of Dallas County, Texas according to the plat recorded in Volume 1, Page 438 of the Map Records of Dallas, Texas; said tract also being all of that tract of land described in General Warranty Deed with Vendor's Lien to Holly 2 Investments, Inc. recorded in Instrument No. 200600164608 of the Official Public Records of Dallas County, Texas, all of that tract of land described as Tract I and Tract II in Special Warranty Deed with Vendor's Lien to 2624 Douglas Partners, LP recorded in Instrument No. 20070051786 of said Official Public Records, all of that tract of land described in Statutory Warranty Deed to Theodore H. Dahm and Margaret G. Dahm recorded in Volume 2003009, Page 10310 of the Deed Records of Dallas County, Texas, all of that tract of land described in Warranty Deed with Vendor's Lien to John T. Wharton recorded in Volume 80008, Page. 1292 of said Deed Records, all of that tract of land described in Warranty Deed to Richard Tom Garrison recorded in Volume 2004090, Page 4856 of the said Deed Records, all of that tract of land described in Warranty Deed with Vendor's Lien to Richard T. Garrison recorded in Volume 2005081, Page 8362 of said Deed Records, all of that tract of land described in Quit Claim Deed to Mark E. Jones recorded in Volume 88057, Page 533 of said Deed Records, all of a 15-foot Alley abandoned (to be abandoned) across said Block 4/2060 said 3.727 acre tract being more particularly described as follows:

BEGINNING, at a "+" cut in concrete found at the intersection of the southeast right-of-way line of Douglas Avenue (a 50-foot wide right-of-way) and the said southwest right-of-way line of Brown Street (a 50-foot wide right of way); said point being the north corner of said Block 4/2060;

THENCE, South 46 degrees, 28 minutes, 21 seconds East, along said southwest line of Brown Street, passing at a distance of 173.00 feet a 1/2-inch iron rod with "PACHECO KOCH" cap found at the north corner of said 15-foot Alley, passing at a distance of 188.00 feet a 1/2-inch iron rod with "PACHECO KOCH" cap found for the east corner of said 15-foot Alley, continuing in all a total distance of 361.00 feet to a 1/2-inch iron rod found at the intersection of said southwest line of Brown Street and the northwest right-of-way line of Knight Street (a 50-foot wide right-of-way); said point being the east corner of said Block 4/2060;

THENCE, South 45 degrees, 22 minutes, 39 seconds West, along said northwest line of Knight Street, passing at a distance of 200.00 feet, a 1/2-inch iron rod found for the south corner of said Tract II and the east corner of said Mark E. Jones tract, passing at a distance of 300.00 feet, a 3/8-inch iron rod found for the south corner of said Mark E. Jones tract and the east corner of

said Richard Tom Garrison tract, continuing in all a total distance of 450.00 feet to a "+" cut in concrete found for corner at the intersection of said northwest line of Knight Street and the northeast right-of-way line of Fairmount Street (a 50-foot wide right-of-way); said point being the south corner of said Block 4/2060;

THENCE, North 46 degrees, 28 minutes, 21 seconds West, along said northeast line of Fairmount Street, passing at a distance of 173.00 feet, a 1/2-inch iron rod with "PACHECO KOCH" cap found at the south corner of said 15-Foot Alley, passing at a distance of 188.00 feet a "+" cut in concrete found for the west corner of said 15-foot Alley, continuing in all a total distance of 361.00 feet to a 100D nail found at the intersection of said northeast line of Fairmount Street and said southeast line of Douglas Avenue; said point being the west corner of said Block 4/2060;

THENCE, North 45 degrees, 22 minutes, 39 seconds East, along said southeast line of Douglas Avenue, a distance of 450.00 feet to the POINT OF BEGINNING and containing, 162,366 square feet or 3.727 acres of land, more or less.

TRACT 3

BEING a tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, City of Dallas, Dallas County, Texas; and being part of City Block 1341; and being all of Lots 4-16 and part of Lots 17 & 18, Block 38/1341, P.B. Yeargan's Addition, an addition to the City of Dallas according to the plat recorded in Volume 1, Page 146 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

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THENCE with the centerline of said Brown Street, South 45°00'00" East, a distance of 154.73 feet to the intersection of the centerline of Brown Street and the projected northwest line of a tract of land described in Deed Without Warranty to Pinar, Inc. recorded in Instrument No. 201100328217 of the Official Public Records of Dallas County, Texas;

THENCE with the northwest line of said Pinar, Inc. South 44°54'19" West, a distance of 125.00 feet to the west corner of said Pinar, Inc. tract and in the common line between said Lots 16 and 17;

THENCE with said common line between Lots 16 and 17, South 45°00'00" East, a distance of 39.06 feet to the east corner of said Lot 16 and the north corner of Lot 3 of said Block 38/1341;

