

12-5-18

ORDINANCE NO. 31078

An ordinance changing the zoning classification on the following property:

BEING all of Lot 1 in City Block A/8124 located at the southwest corner of Walnut Hill Lane and White Rock Trail; fronting approximately 193.23 feet on the south line of Walnut Hill Lane; fronting approximately 517 feet on the west line of White Rock Trail; and containing approximately 4.593 acres,

from an NO(A) Neighborhood Office District, a CS Commercial Service District, and an R-7.5(A) Single Family District to Planned Development District No. 1007; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 1007; establishing use regulations and development standards for this planned development district; 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 district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from an NO(A) Neighborhood Office District, a CS Commercial Service District, and an R-7.5(A) Single Family District to Planned Development District No. 1007 on the following property ("the Property"):

BEING all of Lot 1 in City Block A/8124 located at the southwest corner of Walnut Hill Lane and White Rock Trail; fronting approximately 193.23 feet on the south line of Walnut Hill Lane; fronting approximately 517 feet on the west line of White Rock Trail; and containing approximately 4.593 acres.

SECTION 2. That Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Article 1007 to read as follows:

"ARTICLE 1007.

PD 1007.

SEC. 51P-1007.101. LEGISLATIVE HISTORY.

PD 1007 was established by Ordinance No. _____, passed by the Dallas City Council on December 12, 2018.

SEC. 51P-1007.102. PROPERTY LOCATION AND SIZE.

PD 1007 is established on property located at the southwest corner of Walnut Hill Lane and White Rock Trail. The size of PD 1007 is approximately 4.593 acres.

SEC. 51P-1007.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.
- (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 considered to be a residential zoning district.

SEC. 51P-1007.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 1007A: conceptual plan.
- (2) Exhibit 1007B: conceptual fence elevation.

SEC. 51P-1007.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 1007A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-1007.106. DEVELOPMENT PLAN.

(a) Except as provided in this section, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

- (b) For residential uses, a final plat may serve as the development plan.

SEC. 51P-1007.107. MAIN USES PERMITTED.

The following uses are the only main uses permitted:

- (1) Office uses.
 - Financial institution without drive-in window.
 - Medical clinic or ambulatory surgical center.
 - Office.
- (2) Residential uses.
 - Handicapped group dwelling unit.
 - Single family.
- (3) Utility and public service uses.
 - Local utilities.

SEC. 51P-1007.108. ACCESSORY USES.

(a) In general. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) Accessory community center (private). Accessory community center (private) is permitted by right.

SEC. 51P-1007.109. 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) Nonresidential uses. Except as provided in this subsection, the yard, lot, and space regulations for the NO(A) Neighborhood Office District apply.

(1) Front yard. Minimum front yard is 33 feet along White Rock Trail.

(2) Height. Except as provided in this paragraph, maximum structure height is 24 feet. Maximum structure height within 150 feet of White Rock Trail is 12 feet.

(b) Residential uses. Except as provided in this subsection, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(1) Front yard. Minimum front yard is 15 feet along White Rock Trail. Cantilevered roof eaves, unenclosed porches, stairs, stoops, and awnings may project up to five feet into the White Rock Trail required front yard.

(2) Side and rear yard. Walnut Hill Lane is considered a side yard.

(3) Density. Maximum number of dwelling units is 38.

(4) Height. Maximum structure height is 32 feet, measured to the midpoint of a sloped roof or to the top of the roof for a flat roof.

(5) Lot coverage. Maximum lot coverage is 65 percent for residential structures. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not. The shared access area may be used to determine lot coverage.

(6) Lot size. No minimum lot size.

SEC. 51P-1007.110. OFF-STREET PARKING AND LOADING.

(a) In general. Except as proved in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Residential uses. Two spaces per dwelling unit are required. For a shared access development, guest parking must be provided at a minimum of 0.45 parking space per dwelling unit within a shared access development.

SEC. 51P-1007.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-1007.112. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) Shared access developments with a minimum of 11 and a maximum of 38 individual lots must provide a minimum landscape area equal to 15 percent of the total shared access development area.

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

SEC. 51P-1007.113. DESIGN STANDARDS.

(a) Sidewalks.

