

ORDINANCE NO. 31863

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 561; fronting approximately 206.33 feet along the east line of McKinney Avenue; fronting approximately 239.11 feet along the northeast line of Boll Street; and containing approximately 1.1197 acres,

from an LC Light Commercial Subdistrict, an O-2 Office Subdistrict, and a P Parking Subdistrict within Planned Development District No. 193 (Oak Lawn Special Purpose District) to Planned Development Subdistrict No. 163 within Planned Development District No. 193; amending Part II, "PD Subdistrict Regulations," of Article 193, "PD 193," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Division S-163; establishing use regulations and development standards for this planned development subdistrict; 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 subdistrict; 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 an LC Light Commercial Subdistrict, an O-2 Office Subdistrict, and a P Parking Subdistrict within Planned Development District No. 193 to Planned Development Subdistrict No. 163 within Planned Development District No. 193 on the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”).

SECTION 2. That Part II, “PD Subdistrict Regulations,” of Article 193, “PD 193,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Division S-163 to read as follows:

“Division S-163. PD Subdistrict 163.

SEC. S-163.101. LEGISLATIVE HISTORY.

PD Subdistrict 163 was established by Ordinance No._____, passed by the Dallas City Council on May 12, 2021.

SEC. S-163.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 163 is established on property bounded by McKinney Avenue and Boll Street. The size of PD Subdistrict 163 is approximately 1.1197 acres.

SEC. S-163.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. 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) PRIVATE OPEN SPACE means an area that is unobstructed to the sky, except structures supporting outdoor activities, such as colonnades, pergolas, gazebos, shade structures, planters, a swimming pool, water features, seating areas, an outdoor kitchen, or similar improvements or fixtures.

(2) SPECIAL PROJECT means a development containing a combination of: (i) multiple-family; and (ii) office, retail, professional, personal service, custom craft, and/or

restaurant uses that satisfies the urban design requirements of this article in order to allow total floor area ratio greater than 4.5:1.

(3) SUBDISTRICT means a subdistrict of PD 193.

(4) TRANSPARENCY means that total area of window opening, door opening, or other opening, expressed as a percentage of the total facade area by story.

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

(d) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-163.104. EXHIBITS.

The following exhibits are incorporated into this division:

- (1) Exhibit S-163A: development plan.
- (2) Exhibit S-163B: height plan.
- (3) Exhibit S-163C: landscape plan.

SEC. S-163.105. DEVELOPMENT PLAN.

(a) For a special project, development and use of the Property must comply with the development plan (Exhibit S-163A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. S-163.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the LC Light Commercial Subdistrict, subject to the same conditions applicable in the LC Light Commercial Subdistrict, as set out in Part I of this article. For example, a use permitted in the LC Light Commercial 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 LC Light Commercial Subdistrict is subject to DIR in this subdistrict, etc.

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(b) For a special project, the following use is prohibited:

-- Bar, lounge, or tavern.

SEC. S-163.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-163.108. 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 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, the yard, lot, and space regulations for the LC Light Commercial Subdistrict apply.

(b) Special project.

(1) Front yard.

(A) McKinney Avenue.

(i) For portions of a building 36 feet in height or less, minimum front yard is 10 feet.

(ii) For portions of a building greater than 36 feet in height, minimum front yard is 25 feet.

(iii) A maximum of 60 percent of the required front yard may be outside seating area.

(B) Boll Street.

(i) Minimum front yard is 10 feet.

(ii) A maximum of 25 percent of the required front yard may be outside seating area.

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(2) Side and rear yard.

(A) Except as provided in this paragraph, for portions of a building 36 feet in height or less, no minimum side or rear yard.

(B) Except as provided in this paragraph, for portions of a building greater than 36 feet in height, minimum side and rear yard is 10 feet.

(D) Along the alley perpendicular to Boll Street as shown on the development plan,

(i) for portions of a building 36 feet in height or less, minimum side yard is 10 feet.

(ii) for portions of a building over 36 feet in height and up to 47 feet in height, minimum side yard is 50 feet.

(iii) for portions of a building over 47 feet in height and up to 190 feet in height, minimum side yard is 75 feet.

(iv) for portions of a building greater than 190 feet in height, minimum side yard is 85 feet.

(3) Encroachments.

(A) Windowsills, belt courses, cornices, trellises, screens, awnings, balconies, roof eaves, canopies, and other architectural features may project up to five feet into the required minimum front, side, or rear yards. Any awnings, balconies, roof eaves, or canopies must have a minimum clearance of eight feet above the sidewalk or finished grade (in the event a sidewalk is not required).

(B) Along McKinney Avenue and Boll Street, outside seating areas, retaining walls, signs, benches, landscaping, fences, planters, and related improvements are permitted within the required front yard.

(C) Any improvements allowed to encroach into the required front yard may not obstruct the minimum sidewalk dimensions required in Section S-163.109(a).

(4) Density. Maximum number of dwelling units is 290.(5) Floor area ratio.

