

8-27-19

ORDINANCE NO. 31299

An ordinance changing the zoning classification on the following property:

BEING all of Lots 1 through 30 in City Block 12/7145, including an abandoned alley; fronting approximately 875 feet along the south line of Bickers Street; fronting approximately 260 feet along the west line of Westmoreland Road; fronting approximately 875 feet along the north line of Gallagher Street; fronting approximately 260 feet along the east line of Furey Street; and containing approximately 5.224 acres,

from an R-5(A) Single Family District and a CR Community Retail District to Planned Development District No. 1017; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 1017; 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:

31299

SECTION 1. That the zoning classification is changed from an R-5(A) Single Family District and a CR Community Retail District to Planned Development District No. 1017 on the following property (“the Property”):

BEING all of Lots 1 through 30 in City Block 12/7145, including an abandoned alley; fronting approximately 875 feet along the south line of Bickers Street; fronting approximately 260 feet along the west line of Westmoreland Road; fronting approximately 875 feet along the north line of Gallagher Street; fronting approximately 260 feet along the east line of Furey Street; and containing approximately 5.224 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 1017 to read as follows:

“ARTICLE 1017.

PD 1017.

SEC. 51P-1017.101. LEGISLATIVE HISTORY.

PD 1017 was established by Ordinance No. _____, passed by the Dallas City Council on August 28, 2019.

SEC. 51P-1017.102. PROPERTY LOCATION AND SIZE.

PD 1017 is established on property located in an area generally bounded by Westmoreland Road, Gallagher Street, Furey Street, and Bickers Street. The size of PD 1017 is approximately 5.224 acres.

SEC. 51P-1017.103. 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-1017.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 1017A: development/landscape plan.
- (2) Exhibit 1017B: traffic management plan.

SEC. 51P-1017.105. DEVELOPMENT/LANDSCAPE PLAN.

(a) For a public school other than an open-enrollment charter school, development and use of the Property must comply with the development/landscape plan (Exhibit 1017A). If there is a conflict between the text of this article and the development/landscape plan, the text of this article controls.

(b) For all other uses, 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.

SEC. 51P-1017.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the R-5(A) Single Family District, subject to the same conditions applicable in the R-5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-5(A) Single Family District is subject to DIR in this district; etc.

(b) The following main use is permitted by right:

- Public school other than an open-enrollment charter school.

SEC. 51P-1017.107. ACCESSORY USES.

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.

SEC. 51P-1017.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Expect as provided in this section, the yard, lot, and space regulations for R-5(A) Single Family District apply.

(b) Public school other than an open-enrollment charter school.

(1) Setbacks. Minimum setback along all street frontages is 20 feet.

(2) Encroachments. Steps, handrails, light poles, and playground equipment are allowed within the required setbacks.

(3) Floor area. Maximum floor area is 58,650 square feet.

(4) Height.

(A) Except as provided in this paragraph, maximum structure height is 24 feet.

(B) Maximum height for light poles is 30 feet.

SEC. 51P-1017.109. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided 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) Public school other than an open-enrollment charter school.

(1) Off-street parking is allowed to be located within the required setbacks.

(2) Parking lot screening shown on the development/landscape plan must be a minimum height of three feet.

(3) Screening is not required for off-street loading spaces.

SEC. 51P-1017.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-1017.111. LANDSCAPING.

(a) In general.

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

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

(b) Public school other than an open-enrollment charter school. Landscaping must be provided as shown on the development/landscape plan. If there is a conflict between the text of this article and the development/landscape plan, the text of this article controls.

SEC. 51P-1017.112. FENCING FOR A PUBLIC SCHOOL OTHER THAN AN OPEN-ENROLLMENT CHARTER SCHOOL.

Maximum six-foot-tall fencing and maximum 10-foot-tall baseball backstops may be located within the required setbacks.

SEC. 51P-1017.113. SIGNS.

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

SEC. 51P-1017.114. TRAFFIC MANAGEMENT PLAN.

(a) In general. Operation of a public school other than an open-enrollment charter school must comply with the traffic management plan (Exhibit 1017B).

(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

(c) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2020. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by November 1 of each even-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

- (A) ingress and egress points;
- (B) queue lengths;
- (C) number and location of personnel assisting with loading and unloading of students;
- (D) drop-off and pick-up locations;
- (E) drop-off and pick-up hours for each grade level;
- (F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(c) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

SEC. 51P-1017.115. ADDITIONAL PROVISIONS.