(1) Shared access development internal sidewalks. Sidewalks are permitted along the shared access drive. If installed, a sidewalk must be a minimum width of four feet.

(2) White Rock Trail sidewalks. A minimum five-foot-wide sidewalk must be provided along White Rock Trail.

(b) Residential building materials.

(1) Each residential structure must be constructed of a minimum of 25 percent masonry material.

(2) Except as provided in this paragraph, a minimum of 50 percent of the cumulative facade area for all residential structures combined must be constructed of masonry material. For single family structures with frontage on White Rock Trail, a minimum of 50 percent

of the cumulative facade area of those structures combined must be constructed of masonry material.

(3) For purposes of this subsection, masonry material includes brick and stone, but does not include stucco, EIFS (Exterior Insulation and Finish Systems), or fiber cement siding. Building facade calculation does not include openings for windows or doors. Cumulative facade area includes the total building facade area of all existing and proposed structures.

(c) Fences along White Rock Trail and Walnut Hill Lane.

(1) Except as provided in this subsection, for residential uses, fences must comply with the conceptual fence elevation (Exhibit 1007B).

(2) Maximum fence height is four feet with maximum five-foot-high columns, measured on the outside of the fence.

(3) For residential uses, a minimum of 60 percent of the fencing along White Rock Trail and a minimum of 65 feet of fencing along the northern property line must be solid and constructed of masonry materials. The remaining fencing for residential uses must be solid and constructed of any combination of masonry or decorative iron materials. For nonresidential uses, fencing along White Rock Trail must be solid and constructed of 100 percent masonry materials.

(4) A minimum of 20 percent of the fencing along White Rock Trail must provide recesses that are a minimum of six feet in width and minimum of three feet in depth.

(d) Residential roof slope. Except as provided in this paragraph, the minimum roof slope is 2:12. A minimum of half the roof area must maintain a minimum roof slope of 4:12. Membrane roofs and parapets are prohibited.

SEC. 51P-1007.114. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) Signs visible from White Rock Trail may not exceed five feet in height, measured from the top of the sign to ground level.

SEC. 51P-1007.115. INFRASTRUCTURE IMPROVEMENT.

(a) The apportionment determination required in Section 51A-1.109 for a traffic signal upgrade at the intersection of Walnut Hill Lane and White Rock Trail must be made prior to the issuance of a building permit for new construction.

(b) Before the issuance of building permits for new construction, the percentage of the cost of a traffic signal upgrade at the intersection of Walnut Hill Lane and White Rock Trail must be paid to the city as determined by the apportionment analysis in Section 51A-1.109.

SEC. 51P-1007.116. ADDITIONAL SHARED ACCESS DEVELOPMENT REGULATIONS.

- (a) A shared access development may have one access point for a maximum of 38 lots.
- (b) A shared access point must have a minimum pavement width of 30 feet.

SEC. 51P-1007.117. 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.

SEC. 51P-1007.118. 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, until there has been full compliance with this article, 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 district must comply with the full-scale version of Exhibit 1007A (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 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 1007 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:

CHRISTOPHER J. CASO, Interim City Attorney

By 
Assistant City Attorney

DEC 12 2018

Passed _____



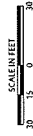
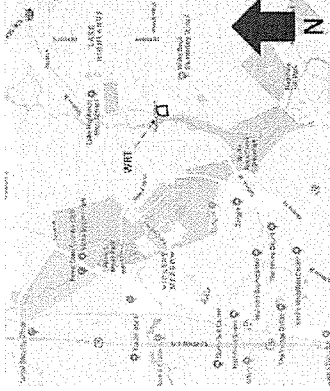
PSW HOMES LLC
 2003 S 15 Street
 Suite 200
 Dallas, TX 75238
 TIRE FIRM # 15189

31078

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PROJECT NAME: WHITE ROCK TRAIL
 ISSUE DATE: 07/24/2018
 PROJECT ADDRESS: 8901 WHITE ROCK TRAIL
 DALLAS, TX 75238