(A) Except as provided in this paragraph, maximum floor area ratio for all uses combined is 6.0:1.

(B) If the Property complies with Section S-163.114, maximum floor area ratio for all uses combined is 7.99:1.

(C) Land area that is located outside this subdistrict but is located within the same platted lot as land within this subdistrict is included for floor area ratio calculations.

(D) Maximum floor area for office uses above the ground story is 60,000 square feet.

(E) Maximum floor area for nonresidential uses within the ground story is 16,500 square feet.

(6) Height.

(A) Except as provided in this paragraph, maximum structure height is 240 feet.

(B) Maximum structure height in height zone A-2 shown on the height plan (Exhibit S-163B) is 190 feet.

(C) Maximum structure height in height zone B shown on the height plan is 47 feet.

(D) Maximum structure height in height zone C shown on the height plan is 36 feet.

(E) Maximum structure height in height zone D shown on the height plan is 36 feet.

(7) Lot size. No minimum lot size per dwelling unit.

(8) Floor plate. Maximum floor plate for the portion of a building greater than 47 feet in height is 26,000 square feet.

SEC. S-163.109. URBAN DESIGN REQUIREMENTS FOR A SPECIAL PROJECT.

(a) Sidewalks.

(1) A minimum eight-foot-wide unobstructed sidewalk is required along Boll Street.

(2) A minimum 10-foot-wide unobstructed sidewalk along is required along McKinney Avenue.

(3) Sidewalks must be continuous and level across all driveways and curb cuts and designed to be at the same grade as the rest of the sidewalk.

(b) Pedestrian lighting.

(1) If pedestrian street lamps are provided along street frontages, they must be spaced between 45 feet and 60 feet with the exception of visibility triangles and vehicular drives.

(2) Street lights along Boll Street must be of a historical character and appearance that is compatible with the State Thomas Historic District and be approved by the historic preservation officer.

(c) Pedestrian amenities.

(1) A minimum of two of each of the following pedestrian amenities must be provided along the McKinney Avenue frontage:

- (A) Benches.
- (B) Trash receptacles.
- (C) Bicycle racks.

(2) One of each of the following pedestrian amenities must be provided along the Boll Street frontage:

- (A) Bench.
- (B) Trash receptacle.
- (C) Bicycle rack.
- (D) Pet waste station.

(d) Architectural elements. A minimum of one architectural element, such as but not limited to the following, must be provided at all public entry points:

- (1) Architecturally prominent public entrances.
- (2) Canopies.
- (3) Awnings.
- (4) Attached towers.

(5) Turrets.

(e) Ground level transparency.

(1) Facades facing McKinney Avenue. Ground level facades between grade and 13 feet above grade must have a minimum transparency of 50 percent.

(2) Facades facing Boll Street. Ground level facades between grade and 13 feet above grade must have a minimum transparency of 40 percent.

(3) Exception. This subsection does not apply to parking structures.

(f) Building articulation. Street-facing facades must provide articulation at a minimum depth of three feet at least once every 75 feet of facade length.

(g) Street level activating uses. A minimum of 10,000 square feet of floor area on the ground story of any building must contain one or a combination of the following uses:

(1) Bar and restaurant uses.

(2) Retail uses.

(3) Professional, personal service, and custom craft uses.

(h) Screening of rooftop equipment. All mechanical and related equipment located on the rooftop of any building must be screened so as to not be visible from adjacent public rights-of-way.

(i) Private open space. For a special project containing 100 or more dwelling units, a minimum of 2,500 square feet of private open space must be provided that is accessible to all residents of the building. Private open space may be located on top of a roof, on any floor of a building, or in the areas internal to the site at grade.

(j) Special provisions for outdoor amenity areas accessible to all residents of residential uses.

(1) Outdoor amplified sound is prohibited.

(2) Outdoor lighting must be hooded or shielded to prevent the casting of light onto adjacent properties.

(k) Special provision for office use. Private outdoor amenity space for an office use may only be used for programmed events between 8:30 a.m. and 9:00 p.m.

SEC. S-163.110. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) Special project.

(1) Except for surface parking spaces shown on the development plan, all required off-street parking must be located below grade.

(2) For retail; bar and restaurant; and professional, personal service, and custom craft uses, packed parking may count toward the off-street parking requirements.

(3) Valet parking drop-off and pick-up:

(A) must be located within the same building site as the special project;
and

(B) may not occur within the surface parking area adjacent to Boll Street shown on the development plan.

(4) Two medium size off-street loading spaces are required and two small size off-street loading spaces are required. Loading spaces must be located within the building site of the special project and may not be located in the surface parking area adjacent to Boll Street shown on the development plan. Loading may only occur between 7:00 a.m. and 7:00 p.m.

SEC. S-163.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-163.112. LANDSCAPING.

(a) Except as provided in this section, landscaping and screening must be provided in accordance with Part I of this article.

(b) For a special project, landscaping must be provided as shown on the landscape plan (Exhibit S-163C). If there is a conflict between the text of this division and the landscape plan, the text of this division controls.

