

4-9-14

ORDINANCE NO. 29319

An ordinance changing the zoning classification on the following property:

BEING Lot 1A in City Block 4/4463 located at the southeast corner of Hatcher Street and Racell Street; and containing approximately 0.464 acres,

from a CC Community Commercial Subdistrict within Planned Development District No. 595 (South Dallas/Fair Park Special Purpose District) and an RS-C Regional Service-Commercial Subdistrict within Planned Development District No. 595 to Planned Development District No. 908; amending the property location and size in Section 51P-595.102 of Article 595; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 908; 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 a CC Community Commercial Subdistrict within Planned Development District No. 595 and an RS-C Regional Service-Commercial Subdistrict within Planned Development District No. 595 to Planned Development District No. 908 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-595.102, “Property Location and Size,” of Article 595, “PD 595,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-595.102. PROPERTY LOCATION AND SIZE.

PD 595 is established on property generally bounded by the Union Pacific (DART) Railroad, the Southern Pacific Railroad, C.F. Hawn Freeway, the D.P.&L. Company easement, Central Expressway (S.M. Wright Freeway), the Southern Pacific Railroad, the Santa Fe Railroad, R.L. Thornton Freeway, Second Avenue, Parry Avenue, Robert B. Cullum Boulevard, Fitzhugh Avenue, Gaisford Street, and the common line between City Blocks 1820 and D/1821. PD 595 excludes the following planned development districts: 276, 320, 331, 354, 363, 477, 489, 513, 552, 557, 597, 660, 716, 729, 730, 746, 747, 764, 793, 806, 813, 849, 853, 856, 871, and 892. The size of PD 595 is approximately 3,550.191 [~~3,550.655~~] 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 908 to read as follows:

“ARTICLE 908.

PD 908.

SEC. 51P-908.101. LEGISLATIVE HISTORY.

PD 908 was established by Ordinance No._____, passed by the Dallas City Council on April 9, 2014.

SEC. 51P-908.102. PROPERTY LOCATION AND SIZE.

PD 908 is established on property located at the southeast corner of Hatcher Street and Racell Street. The size of PD 908 is approximately 0.464 acres.

SEC. 51P-908.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district:

(1) **FOOD OR BEVERAGE STORE** means a retail store for the sale of food and beverages. The term "food or beverage store" includes a grocery, delicatessen, convenience store, and specialty foods store.

(2) **GENERAL MERCHANDISE STORE** means a retail store for the sale of general merchandise. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods.

(3) **HEALTH/FITNESS CENTER** means a facility operated to promote physical fitness or weight control.

(4) **LIVE-WORK UNIT** means an interior space with street-level access that combines residential with office or retail and personal service uses. For purposes of spacing or proximity regulations, a live-work unit is considered a non-residential use.

(5) **MARKET GARDEN** means an area used for the raising or harvesting of agricultural crops such as vegetables, fruit, trees, grain, field forage, and other plant crops intended to provide food or fiber; or aquaponics facilities that include crop and fish production.

(6) **MASSAGE ESTABLISHMENT** and **MASSAGE** mean a massage establishment or massage as defined by Texas Occupation Code Chapter 455, as amended.

(7) **OPEN SPACE** means an area that is accessible to all occupants of the Property and principally open to the sky but allows for architectural elements such as colonnades, pergolas, and gazebos.

(8) **PUBLIC OR PRIVATE SCHOOL** means a public or private school as defined in Section 51A-4.204(17), as amended. A recreational or athletic facility owned or operated by a school for use by students is considered a public or private school.

(8) TATTOO OR BODY PIERCING STUDIO means a business in which tattooing or body piercing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. BODY PIERCING means piercing of body parts, other than ears, to allow the insertion of jewelry.

(9) TOBACCO SHOP means a retail store principally for the sale of cigars, cigarettes, pipes, tobacco, and other related items.

(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 nonresidential zoning district.

SEC. 51P-908.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 908A: development plan.

SEC. 51P-908.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit 908A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-908.106. MAIN USES PERMITTED.