PAGE NUMBER: LAND PLAN 57



White Rock Trail	
Yard Lot and Space Regulations	
Front Yard	Minimum setback along White Rock Trail is 15'
Side and Rear Yard	Minimum side and rear yard is 5'
Density	Maximum number of dwelling units is 38
Floor Area Ratio	No maximum Floor Area Ratio
Height	Maximum structure height is 32'
Lot Coverage	Maximum Lot Coverage is 65 Percent
Lot Size	No minimum lot size
Off Street Parking and Loading	
Off Street Parking	2 per dwelling unit
Guest Parking	0.4 per unit

Shared access easement width and alignment to be determined by plat

Exhibit 1007A
 Planned Development
 District No. 1007

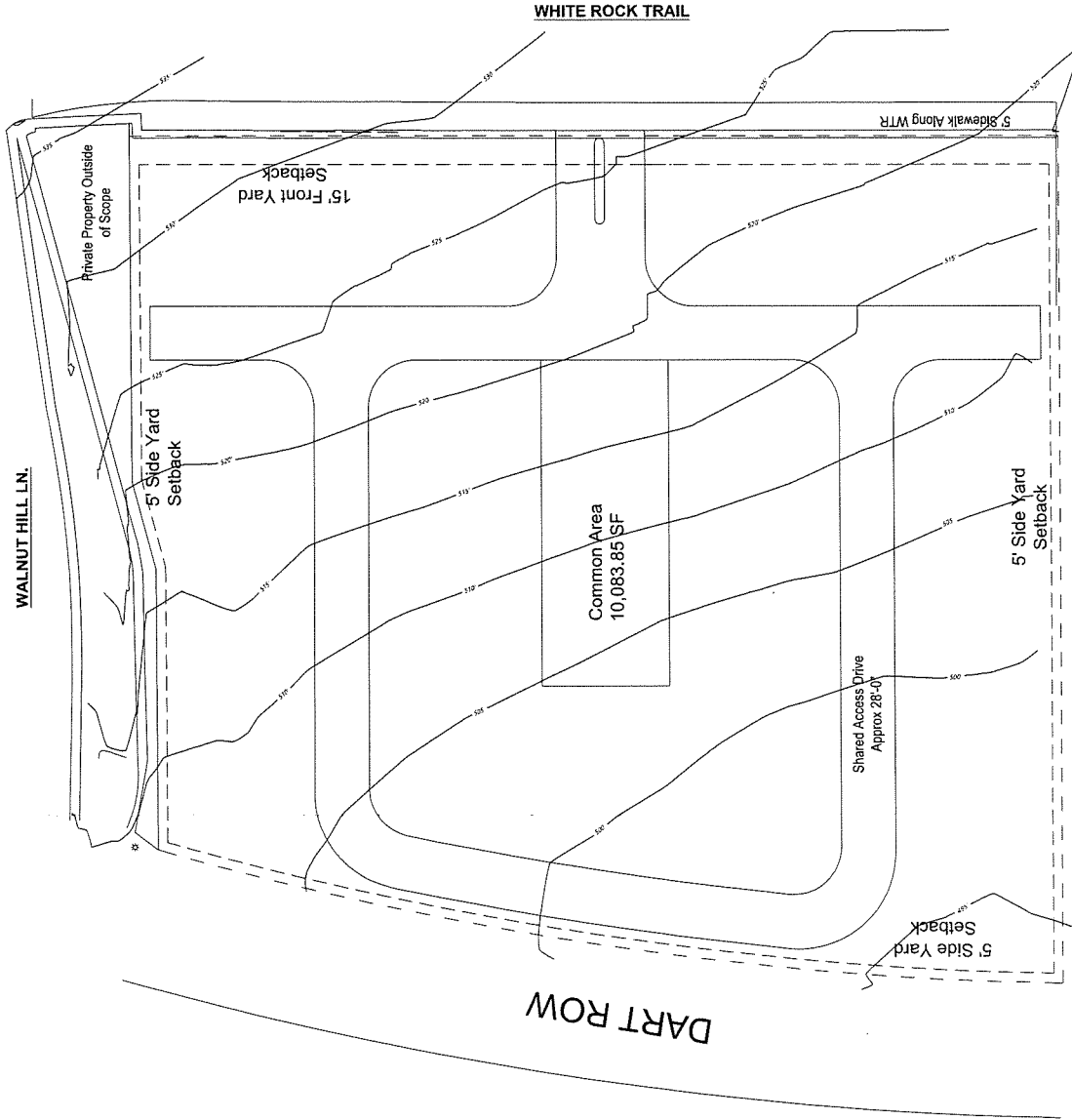
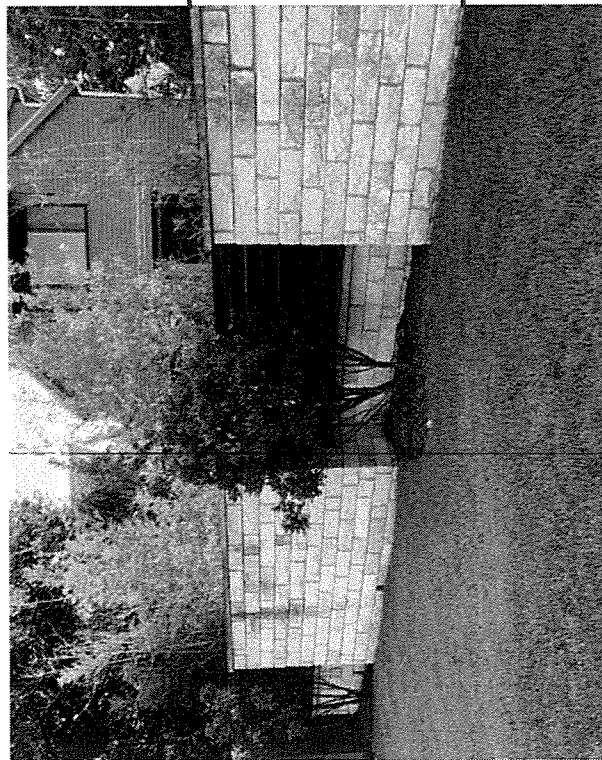