(c) Tree wells within the planting area must have a maximum spacing of 30 feet on center with the exception of visibility triangles and vehicular drives.

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

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SEC. S-163.113. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) Signage attached to a facade facing Boll Street must be compatible with the State Thomas Historic District. Signage design, but not content, must be approved by the historic preservation officer. This signage does not need to be shown on a development plan or landscape plan.

SEC. S-163.114. MIXED INCOME HOUSING.

(a) Except as provided in this section, compliance with Division 51A-4.1100, as amended, is required to obtain the increased floor area ratio in Section S-163.108(b)(5)(B).

(b) Compliance with Section 51A-4.1107 is not required.

(c) Compliance with Section 20A-27(g) is not required.

(d) During the rental affordability period, for any multifamily use that depends on the increased floor area ratio in Section S-163.108(b)(5)(B), three and five tenths percent of the total residential rental units must be made available for lease at an affordable rent, as defined in Section 20A-24 of the Dallas City Code, with an income band of 81 percent to 100 percent of adjusted median family income. The mixed-income restrictive covenant in Section 20A-26 and the rental affordability period are for a term of 20 years.

SEC. S-163.115. DRIVEWAY.

Prior to the issuance of a certificate of occupancy, the owner or developer shall design and install a driveway along the McKinney Avenue frontage aligned with the existing eastbound approach of Boll Street in the approximate location shown on the development plan. Deviations in the location of the driveway may be approved by the building official at the building permit stage as necessary for the design and installation of a traffic signal pole and mast arm to align with the proposed site driveway for the westbound approach of Boll Street.

SEC. S-163.116. 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.

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

SEC. S-163.117. 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, in this 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 thy 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 subdistrict must comply with the full-scale versions of Exhibit S-163A (development plan), Exhibit S-163B (height plan), and Exhibit S-163C (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 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Division S-163 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.

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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, City Attorney

By Casper Buyers
Assistant City Attorney

Passed MAY 12 2021

EXHIBIT A

Being a tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of City of Dallas Block 561, and being part of those tracts of land described in Special Warranty Deed to AJP Properties recorded in Instrument No. 201100063298, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

Beginning at an "X" cut in concrete set at the intersection of the east right-of-way line of McKinney Avenue (a variable width right-of-way) and the northeast right-of-way line of Boll Street (a variable width right-of-way);

Thence with said east right-of-way line of McKinney Avenue, North 11°58'22" East, a distance of 206.33 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

Thence departing said east right-of-way line of McKinney Avenue and with the north line of said AJP Properties tract, South 65°09'26" East, a distance of 143.02 feet to a point for corner at the west end of the southern terminus of a 11-foot wide alley;

Thence departing said north line of the AJP Properties tract and the south terminus of 11-foot wide alley, with the projected west line of said 11-foot wide alley, South 25°54'44" West, a distance of 86.83 feet to the intersection of said projected west line of the 11-foot wide alley and a projected northeast line of said AJP Properties tract;

Thence with said projected northeast line of the AJP Properties tract, South 47°47'50" East, passing at a distance of 12.28 feet a 5/8-inch iron rod with plastic cap stamped "KHA" set for a corner in said northeast line of the AJP Properties tract, continuing with said northeast line of the AJP Properties tract, in all a total distance of 138.43 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner; from said point a 1/2-inch iron rod with plastic cap stamped "RPLS 5593" found bears South 36°34'23" East, a distance of 0.75 feet;

Thence continuing with said northeast line of the AJP Properties tract, South 45°54'04" East, a distance of 50.00 feet to an "X" cut in concrete found in the northwest line of a 15-foot wide alley, for the east corner of said AJP Properties tract;

Thence with said northwest line of 15-foot wide alley, South 44°44'56" West, a distance of 144.00 feet to a 3/8-inch iron rod found at the intersection of said northwest line of 15-foot wide alley and said northeast right-of-way line of Boll Street;

Thence with said northeast right-of-way line of Boll Street, North 45°54'04" West, a distance of 239.11 feet to the Point of Beginning and containing 1.1197 acres or 48,773 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

LANDSCAPE PLAN

DALLAS, TEXAS

HKS, INC.
HKS
305 N. SAINT PAUL STREET
SUITE 100
DALLAS, TEXAS 76201-4240

Landscapes Architect

swa

2001 Irving Boulevard
Suite 157
Dallas, Texas
75207-6803
United States
www.ihsagroup.com
+1 214 854 0040

Consultant

Stamp
3 1 8 6 3
Revisions

Date
MARCH 03, 2021
Phase
PD SUBMITTAL
Job Number
HKSS907

Scale $\frac{1}{2}$ " = 1 mi

North

Drawing Title

PD SUBMITTAL
LANDSCAPE PLAN

Drawing Number

NOT FOR CONSTRUCTION

Z190-188 (PD)

FIELD NO.

