An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 1/931; fronting approximately 50 feet on the southwest line of McKinnon Street; and containing approximately .1275 acres of land,

from an O-2 Office Subdistrict within Planned Development District No. 193 (the Oak Lawn Special Purpose District) to Planned Development Subdistrict No. 16 within Planned Development District No. 193; amending Division S-16, “Planned Development Subdistrict 16,” of Article 193, “PD 193,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code to reflect the expansion of Planned Development Subdistrict No. 16; amending the regulations in Division 16; providing a new boundary description; providing a new development plan; 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 and 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 O-2 Office Subdistrict within Planned Development District No. 193 to Planned Development Subdistrict No. 16 within Planned Development District No. 193 on the property described in Exhibit B, which is attached to and made a part of this ordinance ("the Property").


"Division S-16. PD Subdistrict 16.

SEC. S-16.101. LEGISLATIVE HISTORY.

PD Subdistrict 16 was established by Ordinance No. 22954, passed by the Dallas City Council on November 13, 1996. Ordinance No. 22954 amended Ordinance No. 21859, PD 193 (the Oak Lawn Special Purpose District), as amended, and Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended.

SEC. S-16.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 16 is established on property generally located on the east corner of Harwood Street and Wolf Street. The size of PD Subdistrict 16 is approximately .9968 [0.8946] acres.

SEC. S-16.102.1. PURPOSE STATEMENT.

The standards for this division complement the development pattern in the area and recognize the area’s unique identity as a gateway to downtown and a bridge between downtown and Oak Lawn. The objectives of these standards are as follows:

1. To promote the health, safety, welfare, convenience, and enjoyment of the public.

2. To achieve buildings more in urban form.

3. To promote a pedestrian environment and provide public open space.
(4) To encourage development that complements nearby properties.

(5) To achieve buildings efficient in design and use of space while providing adequate view corridors, light, and air to nearby properties.

(6) To achieve buildings that reduce natural resources consumption, enhance occupant comfort and health, lower utility consumption, minimize strain on local infrastructures, and improve quality of life.

(7) To promote new sign construction and existing sign alterations that:

(A) enhance, preserve, and develop the unique character of the district;

(B) insure compatibility with the areas architectural character;

(C) do not obstruct significant architectural features; and

(D) promote the safety of pedestrians and motorists.

SEC. S-16.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations contained in Chapter 51 and in Part I of this article apply. 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:

(1) CANOPY means a permanent, non-fabric architectural element projecting from the facade of a building.

(2) SUBDISTRICT means a subdistrict of PD 193.

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

(d[e]) For purposes of determining the applicability of regulations in this division and in Chapter 51 triggered by adjacency or proximity to another zoning subdistrict or district, and for purposes of interpreting the requirements of Division 51.4.800, this subdistrict is considered to be a nonresidential zoning district.
SEC. S-16.103.1. EXHIBITS.

The following exhibits are incorporated into this division:

(1) Exhibit S-16A: development plan.
(2) Exhibit S-16B: landscape plan.
(3) Exhibit S-16C: logo sign elevations.

SEC. S-16.104. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit S-16A). If there is [In the event of] a conflict between the text [provisions] of this division and the development plan, the text [provisions] of this division controls [control].

SEC. S-16.105. MAIN USES PERMITTED.

(a) Except as provided in this subsection, the only main uses permitted in this subdistrict are those main uses permitted in the O-2 Office Subdistrict, subject to the same conditions applicable in the O-2 Office Subdistrict, as set out in Part I of this article. For example, a use permitted in the O-2 Office Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the O-2 Office Subdistrict is subject to DIR in this subdistrict; etc. [Bank or savings and loan office with drive-through service.]

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

-- Bank or savings and loan office with drive-through service.

[Except as provided in Subsection (a), the uses permitted in this subdistrict are all uses permitted in the O-2 Office Subdistrict of PD-193 subject to the same conditions applicable in said subdistrict. For example, a use permitted in the O-2 Office Subdistrict by specific use permit (SUP) only is permitted in this planned development subdistrict by SUP. A use subject to development impact review (DIR) in the O-2 Office Subdistrict is subject to DIR in this planned development subdistrict, etc.]

SEC. S-16.106. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific [types of] accessory uses, however, due to their unique nature, are subject to additional regulations [contained] in Section 51P-193.108[,"Accessory Uses," of PD 193]. For more information regarding accessory uses, consult Part I of this article.
SEC. S-16.107.  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 a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section [below], the yard, lot, and space regulations [specified] for the O-2 Office Subdistrict [of PD 193, as amended,] apply [to this PD subdistrict].

