

3-25-13

ORDINANCE NO. 28943

An ordinance changing the zoning classification on the following property:

BEING Lots 2 through 5 and a tract of land in City Block E/7433; fronting on Lyndon B. Johnson Freeway (IH-635) between Ridgeview Circle and Hughes Lane; fronting approximately 793 feet on the north line of the Lyndon B. Johnson Freeway (IH-635) frontage road; and containing approximately 4.815 acres,

from Planned Development District No. 78 and an R-16(A) Single Family District to Planned Development District No. 880; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code; amending Section 51P-78.102 of Article 78 to reflect the change of zoning; creating a new Article 880; establishing use regulations and development standards for Planned Development District No. 880; providing a new property description for Planned Development District No. 78; 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 this amendment to the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to change the zoning classification, amend Article 78 as specified in this ordinance, and establish Planned Development District No. 880; Now, Therefore,

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

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SECTION 1. That the zoning classification is changed from Planned Development District No. 78 and an R-16(A) Single Family District to Planned Development District No. 880 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-78.102, “Property Location and Size,” of Article 78, “PD 78,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-78.102. PROPERTY LOCATION AND SIZE.

PD 78 is established on property generally located along the north right-of-way line of the Interstate Highway 635 service road, east and west of Hughes Lane. The size of PD 78 is approximately 36.429 [~~37.537~~] acres.”

SECTION 3. That Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Article 880 to read as follows:

“ARTICLE 880.

PD 880.

SEC. 51P-880.101. LEGISLATIVE HISTORY.

PD 880 was established by Ordinance No. _____, passed by the Dallas City Council on March 27, 2013.

SEC. 51P-880.102. PROPERTY LOCATION AND SIZE.

PD 880 is established on property located on the north side of Lyndon B. Johnson Freeway between Ridgeview Circle and Hughes Lane. The size of PD 880 is approximately 4.815 acres.

SEC. 51P-880.103. 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-880.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 880A: development/landscape plan.

SEC. 51P-880.105. DEVELOPMENT PLAN.

(a) Except as provided in this section, development and use of the Property must comply with the development/landscape plan (Exhibit 880A). If there is a conflict between the text of this article and the development/landscape plan, the text of this article controls.

(b) For residential 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-880.106. MAIN USES PERMITTED.

The following uses are the only main uses permitted:

- Church.
- Handicapped group dwelling unit.
- Single family [*Each dwelling unit must be detached from other dwelling units.*]
- Surface parking.

SEC. 51P-880.107. ACCESSORY USES.

(a) 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) The following accessory use is permitted by SUP only:

-- Accessory community center (private).

(c) The following accessory uses are not permitted:

-- Accessory helistop.

-- Accessory medical/infectious waste incinerator.

-- Accessory outside display of merchandise.

-- Accessory outside sales.

-- Accessory pathological waste incinerator.

SEC. 51P-880.108. 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) Except as provided in this section, the yard, lot, and space regulations for the R-16(A) Single Family District apply.

(b) Front yard.

(1) Except as provided in this subsection, minimum front yard is 25 feet.

(2) For a church use, parking is permitted in the front yard.

(3) For a church use, a fence with a minimum height of four feet and a maximum height of eight feet, is permitted in the front yard in the location shown on the development/landscape plan. Materials for this fence must consist of wrought iron, masonry, or brick

(c) Side and rear yard. Minimum side yard is 10 feet. Minimum rear yard is 10 feet.

(d) Height. Maximum structure height is 24 feet.

(e) Lot coverage.

(1) Maximum lot coverage is:

(A) 45 percent for residential structures; and

(B) 25 percent for nonresidential structures.

(2) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(f) Lot size. Minimum lot size is 8,600 square feet.

(g) Stories. No maximum number of stories.

SEC. 51P-880.109. OFF-STREET PARKING AND LOADING.

(a) Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Ingress and egress for off-street parking and loading from residential streets is prohibited.

SEC. 51P-880.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-880.111. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided as shown on the development/landscape plan (Exhibit 880A). If there is a conflict between the text of this article and the development/landscape plan, the text of this article controls.

(b) For residential uses, landscaping must be provided in accordance with Article X.

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

SEC. 51P-880.112. SIGNS.

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

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SEC. 51P-880.113. 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-880.114. 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 4. 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 5. That Exhibit A attached to Ordinance No. 14877 (property description for PD No. 78) is replaced by the Exhibit A attached to this ordinance.

SECTION 6. That development of Planned Development District No. 880 must comply with the full-scale version of Exhibit 880A (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 7. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 880 in Chapter 51P.

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SECTION 8. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 9. 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 10. 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 11. 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:

THOMAS P. PERKINS, JR., City Attorney

By


Assistant City Attorney

MAR 27 2013

Passed _____

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**METES AND BOUNDS DESCRIPTION
King of Glory Lutheran**

BEING a tract of land situated in the E. Wilburn Survey, Abstract No. 1583, City of Dallas, Dallas County, Texas, the subject tract being all of a tract described in deed to the King of Glory Lutheran Church of Dallas, Texas, recorded in Volume 920, Page 1080 of the Deed Records, Dallas County, Texas (DRDCT), and being part of Lots 3 & 4, and all of Lot 5, Block E/7433, The Coterie II, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 77143, Page 1897 of the Plat Records, Dallas County, Texas (PRDCT), the subject tract being more particularly described as follows;

BEGINNING at the northwest corner of Lot 2, Block E/7433, being on the south line of Clubhouse Circle (a 50 foot public right-of-way), and being the northeast corner of Lot 1;

THENCE N 86°31'59" E, 156.27 feet along the common line thereof, passing the common corner between Lots 2 and 3, to a point for corner;