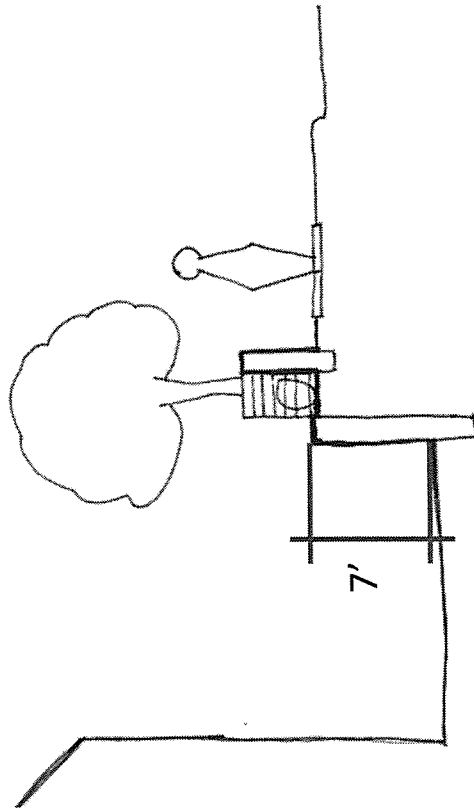
Exhibit 1007B: 3 1 0 7 8
Conceptual Fence Elevation