(b) Front yard. [For a bank or savings and loan office with drive-through service use, the following yard, lot, and space regulations apply:]

(1) Minimum front yards are:

(A) 20 feet along McKinnon Street;

(B) No front yard is required along Wolf Street or Harwood Street.

[Front yard. Minimum front yard is as shown on the development plan.

(2) The following items are permitted in a front yard in the locations shown on the development plan:

(A) Water features.

(B) A monument sign.

(C) Bike racks.

(D) Trellises. [May not exceed 10 feet in height on McKinnon Street.]

(E) Landscape feature (solid panels).

Side and rear yard. Minimum side and rear yard are as shown on the development plan:

(3) Floor area. Maximum floor area is as shown on the development plan.

(4) Lot coverage. Maximum lot coverage is as shown on the development plan.

(5) Lot size. Minimum lot size is as shown on the development plan.]
(c) Side and rear yard. No minimum side or rear yard is required. [Maximum permitted structure height and number of stories for all uses in this subdistrict are 36 feet and three stories.]

(d) Floor area.

(1) Maximum floor area is 174,000 square feet.

(2) Additional street level uses listed in Section 51P-193.110(c)(2) may not have a floor area greater than 3,000 square feet each.

(e) Height. Maximum structure height is 300 feet.

(f) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

SEC. S-16.108. OFF-STREET PARKING AND LOADING.

Consult Part I of this article for the specific off-street parking and loading requirements for each use. [Parking for a bank or savings and loan office with drive-through service use must be provided as shown on the development plan. For all other permitted uses, consult Part I of this article for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations of PD-193 for information regarding off-street parking and loading generally.]

SEC. S-16.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-16.110. PARKING STRUCTURES [ACCESS].

(a) Parking structures must be underground or have a facade that is similar in appearance to the facade of the main structure.

(b) A minimum of 12 percent of the aboveground parking structure facade area, including openings, must have the same materials as are used on the first 24 feet of the main structure.

(c) Openings in an aboveground parking structure facade may not exceed 52 percent of the total aboveground parking structure facade area.
[Ingress and egress for a bank or savings and loan office with drive-through service must be provided as shown on the development plan.]

SEC. S-16.111. LANDSCAPING.

(a) Landscape plan. Except as provided in this section, landscaping must be provided as shown on the landscape plan (Exhibit S-16B).

(b) Surface parking screening. Surface parking must be screened in accordance with the off-street parking and screening requirements in Section 51P-193.126(b)(3)(A)(iii).

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

[Landscaping must comply with Section 51P-193.126. All plant materials must be maintained in a healthy, growing condition.]

SEC. S-16.112. TREE PRESERVATION.

Tree mitigation must comply with Article X.

SEC. S-16.113.] SIGNS.

(a) In general. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII. [Detached premise signs for a bank or savings and loan office with drive-through service may be erected as shown on the development plan. The permissible effective area and height of these detached signs are also shown on the development plan.]

(b) Attached premise signs. The following are the only attached premise signs permitted in this subdistrict:

1. On the north main structure facade, one logo sign may be located at or above the 20th floor, as shown on the logo sign elevations (Exhibit S-16C), and may not exceed 24 feet in height. The logo sign may be illuminated.

2. On the south main structure facade, one logo sign may be located at or above the 20th floor, as shown on the logo sign elevations, and may not exceed 24 feet in height. The logo sign may be illuminated.

3. On the west main structure facade, one logo sign may be located between the 9th floor and 13th floor, as shown on the logo sign elevations, and may not exceed 45 feet in height. The logo sign may only be illuminated with LED light embedded glazing.
(4)  On the east main structure facade, one logo sign may be located on a canopy, as shown on the logo sign elevations.

[Except as provided in Subsection (a), all signs must comply with the provisions for non-business zoning districts contained in Article VII.]

SEC. S-16.113[4].  ADDITIONAL PROVISIONS [GENERAL REQUIREMENTS].

(a)  In general.

(1)  The [entire] Property must be properly maintained in a state of good repair and neat appearance.

(2)  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.

(3)  Development and use of the Property must comply with Part I of this article.

(b)  Visibility triangles.  The visibility triangles must be provided as shown on the development plan.

[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.]

(c)  Traffic improvements.  Before the issuance of a certificate of occupancy on this Property, the following must occur:

(1)  Two-and-one half feet of right-of-way must be dedicated along the Property boundary on Wolf Street.

(2)  36 feet of street pavement, measured back-of-curb to back-of-curb, must be provided on Wolf Street from McKinnon Street to Harwood Street.

(3)  Traffic signal upgrades for a left turn lane and pavement widening must be installed on Wolf Street.”

[SEC. S-16.115.  PAVING.]

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 director of public works and transportation.]
SEC. S-16.114[6]. 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 or a certificate of occupancy for a use in this planned development subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

[SEC. S-16.117. ZONING MAP.

PD Subdistrict 16 is located on Zoning Map No. J-7.]

SECTION 3. That the property description in Ordinance No. 25267 is replaced by the boundary description, Exhibit A, attached to this ordinance.

SECTION 4. That the development plan, Exhibit S-16A of Division S-16 of Article 193 of Chapter 51P of the Dallas City Code, is replaced by the Exhibit S-16A attached to this ordinance.

SECTION 5. 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 6. That development of this district must comply with the full-scale versions of Exhibits S-16A (development plan) and S-16B (landscape 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 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:

THOMAS P. PERKINS, JR., City Attorney

By ______________________________
Assistant City Attorney

Passed _________ FEB 13 2013
ZONING EXHIBIT
LOT 1, BLOCK 1/931
OVERTON MOTOR BANK NO. 1
& PART OF BLOCK 931
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Overall Tract:

BEING a tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas and being all of Lot 1, Block 1/931, of the Overton Motor Bank No. 1, an addition to the City of Dallas, Dallas County, Texas, recorded by plat Volume 97076, Page 3344, of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and also being all of that tract of land conveyed to Frost National Bank by Special Warranty Deed, recorded in Instrument Number 201200174627, of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) and being more particularly described as follows;

BEGINNING at the intersection of the northeast right-of-way line of North Harwood Street (60' R.O.W.) and the southeast right-of-way line of Wolf Street (45' R.O.W.);

THENCE N42°52′00″E, continuing along the southeast line of said Wolf Street, a distance of 220.73 feet to a point for corner at the intersection of the southwest line of said Wolf Street and the southeast right-of-way line of Dallas North Tollway (McKinnon Street) (variable width R.O.W.);

THENCE S47°05′00″E, continuing along the southwest line of Dallas North Tollway (McKinnon Street), a distance of 195.00 feet to a point for corner;

THENCE S42°52′00″W, departing the southwest line of said Dallas North Tollway (McKinnon Street), a distance of 224.59 feet to a point for corner in the aforementioned northeast line of said North Harwood Street;

THENCE N45°57′00″W, a distance of 195.04 feet to the POINT OF BEGINNING, containing 43,419 square feet or 0.9968 acres of land, more or less.
EXHIBIT B

GIS_Approved_Legal for (0-2) to PDS16

ZONING EXHIBIT
LOT 1, BLOCK 1/31
OVERTON MOTOR BANK NO. 1
& PART OF BLOCK 931
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Tract II:

BEING a tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas and being part of Block 1/31, City of Dallas, Dallas County, Texas, and being all of that tract of land conveyed to Frost National Bank by Special Warranty Deed, recorded in Instrument Number 201200174627, of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) and being more particularly described as follows;

COMMENCING at the intersection of the northeast right-of-way line of North Harwood Street (60’ R.O.W.) and the southeast right-of-way line of Wolf Street (45’ R.O.W.);

THENCE N42°52’00”E, continuing along the southeast line of said Wolf Street, a distance of 220.73 feet to a point for corner at the intersection of the southwest line of said Wolf Street and the southeast right-of-way line of Dallas North Tollway (McKinnon Street) (variable width R.O.W.);

THENCE S47°05’00”E, continuing along the southwest line of Dallas North Tollway (McKinnon Street), a distance of 45.00 feet to the POINT OF BEGINNING;

THENCE S47°05’00”E, continuing along the southwest line of Dallas North Tollway (McKinnon Street) a distance of 50.00 feet to a point for corner;

THENCE S42°52’00”W, departing the southwest line of said Dallas North Tollway (McKinnon Street), a distance of 110.95 feet to a point for corner;

THENCE N47°18’03”W, a distance of 50.00 feet to a point for corner;

THENCE N42°52’00”E, a distance of 111.14 feet to the POINT OF BEGINNING, containing 5,552.23 square feet or 0.1275 acres of land, more or less.

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>BEARING</th>
<th>DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>S47°05’00”E</td>
<td>45.00’</td>
</tr>
<tr>
<td>L2</td>
<td>S42°52’00”W</td>
<td>111.14’</td>
</tr>
<tr>
<td>L3</td>
<td>S47°18’03”E</td>
<td>50.00’</td>
</tr>
<tr>
<td>L4</td>
<td>N42°52’00”E</td>
<td>110.95’</td>
</tr>
<tr>
<td>L5</td>
<td>S47°05’00”E</td>
<td>50.00’</td>
</tr>
</tbody>
</table>
Overall Tract:

BEING a tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas and being all of Lot 1, Block 1/931, of the Overton Motor Bank No. 1, an addition to the City of Dallas, Dallas County, Texas, recorded by plat Volume 97076, Page 3344, of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and also being all of that tract of land conveyed to Frost National Bank by Special Warranty Deed, recorded in Instrument Number 201200174627, of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) and being more particularly described as follows;

BEGINNING at the intersection of the northeast right—of—way line of North Harwood Street (60' R.O.W.) and the southeast right—of—way line of Wolf Street (45’ R.O.W.);

THENCE N42°52’00”E, continuing along the southeast line of said Wolf Street, a distance of 220.73 feet to a point for corner at the intersection of the southwest line of said Wolf Street and the southeast right—of—way line of Dallas North Tollway (McKinnon Street) (variable width R.O.W.);

THENCE S47°05’00”E, continuing along the southwest line of Dallas North Tollway (McKinnon Street), a distance of 195.00 feet to a point for corner;

THENCE S42°52’00”W, departing the southwest line of said Dallas North Tollway (McKinnon Street), a distance of 224.59 feet to a point for corner in the aforementioned northeast line of said North Harwood Street;

THENCE N45°57’00”W, a distance of 195.04 feet to the POINT OF BEGINNING, containing 43,419 square feet or 0.9968 acres of land, more or less.

BROCKETTE, DAVIS & DRAKE, Inc.
Consulting engineers
Civil & Structural Engineering Surveying
4144 North Central Expressway, Suite 1100
Dallas, Texas 75204
(214) 824-3847, FAX (214) 824-7064

ZONING EXHIBIT
OVERALL TRACT
0.9968 ACRES
43,419 Sq. Ft.

BASIS OF BEARING
The basis of bearings shown herein, N 122°00”E, is the southeast line of Wolf Street as shown on Overton Motor Bank No. 1, as recorded by plat in Volume 97076, Page 3344 (DRDC).

GIS_Approved
ZONING EXHIBIT
LOT 1, BLOCK 1/31
OVERTON MOTOR BANK NO. 1
& PART OF BLOCK 931
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Tract II:

BEING a tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas and being part of Block 1/31, City of Dallas, Dallas County, Texas, and being all of that tract of land conveyed to Frost National Bank by Special Warranty Deed, recorded in Instrument Number 201200174627, of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) and being more particularly described as follows;

COMMENCING at the intersection of the northeast right-of-way line of North Harwood Street (60' R.O.W.) and the southeast right-of-way line of Wolf Street (45' R.O.W.);

THENCE N42°52'00"E, continuing along the southeast line of said Wolf Street, a distance of 220.73 feet to a point for corner at the intersection of the southwest line of said Wolf Street and the southeast right-of-way line of Dallas North Tollway (McKinnon Street) (variable width R.O.W.);

THENCE S47°05'00"E, continuing along the southwest line of Dallas North Tollway (McKinnon Street), a distance of 45.00 feet to the POINT OF BEGINNING;

THENCE S47°05'00"E, continuing along the southwest line of Dallas North Tollway (McKinnon Street) a distance of 50.00 feet to a point for corner;

THENCE S42°52'00"W, departing the southwest line of said Dallas North Tollway (McKinnon Street), a distance of 110.95 feet to a point for corner;

THENCE N47°18'03"W, a distance of 50.00 feet to a point for corner;

THENCE N42°52'00"E, a distance of 111.14 feet to the POINT OF BEGINNING, containing 5,552.23 square feet or 0.1275 acres of land, more or less.

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>BEARING</th>
<th>DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>S47°05'00&quot;E</td>
<td>45.00'</td>
</tr>
<tr>
<td>L2</td>
<td>S42°52'00&quot;W</td>
<td>111.14'</td>
</tr>
<tr>
<td>L3</td>
<td>S47°18'03&quot;E</td>
<td>50.00'</td>
</tr>
<tr>
<td>L4</td>
<td>N42°52'00&quot;E</td>
<td>110.95'</td>
</tr>
<tr>
<td>L5</td>
<td>S47°05'00&quot;E</td>
<td>50.00'</td>
</tr>
</tbody>
</table>

BROCKETT, DAVIS & DRAKE, Inc.
consulting engineers
Civil & Structural Engineering-Surveying
4144 North Central Expressway, Suite 1100
Dallas, Texas 75204
(214)824-3847, fax (214) 824-7084

ZONING EXHIBIT
TRACT I
0.8663 ACRES
37,867 Sq. Ft.

TRACT II
0.1275 ACRES
5,552 Sq. Ft.

BASIS OF BEARING
The basis of bearing shown herein, N42°52'00"E, is the southeast line of Wolf Street as shown on Overtton Motor Bank No. 1, as recorded by plot in Volume 97276, Page 3344 (BROCT).