

2-24-14

ORDINANCE NO. 29290

An ordinance changing the zoning classification on the following property:

BEING Lots 1 and 2 in City Block A/7080; fronting approximately 330 feet on the south line of Northwest Highway; fronting approximately 200 feet on the east line of Solta Drive; and containing approximately 1.4 acres,

from an LO-1 Limited Office District to Planned Development District No. 906; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 906; 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 LO-1 Limited Office District to Planned Development District No. 906 on the following property ("the Property"):

BEING Lots 1 and 2 in City Block A/7080; fronting approximately 330 feet on the south line of Northwest Highway; fronting approximately 200 feet on the east line of Solta Drive; and containing approximately 1.4 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 906 to read as follows:

"ARTICLE 906.

PD 906.

SEC. 51P-906.101. LEGISLATIVE HISTORY.

PD 906 was established by Ordinance No. _____, passed by the Dallas City Council on February 26, 2014.

SEC. 51P-906.102. PROPERTY LOCATION AND SIZE.

PD 906 is established on property located at the southeast corner of Northwest Highway and Solta Drive. The size of PD 906 is approximately 1.4 acres.

SEC. 51P-906.103. 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 nonresidential zoning district.

SEC. 51P-906.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 906A: development plan.
- (2) Exhibit 906B: conceptual building elevations.

SEC. 51P-906.105. DEVELOPMENT PLAN.

(a) In general. Except as provided in this section, 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.

(b) Mini-warehouse use. For a mini-warehouse use, development and use of the Property must comply with the development plan (Exhibit 906A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-906.106. CONCEPTUAL BUILDING ELEVATIONS.

For a mini-warehouse use, development and use of the Property must comply with the conceptual building elevations (Exhibit 906B). If there is a conflict between the text of this article and the conceptual building elevations, the text of this article controls.

SEC. 51P-906.107. MAIN USES PERMITTED.

(a) The only main uses permitted are those main uses permitted in the LO-1 Limited Office District, subject to the same conditions applicable in the LO-1 Limited Office District, as set out in Chapter 51A. For example, a use permitted in the LO-1 Limited Office 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 LO-1 Limited Office District is subject to DIR in this district; etc.

(b) The following additional main use is permitted:

-- Mini-warehouse.

(c) The following main uses are not permitted:

-- Alcoholic beverage establishments.

-- Transit passenger shelter.

SEC. 51P-906.108. 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 uses are not permitted:

- Accessory community center (private).
- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- Day home.
- General waste incinerator.
- Home occupation.
- Private stable.

SEC. 51P-906.109. 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) In general. Except as provided in this section, the yard, lot, and space regulations for the LO-1 Limited Office District apply.

(b) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height of 12 feet above the slope and 12 feet above the maximum structure height.

(c) Mini-warehouse use.

- (1) Setback. Minimum setback along Solta Drive is 30 feet.
- (2) Height. Maximum structure height is 30 feet.

SEC. 51P-906.110. OFF-STREET PARKING AND LOADING.

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

SEC. 51P-906.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-906.112. LANDSCAPING AND SCREENING.

(a) In general. Except as provided in this section, landscaping must be provided in accordance with Article X. The following additional regulations apply:

(1) Large trees. Large trees must be planted a minimum of 10 feet away from a building.

(2) Solta Drive. If an existing tree is removed from the Solta Drive street frontage, a new large canopy tree must be planted within 40 feet of the street curb of Solta Drive in close proximity to the removed tree.

(3) Mini-warehouse use.

(A) A masonry wall, not exceeding eight feet in height, must be constructed in the location shown on the development plan.

(B) A circulation drive is permitted within the required landscape buffer strip in the location shown on the development plan.

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

SEC. 51P-906.113. SIGNS.

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

SEC. 51P-906.114. ADDITIONAL PROVISIONS.

(a) Ingress and egress is permitted from Northwest Highway only. No other ingress and egress is permitted.