THENCE along the cul-de-sac of Clubhouse Circle, around a non-tangent curve to the left having a central angle of 129°18'14", a radius of 50.00 feet, a chord of N 53°16'40" E - 90.37 feet, an arc length of 112.84 feet, passing the common corner between Lots 3 and 4, and the common corner between Lots 4 and 5, and the common corner between Lots 5 and 6, to a point for corner;

THENCE N 86°31'59" E, 129.39 feet along the common line between Lots 5 and 6, to the west line of said King of Glory Lutheran tract, being the common corner between Lots 5 and 6;

THENCE N 16°17'27" E, 164.44 feet along the common line between said King of Glory Lutheran tract and Lots 6 and 7, to the northwest corner of said King of Glory Lutheran tract, and being the southeast corner of an alley, and the lower southwest corner of Lot 10, Block E/7433, The Coterie II;

THENCE N 89°34'08" E, 499.68 feet along the common line between said King of Glory Lutheran tract and Lots 10 through 15, Block E/7433, The Coterie II, to the west line of Lot 3, Block A/7429, Northwood Homes, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 32, Page 199 PRDCT;

THENCE S 16°45'25" W, 345.04 feet along the common between said King of Glory Lutheran tract and Lots 3 through 1, Block A/7429, Northwood Homes, to the north line of the L.B.J. Freeway (a variable width public right-of-way, also known as Interstate Highway 635);

THENCE S 89°13'34" W, 435.92 feet along the common line thereof;

THENCE continuing along the common line thereof, around a tangent curve to the left having a central angle of 01°15'56", a radius of 2804.46 feet, a chord of S 88°35'35" W - 61.95 feet, an arc length of 61.95 feet to a point for the southwest corner of said King of Glory Lutheran tract;

THENCE N 16°17'27" E, 3.59 feet continuing along the common line thereof to the southeast corner of Lot 4, Block E/7433, The Coterie II;

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Exhibit A

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GIS Approved

THENCE along the common line between said L.B.J. Freeway and Block E/7433, The Coterie II, around a non-tangent curve to the left having a central angle of $03^{\circ}12'29''$, a radius of 2804.46 feet, a chord of $S 86^{\circ}29'37'' W - 157.01$ feet, an arc length of 157.03 feet;

THENCE $S 84^{\circ}53'22'' W$, 143.45 feet continuing along the common line thereof, to the common corner between Lots 2 and 1, and said L.B.J. Freeway;

THENCE $N 03^{\circ}28'01'' W$, 124.04 feet along the common line between Lots 2 and 1, to the PLACE OF BEGINNING with the subject tract containing 209,747 square feet or 4.815 acres of land.

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METES AND BOUNDS DESCRIPTION
The Coterie II

BEING a tract of land situated in the E. Wilburn Survey, Abstract No. 1583, City of Dallas, Dallas County, Texas, the subject tract being a part of The Coterie II, an addition to the City of Dallas, recorded in Volume 77143, Page 1897 of the Deed Records, Dallas County, Texas, the subject tract being more particularly described as follows;

BEGINNING at the southwest corner of The Coterie II;

THENCE along the west line of The Coterie II, the following courses:

THENCE N 03°52'33" W, 400.15 feet;

THENCE N 03°26'34" W, 81.87 feet;

THENCE N 89°00'19" E, 350.76 feet;

THENCE N 35°32'28" E, 23.62 feet;

THENCE N 69°43'08" E, 110.98 feet;

THENCE N 48°35'38" E, 122.57 feet;

THENCE N 65°40'18" E, 96.97 feet;

THENCE N 29°46'38" E, 42.27 feet;

THENCE N 03°15'12" W, 254.51 feet;

THENCE N 89°19'39" E, 9.82 feet;

And N 02°37'34" W, 207.83 feet to the westerly northwest corner of The Coterie II;

THENCE N 89°19'39" E, 178.15 feet;

THENCE N 03°08'20" W, 82.80 feet to the northerly northwest corner of The Coterie II;

THENCE along the north lines of The Coterie II, the following courses:

N 89°26'27" E, 707.70 feet;

N 16°53'39" E, 63.44 feet;

And N 89°23'50" E, 498.23 feet to the northeast corner of The Coterie II;

THENCE S 17°05'28" W, 985.00 feet along the northerly east line of The Coterie II to the northerly southeast corner thereof;

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THENCE S 89°34'08" W, 499.68 feet to the inset southeast corner of The Coterie II;

THENCE S 16°17'27" W, 164.44 feet along the southerly east line of The Coterie II to the southeast corner of Lot 6, Block E/7433 and the northeast corner of Lot 5 according to the Replat of Lots 4 and 5, Block E/7433, recorded in Volume 79049, Page 347 DRDCT;

THENCE S 86°31'59" W, 129.39 feet along the common line thereof, to the east line of the cul-de-sac of Clubhouse Circle (a 50 foot right-of-way);

THENCE along the a non-tangent curve to the right having a central angle of 129°18'14", a radius of 50.00 feet, a chord of S 53°16'40" W - 90.37 feet, an arc length of 112.84 feet, passing the common corner between Lots 5 and 4, passing the common corner between Lots 4 and 3, continuing along the north line thereof;

THENCE S 86°31'59" W, 156.27 feet, along the south line of Clubhouse Circle and the north line of Lots 3 and 2 to the northwest corner thereof, and being the northeast corner of Lot 1;

THENCE S 03°28'01" E, 130.14 feet along the common line thereof, to the south line of The Coterie II;

THENCE S 88°43'28" W, 155.12 feet along the south line of The Coterie II;

THENCE S 88°48'48" W, 681.69 feet, continuing along the south line thereof, to the PLACE OF BEGINNING with the subject tract containing 1,586,846 square feet or 36.429 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."