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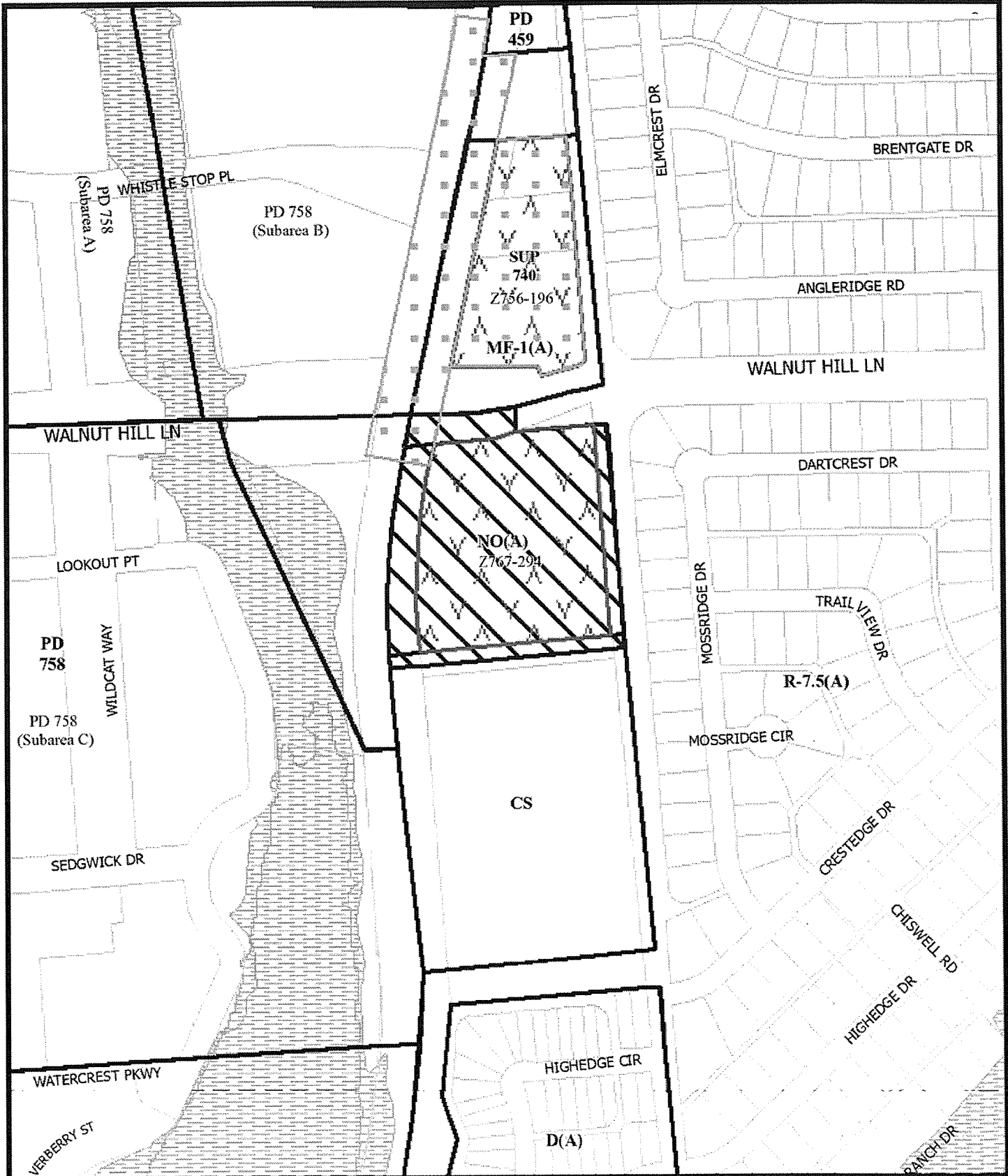
White Rock Trail



Wall Height - 4'



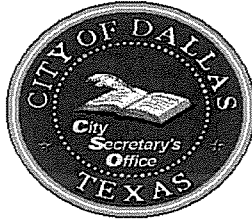
Retaining Wall Height - 7'



1:3,600

ZONING MAP

Case no: Z178-238
 Date: 6/8/2018



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 DEC 12 2018

ORDINANCE NUMBER 31078

DATE PUBLISHED DEC 15 2018

ATTESTED BY:

181857

COUNCIL CHAMBER

November 28, 2018

WHEREAS, the termination of deed restrictions in the attached instrument has been volunteered in connection with property located at the southwest corner of Walnut Hill Lane and White Rock Trail, which is the subject of Zoning Case No. Z178-238(SM); and

WHEREAS, the City Council desires to accept the termination of deed restrictions in the attached instrument; Now, Therefore,

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

Section 1. That the termination of deed restrictions in the attached instrument is accepted by the City Council of the City of Dallas to be used in conjunction with the development of property that is the subject of Zoning Case No. Z178-238(SM).

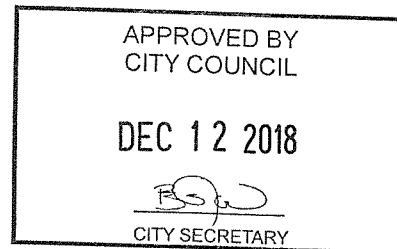
Section 2. That this termination of deed restrictions must be filed in the Deed Records of Dallas County, Texas.

Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By 
Assistant City Attorney



TERMINATION OF DEED RESTRICTIONS

THE STATE OF TEXAS)
)
 COUNTY OF DALLAS) KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Richardson Independent School District ("the Owner"), is the owner of the following described property ("the Property"), being all of Lot 1, City Block No. A/8124, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Cocanougher Asset #2, Ltd., by deed dated April 12, 2016, and recorded in Instrument Number 201600096085, in the Deed Records of Dallas County, Texas.

II.

That the Property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated March 29, 1978, signed by Karl C. Lippard, Trustee and recorded in Volume 78065, Page 3437, of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "A" and made a part of this instrument.

III.

The Owner does hereby terminate and release the following restrictions as they apply to the Property, to wit:

"1. The property may be used for the following purposes, as defined in the Comprehensive General Zoning Ordinance of the City of Dallas, and no other:

- a. Single family detached houses;
- b. Bank or Savings and Loan office without drive-in windows;
- c. Medical, dental or optical clinic;
- d. General office.

2. The property shall not be used for the treatment of drug addiction, alcoholism, abnormal behaviorism, or mental health oriented practices or physical fitness training, other than incidentally related to the practice of a licensed medical doctor, psychiatrist or psychologist.

3. The property shall not be used for any type of retail sales.

4. All buildings shall be set back a minimum of 33 feet from the property line along White Rock Trail as it exists on January 25, 1978.

5. No building located within 150 feet of White Rock Trail shall exceed twelve (12) feet in height; no building on the property shall exceed twenty-four (24) feet in height; buildings shall be of masonry construction.

6. Signs visible from White Rock Trail shall not exceed 5 feet in height measured from the top of the sign to ground level. Signs along White Rock Trail shall be limited to the name of the office or medical park, tenant lists, and traffic control signs. Individual office signs shall not be visible from White Rock Trail except door plaques.

7. Landscaping shall be provided in a manner commensurate with the surrounding single family residential area. Trees existing on the property shall be maintained in their natural state if reasonably possible.

8. Light poles in the parking area shall not exceed 4 feet in height.

9. Any fence located adjacent to and parallel to White Rock Trail shall be of masonry construction.

10. Access to the property from White Rock Trail shall be from a single driveway located as near to Kingsley Road as is reasonably possible, unless a second access to White Rock Trail is required by the City of Dallas.”

IV.

The above termination was made following a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings was given as would have been required by law for a zoning change on the Property. The Owner must file this instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the termination becomes effective.

V.

The termination of these restrictions is not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

THE OWNER AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY FROM AND AGAINST ALL CLAIMS OR LIABILITIES ARISING OUT OF OR IN CONNECTION WITH THIS TERMINATION.

VII.

Unless stated otherwise in this instrument, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this instrument as if recited in this instrument.

VIII.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

IX.

The invalidation of any provision in this instrument by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED at the City of Dallas, Dallas County, this the 28th day of November 2018

RICHARDSON INDEPENDENT SCHOOL DISTRICT



Owner

By: _____

Printed Name: Justin Bond

Title: President, Board of Trustees

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

By: 
Assistant City Attorney

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on November 28, 2018, by Justin Bono as President of the Richardson Independent School District Board of Trustees.



(Notary Seal)

Jennifer M. Nitter
NOTARY PUBLIC
Dallas County, Texas

THE STATE OF TEXAS
COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, KARL C. LIPPARD, Trustee, is the owner of the following described property situated in Dallas County, Texas, being in particular a tract of land out of the W. P. Wyche Survey, Abstract No. 1522, City Block 8124, City of Dallas, Dallas County, Texas, and being that same tract of land conveyed to Karl C. Lippard, Trustee, by Larry M. Jenniges and wife, Katherine A. Jenniges, by a deed dated June 10, 1974, and recorded in Volume 74122, Page 1086 in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Being a tract of land in City Block 8124 and further described as follows:

Beginning at a point on the west line of White Rock Trail (60 feet wide), said point being south 4° 20' east, 48.10 feet from the intersection of the south line of Kingsley Road (100 feet wide) and the west line of White Rock Trail;