(b) The hours of operation for a mini-warehouse use are 6:00 a.m. to 9:00 p.m., Monday through Friday, and 7:00 a.m. to 10:00 p.m., Saturday and Sunday. Customers may remain on the Property until 10:00 p.m., but may not access the Property after 9:00 p.m.

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

(d) 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-906.115. 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 versions of Exhibits 906A (development plan) and 906B (conceptual building elevations) 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 906 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.

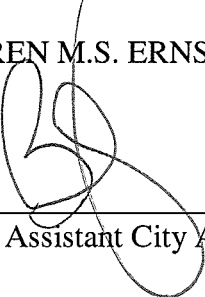
SECTION 7. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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.

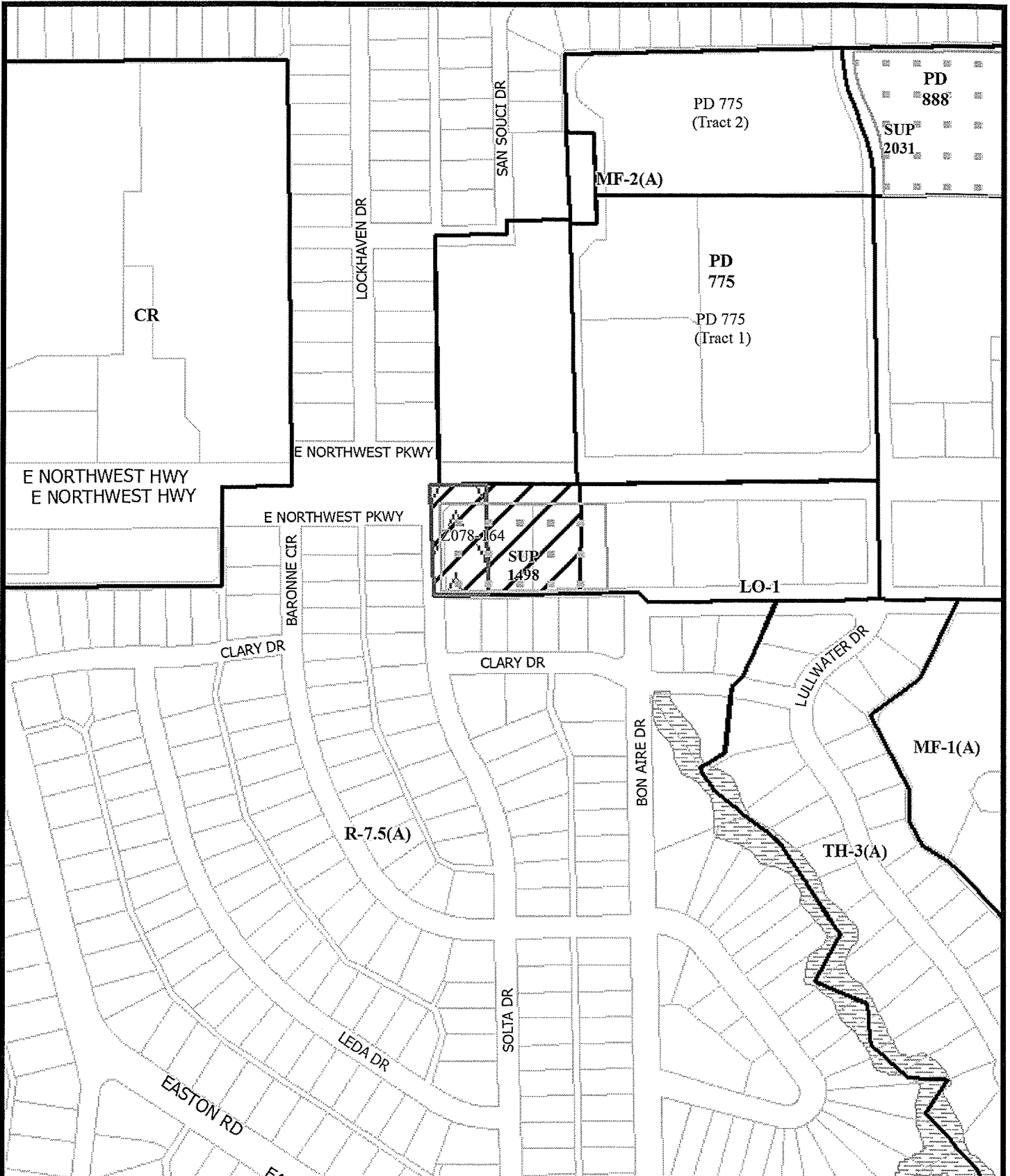
SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By  _____
Assistant City Attorney