(a) The following uses are the only main uses permitted:

(1) Agricultural uses.

- Community garden.
- Market garden. *[SUP]*

(2) Commercial and business service uses.

- Catering service.
- Custom business services.
- Electronics service center.
- Job or lithographic printing. *[3,500 square feet or less.]*

(3) Industrial uses.

None permitted.

- (4) Institutional and community service uses.
- Child-care facility.
 - Church.
 - Community service center. *[SUP]*
 - Library, art gallery, or museum.
 - Public or private school. *[SUP]*
- (5) Lodging uses.
- None permitted.
- (6) Miscellaneous uses.
- Temporary construction or sales office.
- (7) Office uses.
- Financial institution without drive-in window.
 - Medical clinic or ambulatory surgical center. *[SUP required for plasma or blood donation center.]*
 - Office.
- (8) Recreation uses.
- Private recreation center, club, or area. *[SUP]*
 - Public park, playground, or golf course.
- (9) Residential uses.
- Duplex.
 - Group residential facility. *[SUP required if spacing component of Section 51A-4.209(b)(3) is not met.]*
 - Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*
 - Live/work unit.
 - Multifamily.
 - Retirement housing.
 - Single family.
- (10) Retail and personal service uses.
- Business school.
 - Commercial parking lot or garage. *[SUP]*
 - Dry cleaning or laundry store.

- Food or beverage store. *[SUP if less than 5,000 square feet.]*
- Furniture store.
- General merchandise store.
- General merchandise or food store greater than 3,500 square feet.
- Health/fitness center.
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Swap or buy shop. *[SUP]*
- Theater.

(11) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP]*

(12) Utility and public service uses.

- Electrical substation. *[SUP]*
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4)]*
- Police or fire station.
- Post office.
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1). Permitted in this district subject to the same requirements as if located in the CR Community Retail District.]*

(13) Wholesale, distribution, and storage uses.

- Recycling drop-off container. *[SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.]*

(b) The following uses are prohibited:

- Personal services uses limited to massage establishment and tattoo or body piercing studio.
- Tobacco shop.

SEC. 51P-908.107. 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-908.108. 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) Front yard.
 - (1) Minimum front yard is five feet.
 - (2) Except as provided in this subsection, maximum front yard is 25 feet.
 - (3) A portion of the street-facing facade equal to at least 70 percent must be located within the area between the minimum and maximum front yard. The remaining street-facing facade must comply only with the minimum front yard setback.
 - (4) Second and third story balconies and patios may project up to six feet into the front yard.
- (b) Side and rear yard. Minimum side and rear yard is five feet. Screened dumpsters may be located in a side or rear yard.
- (c) Density. Maximum number of dwelling units is 40.
- (d) Floor area ratio. Maximum floor area ratio is 2.0. Structured parking is not included in floor area calculations.
- (e) Height. Maximum structure height is 40 feet.
- (f) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots, underground parking structures, and courtyards are not.
- (g) Lot size. No minimum lot size is required.
- (h) Stories. Maximum number of stories above grade is three.

SEC. 51P-908.109. 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.

(1) Multifamily. One-and-one-half off-street parking spaces per dwelling unit is required. No additional visitor parking is required.

(2) Food or beverage store. One off-street parking space for each 200 square feet of floor area is required.

(3) General merchandise store. One off-street parking space for each 200 square feet of floor area is required.

(4) Health/fitness center. One off-street parking space for each 200 square feet of floor area is required.

(5) Live-work unit. One off-street parking space for each live-work unit is required. If the nonresidential component of this use exceeds 1,000 square feet of floor area, off-street parking must be provided as if it is a main use.

(6) Market garden. One off-street parking space for each 200 square feet of floor area.

(7) Public or private school. One and one-half off-street parking spaces for each kindergarten/elementary school classroom; three and one-half spaces for each junior high/middle school classroom; and nine and one-half spaces for each senior high school classroom.

(b) Street-level nonresidential use parking and loading reduction. No off-street parking or loading is required for the first 3,000 square feet of floor area of a street-level nonresidential use located within 600 feet of a light rail station.