Exhibit S-163C: Landscape Plan

Approved
City Plan Commission
March 4, 2021



MCKINNEY AVENUE



MCKINNEY AVENUE

PD 193 LANDSCAPE AREA CALCULATIONS CHART (O-2/LC SUBDISTRICT):

AREA, % IN SQ. FT.	LANDSCAPE SITE AREA		CORRIDOR PLANTING AREA		SPECIAL PLANTING AREA	
	REQUIRED FRONT AND	20%	REQUIRED FRONT AND	30% (OF LOT)	REQUIRED FRONT AND	30% (OF COR)
40-74 SQ. FT.	1.5 PLANT	1.5 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
75-100 "	2 PLANT	2 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
101-150 "	3 PLANT	3 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
151-200 "	4 PLANT	4 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
201-250 "	5 PLANT	5 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
251-300 "	6 PLANT	6 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
301-350 "	7 PLANT	7 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
351-400 "	8 PLANT	8 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
401-450 "	9 PLANT	9 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
451-500 "	10 PLANT	10 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
501-550 "	11 PLANT	11 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
551-600 "	12 PLANT	12 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
601-650 "	13 PLANT	13 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
651-700 "	14 PLANT	14 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
701-750 "	15 PLANT	15 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
751-800 "	16 PLANT	16 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
801-850 "	17 PLANT	17 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
851-900 "	18 PLANT	18 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
901-950 "	19 PLANT	19 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
951-1000 "	20 PLANT	20 PLANT	REQUIRED	PROVIDED	REQUIRED	PROVIDED

NOTE: LANDSCAPE SITE AND REQUIRED FRONT YARD AREA CALCULATIONS INCLUDE PEDESTRIAN HARDSCAPE LOCATED ON THE PROPERTY AND OUTSIDE OF THE PUBLIC RIGHT-OF-WAY
QUANTITY OF PLANTS IN SPECIAL PLANTING AREA TO BE DETERMINED (T.B.D.)

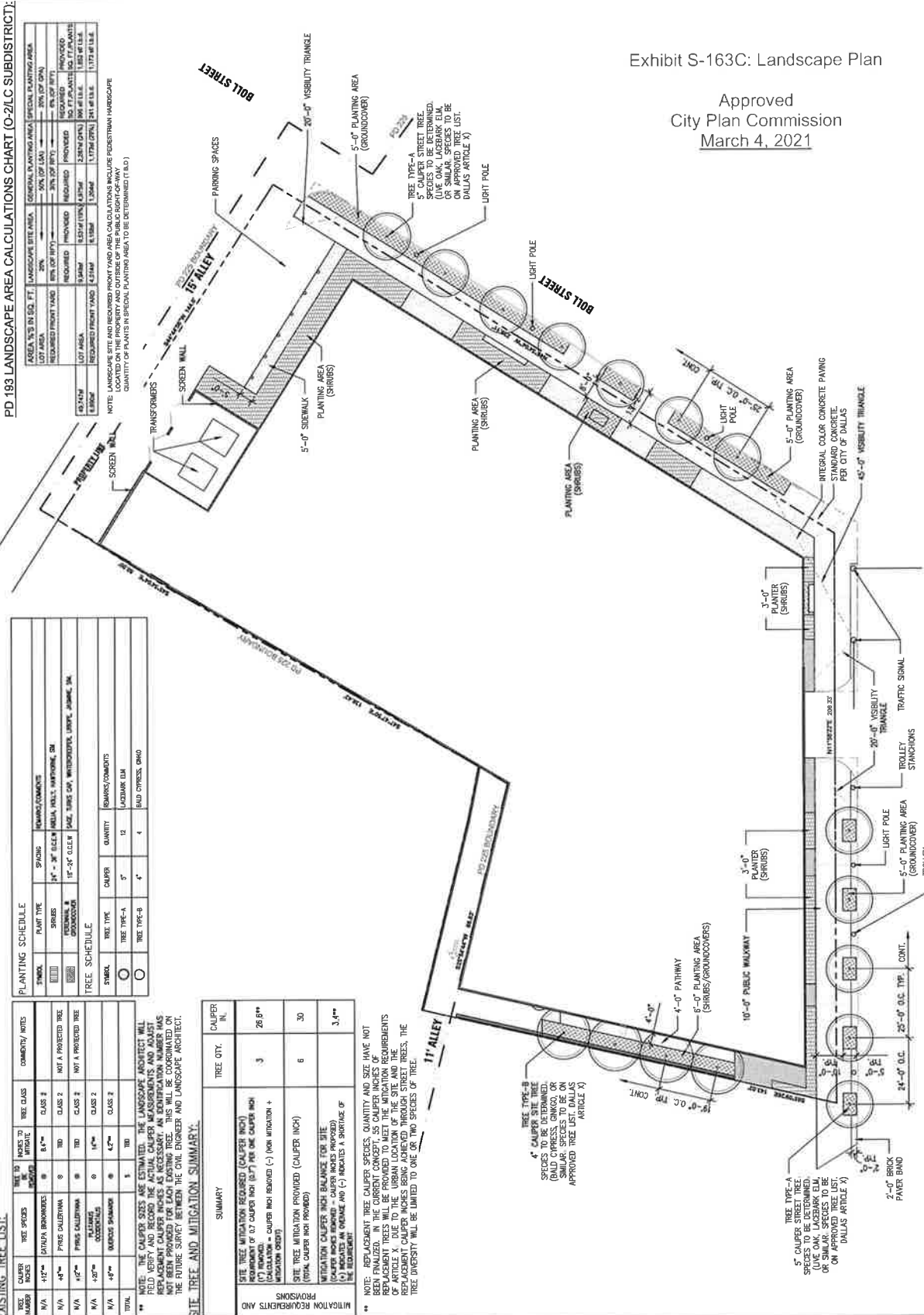
PLANTING SCHEDULE			
SYMBOL	PLANT TYPE	SPACING	REMARKS/COMMENTS
	SHRUBS	18" x 36" SILEX	WELLA, WELLS, HAWKING, DSE
	PERENNIAL & SPERMATOPHYTES	18" x 34" OLEIF	PALE, THINGS CAN INTERFERE/STAY, JUNGLE, JUNGLE, JUNGLE