Passed MAR 26 2014



1:3,600

ZONING MAP

Case no: Z123-363

Date: 10/9/2013

COUNCIL CHAMBER

March 26, 2014

WHEREAS, the termination of the deed restrictions in the attached instrument has been volunteered in connection with property located on the southeast corner of Northwest Highway and Solta Drive, which is the subject of zoning case no. Z123-363; 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 in conjunction with the property that is the subject of zoning case no. Z123-363.

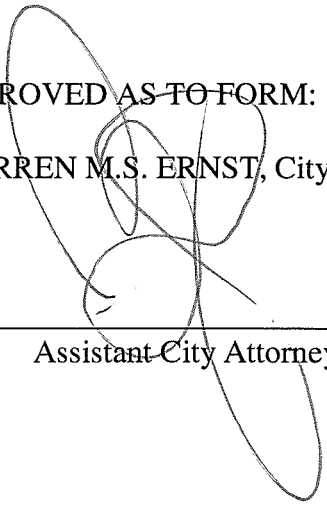
Section 2. That this termination of deed restrictions must be filed in the Deed Records of Dallas County, Texas.

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:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney



APPROVED BY
CITY COUNCIL

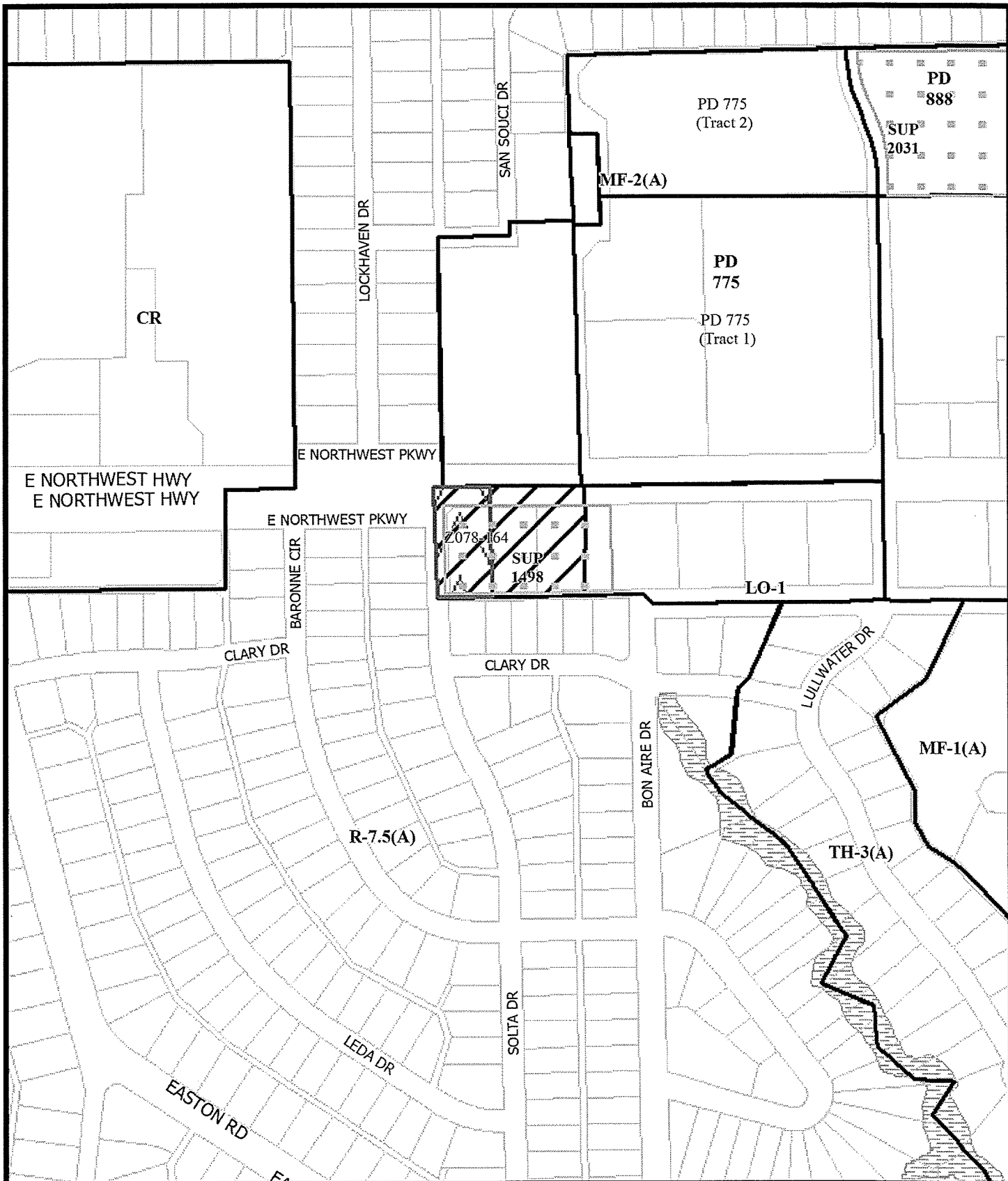
MAR 26 2014

Lucas A. Davis
City Secretary

APPROVED _____
HEAD OF DEPARTMENT

APPROVED _____
DIRECTOR OF FINANCE

APPROVED _____
CITY MANAGER



1:3,600

ZONING MAP

Case no: Z123-363

Date: 10/9/2013

TERMINATION OF DEED RESTRICTIONS

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

I.

The undersigned, JENNIFER WILCOX ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the William C. Jackson Survey, Abstract No. 704, part of City Block A/7080, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by The County of Dallas, by deed dated August 4, 2006, and recorded in Instrument, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Lot 1, City Block A/7080

II.

The Property was impressed with certain deed restrictions ("restrictions") as shown in an instrument dated May 14, 2008, and signed by Jennifer Wilcox, 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:

Ingress and egress is permitted only from Northwest Highway. No other egress or ingress is permitted.

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, _____ County, this the 28 day of Feb, 2014.

Jennifer Wilcox
Owner
By: Jennifer Wilcox
Printed Name: Jennifer Wilcox
Title: owner

Sample Signature Blocks and Acknowledgments

Form of acknowledgment if the owner is a person.

State of Texas

County of Dallas

This instrument was acknowledged before me on 3-19-14 (date of acknowledgment) by Jennifer Wilcox (name of person who signed the deed restrictions).

(Notary's stamp here)

Suzanne W Berger (Notary's signature)
Notary Public in and for
the State of Texas



STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

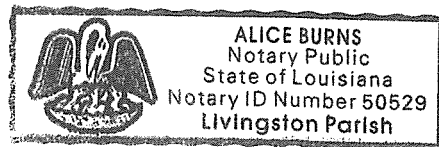
This instrument was acknowledged before me on March 25, 2014

by *Scott P. Shaddinger*

Scott P. Shaddinger as Senior Vice President

of INVESTAR Bank formally South Louisiana Business Bank.