(a) Portable classrooms are only permitted in the areas shown on the development plan and must be removed from the Property by August 31, 2024.

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

(c) 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-1017.116. 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 for 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 versions of Exhibit 1017A (development/landscape plan) and Exhibit 1017B (traffic management plan) attached to this ordinance. Reduced-sized versions of these plans shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale versions of the plans.

SECTION 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 1017 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.

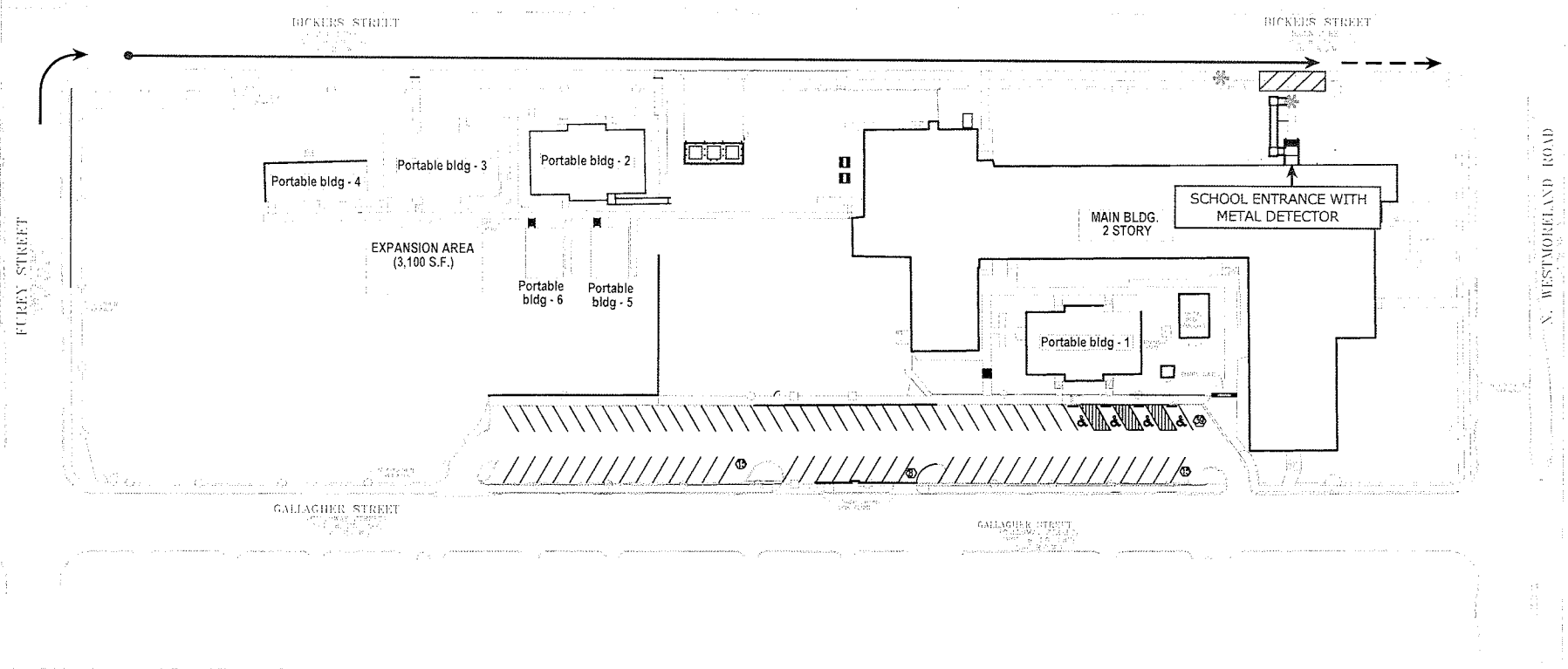
APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By  _____
Assistant City Attorney

Passed AUG 28 2019

DeShazo Group, Inc. Job No. 18045 Exhibit Created on 11-28-2018



Queuing Summary

Student Group	Student Enrollment	Daily Schedule	Traveling Modes	Vehicular Traffic Demand	
				Queue	Queue
6th - 8th Grade	459 Students	8:20 AM - 3:40 PM	Bus: 87% Pick-Up: 13%	Provided: 742 LF (-)	Required (1): 190 LF (5 veh & 2 buses) Surplus: 552 LF (-)

Note: (1) Based on on-site observations to determine maximum queue

Legend

- Inbound Route
- Vehicle/Bus Queue
- Loading Zone
- School Staff
- Outbound Route

The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.