TREE SCHEDULE			
SYMBOL	TREE TYPE	QUANTITY	REMARKS/COMMENTS
	TREE TYPE-A	12	LAJAWAR ELM
	TREE TYPE-B	4"	BALD CYPRESS, CHAGO

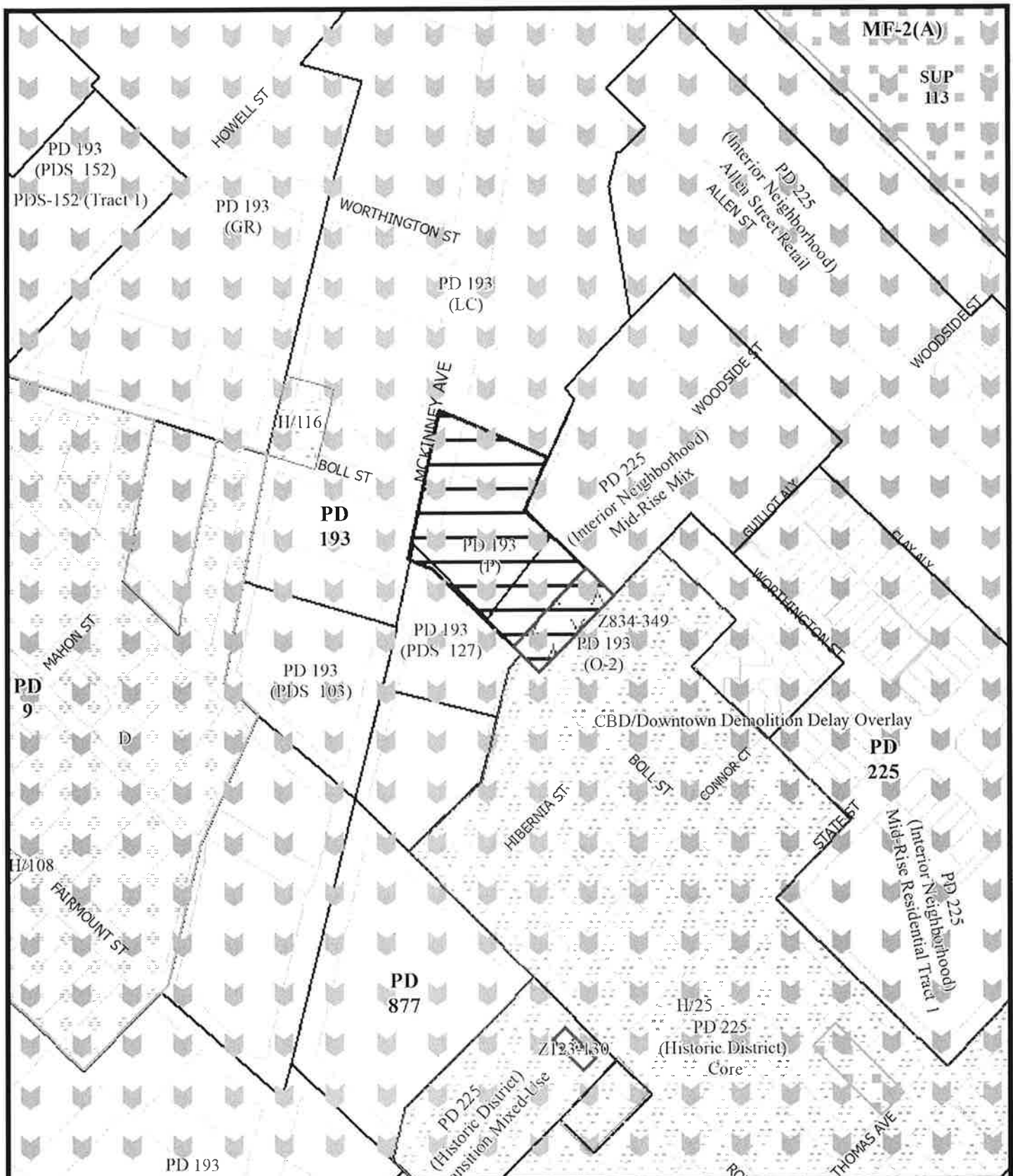
FIELD VERIFY AND RECORD THE ACTUAL CALIPER MEASUREMENTS AND ADJUST REPLACEMENT CALIPER INCHES AS NECESSARY. AN IDENTIFICATION NUMBER HAS NOT BEEN PROVIDED FOR EACH EXISTING TREE. THIS WILL BE COORDINATED ON THE FUTURE SURVEY BETWEEN THE CIVIL ENGINEER AND LANDSCAPE ARCHITECT.