THENCE south 4° 20' west along the west line of White Rock Trail, a distance of 485.70 feet to a point for corner;

THENCE south 85° 46' west, a distance of 433.78 feet to a point for corner on the east line of the M K & T Railroad right-of-way;

THENCE north 1° 7' 6" west along said railroad right-of-way, a distance of 269.87 feet to a point;

THENCE north 10° 42' 5" west, continuing along said railroad right-of-way line, a distance of 207.51 feet to a point for corner;

THENCE north 86° 4' 43" east, a distance of 139.94 feet to a point;

THENCE north 73° 34' 33" east, a distance of 72.18 feet to a point;

THENCE north 85° 18' east, a distance of 154.31 feet to a point on the west line of White Rock Trail, the point of BEGINNING, and containing approximately 5 acres of land.

That the undersigned, Karl C. Lippard, does hereby impress all the above described property, hereinafter referred to as "the property" with the following deed restrictions:

1. The property may be used for the following purposes, as defined in the Comprehensive General Zoning Ordinance of the City of Dallas, and no other:

- a. Single family detached houses;

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b. Bank or Savings and Loan office without drive-in windows;

c. Medical, dental or optical clinic;

d. General office.

2. The property shall not be used for the treatment of drug addiction, alcoholism, abnormal behaviorism, or mental health oriented practices or physical fitness training, other than incidentally related to the practice of a licensed medical doctor, psychiatrist or psychologist.

3. The property shall not be used for any type of retail sales.

4. All buildings shall be set back a minimum of 33 feet from the property line along White Rock Trail as it exists on January 25, 1978.

5. No building located within 150 feet of White Rock Trail shall exceed twelve (12) feet in height; no building on the property shall exceed twenty-four (24) feet in height; buildings shall be of masonry construction.

6. Signs visible from White Rock Trail shall not exceed 5 feet in height measured from the top of the sign to ground level. Signs along White Rock Trail shall be limited to the name of the office or medical park, tenant lists, and traffic control signs. Individual office signs shall not be visible from White Rock Trail except door plaques.

7. Landscaping shall be provided in a manner commensurate with the surrounding single family residential area. Trees existing on the property shall be maintained in their natural state if reasonably possible.

8. Light poles in the parking area shall not exceed 4 feet in height.

9. Any fence located adjacent to and parallel to White Rock Trail shall be of masonry construction.

10. Access to the property from White Rock Trail shall be from a single driveway located as near to Kingsley Road as is reasonably possible, unless a second access to White Rock Trail is required by the City of Dallas.

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein. These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and City Council of the City of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the property.

The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of

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Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

These restrictions inure to the benefit of the City of Dallas, and the undersigned owner hereof does hereby grant to the City of Dallas the right to prosecute, at law and in equity, against the person violating or attempting to violate such restrictions, either to prevent him from doing so and to correct such violation and for further remedy, the City of Dallas may withhold the Certificate of Occupancy necessary for the lawful use of the property until such restrictions described herein are fully complied with.

These restrictions are hereby declared covenants running with the land and shall be fully binding upon all persons acquiring property within the above described tract, and any person by acceptance of title to any of the above described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this the 15 day of March, 1978

Karl C. Lippard
KARL C. LIPPARD, Trustee

THE STATE OF TEXAS
COUNTY OF DALLAS

X
Y
I

BEFORE ME, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared Karl C. Lippard, Trustee, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 15 - day of March, 1978.



Connie L. Clark
Notary Public in and for
Dallas County, Texas

Approved as to form:
LEE E. HOLT, City Attorney
By *Charles M. Gentry*
Assistant City Attorney

181857

FILED
L. E. Manseloch
COUNTY CLERK
DELLER COUNTY

'78 APR 4 PM 4:03

STATE OF TEXAS COUNTY OF DELLER
I hereby certify that this instrument was
filed on the date and time stamped herein
by me and was duly recorded in the volume
and page of the record referred to herein
except that as amended herein by me.

APR 5 1978



L. E. Manseloch
COUNTY CLERK, Deller County, Texas

Return to
City Secretary
L. E. Manseloch
City Hall
Deller 75201

0144 090878