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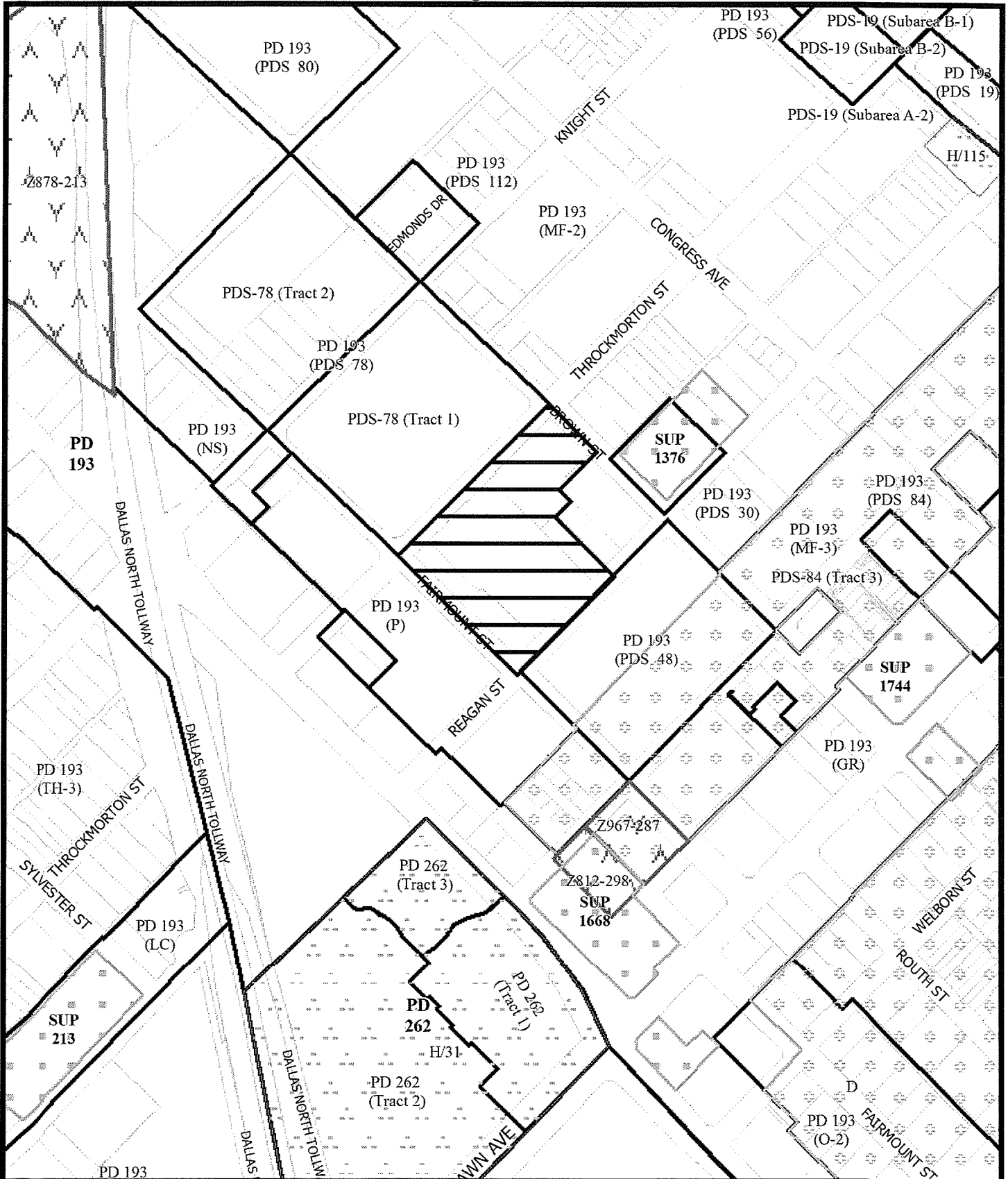
THENCE with the common line between said Lots 3 and 16, South 45°00'00" West, a distance of 50.00 feet to the west corner of said Lot 3;

THENCE with the southwest line of said Lot 3, South 45°00'00" East, a distance of 192.50 feet to the intersection of the projected southwest line of said Lot 3 and the centerline of Reagan Street (a 55-foot wide right-of-way);

THENCE with said centerline of Regan Street, South 45°00'00" West, a distance of 320.00 feet to the centerline intersection of Regan Street and Fairmount Street;

THENCE with the centerline of Fairmount Street, North 45°00'00" West, a distance of 386.50 feet to the POINT OF BEGINNING and containing 3.51 acres of land.

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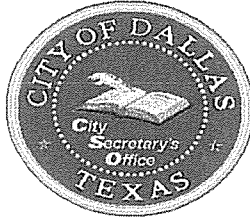


1:3,600

ZONING MAP

Case no: Z156-229

Date: 5/5/2016



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 SEP 14 2016

ORDINANCE NUMBER 30197

DATE PUBLISHED SEP 17 2016

ATTESTED BY:

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