SUMMARY	TREE QTY.	CAULPER IN.
SITE TREE MITIGATION REQUIRED (CAULPER INCH) (COMPONENT OF CAULPER INCH) (NOT CAULPER INCH) (CALCULATION = CAULPER INCH REQUIRED - (-) (NON MITIGATION CREDIT)	3	26.8**
SITE TREE MITIGATION PROVIDED (CAULPER INCH) (TOTAL CAULPER INCH PROVIDED)	6	30
MITIGATION CAULPER INCH BALANCE FOR SITE (CAULPER INCH REQUIRED - CAULPER INCHES PROVIDED) (CAULPER INCHES REQUIRED AND (-) INDICATES A SHORTAGE OF MITIGATION REQUIRED)		3.4**

** NOTE: REPLACEMENT TREE CALIPER, SPECIES, QUANTITY AND SIZE HAVE NOT BEEN FINALIZED. IN THE CURRENT CONCEPT, 55 CALIPER INCHES OF REPLACEMENT TREES WILL BE PROVIDED TO MEET THE MITIGATION REQUIREMENTS OF ARTICLE X. DUE TO THE URBAN LOCATION OF THE SITE AND THE REPLACEMENT CALIPER INCHES BEING ACHIEVED THROUGH STREET TREES, THE TREE DIVERSITY WILL BE LIMITED TO ONE OR TWO SPECIES OF TREE.



2 1 0 7 8 8



1:2,400

ZONING MAP

Case no: **Z190-188**

Date: 11/2/2020



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 MAY 12 2021

ORDINANCE NUMBER 31863

DATE PUBLISHED MAY 15 2021

ATTESTED BY:

210788

COUNCIL CHAMBER

May 12, 2021

WHEREAS, the termination of deed restrictions in the attached instrument has been volunteered in connection with property located along the east line of McKinney Avenue and the northeast line of Boll Street, which is the subject of Zoning Case Z190-188(PD); 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 to be used in conjunction with the development of property that is the subject of Zoning Case No. Z190-188(PD).

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:

CHRISTOPHER J. CASO, City Attorney

By Casey Byers
Assistant City Attorney



APPROVED _____ APPROVED _____ APPROVED _____
HEAD OF DEPARTMENT DIRECTOR OF FINANCE CITY MANAGER

TERMINATION OF DEED RESTRICTIONS

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

I.

The undersigned, 2700 McKinney Dallas Partners, LTD., a Texas limited partnership ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the John Grigsby Survey, Abstract No. 495, part of City Block 561, City of Dallas ("City"), Dallas County, Texas, and being a portion of that same tract of land conveyed to the Owner by AJP Properties, LLC, a Texas limited liability company, by deed dated October 18, 2018, and recorded as Instrument No. 201800279634 in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING as a point on the northeast line of Boll Street, 155 feet northwest from the point of intersection of said line of Boll Street with the northwest line of Hibernia Street;

THENCE north 45° West, with said line of Boll Street, 50 feet to a point for corner;

THENCE North 45° East, 144 feet to a point for corner;

THENCE South 45° East, 50 feet to a point stake for corner in the northwest line of a 15 foot alley;

THENCE South 45° West along the line of said alley, 144 feet to the PLACE OF BEGINNING, and containing 7,200 square feet of land.

II.

The Property was impressed with certain deed restrictions ("restrictions") as shown in an instrument dated October 15, 1984, signed by R.L. Ross Company and recorded in Volume 85013, Page 2021, of the Deed Records of Dallas County, Texas, 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:

- "1. The existing 1940's structure may be used for those uses allowed in an O-1 Office District as such are defined by the Dallas Development Code.
2. The structure must be remodeled and landscaped to the site plan attached hereto as Exhibit "A" and made a part of these restrictions.

3. Any structure on this lot must conform to the landscape, sign and fence conditions of the adjacent Planned Development District Number 124 as amended."

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.

210788

EXECUTED at the City of Dallas, Dallas County, this the ____ day of April, 2021.