SEC. 51P-908.110. FENCE, SCREENING, AND VISUAL OBSTRUCTION REGULATIONS.

(a) In general. Except as provided in this section, consult the regulations in Division 51A-4.602 for fence, screening, and visual obstruction regulations.

(b) Visual obstruction regulations. For purposes of the visual obstruction regulations in Section 51A-4.602(d), VISIBILITY TRIANGLE means the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines and points on each of the street curb lines 40 feet from the intersection.

SEC. 51P-908.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-908.112. LANDSCAPING.

(a) In general.

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

(2) Each tree planted in the parkway may be counted toward the site tree or tree mitigation requirements in Article X.

(3) Subject to approval by the building official, a small tree may be used in place of a large tree if conflicts exist with utilities.

(b) Street trees. The minimum number of required street trees is determined by dividing the number of feet of street frontage, excluding visibility triangles, by 35. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number. Required street trees must be spaced as uniformly as practicable.

(c) Open space.

(1) At least ten percent of the Property must be open space that is a contiguous area of not less than 10 feet in width or length.

(2) Open space must be landscaped with at least one large canopy tree for every 2,500 square feet of required open space area. Two small canopy trees may be substituted for each required large tree.

SEC. 51P-908.113. DESIGN STANDARDS FOR HATCHER STREET FRONTAGE.

(a) Purpose. Continuous facades along pedestrian-oriented streets often have negative impacts on community aesthetics, pedestrian circulation, and the scale and rhythm of streetscapes. These design standards are intended to ensure that continuous facades that are located along well-traveled pedestrian ways are compatible with the surrounding area and mitigate the negative impact of continuous facades, while allowing creativity, flexibility, and variety in design.

(b) Facade design elements. Hatcher Street facades must incorporate the following design elements:

(1) A minimum of 50 percent of the street-level facades must be transparent (windows and transparent doors).

(2) A minimum of 20 percent of the upper-level facades must be transparent.

(3) A minimum of 20 percent of the linear length of each upper-level facade must have balconies.

SEC. 51P-908.114. SIGNS.

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

SEC. 51P-908.115. SIDEWALKS.

(a) A minimum six-foot-wide sidewalk with at least four feet of unobstructed width must be provided along Hatcher Street. A minimum four-foot-wide sidewalk must be provided along Racell Street.

(b) Tree grates are not considered obstructions.

(c) If a sidewalk is located within the required front yard, the Property owner must dedicate a sidewalk easement to the city to assure its availability to the public as a permanent pedestrian way.

SEC. 51P-908.116. 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-908.117. 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 development of this district must comply with the full-scale version of Exhibit 908A (development 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 6. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 908 in Chapter 51P.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 8. 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 9. 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 10. 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

Passed APR 09 2014

GIS_Approved

EXHIBIT A

WHEREAS, KKBK Properties, LLC, and Dallas Area Rapid Transit (D.A.R.T.) are the owners of a tract of land situated in the Thomas Lagow Survey, Abstract No. 759 in the City of Dallas, Dallas County, Texas, and being all of Lots 1 and 2, Block 4/4463, Gardenside, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 6, Page 75, Map Records, Dallas County, Texas, same being conveyed to KKBK Properties, LLC by Warranty Deeds recorded in Instrument Nos. 201100224371 and 201100224374, Official Public Records, Dallas County, Texas, and a part of Lot 1 being conveyed to Dallas Area Rapid Transit (D.A.R.T.), by Deed recorded in Instrument No. 200600419598, Deed Records, Dallas County, Texas, and being all of a tract of land situated in City of Dallas Block 4464 conveyed to KKBK Properties, LLC by Warranty Deed recorded in Instrument No. 201100224375, Official Public Records, Dallas County, Texas, and together being more particularly described by metes and bounds as follows:

BEGINNING at an "X" found for corner at the Southern end of a corner clip at the intersection of the Northeast line of Racell Street (a variable width right-of-way) and the Southeast line of Hatcher Street (an 80 foot right-of-way), said point being the South corner of said D.A.R.T. Tract, same being the beginning of a curve to the right having a radius of 15.00 feet, a central angle of 69 degrees 34 minutes 52 seconds, and a chord that bears North 01 degrees 54 minutes 49 seconds West, a distance of 17.12 feet;

THENCE along said corner clip and said curve to the right, an arc length of 18.22 feet to an 5/8 inch iron rod found for corner at the beginning of a curve to the right having a radius of 15.00 feet, a central angle of 08 degrees 46 minutes 05 seconds, and a chord that bears North 38 degrees 44 minutes 48 seconds East, a distance of 2.29 feet;

THENCE along said curve to the right, an arc length of 2.30 feet to an "X" found in concrete for corner and lying in said Southeast line of Hatcher Street;

THENCE North 41 degrees 59 minutes 12 seconds East, along the Southeast line of said Hatcher Street, a distance of 85.54 feet to an "X" found in concrete at the West corner of Lot 3 of said Gardenside;

THENCE South 45 degrees 37 minutes 26 seconds East, leaving the Southeast line of said Hatcher Street and along the Southwest line of said Lot 3, a distance of 120.79 feet to a 1/2 inch iron rod found with plastic "Precise" cap at the South corner of said Lot 3;

THENCE North 42 degrees 15 minutes 31 seconds East, along the Southeast line of said Lot 3, a distance of 41.46 feet to a 5/8 inch iron pipe found at a Northern West corner of a tract of land conveyed to Fareed Hussain and Syed M. Akhtar by deed recorded in Instrument No. 200900334700, Official Public Records, Dallas County, Texas;

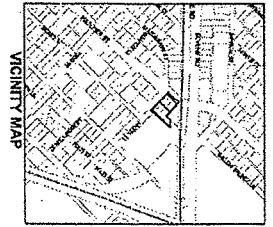
GIS_Approved

THENCE North 89 degrees 58 minutes 13 seconds East, along a Northern South line of said Hussain/Akhtar tract, a distance of 67.72 feet to a 5/8 inch iron rod found with a plastic "DCA" cap at an interior ell corner of Hussain/Akhtar tract;

THENCE South 42 degrees 19 minutes 11 seconds West, along a Southern Northwest line of said Hussain/Akhtar tract, a distance of 188.94 feet to a 5/8 inch iron rod found at the Southern West corner of said Hussain/Akhtar tract, said point being in the Northeast line of said Racell Street;

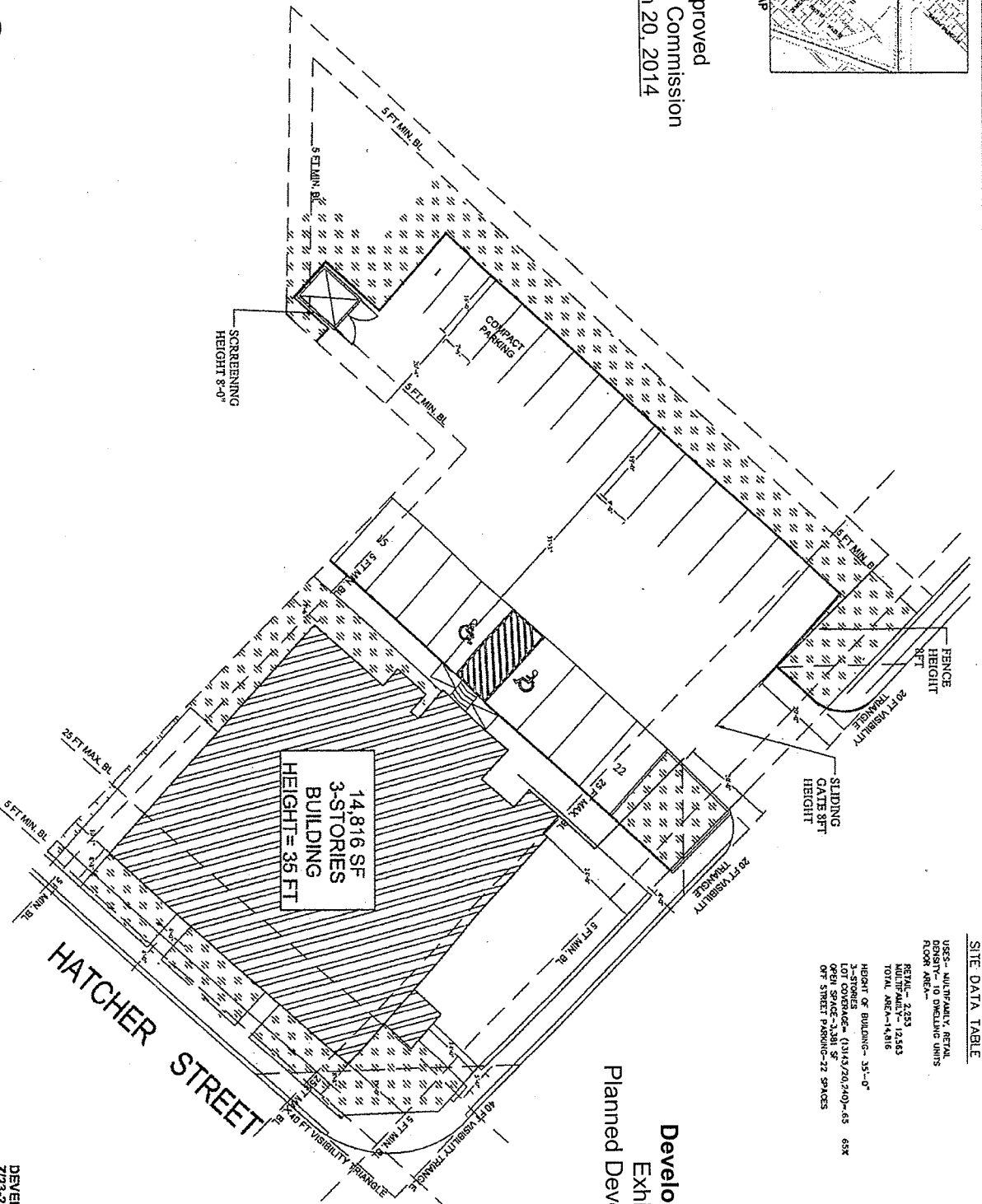
THENCE North 45 degrees 32 minutes 03 seconds West, along the Northeast line of said Racell Street, a distance of 155.91 feet to a 3 inch metallic disk stamped "HG & RPLS 5299" and the beginning of a curve to the right having a radius of 15.00 feet, a central angle of 08 degrees 58 minutes 35 seconds, and a chord that bears North 41 degrees 11 minutes 32 seconds West, a chord distance of 2.35 feet;

THENCE along said curve to the right, an arc length of 2.35 feet to the POINT OF BEGINNING and containing 20,249 square feet or 0.464 acres of land.



Approved
City Plan Commission
March 20, 2014

01
A1.00
STERMAN
SCALE: 1"=10'-0"



SITE DATA TABLE

USE	MULTIFAMILY RES.
DENSITY	10 DWELLING UNITS
FLOOR AREA	
RENTAL	2,053
MULTIF. MULT.	12,583
TOTAL AREA	14,816
HEIGHT OF BUILDING	35'-0"
LOT COVERAGE	(13143/20240)=65%
OPEN SPACE	2,281 SF
OF STREET PARKING	22 SPACES

Development Plan
Exhibit 908A
Planned Development No. 908

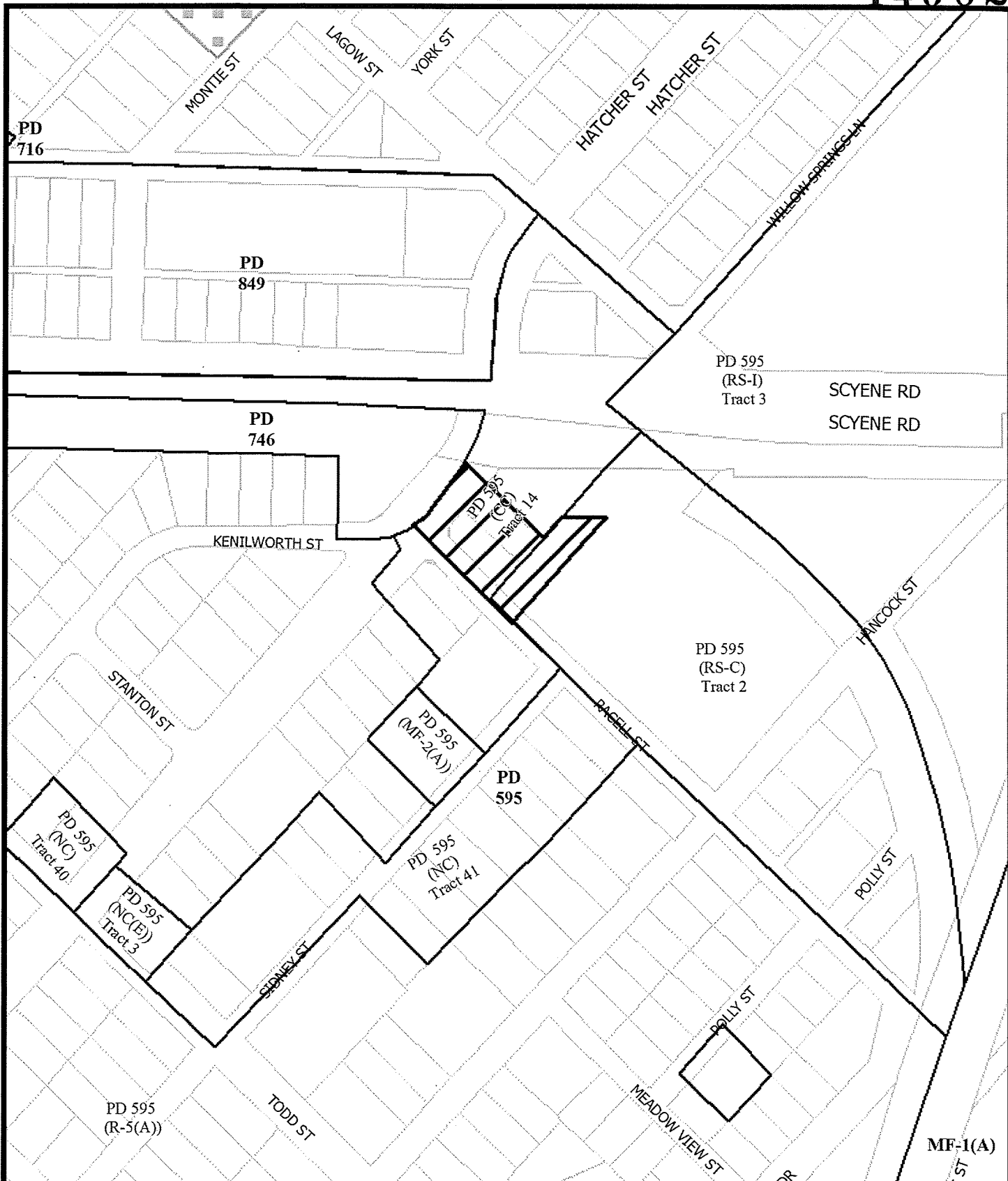
DEVELOPMENT PLAN
Z723-238 (RB)

SHEET:
A1.00

HATCHER GARDENS
4002 HATCHER ST.
DALLAS TX

ADI ASSOCIATES, INC.
2001 STEVENSON AVENUE
DALLAS, TX 75201
TEL: 214.752.2111
FAX: 214.752.2112
www.adiassociates.com

ISSUED:



1:2,400

ZONING MAP

Case no: Z123-298

Date: 3/7/2014



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 APR 09 2014

ORDINANCE NUMBER 29319

DATE PUBLISHED APR 12 2014

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Liss".