Alice Burns
NOTARY PUBLIC
at death



CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

INVESTAR BANK

formally South Louisiana Business Bank

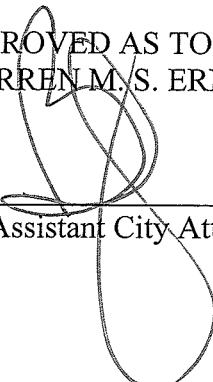
Owner

By: Scott P. Shaddinger

Printed Name: SCOTT P. SHADDINGER

Title: Senior Vice President

APPROVED AS TO FORM:
WARREN M. S. ERNST, City Attorney

By: 
Assistant City Attorney

081441

COUNCIL CHAMBER

May 14, 2008

WHEREAS, the deed restrictions in the attached instrument have been volunteered in connection with property located at the southeast corner of Northwest Highway and Solta Drive, which is the subject of zoning case No. Z078-164; and

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

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


Section 1. That the deed restrictions in the attached instrument are 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. Z078-164.

Section 2. That these 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:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

APPROVED  APPROVED
HEAD OF DEPARTMENT DIRECTOR OF FINANCE CITY MANAGER

V.

These restrictions are 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 that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

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 the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

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

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

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.

XII.

The invalidation of any provision in this document 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 this the 14 day of ~~April~~^{May}, 2008.

Owner: Jennifer Wilcox, an individual

By: Jennifer Wilcox
Printed Name: Jennifer Wilcox
Title: Owner

CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

Property Lienholder or Mortgagee

By:
Printed Name: NONE
Title:

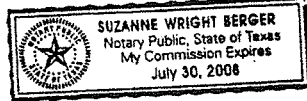
APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney

By: [Signature]
Assistant City Attorney

State of Texas

County of Dallas

This instrument was acknowledged before me on May 14, 08
Suzanne W. Berger



Suzanne W. Berger (Notary's signature)
Notary Public in and for
the State of Texas

081441

ZONING BOUNDARY DESCRIPTION

WHEREAS JENNIFER WILCOX is the owner of a tract of land situated in the City of Dallas, Dallas County, Texas in the William C. Jackson Survey, Abstract No. 704 and being a part of City of Dallas Blocks No. 7080, and being a part of a 1.7335 acre tract of land as described in a Special Warranty Deed with Vendor's Lien to Jennifer Wilcox, recorded under County Clerk File Document No. 200600292137, Official Public Records of Dallas County, Texas, and being more fully described as follows:

BEGINNING at 1/2 inch iron rod found with a red plastic cap stamped RPLS 5199 at the northwest corner of the said 1.7335 acre tract, said iron rod also being in the intersection of the south right-of-way line of Northwest Highway (S.H. Spur 244)(100 foot right-of-way width) and the east right-of-way line of Solta Drive (50 foot right-of-way width);

THENCE North 89 degrees 46 minutes 00 seconds East, along the north line of the said 1.7335 acre tract and the south right-of-way line of said Northwest Highway, a distance of 109.21 feet to a point for a corner;

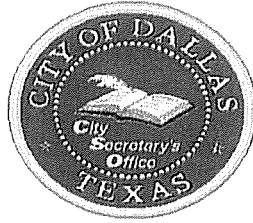
THENCE South 00 degrees 57 minutes 52 seconds East, leaving the south line of the said Northwest Highway, a distance of 195.67 feet to a point for a corner, said point also being in the south line of the said 1.7335 acre tract and the north right-of-way line of a 15 foot alley;

THENCE South 89 degrees 28 minutes 18 seconds West, along the south line of the said 1.7335 acre tract, and along the north right-of-way line of the said alley, a distance of 109.20 feet to a 1/2 inch iron rod found for a corner at the southwest corner of the said 1.7335 acre tract in the intersection of north right-of-way line of said alley and the east right-of-way line of said Solta Drive;

THENCE North 00 degrees 57 minutes 52 seconds West, along the west line of the said 1.7335 acre tract and the east right-of-way line of said Solta Drive, a distance of 199.74 feet to the point of beginning and containing 21,780 square feet or 0.50 acres of land.

Basis of bearing is the west line of the 1.7335 acre tract of land as described in a Special Warranty Deed with Vendor's Lien to Jennifer Wilcox, recorded under County Clerk File Document No. 200600292137, Official Public Records of Dallas County, Texas

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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 MAR 26 2014

ORDINANCE NUMBER 29290

DATE PUBLISHED MAR 29 2014

ATTESTED BY:

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