2700 MCKINNEY DALLAS PARTNERS, LTD.,
a Texas limited partnership

By: EGP 2017 Management, LLC,
a Texas limited liability company,
its general partner

By: 
Name: EGP 2017 Management, LLC
Title: General Partner

CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

Owner
By: _____
Printed Name: _____
Title: _____

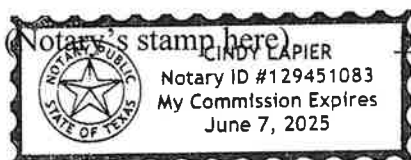
APPROVED AS TO FORM:
CHRISTOPHER J. CASO, City Attorney

By: 
Assistant City Attorney

State of Texas

County of Travis

This instrument was acknowledged before me on April 9, 2021 by O. Jami Alam, as EA, of EGP 2017 Management, LLC, a Texas limited liability company, on behalf of said limited liability company, and the limited liability company executed this instrument as general partner on behalf of 2700 McKinney Dallas Partners, LTD., a Texas limited partnership.



Cindy Lapiet (Notary's signature)
Notary Public in and for
the State of Texas

EXECUTED at the City of Dallas, Dallas County, this the ____ day of April, 2021.

2700 MCKINNEY DALLAS PARTNERS, LTD.,
a Texas limited partnership

By: EGP 2017 Management, LLC,
a Texas limited liability company,
its general partner

By: _____
Name: _____
Title: _____

CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

Southside Bank

By: Phyllis Milstead
Printed Name: Phyllis Milstead
Title: Executive Vice President

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, City Attorney

By: _____
Assistant City Attorney

State of Texas

County of TRAVIS

This instrument was acknowledged before me on April 9, 2021 by Phyllis Milstead
as EVP, of Southside Bank, a Texas state bank, on behalf of said bank.

(Notary's stamp here) Suzanne Marie Garza (Notary's signature)
Notary Public in and for
the State of Texas

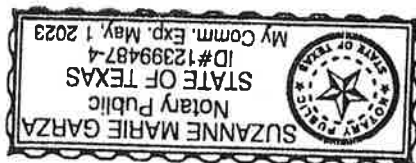


Exhibit "A"

Terminated Deed Restrictions

(see attached)

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein.

These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the property described herein.

The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

These restrictions inure to the benefit of the City of Dallas, and the undersigned owner hereof does hereby grant to the City of Dallas the right to prosecute, at law and in equity, against the person violating or attempting to violate such restrictions, either to prevent him from so doing and to correct such violation and for further remedy, the City of Dallas may withhold the Certificate of Occupancy necessary for the lawful use of the property until such restrictions described herein are fully complied with.

These restrictions are hereby declared covenants running with the land and shall be fully binding upon all persons acquiring property within the above described tract, and any person by acceptance of title to any of the above described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this the 15th day of October, 1984.

Approved as to form:
ANNA LESLIE MUNCY City Attorney

By [Signature]
Assistant City Attorney

[Signature]
R. L. ROSS COMPANY
by R. L. ROSS

THE STATE OF TEXAS §
 §
 COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared R. L. ROSS known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 15th day of October, 1984.

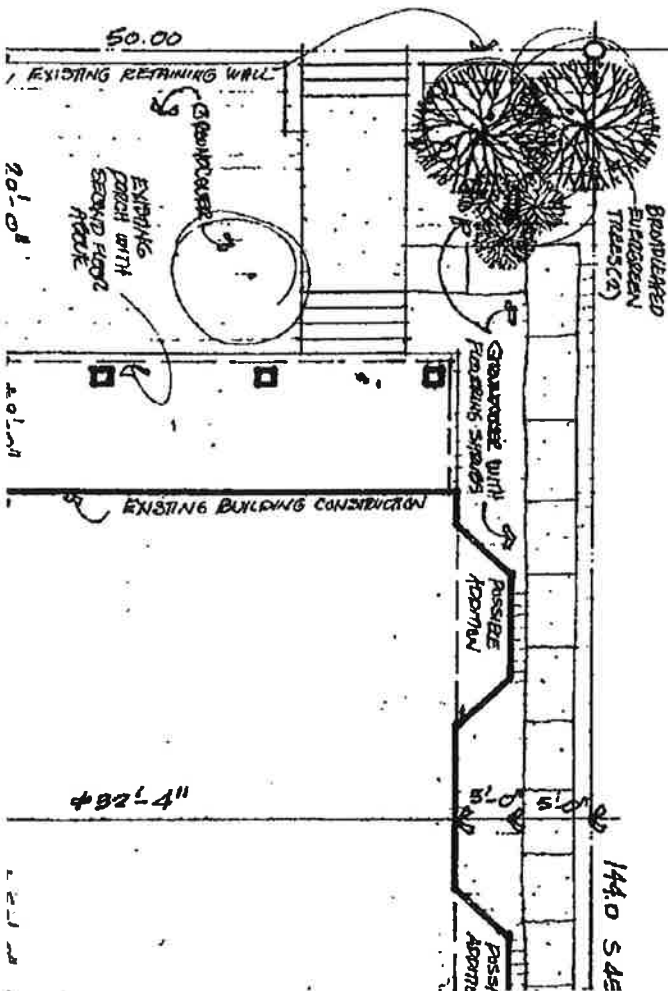


DONNA L. NINSALA, Notary Public
 in and for the State of Texas
 My Commission Expires 11-30-84