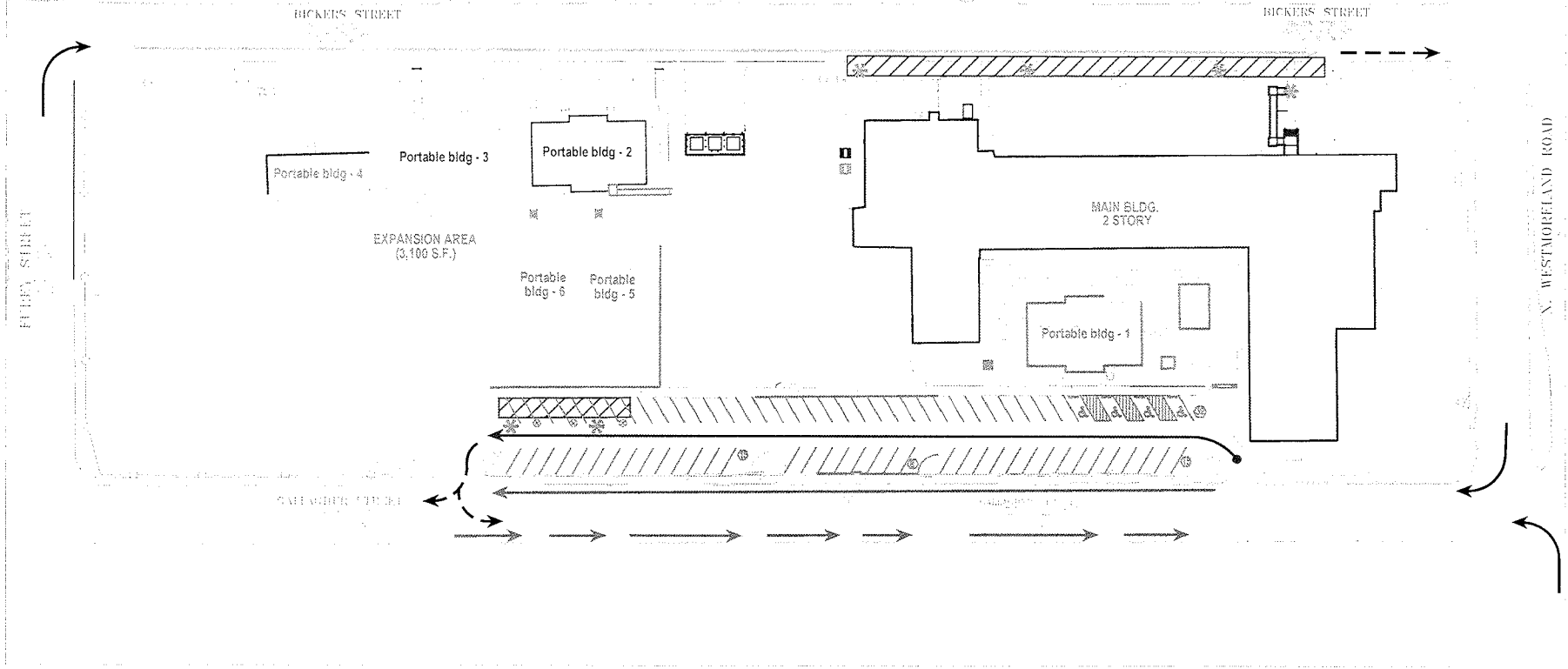
EXHIBIT 1

Traffic Management Plan - Morning Arrival
Dallas Environmental Science Academy
3531 N Westmoreland Road, Dallas, Texas

DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740

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DeShazo Group, Inc. Job No. 18045 Exhibit Created on 11-28-2018



Queuing Summary

Student Group	Student Enrollment	Daily Schedule	Traveling Modes	Vehicular Traffic Demand Queue	
				Provided	Required (1)
6th - 8th Grade	459 Students	8:20 AM - 3:40 PM	Bus: 87% Pick-Up: 13%	1,225 LF (52 veh)	1,175 LF (50 veh)
				Surplus: 50 LF (2 veh)	

Note: (1) Based on on-site observations to determine maximum queue

Legend

- Inbound Route
- Vehicle Queue
- Bus Queue
- Loading Zone
- School Staff
- Temporary Traffic Cones
- On-Street Parking
- Outbound Route

The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.