Donna L. Ninsala
 Notary Public in and for
 the State of Texas
 Printed Name of Notary:
 My Commission Expires:

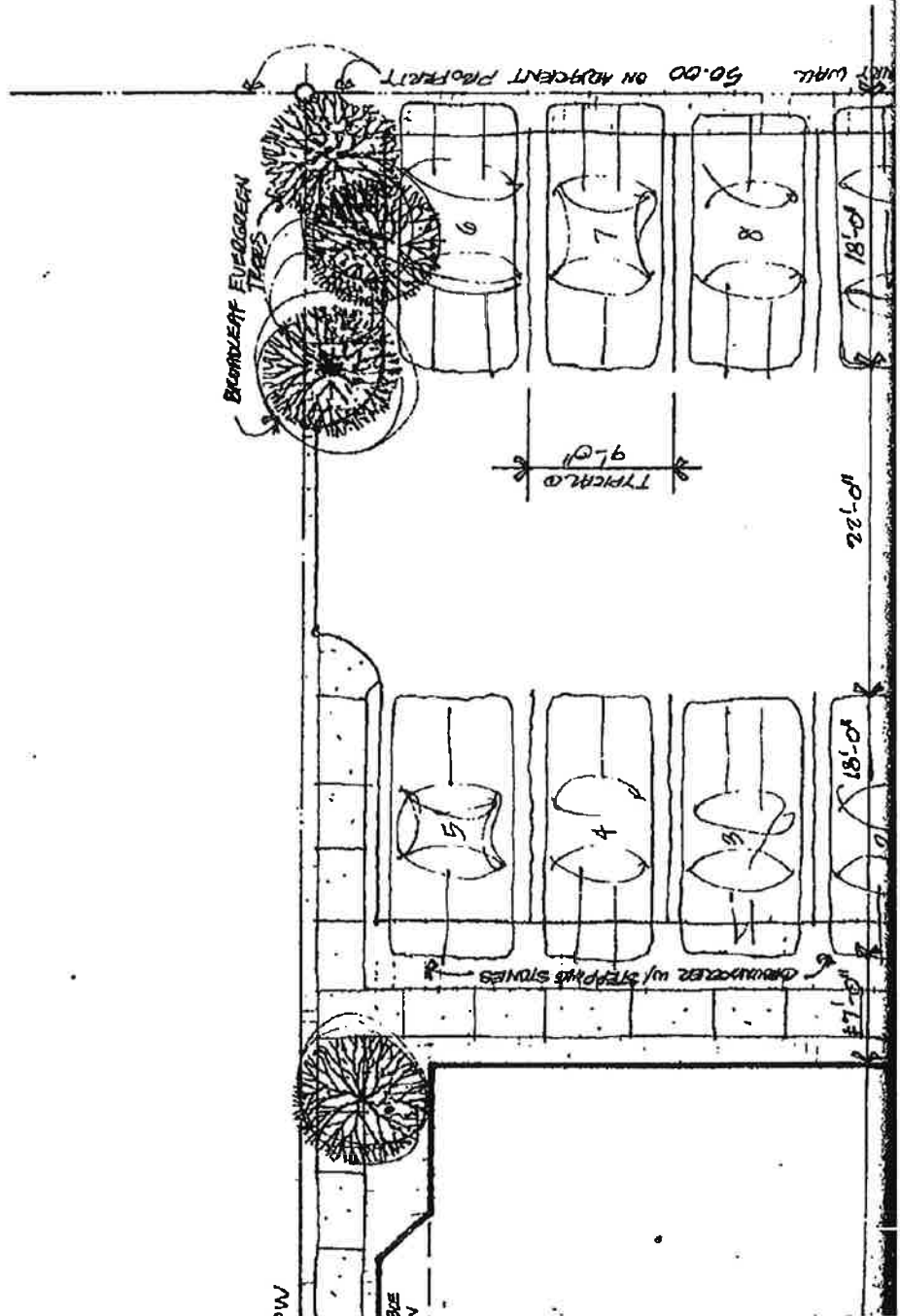
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FILED
Sue Bush
COUNTY CLERK

85 JAN 18 AM 11:30


COUNTY CLERK, Dallas County, Texas
Cord R. Baker

JAN 18 1985

STATE OF TEXAS
COUNTY OF DALLAS
I hereby certify that this instrument was filed on this date and time stamp herein by me and was duly recorded in the volume and page of the named records of Dallas County, Texas as stamped herein by me.

NO. 85-0188
RETURN TO City Secretary
Dallas, Texas 75201

85013 2028

210788

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210788
Return to City Secretary
City Hall
Dallas, Texas 75201