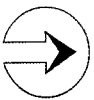
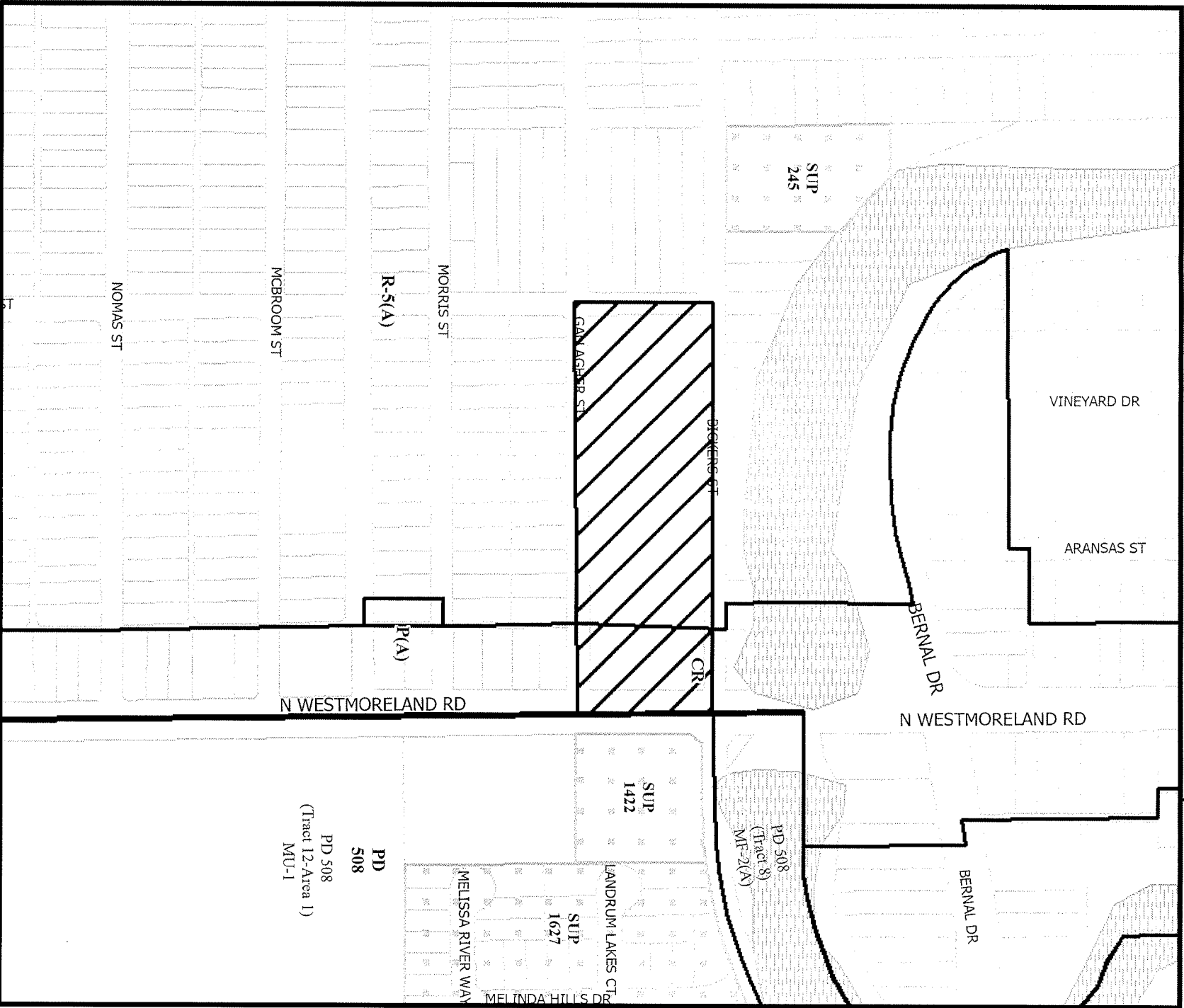


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1:3,600

ZONING MAP

Case no:

Z189-168

Date:

2/25/2019



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 28 2019

ORDINANCE NUMBER 3.1299

DATE PUBLISHED AUG 31 2019

ATTESTED BY: