

6-12-13

ORDINANCE NO. 29032

An ordinance changing the zoning classification on the following property:

BEING a tract of land generally bounded by Southern Boulevard on the north, Preston Road on the east, LBJ Freeway on the south, and the Dallas North Tollway on the west, and containing approximately 445 acres,

from Planned Development District No. 22, Planned Development District No. 130, Planned Development District No. 215, Planned Development District No. 250, Planned Development District No. 279, Planned Development District No. 322, Planned Development District No. 423, Planned Development District No. 713, Planned Development District No. 782, a CR Community Retail District with deed restrictions on a portion, a CS Commercial Service District, a GO(A) General Office District with deed restrictions on a portion, an RR Regional Retail District with deed restrictions on a portion and Specific Use Permit Nos. 1335, 1389, and 1390 on a portion, an LO-2 Limited Office District with deed restrictions on a portion, an NO(A) Neighborhood Office District, an MO-2 Mid-Range Office District, an MF-1(A) Multifamily District, an MF-4(A) Multifamily District, an MU-1 Mixed Use District with deed restrictions on a portion, an MU-2 Mixed Use District with deed restrictions on a portion, an MU-3(SAH) Mixed Use District, and a P(A) Parking District to Planned Development District No. 887 with retention of the specific use permits and deed restrictions, except Deed Restriction No. Z056-226 to be terminated by separate resolution; repealing Article 22, "PD 22" of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code to reflect the change of zoning; repealing Article 130, "PD 130" of Chapter 51P, "Dallas

Development Code: Planned Development District Regulations,” of the Dallas City Code to reflect the change of zoning; repealing Article 215, “PD 215” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code to reflect the change of zoning; amending Article 250, “PD 250” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code to reflect the change of zoning; repealing Article 279, “PD 279” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code to reflect the change of zoning; repealing Article 322, “PD 322” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code to reflect the change of zoning; repealing Article 423, “PD 423” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code to reflect the change of zoning; repealing Article 713, “PD 713” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code to reflect the change of zoning; repealing Article 782, “PD 782” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code to reflect the change of zoning; amending Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code by creating a new Article 887; establishing use regulations and development standards for Planned Development District No. 887; 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 special purpose district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from Planned Development District No. 22, Planned Development District No. 130, Planned Development District No. 215, Planned Development District No. 250, Planned Development District No. 279, Planned Development District No. 322, Planned Development District No. 423, Planned Development District No. 713, Planned Development District No. 782, a CR Community Retail District with deed restrictions on a portion, a CS Commercial Service District, a GO(A) General Office District with deed restrictions on a portion, an RR Regional Retail District with deed restrictions on a portion and Specific Use Permit Nos. 1335, 1389, and 1390 on a portion, an LO-2 Limited Office District with deed restrictions on a portion, an NO(A) Neighborhood Office District, an MO-2 Mid-Range Office District, an MF-1(A) Multifamily District, an MF-4(A) Multifamily District, an MU-1 Mixed Use District with deed restrictions on a portion, an MU-2 Mixed Use District with deed restrictions on a portion, an MU-3(SAH) Mixed Use District, and a P(A) Parking District to Planned Development District No. 887 with retention of the specific use permits and deed restrictions, except Deed Restriction No. Z056-226 to be terminated by separate resolution, on the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”).

29032

SECTION 2. That Article 22, "PD 22," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is repealed and amended to read as follows:

"ARTICLE 22.

PD 22.

SEC. 51P-22.101. LEGISLATIVE HISTORY.

PD 22 was established as a special permit by Ordinance No. 9147, passed by the Dallas City Council on February 12, 1962. Ordinance No. 9147 amended basic Zoning Ordinance No. 5238, passed by the Dallas City Council on August 28, 1951. Ordinance No. 9147 was amended by Resolution No. 62-4621, passed by the Dallas City Council on September 17, 1962; Resolution No. 64-6694, passed by the Dallas City Council on December 7, 1964; and Resolution No. 67-1082, passed by the Dallas City Council on March 6, 1967. The special permit created by Ordinance No. 9147 was converted to PD 22 by Comprehensive General Zoning Ordinance No. 10962, passed by the Dallas City Council on March 29, 1965. (See Resolution No. 65-1552, passed by the Dallas City Council on March 17, 1965, indicating the City Council's motion to include the special permit in the comprehensive zoning ordinance, and the memo from Tom Jones, Chief Building Inspector, to H. Alden Deyo, Director of Planning, dated September 17, 1965, which effectuates the intent of Resolution No. 65-1552.) PD 22 was amended by Ordinance No. 13887, passed by the Dallas City Council on November 20, 1972; Resolution No. 75-2340, passed by the Dallas City Council on July 28, 1975; Resolution No. 76-1181, passed by the Dallas City Council on May 3, 1976; Resolution No. 76-1257, passed by the Dallas City Council on May 10, 1976; Resolution No. 76-2864, passed by the Dallas City Council on November 1, 1976; Resolution No. 76-3289, passed by the Dallas City Council on December 20, 1976; and Ordinance No. 24034, passed by the Dallas City Council on September 22, 1999. Ordinance No. 24034 changed the zoning on a portion of the Property from PD 22 to an RR Regional Retail District. PD 22 no longer exists. See Section 51P-22.103 for information regarding the rezoning of PD 22.

SEC. 51P-22.102. PROPERTY LOCATION AND SIZE.

PD 22 was established on property generally located on the south side of Alpha Road, west of Preston Road. The size of PD 22 was approximately 7.763 acres.

SEC. 51P-22.103. REZONING OF PD 22.

Ordinance No. _____, passed by the Dallas City Council on June 12, 2013, rezoned the Property from PD 22 to PD 887.”

SECTION 3. That Article 130, “PD 130,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is repealed and amended to read as follows:

“ARTICLE 130.**PD 130.****SEC. 51P-130.101. LEGISLATIVE HISTORY.**

PD 130 was established by Ordinance No. 17195, passed by the Dallas City Council on November 11, 1981. Ordinance No. 17195 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Subsequently, Ordinance No. 17195 was amended by Ordinance No. 21425, passed by the Dallas City Council on September 23, 1992. PD 130 no longer exists. See Section 51P-130.103 for information regarding the rezoning of PD 130.

SEC. 51P-130.102. PROPERTY LOCATION AND SIZE.

PD 130 was established on property generally located along the north line of the Lyndon B. Johnson Freeway, between Noel Road and Montfort Drive. The size of PD 130 was approximately 11.745 acres.

SEC. 51P-130.103. REZONING OF PD 130.

Ordinance No. _____, passed by the Dallas City Council on June 12, 2013, rezoned the Property from PD 130 to PD 887.”

SECTION 4. That Article 215, “PD 215,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is repealed and amended to read as follows:

29032

“ARTICLE 215.**PD 215.****SEC. 51P-215.101. LEGISLATIVE HISTORY.**

PD 215 was established by Ordinance No. 19195, passed by the Dallas City Council on June 18, 1986. Ordinance No. 19195 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 19195 was amended by Ordinance No. 23683, passed by the Dallas City Council on October 14, 1998. PD 215 no longer exists. See Section 51P-215.103 for information regarding the rezoning of PD 215.

SEC. 51P-215.102. PROPERTY LOCATION AND SIZE.

PD 215 was established on property generally located at the northeast corner of Noel Road and Peterson Lane. The size of PD 215 was approximately 6.92 acres.

SEC. 51P-215.103. REZONING OF PD 130.

Ordinance No. _____, passed by the Dallas City Council on June 12, 2013, rezoned the Property from PD 215 to PD 887.”

SECTION 5. That Article 250, “PD 250,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“ARTICLE 250.**PD 250.****SEC. 51P-250.101. LEGISLATIVE HISTORY.**

PD 250 was established by Ordinance No. 19292, passed by the Dallas City Council on September 17, 1986. Ordinance No. 19292 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 19292 was amended by Ordinance No. 19332, passed by the Dallas City Council on October 22, 1986.

29032

SEC. 51P-250.102. PROPERTY LOCATION AND SIZE.

PD 250 is established on property generally located south [~~along both sides~~] of Peterson Lane, east of the east line of Noel Road. The size of PD 250 is approximately 7.90 [~~19.167~~] acres.

SEC. 51P-250.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article. For purposes of this article, references to office uses include office, medical clinic, and bank or savings and loan office uses, as defined in Chapter 51, unless otherwise stated herein.

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

SEC. 51P-250.104. CONCEPTUAL PLAN.

A conceptual site plan approved by the city plan commission ("the commission") is labelled Exhibit 250A.

SEC. 51P-250.105. LAND USE PLAN.

The Dallas Parkway Center Study is a land use study adopted by the city council on June 26, 1985, which addresses, among other things, problems of density and transportation in an area bounded by L.B.J. Freeway (I.H. 635), the Dallas North Tollway, Belt Line Road, and Montfort Road. A copy of the adopted study is on file in the department of development services.

SEC. 51P-250.106. DEVELOPMENT PLAN.

A development plan for each phase of development must be submitted to the commission for approval prior to the issuance of a building permit for any structure within that phase. Within two years of September 17, 1986, a development plan for all or a portion of the Property must be submitted to the commission for approval. Each development plan must be accompanied by a landscape plan which must also be approved by the commission. All development must be in accordance with the approved development and landscape plans.

29032

SEC. 51P-250.107.**PERMITTED USES.**

The only uses permitted on the Property are those uses permitted in an SC Shopping Center District and those uses permitted in an MF-3 Multiple-Family District, as of September 17, 1986, a copy of which is labelled Exhibit 250B. In the event a use is dropped from the Dallas Development Code ("the Code") in the future, the use is subject to the use regulations of the most similar use then listed in the Code. The determination of the building official controls as to which use is most similar.

SEC. 51P-250.108.**BUILDING SETBACKS.**

Minimum building setback lines for each tract (in feet, "ft.") are as follows:

(1) Tract Ia.

(A) ~~West—0 ft. (from the proposed eastern right-of-way line for the proposed north-south street, as shown on the conceptual site plan).~~

(B) ~~South—12 ft. (from the existing northern right-of-way line of Peterson Lane, except for that portion of any building over 40 feet in height which must be set back a minimum of 27 feet from the existing right-of-way line).~~

(C) ~~North—10 ft. (when adjacent to the property that is not a part of the PD).~~

(2) Tract Ib.

(A) ~~East—10 ft. (from the eastern boundary line of the tract).~~

(B) ~~South—12 ft. (from the existing northern right-of-way line of Peterson Lane, except for that portion of any building over 40 feet in height which must be set back a minimum of 27 feet from the existing right-of-way line).~~

(C) ~~North—10 ft. (when adjacent to the property that is not a part of the PD).~~

(3) Tract IIa.

(A) West - 10 ft. (from the western boundary line of the tract).

(B) South - 0 ft. (from the proposed northern right-of-way line for the proposed east-west street, as shown on the conceptual site plan).

29032

(C) North - 12 ft. (from the existing southern right-of-way line of Peterson Lane, except for the portion of any building over 40 feet in height which must be set back a minimum of 27 feet from the existing right-of-way line).

(2[4]) Tract IIb.

(A) East - 10 ft. (from the eastern boundary line of the tract).

(B) South - 0 ft. (from the proposed northern right-of-way line for the proposed east-west street, as shown on the conceptual site plan).

(C) North - 12 ft. (from the existing southern right-of-way line of Peterson Lane, except for that portion of any building over 40 feet in height which must be set back a minimum of 27 feet from the existing right-of-way line).

[(5) Tract III.

(A) East ~~10 ft. (from the eastern boundary line of the tract).~~

(B) West ~~10 ft. (from the western boundary line of the tract).~~

(C) North ~~25 ft. (from the southern existing right of way line of Alpha Road).]~~

(3[6]) The director of public works and transportation shall determine the proposed and existing right-of-way lines for the purposes of this article.

(4[7]) Section 51-4.401(a)(6) does not apply to this PD.

(5[8]) Ramps to below-grade parking and covered and elevated pedestrian ways may be within the setback area.

SEC. 51P-250.109. MAXIMUM PERMITTED HEIGHT.

Maximum permitted heights for all structures are:

(1) [~~Tract Ia - 225 ft.~~

(2) ~~Tract Ib and~~ Tract IIa - 200 ft.

(2[3]) Tract IIb - 175 ft.

~~[(4) Tract III—24 ft., except that if either of the tracts abutting Tract III to the east or west is rezoned to permit a building height greater than 24 feet, the permitted height on Tract III is automatically increased to the lesser of 225 feet or the maximum height permitted on either abutting tract.]~~

SEC. 51P-250.110. MAXIMUM COVERAGE.

Maximum permitted coverage of the Property, excluding aboveground parking structures, is 333,986 square feet.

SEC. 51P-250.111. FLOOR AREA.

Covered pedestrian ways used solely for pedestrian traffic flow between buildings is not included as floor area. Maximum total permitted floor area and maximum total floor area for each use category, expressed in square feet ("sf") is as shown on the following chart:

<u>USES</u>	<u>MAXIMUM FLOOR AREA BY RIGHT</u>	<u>BONUS, CONVERSION AND PHASING COMMENTS</u>	<u>MAXIMUM POSSIBLE FLOOR AREA</u>
Office	1,252,448 sf	a, b, c, e	1,565,560 sf
Retail, bar and restaurant uses (hereinafter referred to as retail-related uses)	125,245 sf	c, e	166,993 sf
Hotel	585,476 sf	d, e	584,476 sf
All nonresidential uses and hotel uses combined	1,962,169 sf	a, b, c, d, e	2,233,531 sf
Multiple-Family	1,252,448 sf	a, d, e	1,252,448 sf

SEC. 51P-250.112.**BONUS, CONVERSION, AND PHASING COMMENTS.**

Notwithstanding the "maximum floor area by right" stated in Section 51P-250.111, the following may be accomplished:

(1) One additional square foot of office floor area may be constructed for every two square feet of residential floor area constructed (other than hotel floor area), to a maximum of 104,371 additional square feet of office for 208,742 square feet of residential constructed.

(2) Certificates of occupancy for 125,245 additional square feet of office floor area may be issued if all of the following transportation improvements are completed and operational in the opinions of the director of the department of public works and transportation:

(A) Transfer stations for DART buses:

(i) within a one-half mile radius of the Dallas Parkway/Arapaho Road intersection; and

(ii) within a one-half mile radius of the Noel Road/Interstate Highway 635 ("I.H. 635") intersection.

(B) An internal circulation bus system service as described in the Dallas Parkway Center Study for "initial" and "intermediate years" is in operation.

(C) The Noel Road/I.H. 635 ramp connections, as described in the Dallas Parkway Center Study, are constructed, or December 31, 1990, whichever first occurs.

(3) Up to 83,497 square feet of office floor area may be converted to retail-related use, and up to 41,748 square feet of retail-related floor area may be converted to office floor area, at a ratio of two square feet of office to one square foot of retail-related floor area.

(4) Hotel and multiple-family floor area combined may not exceed 1,252,448 square feet, and under no circumstances may the hotel floor area exceed 584,476 square feet.

(5) Under no circumstances may office floor area exceed 1,565,560 square feet, floor area for all nonresidential and hotel uses combined exceed 2,233,531 square feet, and floor area for all uses combined exceed 2,901,503 square feet.

SEC. 51P-250.113.**ACCESS.**

Curb cuts for vehicular ingress-egress are limited to the number and approximate locations shown on the conceptual site plan.

SEC. 51P-250.114.**OFF-STREET PARKING.**

In order to promote the development of transportation alternatives, maximum number of parking spaces for office uses on the Property is restricted in accordance with the regulations below. In order to permit adequate parking for initial phases of development, the restrictions are phased in to gradually reduce the ratio of parking spaces to office floor area from 3.0 spaces for each 1,000 square feet, when building permits have been issued for construction of more than 782,780 square feet of office use, to 2.38 for each 1,000 square feet, when building permits have been issued for construction of more than 978,475 square feet of office use. For the purposes of this phased office parking limit, "office use" does not include medical clinics.

(1) Maximum office parking. Maximum number of parking spaces for office use is 3.0 spaces per 1,000 square feet until building permits have been issued for construction of 782,780 square feet of office use. When building permits have been issued for construction of more than 782,780 square feet of office use, but less than 978,475 square feet, maximum number of parking spaces is 2.5 spaces per 1,000 square feet of office use. Maximum number of parking spaces for office use when building permits have been issued for construction of more than 978,475 square feet of office use is 2.38 spaces per 1,000 square feet.

(2) Minimum office parking. Minimum permissible number of parking spaces provided for office use at any stage of development is 2.0 spaces per 1,000 square feet.

(3) Requirements for other uses. All uses other than office must supply parking in compliance with the minimum requirements of the Code, however, no off-street parking may be supplied in excess of the Code requirements. The provisions of Section 51-4.301(c)(6) (the mixed use parking reduction bonus) do not act to restrict maximum number of spaces permitted, but may be used to calculate minimum number of spaces permitted.

(4) No parking signs. The owner(s) must fund the posting of "no parking" signs on all dedicated streets traversing or bordering the Property at the direction of the director of public works and transportation.

(5) Parking setback. No off-street parking spaces or maneuvering aisles at or less than 8.5 feet below-grade are permitted within 10 feet of the back of projected street curb lines along ~~[Alpha Road and]~~ Peterson Lane. No off-street parking at or less than 12 feet above-grade is permitted within 100 feet of the existing Peterson Lane right-of-way line.

(6) Parking structure facade.

(A) All facades of abovegrade parking structures that are visible from and within 100 feet of the right-of-way line of Peterson Lane (the "affected facades") must be concealed with a material that is similar in appearance to the facade of the main non-parking building for which the parking is accessory. At least 12 percent of the total facade area of the affected facades must be covered with the same material used predominantly on the first 24 feet of height of the main non-parking building.

29032

(B) Openings in the affected facades may not exceed 52 percent of the total facade area of the affected facade. Total facade area means the area enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contain the extremities of a facade.

SEC. 51P-250.115. ROAD IMPROVEMENTS.

(a) Dedication of right-of-way. A dedication fulfills the requirements of this subsection if it is an easement for street purposes or a greater estate in real property. The owner(s) must dedicate the following street rights-of-way prior to the events indicated:

(1) ~~[Before the issuance of a building permit for any construction on either Tract Ia or Tract Ib, the owner(s) must dedicate:~~

~~(A) 32 feet from the centerline of Peterson Lane along the entire southern boundary of Tracts Ia and Ib;~~

~~(B) 28 feet of right-of-way for the proposed new north-south road along the entire western boundary of Tract Ia; and~~

~~(C) 45 feet from the centerline of Alpha Road along the northernmost portion of Tract III that is adjacent to Alpha Road.~~

(2) Before the issuance of a building permit for any construction on either Tract IIa or Tract IIb, the owner(s) must dedicate:

(A) 32 feet from the centerline of Peterson Lane along the entire northern boundary of Tract IIa and IIb; and

(B) 28 feet of right-of-way for the proposed new east-west road along the entire southern boundary of Tracts IIa and IIb.

~~[(3) Before the issuance of a building permit for any construction on Tract III, 45 feet from the centerline of Alpha Road along the northernmost portion of Tract II that is adjacent to Alpha Road.]~~

(2[4]) After January 1, 1992, the owner(s) must dedicate all of the right-of-way described in Paragraph[s] (1) ~~[through (3)]~~ within 90 days of receipt of notice from the director of public works and transportation or his designee that the city is preparing to begin paving operations, regardless of the issuance of building permits.

(b) Funding for on-site improvements. The owner(s), after dedication as required in Subsection (a) above, must fund all paving, drainage, and sidewalk improvement costs along the Property frontage for the following streets, when required by the director of public works and transportation:

29032

(1) ~~[Widening Alpha Road to its complete thoroughfare standard from the centerline south.~~

(2) ~~Widening the north side of Peterson Lane along Tracts Ia and Ib.~~

(3) Widening the south side of Peterson Lane along Tracts IIa and IIb.

~~[(4) Constructing one half of a new north-south street along the west property line of Tract Ia.]~~

(2[5]) Constructing one-half of a new east-west street along the south property line of Tracts IIa and IIb.

(c) Funding for off-site improvements.

(1) Generally. Prior to the issuance of the building permit for construction of a building for office use, the owner(s) must pay a fee of \$.50 per square foot of office use for which a building permit is sought. This fee shall be adjusted annually, using 1986 as the base year, by the director of public works and transportation to account for increases in the cost of eight-inch thick, 3,000 psi reinforced Portland cement concrete pavement. The fees collected under this article must be:

(A) placed in separate interest-bearing accounts in the Dallas Parkway Center Thoroughfare Improvements Fund; and

(B) used for off-site road improvements, as defined in Dallas Parkway Center Study.

(2) Credits. If a person finances directly any off-site road construction within the area defined in the Dallas Parkway Center Study, and if that financing has received prior written approval from the director of public works and transportation, he shall receive a credit for those construction costs. Included in this credit is the appraised value, or the acquisition cost, whichever is less, of off-site right-of-way not listed in this article conveyed to the city. The appraised value is to be determined by the director of development services as of the date of conveyance. No credit given under this paragraph may exceed the maximum fee required for full development of the Property under this article.

(3) Refund of fee. If, after a period of ten years from the time of payment of a fee, the money has not been spent by transfer, allocation, or any other method, for the specified improvements, based on a first in-first out accounting method, the fee paid shall be refunded to the payor, or his assignee, with interest accrued at the city's investment rate, less administrative cost upon his application for refund, which must include proof of the amount and time of payment.

(4) Replacement of fee. If an area-wide road improvement fee is established by the city, that fee shall replace the fee established in this article, and the portion of any fees already paid under this article in excess of the area-wide fee will be credited toward future payments upon proof of overpayment.

SEC. 51P-250.116. PAVING.

(a) All streets, driveways, parking spaces, and maneuvering area for parking must comply with the requirements of the Code.

(b) 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. 51P-250.117. SIGNS.

All signs must comply with the provisions for business zoning districts contained in Article VII, "Sign Regulations," except that no non-premise signs are permitted.

SEC. 51P-250.118. TRANSPORTATION SYSTEMS MANAGEMENT (TSM).

(a) General. The owner(s) shall establish and operate a TSM program to encourage carpool, vanpool, and other transit alternatives. A specific TSM action program must be submitted to the commission within two years of September 17, 1986, concurrent with the submission of the first development plan submitted. An annual report must be furnished to the director of public works and transportation.

(b) Reports. The first report must be submitted within two years after the issuance of the first certificate of occupancy on the Property. Annual reports must be submitted thereafter until being directed otherwise by the director of public works and transportation. The final report must be submitted two years after the issuance of the certificate of occupancy which would permit occupancy of 90 percent of the final building shown on the development plan(s).

(c) Alternative. In lieu of the requirements in Paragraph (a), the owner(s) may participate in and fund on a pro rata basis with other local area property owners, an area-wide Transportation Management Organization (TMO) that is approved by the city.

SEC. 51P-250.119.**MANDATORY TRANSPORTATION MANAGEMENT ORGANIZATION (TMO) SUPPORT FEE.**

(a) General. Prior to the issuance of the building permit for construction of a building for office use, the owner(s) must pay to the director of public works and transportation a fee of \$.05 per square foot of office use for which a building permit is sought. The fees collected under this article must:

(1) be placed in separate interest bearing accounts in a special fund; and

(2) be used for the establishment and operation of an area wide TMO for the area described in the Dallas Parkway Center Study. The fee must be adjusted annually, using 1986 as the base year, to reflect changes in service costs by using the Consumer Price Index for Urban Consumers (CPIU) for the Dallas/Fort Worth Standard Metropolitan Statistical Area.

(b) Refund. If, after a period of five years from the time of a payment of a TMO fee, at least 80 percent of the interest earned has not been spent by transfer, allocation, or any other method for TMO operations, based on a first-in/first-out accounting method, the fee paid shall be refunded to the payor, or his assignee, together with any remaining interest accrued at the city's investment rate, upon his application for refund, which must include proof of the amount and time of payment.

SEC. 51P-250.120.**GENERAL REQUIREMENTS.**

Development of the Property must comply with the requirements of all ordinances, rules, and regulations of the city.

SEC. 51P-250.121.**COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city.

~~SEC. 51P-250.122.~~**~~ZONING MAP.~~**

~~PD 250 is located on Zoning Map No. C-7.]”~~

SECTION 6. That Article 279, “PD 279,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is repealed and amended to read as follows:

29032

“ARTICLE 279.**PD 279.****SEC. 51P-279.101. LEGISLATIVE HISTORY.**

PD 279 was established by Ordinance No. 19737, passed by the Dallas City Council on October 28, 1987. Ordinance No. 19737 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. PD 279 no longer exists. See Section 51P-279.103 for information regarding the rezoning of PD 279.

SEC. 51P-279.102. PROPERTY LOCATION AND SIZE.

PD 279 was established on property generally located along the north line of Peterson Lane, west of the west line of Montfort Drive. The size of PD 279 was approximately 76,554 square feet.

SEC. 51P-279.103. REZONING OF PD 279.

Ordinance No. _____, passed by the Dallas City Council on June 12, 2013, rezoned the Property from PD 279 to PD 887.”

SECTION 7. That Article 322, “PD 322,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is repealed and amended to read as follows:

“ARTICLE 322.**PD 322.****SEC. 51P-322.101. LEGISLATIVE HISTORY.**

PD 322 was established by Ordinance No. 20468, passed by the Dallas City Council on October 11, 1989. Ordinance No. 20468 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20468 was amended by Ordinance No. 21609, passed by the Dallas City Council on March 24, 1993. PD 322 no longer exists. See Section 51P-322.103 for information regarding the rezoning of PD 322.

29032

SEC. 51P-322.102. PROPERTY LOCATION AND SIZE.

PD 322 was established on property generally located at the northeast corner of LBJ Freeway and Dallas North Tollway. The size of PD 322 was approximately 42.2092 acres.

SEC. 51P-322.103. REZONING OF PD 322.

Ordinance No. _____, passed by the Dallas City Council on June 12, 2013, rezoned the Property from PD 322 to PD 887.”

SECTION 8. That Article 423, “PD 423,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is repealed and amended to read as follows:

“ARTICLE 423.**PD 423.****SEC. 51P-423.101. LEGISLATIVE HISTORY.**

PD 423 was established by Ordinance No. 22635, passed by the Dallas City Council on December 13, 1995. Ordinance No. 22635 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 22635 was amended by Ordinance No. 23559, passed by the Dallas City Council on June 24, 1998, and Ordinance No. 24037, passed by the Dallas City Council on September 22, 1999. PD 423 no longer exists. See Section 51P-423.103 for information regarding the rezoning of PD 423.

SEC. 51P-423.102. PROPERTY LOCATION AND SIZE.

PD 423 was established on property generally fronting on the north line of Alpha Road between Noel Road and Barton Drive. The size of PD 423 was approximately 8.6259 acres.

SEC. 51P-423.103. REZONING OF PD 423.

Ordinance No. _____, passed by the Dallas City Council on June 12, 2013, rezoned the Property from PD 423 to PD 887.”

29032

SECTION 9. That Article 713, "PD 713," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is repealed and amended to read as follows:

"ARTICLE 713.

PD 713.

SEC. 51P-713.101. LEGISLATIVE HISTORY.

PD 713 was established by Ordinance No. 25883, passed by the Dallas City Council on February 9, 2005. PD 713 no longer exists. See Section 51P-713.103 for information regarding the rezoning of PD 713.

SEC. 51P-713.102. PROPERTY LOCATION AND SIZE.

PD 713 was established on property located at the northeast corner of Noel Road and Alpha Road. The size of PD 713 was approximately 6.39 acres.

SEC. 51P-713.103. REZONING OF PD 713.

Ordinance No. _____, passed by the Dallas City Council on June 12, 2013, rezoned the Property from PD 713 to PD 887."

SECTION 10. That Article 782, "PD 782," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is repealed and amended to read as follows:

"ARTICLE 782.

P.D. 782.

SEC. 51P-782.101. LEGISLATIVE HISTORY.

PD 782 was established by Ordinance No. 27134, passed by the Dallas City Council on April 9, 2008. PD 782 no longer exists. See Section 51P-782.103 for information regarding the rezoning of PD 782.

SEC. 51P-782.102. PROPERTY LOCATION AND SIZE.

PD 782 was established on property located north of Interstate 635 (LBJ Freeway), east of Noel Road, and south of Peterson Lane. The size of PD 782 was approximately 18.9 acres.

SEC. 51P-782.103. REZONING OF PD 713.

Ordinance No. _____, passed by the Dallas City Council on June 12, 2013, rezoned the Property from PD 782 to PD 887.”

SECTION 11. That Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Article 887 to read as follows:

“ARTICLE 887.**PD 887.****Valley View - Galleria Area Special Purpose District****SEC. 51P-887.101. LEGISLATIVE HISTORY.**

PD 887 was established by Ordinance No. _____, passed by the Dallas City Council on June 12, 2013.

SEC. 51P-887.102. PROPERTY LOCATION AND SIZE.

PD 887 is established on property generally bounded by Southern Boulevard on the north, Preston Road on the east, LBJ Freeway on the south, and the Dallas North Tollway on the west. The size of PD 887 is approximately 445 acres.

SEC. 51P-887.103.**PURPOSE AND VISION.**

(a) Purpose. The Valley View - Galleria Area Special Purpose District is envisioned as the primary regional town center of North Dallas, characterized by an economically vibrant and environmentally sustainable mix of moderate to high density residential and non-residential land uses, supported by an enhanced system of streets and open spaces. The goals of this special purpose district are as follows:

(1) Encourage development that creates a diverse mix of compatible land uses in buildings designed to support a pedestrian, bicycle, and transit friendly environment, reduce the dominance of visible parking, and reduce environmental impacts.

(2) Create a network of well-maintained, publicly-accessible open spaces with a range of sizes and functions, designed to enhance the quality of life for the growing resident population and workforce in the area.

(3) Create a network of connected public and private streets and pathways designed to enhance multi-modal accessibility while reducing automobile-dependence within the area through improvements that support pedestrian, bicycle, and transit circulation.

(b) Vision. The Valley View - Galleria Area Plan is intended to serve as a guide and should be consulted for goals, objectives, policy statements, and recommendations for development of this special purpose district.

SEC. 51P-887.104.**CREATION OF SUBDISTRICTS.**

(a) This special purpose district is divided into the following subdistricts:

(1) Subdistrict 1. Subdistrict 1 is intended to be a walkable, moderate-density regional retail and mixed use center. This subdistrict will allow a mix of residential and nonresidential uses, including both large-format and small-format retail.

(2) Subdistrict 1A. Subdistrict 1A is intended to be a walkable high-density, mixed use area within the interior of Subdistrict 1. This subdistrict allows for a mix of residential and nonresidential uses, including both large-format and small-format retail.

(3) Subdistrict 2. Subdistrict 2 is intended to be a walkable high-density, primarily commercial, iconic gateway along LBJ Freeway. This subdistrict allows a mix of residential and nonresidential uses.

(4) Subdistrict 3. Subdistrict 3 is intended to be a walkable moderate to high density residential area surrounding the Midtown Commons, as shown in the Valley View - Galleria Area Plan. This subdistrict allows for office and neighborhood-serving retail that complement the Midtown Commons. This subdistrict allows a mix of residential and nonresidential uses, but limits retail to small-format retail.

29032

(5) Subdistrict 4. Subdistrict 4 is intended to be a walkable moderate-density mixed-use area. This subdistrict allows a mix of residential and nonresidential uses, but limits retail to small-format retail.

(6) Subdistrict 4A. Subdistrict 4A is intended to be a walkable high-density mixed-use area. This subdistrict allows a mix of residential and nonresidential uses, but limits retail to small-format retail.

(7) Subdistrict 5. Subdistrict 5 is intended to be a walkable moderate-density residential area that transitions to the lower-density residential areas north of this special purpose district. This subdistrict allows a variety of residential uses ranging from single family townhouses to multifamily apartment buildings.

(8) Subdistrict 6. Subdistrict 6 is intended to complement the Galleria area with high-density regional retail and mixed uses. This subdistrict also acts as a gateway from the Dallas North Tollway into the district. This subdistrict allows a mix of residential and nonresidential uses, including both large-format and small-format retail.

(9) Subdistrict 7. Subdistrict 7 is intended to allow the Galleria complex to thrive and grow as an important anchor to the special purpose district.

(b) Exhibit 887A is a map showing the boundaries of this special purpose district and each subdistrict.

SEC. 51P-887.105. DEFINITIONS.

Unless otherwise stated, the definitions in Chapter 51A and Division 51A-13.200 apply to this article. In this special purpose district:

(1) **DISTRICT** means the entire special purpose district created by this article.

(2) **LARGE-FORMAT RETAIL** means a retail use as listed in Section 51A-13.306(d)(5) with a floor area of more than 7,600 square feet. **LARGE-FORMAT RETAIL** includes retail occupancies that are internally connected to create a retail use with a total floor area greater than 7,600 square feet.

(3) **MAJOR RENOVATION** means a building permit or series of building permits for the reconstruction, alteration, or modification of an original building that increases the floor area that existed on June 12, 2013, the date of establishment of this special purpose district, by 30 percent or more.

(4) **NEW CONSTRUCTION** means construction of a main structure that did not exist as of June 12, 2013, the date of establishment of this special purpose district.

(5) ORIGINAL BUILDING means a structure existing on June 12, 2013, the date of establishment of this special purpose district, but does not include a structure that has undergone a major renovation.

(6) SMALL-FORMAT RETAIL means a retail use as listed in Section 51A-13.306(d)(5) with a floor area of 7,600 square feet or less. SMALL-FORMAT RETAIL does not include occupancies that are internally connected to create a retail use with a total floor area greater than 7,600 square feet.

(7) SUBDISTRICT means one of the subdistricts listed in Section 51P-887.104.

SEC. 51P-887.106. INTERPRETATIONS.

(a) In general.

(1) Unless otherwise stated, Article XIII, "Form Districts," of Chapter 51A applies to this article.

(2) Unless otherwise stated, the interpretations in Chapter 51A apply to this article.

(3) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(b) Conflicts.

(1) If there is a conflict between the provisions of Article XIII and Chapter 51A, Article XIII controls.

(2) If there is a conflict between the provisions of this article and Article XIII, this article controls.

(3) If there is a conflict between the text of this article and any of the exhibits (District and Subdistrict Map, Open Space Plan, or Streets Plan), the text of this article controls.

(4) If there is a conflict between the Streets Plan and Article XIII, the Streets Plan controls.

(5) If there is a conflict between the Thoroughfare Plan and the Streets Plan, the Thoroughfare Plan controls.

SEC. 51P-887.107. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 887A: District and Subdistrict Map.
- (2) Exhibit 887B: Open Space Plan.
- (3) Exhibit 887C: Streets Plan.

SEC. 51P-887.108. SITE PLANS AND DEVELOPMENT PLANS.

(a) Site plan.

(1) Except as provided in this article, a site plan that complies with the requirements of this article and Section 51A-13.703, "Site Plan Review," must be submitted to the building official when required by Section 51A-13.703(a).

(2) The site plan must also show the location and specifications of thoroughfares shown on the Thoroughfare Plan. A site plan does not act as a dedication of thoroughfares or infrastructure. See Section 51A-8.602 regarding dedications during platting.

(3) A site plan may be submitted as a single-page document or a multiple-page document.

(b) Development plan. No development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-887.109. SUBDISTRICT REGULATIONS.

(a) Subdistrict 1.

(1) In general. Except as provided in this article, the district regulations for the WMU-12 Walkable Urban Mixed Use District apply.

(2) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 12.

(3) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets except Preston Road.

(b) Subdistrict 1A.

(1) In general. Except as provided in this article, the district regulations for the WMU-20 Walkable Urban Mixed Use District apply.

(2) Stories.

(A) Except as provided in this paragraph, minimum number of stories above grade is three. Minimum number of stories above grade for general commercial development types is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 20.

(3) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets except Preston Road.

(c) Subdistrict 2.

(1) In general. Except as provided in this article, the district regulations for the WMU-40 Walkable Urban Mixed Use District apply.

(2) Uses.

(A) Except as provided in this paragraph, retail uses must be small-format retail.

(B) Large-format retail is allowed if all required parking is provided in a parking structure.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 40.

(4) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets except Preston Road and the LBJ Freeway service road.

(d) Subdistrict 3.

(1) In general. Except as provided in this article, the district regulations for the WMU-20 Walkable Urban Mixed Use District apply.

(2) Uses. Retail uses must be small-format retail.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 20.

(4) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets.

(5) Fences. Fences in the front setback area of apartment development types may exceed three feet in height provided that the fence is 70 percent open and does not face the Midtown Commons area identified in the Valley View - Galleria Area Plan.

(e) Subdistrict 4.

(1) In general. Except as provided in this article, the district regulations for the WMU-12 Walkable Urban Mixed Use District apply.

(2) Uses. Retail uses must be small-format retail.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 12.

(4) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets.

(f) Subdistrict 4A.

(1) In general. Except as provided in this article, the district regulations for the WMU-20 Walkable Urban Mixed Use District apply.

(2) Uses. Retail uses must be small-format retail.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 20.

(4) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets.

(g) Subdistrict 5.

(1) In general. Except as provided in this article, the district regulations for the WR-5 Walkable Residential District apply.

(2) Residential proximity slope. The provisions of Section 51A-4.412, "Residential Proximity Slope," apply.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is five.

(h) Subdistrict 6.

(1) In general. Except as provided in this article, the district regulations for the WMU-40 Walkable Urban Mixed Use District apply.

(2) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 40.

(3) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets except the Dallas North Tollway service road.

(i) Subdistrict 7.

(1) In general. Except as provided in this article, the district regulations for the WMU-40 Walkable Urban Mixed Use District apply.

(2) Height.

(A) The existing structure identified on the development plan for Planned Development District No. 322 as One Galleria Tower may have a maximum elevation above mean sea level of 957 feet.

(B) The existing structure identified on the development plan for Planned Development District No. 322 as Two Galleria Tower may have a maximum elevation above mean sea level of 945 feet.

(3) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 40.

(3) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets except the LBJ Freeway service road and the Dallas North Tollway service road.

SEC. 51P-887.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-887.111. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article XIII.

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

(c) One street tree must be provided for each 30 feet of frontage. Except as provided in this subsection, street trees must be located in the planting zones shown in the Streets Plan. Street trees may be planted in the front setback as close as possible to the sidewalk if there is a conflict with utilities, driveways, or visibility triangles as determined by the city arborist.

SEC. 51P-887.112. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, see Division 51A-13.400 for parking and loading regulations.

29032

(b) Maximum surface parking. No more than 15 percent of the area of a lot or building site may be used for surface parking. This requirement applies only to new construction or a major renovation. The director may increase the amount of surface parking to 25 percent of the area of a lot or building site if the director finds that:

(1) the surface parking area, other than ingress and egress points, does not directly abut a street frontage (for example, the surface parking is to the rear of the main structure); or

(2) the surface parking area has an enhanced perimeter buffer, as defined in Section 51A-10.126(a), between the surface parking area and the street.

(c) Hotels. One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of meeting room.

(d) Visitor parking for apartments in Subdistrict 3. Up to 12 visitor parking spaces may be provided in the front setback area for apartment development types fronting on Peterson Lane in Subdistrict 3 provided that the building meets the 70 percent primary street frontage requirement.

SEC. 51P-887.113. OPEN SPACE.

(a) Purpose. Open space requirements are intended to:

(1) provide a main central focal point for the special purpose district and smaller focal points for each subdistrict;

(2) promote economic development;

(3) improve the quality of life of residents and visitors;

(4) provide relief from a dense urban environment;

(5) prevent concentrations of paved areas;

(6) improve air quality; and

(7) assist with pedestrian movement.

(b) In general. Except as provided in this section, open space provided under this section must comply with the requirements for open space in Section 51A-13.303, "Open Space," and Section 51A-13.304(k), "Open Space Lot."

(c) Site plan. Compliance with open space requirements must be shown on a site plan and demonstrated at the time of application for any building permit for new construction or a major renovation.

(d) Amount required.

(1) Minimum on-site requirement.

(A) A minimum of four percent of a lot or building site must be maintained as open space.

(B) Lot or building sites in Subdistrict 3 may use the alternative methods of compliance listed in this section to meet the minimum on-site requirement.

(2) Additional open space requirement.

(A) In general.

(i) In addition to the minimum on-site requirement, one square foot of open space must be provided for every 28 square feet of floor area. Fractions of additional open space are rounded up to the next whole number.

(ii) Additional open space must comply with the Open Space Plan (Exhibit 887B).

(iii) The block park framework and the green frame shown on the Open Space Plan are a conceptual guide to create a connected network of open spaces for programmed and informal activity that is achieved incrementally as development projects meet their additional open space requirements. It is encouraged that individual open spaces be combined to create a connected network of open spaces. Each open space may be designed to serve a variety of purposes suited to adjacent development. Alternative locations and configurations may be approved by the director if the open space:

(aa) provides equivalent function;

(bb) is located at street level; and

(cc) is not configured as landscaped median, private open space under 2,000 square feet, or commercial surface parking lot, as described in Section 51A-13.304(k)(5)(H), (J) and (K).

(iv) Additional open space may be provided on-site, through one of the alternate methods of compliance, or a combination of on-site and alternate methods of compliance.

29032

(B) Alternative methods of compliance. Additional open space requirements may be met through one or more of the following alternative methods of compliance.

(i) Park dedication within the Midtown Commons. Property shown in the Open Space Plan as Midtown Commons may be acquired and offered to the city's park and recreation department. Each square foot of property is counted as two square foot of additional open space requirement. If the director of the park and recreation department does not accept the open space, the responsible party must comply with one or more of the other alternative methods of compliance.

(ii) Park dedication within the district. Off-site open space within this special purpose district that meets the requirements of this article may be offered to the city's park and recreation department. Each square foot of park dedication is counted as one square foot of additional open space requirement. If the director of the park and recreation department does not accept the open space, the responsible party must comply with one or more of the alternative methods of compliance.

(iii) Deed restricted open space within the district. Off-site open space within this special purpose district that meets the requirements of this article may be deed restricted to ensure that it is privately maintained as open space. The deed restrictions must inure to the benefit of the city and must be approved as to form by the city attorney. Each square foot of deed restricted open space is counted as one square foot of additional open space requirement.

(iv) Open space fund.

(aa) A dollar amount per square foot of additional open space required may be contributed to the open space fund. The dollar amount is \$36 per square foot of additional open space required in the year 2013, adjusted annually using the percentage change in total real property value in this special purpose district according to the Dallas Central Appraisal District certified tax roll. The annual adjustment is effective on January 1 of each year based on the previous year's certified tax roll.

(bb) The director shall administer the open space fund.

(cc) The open space fund may only be used to acquire, improve, or maintain public park land within the area covered by the Valley View - Galleria Area Plan. The open space fund may be used to reimburse the city for the cost of acquisition, improvement, or maintenance of public park land within the area covered by the Valley View - Galleria Area Plan.

(e) Maintenance.

(1) Open spaces, including landscaping and pedestrian amenities, must be maintained in a state of good repair and neat appearance. The property owner is responsible for the regular maintenance of open spaces.

(2) Required plants that die must be replaced with another living plant in compliance with the approved site plan. Replacement plants must be planted within three months, unless the city arborist approves an alternative period that reflects optimal planting seasons.

SEC. 51P-887.114. SIGNS.

(a) Except as provided in this section, signs must comply with Article XIII.

(b) Except as provided in this section, the provisions for attached signs in Section 51A-13.603(d)(3) apply.

(c) For facades facing Alpha Road, the Dallas North Tollway service road, the LBJ Freeway service road, Montfort Drive, Noel Road, and Preston Road, the provisions of Section 51A-7.305, "Attached Signs," apply.

SEC. 51P-887.115. STREET STANDARDS.

(a) In general.

(1) Except as provided in this section, streets, alleys, and driveways must be provided in accordance with Division 51A-13.500.

(2) Except as provided in this section, all public and private streets, and all private property abutting public and private streets, must be constructed in accordance with this section and the standards shown on the Streets Plan (Exhibit 887C).

(3) See Section 51A-8.604 for details on the portion of the street sections shown on the Streets Plan that must be constructed by the abutting property owner.

(4) The thoroughfares shown on the Streets Plan are intended to provide general guidance for the alignment and design of streets included in the Thoroughfare Plan.

(5) The proposed minor streets shown on the Streets Plan are conceptual and are intended to illustrate desired connectivity of streets. These new minor streets must be provided if new block requirements are triggered by Section 51A-13.502(a). Alternative alignments may be approved by the director of public works if they provide equivalent connectivity, and comply with this section, the Streets Plan, and Section 51A-13.502.

29032

(b) Alternate street sections. To deviate from the street design standards shown on the Streets Plan, an alternate street section must be approved by the director of public works. To be approved, an alternate street section must provide a street width that reduces vehicle speeds and promotes a pedestrian-friendly environment. An alternate street section may not reduce the minimum sidewalk width or planting zone requirements.

(c) Maximum block size. Blocks as shown on a plat must comply with Section 51A-13.502(a).

(d) Driveways.

(1) Sidewalk material and level must be maintained across the driveway curb cut in order to create a continuous pedestrian passage.

(2) The following provisions apply to driveways provided in compliance with the Streets Plan along Preston Road, Peterson Lane (Alternative Street Type B), and the LBJ Freeway frontage:

(A) The minimum spacing of curb cuts on Preston Road is 400 feet. The minimum spacing of curb cuts on Peterson Lane (Alternative Street Type B) is 200 feet. The minimum spacing of curb cuts on LBJ Freeway frontage is 400 feet.

(B) Cross-access easements are required between adjacent parcels if deemed necessary by the city for compliance with curb cut spacing requirements or to ensure adequate emergency vehicle access within the block.

(3) Compliance with this subsection is triggered by the platting process or requests for new curb cuts.

SEC. 51P-887.116.

ADDITIONAL PROVISIONS.

(a) In general.

(1) The 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.

(b) Nonconformity.

(1) Definitions. See Section 51A-2.102(89), which defines a nonconforming structure as a structure that does not conform to the regulations (other than use regulations), but which was lawfully constructed under the regulations in force at the time of construction. See Section 51A-2.102(90), which defines a nonconforming use as a use that does not conform to the use regulations, but which was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

(2) Nonconforming uses. See Section 51A-4.704 for details on nonconforming uses. Section 51A-4.704 provides that nonconforming uses may continue to operate indefinitely, except that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, the use becomes a conforming use, or the structure housing the nonconforming use is destroyed by the intentional act of the owner or his agent. Section 51A-4.704 also provides that a person may renovate, remodel, or repair a structure housing a nonconforming use if the work does not enlarge the nonconforming use.

(3) Nonconforming structures. See Section 51A-4.704 and Section 51A-13.102(S) for details on nonconforming structures. Section 51A-13.102(S) provides that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to building placement, building height, building facade, garage placement, open space, or landscaping regulations.

(4) Nonconforming signs. See Section 51A-7.701 and Section 51A-7.702 for details on nonconforming signs. Section 51A-7.702 provides that nonconforming signs may be repaired, except that no person may repair a nonconforming sign if the cost of repair is more than 60 percent of the cost of erecting a new sign of the same type at the same location, unless that sign is brought into conformity.

(5) Nonconforming parking. See Section 51A-4.704(b)(4) for details on nonconforming parking. Section 51A-4.704(b)(4) provides that the number of nonconforming parking or loading spaces for a use may be carried forward when the use is converted or expanded.

SEC. 51P-887.117.

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.”

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SECTION 12. 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 13. That the city attorney is authorized to insert the enrolled number of this ordinance in Articles 22, 130, 215, 279, 322, 423, 713, 782, and 887 in Chapter 51P.

SECTION 14. That the two-year limitation in Section 51A-4.701(d) of the Dallas Development Code is waived until June 12, 2015 for applications for specific use permits for any use made nonconforming by this ordinance.

SECTION 15. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 16. 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 17. 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.

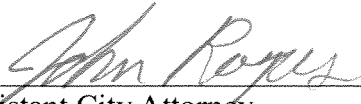
SECTION 18. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

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APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed JUN 12 2013

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Exhibit A
Overall Legal Description

BEGINNING at a point at the intersection of the centerlines of the Dallas North Tollway and Interstate 635, LBJ Freeway;

THENCE proceeding in a northerly direction along the centerline of the Dallas North Tollway to its point of intersection with the Dallas City Limit line;

THENCE proceeding in a easterly and then in a northwestwardly direction along the Dallas City Limit line to the intersection with the centerline of McEwen Road;

THENCE proceeding in an eastwardly direction along the centerline of McEwen Road to the intersection with the centerline of the Dallas North Tollway;

THENCE proceeding in a northwardly direction along the centerline of the Dallas North Tollway to its intersection with the centerline of Alpha Road;

THENCE proceeding in a easterly direction along the centerline of Alpha Road to its intersection with the centerline of Barton Drive;

THENCE proceeding in a northwardly direction along the centerline of Barton Drive to its intersection with the centerline of Southern Boulevard;

THENCE proceeding in an eastwardly direction along the centerline of Southern Boulevard to its terminus at the centerline of Montfort Drive;

THENCE proceeding in a northerly direction along the centerline of Montfort Drive to its intersection with the projected north line of Lot 2, Block E/7012;

THENCE proceeding in a northeastwardly direction across Montfort Drive and along the northern property line of said property to the northeasternmost corner of the said property Lot 2, Block E/7012 of MONTFORT PLACE in VOL 96024/2510 DD013196 in Dallas County;

THENCE in a southwardly direction along the eastern property line of BLK E/7012 LOT 2 of MONTFORT PLACE in VOL 96024/2510 DD013196 in Dallas County to the northwestern corner of the property described as WOODCHASE APARTMENTS in BLK B/7012 in Dallas County;

THENCE proceeding in an eastwardly direction along the northern boundary of said property to its easternmost point;

THENCE proceeding in a southwardly direction along the easternmost boundary of said property to the northwest corner of the property described as PRESTON VIEW ESTATES BLK 7413 TR 10 in Dallas County;

29032

THENCE proceeding in an eastwardly direction along the northern boundary of said property, passing the northeasternmost point of the property where it meets the northwestern corner of Lot 9, Block 7414, continuing on in an eastwardly direction along the northern boundary of said Block 7414, passing the northeasternmost point of the property where it meets the northwestern corner of the property described as Lot 2, Block 7414 of PRESTON & PRESTON VIEW in Dallas County and continuing on in an eastwardly direction along the northern boundary of said property to its intersection with the centerline of Preston Road;

THENCE in a southerly direction along the centerline of Preston Road to the centerline of Interstate 635, LBJ Freeway;

THENCE in a westerly direction along the centerline of Interstate 635, LBJ Freeway to the POINT OF BEGINNING;

SAVE AND EXCEPT the following:

BEGINNING at the intersection of the centerline of Montfort Drive and the centerline of James Temple Drive;

THENCE S 89° 39' 56" W, a distance of 1473.589 feet;

THENCE N 00° 01' 51" E, a distance of 30.093 feet to the beginning of a curve to the Left;

THENCE along said curve to the Left through an angle of 33° 44' 01", with a Radius of 124.122 feet and a Chord Direction of N 25° 41' 52" E;

THENCE N 00° 18' 28" W, a distance of 428.605 feet;

THENCE N 89° 16' 29" E, a distance of 1082.881 feet;

THENCE S 89° 50' 15" E, a distance of 515.432 feet to the beginning of a curve to the Right;

THENCE along said curve to the Right through an angle of 15° 20' 31", with a Radius of 752.223 feet and a Chord Direction of S 72° 45' 49" E;

THENCE N 26° 48' 51" E, a distance of 38.5 feet;

THENCE S 46° 01' 29" E, a distance of 72.0 feet;

THENCE S 41° 41' 13" W, a distance of 56.401 feet;

29032

131003

GIS Approved

THENCE S 46° 01' 28" E, a distance of 258.02 feet;

THENCE S 42° 33' 28" W, a distance of 310.576 feet;

THENCE S 89° 39' 56" W, a distance of 352.712 feet to the POINT OF BEGINNING of the Save and Except tract.

29032

Exhibit A
Subdistricts Legal Description**Subdistrict 1**

COMMENCING at the intersection of the centerline of Montfort Drive and the centerline of Peterson Lane;

THENCE N 00° 47' 21" W, a distance of 415.92 feet;

THENCE N 01° 29' 22" W, a distance of 70.383 feet to the POINT OF BEGINNING;

THENCE N 01° 29' 22" W, a distance of 341.727 feet;

THENCE N 89° 35' 36" E, a distance of 1758.814 feet;

THENCE N 00° 00' 00" E, a distance of 139.625 feet;

THENCE S 88° 43' 37" E, a distance of 23.012 feet;

THENCE N 00° 25' 06" E, a distance of 70.043 feet;

THENCE N 90° 00' 00" E, a distance of 15.337 feet;

THENCE N 01° 05' 47" W, a distance of 213.741 feet;

THENCE N 89° 52' 28" E, a distance of 112.396 feet;

THENCE N 00° 00' 00" E, a distance of 196.83 feet;

THENCE N 90° 00' 00" E, a distance of 8.18 feet;

THENCE N 00° 54' 08" W, a distance of 169.03 feet;

THENCE N 89° 42' 59" E, a distance of 362.251 feet;

THENCE S 05° 32' 45" E, a distance of 765.806 feet;

THENCE S 05° 39' 31" E, a distance of 306.29 feet;

THENCE S 01° 02' 11" E, a distance of 516.954 feet;

THENCE S 00° 32' 32" E, a distance of 231.751 feet;

THENCE S 01° 02' 58" E, a distance of 671.47 feet;

29032

THENCE S 01° 00' 22" E, a distance of 275.471 feet;
 THENCE S 89° 06' 59" W, a distance of 434.55 feet;
 THENCE N 01° 28' 45" W, a distance of 1641.151 feet;
 THENCE S 89° 30' 48" W, a distance of 1615.77 feet;
 THENCE S 89° 30' 48" W, a distance of 305.139 feet to the POINT OF BEGINNING.

Subdistrict 1a

COMMENCING at the intersection of the centerline of Preston Road and the centerline of L B J Freeway (I-635);

THENCE N 01° 06' 10" W, a distance of 180.444 feet;
 THENCE N 01° 00' 22" W, a distance of 490.707 feet;
 THENCE S 89° 06' 59" W, a distance of 434.55 feet to the POINT OF BEGINNING;
 THENCE S 89° 06' 59" W, a distance of 1102.976 feet;
 THENCE N 79° 25' 25" W, a distance of 554.512 feet;
 THENCE N 79° 25' 25" W, a distance of 302.454 feet;
 THENCE N 00° 59' 11" W, a distance of 470.149 feet;
 THENCE N 89° 39' 56" E, a distance of 352.713 feet;
 THENCE N 42° 33' 28" E, a distance of 310.576 feet;
 THENCE N 46° 01' 28" W, a distance of 258.02 feet;
 THENCE N 41° 41' 13" E, a distance of 56.401 feet;
 THENCE N 46° 01' 29" W, a distance of 72.0 feet;
 THENCE S 26° 48' 51" W, a distance of 38.5 feet to the beginning of a curve to the Left;
 THENCE along said curve to the Left through an angle of 15° 20' 31", with a Radius of 752.223 feet and a Chord Direction of N 72° 45' 49" W;

29032

THENCE N 89° 50' 14" W, a distance of 155.908 feet;
THENCE N 00° 47' 21" W, a distance of 415.920 feet;
THENCE N 01° 29' 22" W, a distance of 70.383 feet;
THENCE N 89° 30' 48" E, a distance of 305.139 feet;
THENCE N 89° 30' 48" E, a distance of 1615.77 feet;
THENCE S 01° 28' 45" E, a distance of 1641.151 feet to the POINT OF BEGINNING.

Subdistrict 2

BEGINNING at the intersection of the centerline of Preston Road and the centerline of L B J Freeway (I-635);

N 80° 34' 54" W, a distance of 479.933 feet to the beginning of a curve to the Left;

THENCE along said curve to the Left through an angle of 06° 44' 17", with a Radius of 5611.22 feet and a Chord Direction of N 85° 40' 12" W;

THENCE S 89° 18' 33" W, a distance of 3334.437 feet;

THENCE N 00° 00' 39" W, a distance of 179.898 feet;

THENCE N 00° 29' 03" W, a distance of 519.812 feet;

THENCE N 89° 32' 10" E, a distance of 2077.927 feet;

THENCE S 79° 25' 25" E, a distance of 856.966 feet;

THENCE N 89° 06' 59" E, a distance of 1537.526 feet;

THENCE S 01° 00' 22" E, a distance of 490.707 feet;

THENCE S 01° 06' 10" E, a distance of 180.444 feet to the POINT OF BEGINNING.

Subdistrict 3

BEGINNING at the intersection of the centerline of Montfort Drive and the centerline of James Temple Drive;

29032

THENCE S 00° 59' 11" E, a distance of 470.149 feet;

THENCE S 89° 32' 10" W, a distance of 2077.927 feet;

THENCE N 00° 29' 03" W, a distance of 466.161 feet;

THENCE N 00° 40' 24" W, a distance of 531.808 feet;

THENCE N 00° 19' 02" W, a distance of 477.166 feet;

THENCE N 89° 39' 22" E, a distance of 1690.285 feet to the beginning of a curve to the Left;

THENCE along said curve to the Left through an angle of 18° 24' 23", with a Radius of 412.022 feet and a Chord Direction of S 62° 45' 44" E to the beginning of a curve to the Right;

THENCE along said curve to the Right through an angle of 64° 04' 04", with a Radius of 464.499 feet and a Chord Direction of S 33° 37' 27" E;

THENCE N 89° 50' 15" W, a distance of 359.522 feet;

THENCE S 89° 16' 29" W, a distance of 1082.881 feet;

THENCE S 00° 18' 28" E, a distance of 428.605 feet to the beginning of a curve to the Right;

THENCE along said curve to the Right through an angle of 33° 44' 01", with a Radius of 124.122 feet and a Chord Direction of S 25° 41' 52" W;

THENCE S 00° 01' 51" W, a distance of 30.093 feet;

THENCE N 89° 39' 56" E, a distance of 1473.589 feet to the POINT OF BEGINNING.

Subdistrict 4

BEGINNING at the intersection of the centerline of Noel Road and the centerline of Alpha Road;

THENCE N 89° 44' 25" E, a distance of 1458.641 feet;

THENCE N 06° 14' 55" W, a distance of 401.273 feet;

THENCE N 89° 06' 37" E, a distance of 723.344 feet;

29032

THENCE N 03° 34' 35" W, a distance of 7.011 feet;
 THENCE N 89° 15' 07" E, a distance of 418.99 feet;
 THENCE N 03° 00' 46" W, a distance of 12.22 feet;
 THENCE N 89° 38' 16" E, a distance of 1303.291 feet;
 THENCE S 01° 05' 47" E, a distance of 213.741 feet;
 THENCE S 90° 00' 00" W, a distance of 15.337 feet;
 THENCE S 00° 25' 06" W, a distance of 70.043 feet;
 THENCE N 88° 43' 37" W, a distance of 23.012 feet;
 THENCE S 00° 00' 00" W, a distance of 139.625 feet;
 THENCE S 89° 35' 36" W, a distance of 1758.814 feet;
 THENCE S 01° 29' 22" E, a distance of 412.111 feet;
 THENCE S 00° 47' 21" E, a distance of 415.92 feet to the beginning of a curve to the Left;
 THENCE along said curve to the Left through an angle of 64° 04' 04", with a Radius of 464.499 feet and a Chord Direction of N 33° 37' 27" W to the beginning of a curve to the Right;
 THENCE along said curve to the Right through an angle of 18° 24' 23", with a Radius of 412.022 feet and a Chord Direction of N 62° 45' 44" W;
 THENCE S 89° 39' 22" W, a distance of 1690.285 feet;
 THENCE N 00° 19' 02" W, a distance of 353.056 feet to the POINT OF BEGINNING.

Subdistrict 4a

BEGINNING at the intersection of the centerline of Noel Road and the centerline of Alpha Road;

THENCE N 00° 33' 42" W, a distance of 646.905 feet;

29032

THENCE N 00° 36' 43" W, a distance of 525.743 feet;
 THENCE S 88° 24' 40" E, a distance of 115.669 feet;
 THENCE N 89° 25' 02" E, a distance of 993.957 feet to the beginning of a curve to the Left;
 THENCE along said curve to the Left through an angle of 07° 52' 47", with a Radius of 837.983 feet and a Chord Direction of N 82° 12' 55" E;
 THENCE N 77° 21' 04" E, a distance of 118.651 feet;
 THENCE N 04° 21' 15" W, a distance of 69.181 feet;
 THENCE N 89° 03' 27" E, a distance of 45.062 feet;
 THENCE S 88° 25' 37" E, a distance of 201.67 feet;
 THENCE S 06° 00' 08" E, a distance of 17.339 feet;
 THENCE S 06° 00' 08" E, a distance of 33.091 feet;
 THENCE S 88° 25' 37" E, a distance of 71.83 feet;
 THENCE S 06° 00' 08" E, a distance of 355.95 feet;
 THENCE S 88° 51' 52" W, a distance of 317.043 feet;
 THENCE S 05° 57' 40" E, a distance of 469.886 feet;
 THENCE S 06° 14' 55" E, a distance of 401.273 feet;
 THENCE S 89° 44' 25 W 1458.641 feet to the POINT OF BEGINNING.

Subdistrict 5

COMMENCING at the intersection of the centerline of Montfort Drive and the centerline of Alpha Road;

THENCE N 06° 14' 55" W, a distance of 401.273 feet to the POINT OF BEGINNING;

THENCE N 05° 57' 40" W, a distance of 469.886 feet;

THENCE N 88° 51' 52" E, a distance of 317.043 feet;

29032

THENCE N 06° 00' 08" W, a distance of 355.95 feet;
THENCE N 88° 25' 37" W, a distance of 71.83 feet;
THENCE N 06° 00' 08" W, a distance of 33.091 feet;
THENCE N 89° 39' 48" E, a distance of 72.295 feet;
THENCE N 89° 21' 43" E, a distance of 283.295 feet;
THENCE N 89° 18' 07" E, a distance of 624.023 feet;
THENCE S 00° 45' 02" E, a distance of 160.387 feet;
THENCE N 89° 25' 05" E, a distance of 689.5 feet;
THENCE N 89° 05' 28" E, a distance of 728.424 feet;
THENCE N 89° 09' 00" E, a distance of 354.05 feet;
THENCE S 02° 12' 26" E, a distance of 276.276 feet;
THENCE S 05° 32' 45" E, a distance of 49.269 feet;
THENCE S 89° 42' 59" W, a distance of 362.251 feet;
THENCE S 00° 54' 08" E, a distance of 169.03 feet;
THENCE S 90° 00' 00" W, a distance of 8.18 feet;
THENCE S 00° 00' 00" W, a distance of 196.83 feet;
THENCE S 89° 52' 28" W, a distance of 112.396 feet;
THENCE S 89° 38' 16" W, a distance of 1303.291 feet;
THENCE S 03° 00' 46" E, a distance of 12.22 feet;
THENCE S 89° 15' 07" W, a distance of 418.99 feet;
THENCE S 03° 34' 35" E, a distance of 7.011 feet;
THENCE S 89° 06' 37" W, a distance of 723.344 feet to the POINT OF BEGINNING.

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Subdistrict 6

BEGINNING at the intersection of the centerline of Noel Road and the centerline of Alpha Road;

THENCE S 89° 13' 26" W, a distance of 677.42 feet;

THENCE N 01° 17' 15" W, a distance of 1141.72 feet;

THENCE N 88° 36' 38" E, a distance of 404.75 feet to the beginning of a curve to the Left;

THENCE along said curve to the Left through an angle of 17° 21' 13", with a Radius of 413.785 feet and a Chord Direction of N 81° 33' 48" E;

THENCE along said curve to the Right through an angle of 15° 45' 52", with a Radius of 429.248 feet and a Chord Direction of N 82° 47' 32" E;

THENCE S 86° 48' 41" E, a distance of 46.20 feet;

THENCE S 00° 36' 43" E, a distance of 525.743 feet;

THENCE S 00° 33' 42" E, a distance of 646.905 feet to the POINT OF BEGINNING.

Subdistrict 7

BEGINNING at the intersection of the centerline of Noel Road and the centerline of Alpha Road;

THENCE S 00° 19' 02" E, a distance of 830.222 feet;

THENCE S 00° 40' 24" E, a distance of 531.808 feet;

THENCE S 00° 29' 03" E, a distance of 985.973 feet;

THENCE S 00° 00' 39" E, a distance of 179.898 feet;

THENCE S 89° 18' 33" W, a distance of 778.425 feet;

THENCE N 16° 53' 52" W, a distance of 628.896 feet;

THENCE N 85° 22' 16" E, a distance of 56.298 feet;

THENCE N 85° 22' 15" E, a distance of 55.629 feet;

29032

THENCE N 85° 22' 27" E, a distance of 1.2 feet;

THENCE N 16° 59' 03" W, a distance of 574.202 feet;

THENCE N 17° 31' 15" W, a distance of 61.613 feet;

THENCE N 89° 58' 54" E, a distance of 58.271 feet;

THENCE N 01° 50' 43" E, a distance of 106.776 feet to the beginning of a curve to the Left;

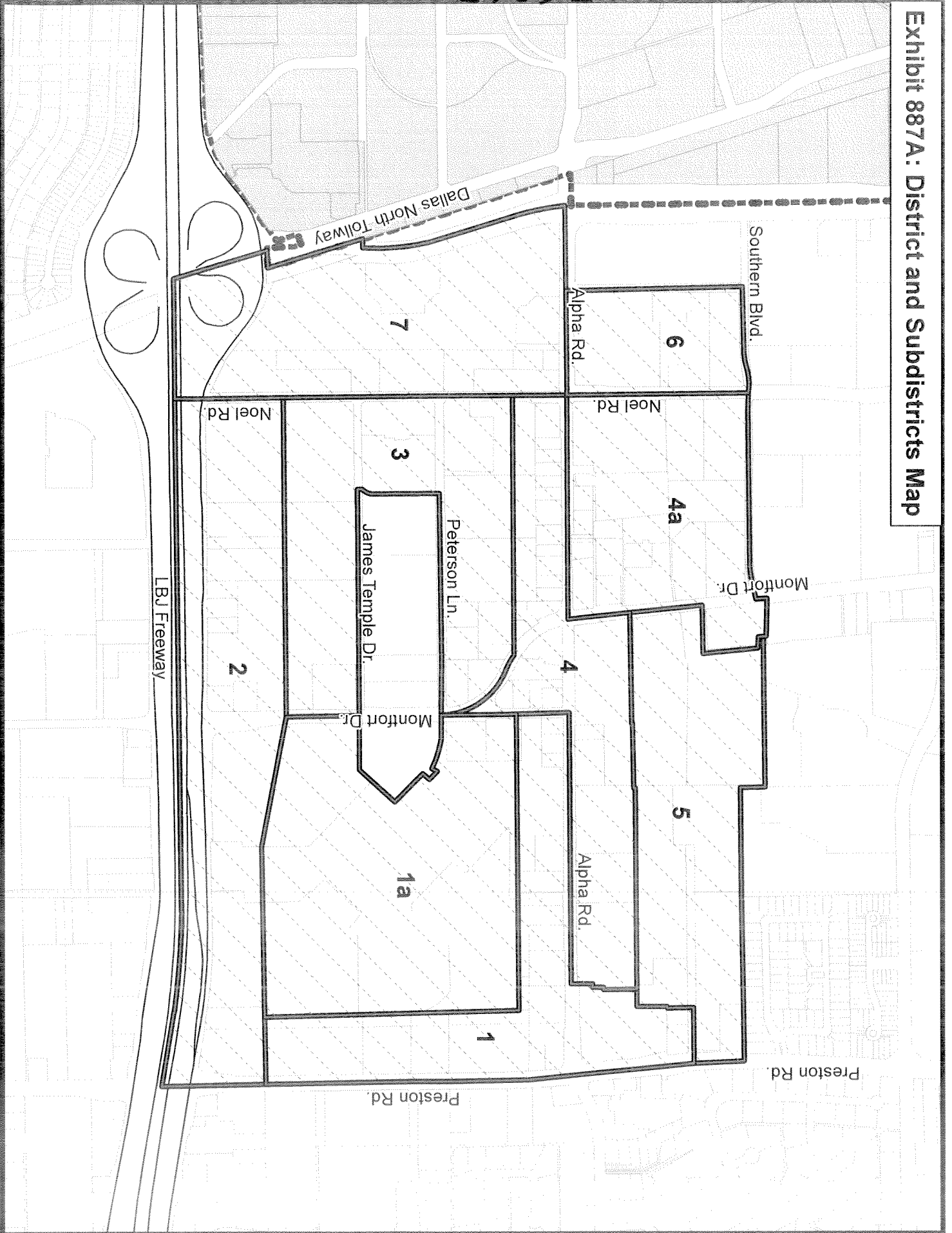
THENCE along said curve to the Left through an angle of 11° 23' 22", with a Radius of 1575.536 feet and a Chord Direction of N 06° 38' 26" W;

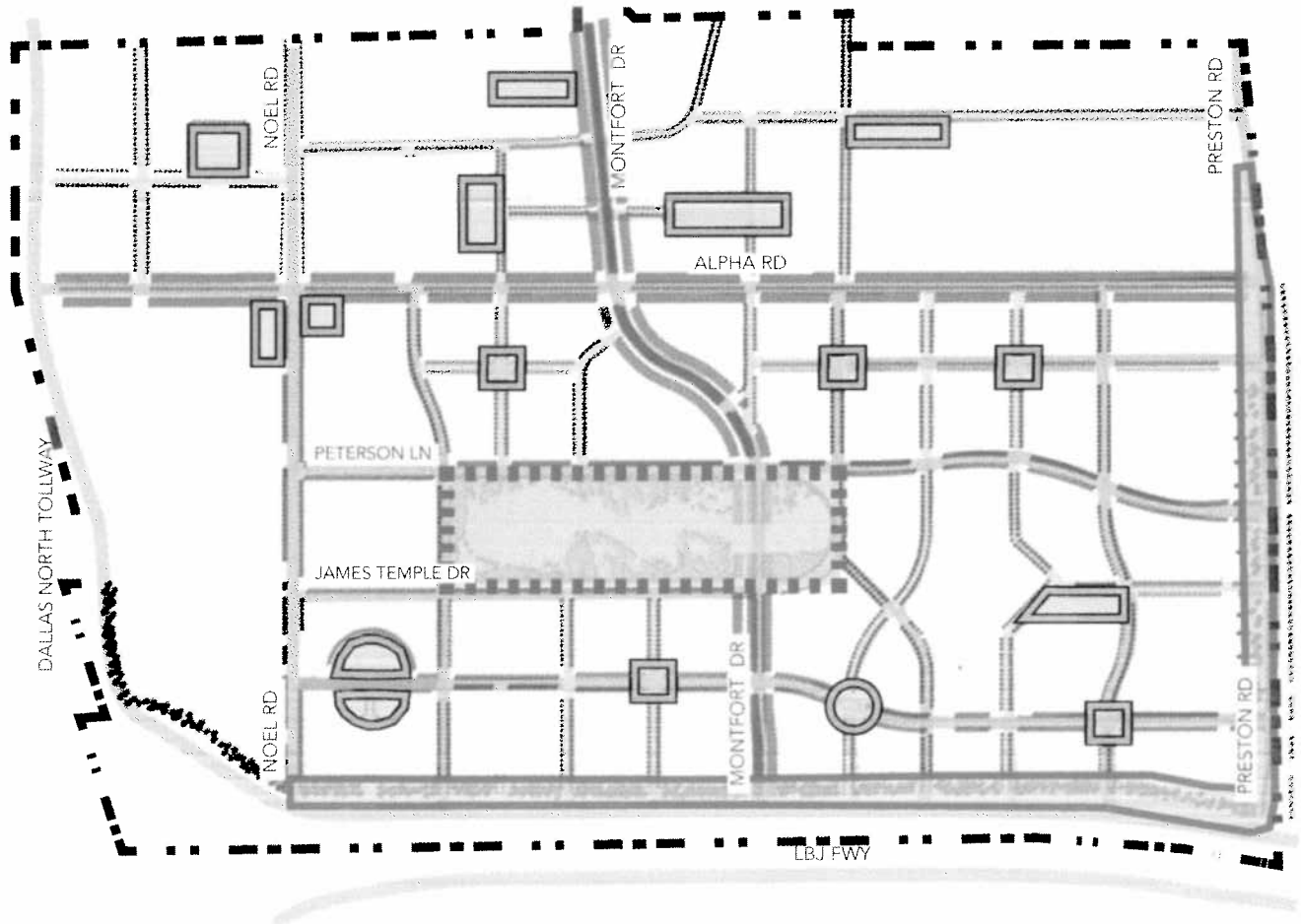
THENCE N 17° 02' 41" W, a distance of 529.508 feet to the beginning of a curve to the Right;

THENCE along said curve to the Right through an angle of 12° 16' 18", with a Radius of 1810.743 feet and a Chord Direction of N 12° 17' 25" W;

THENCE N 89° 13' 26" E, a distance of 1227.638 feet to the POINT OF BEGINNING.

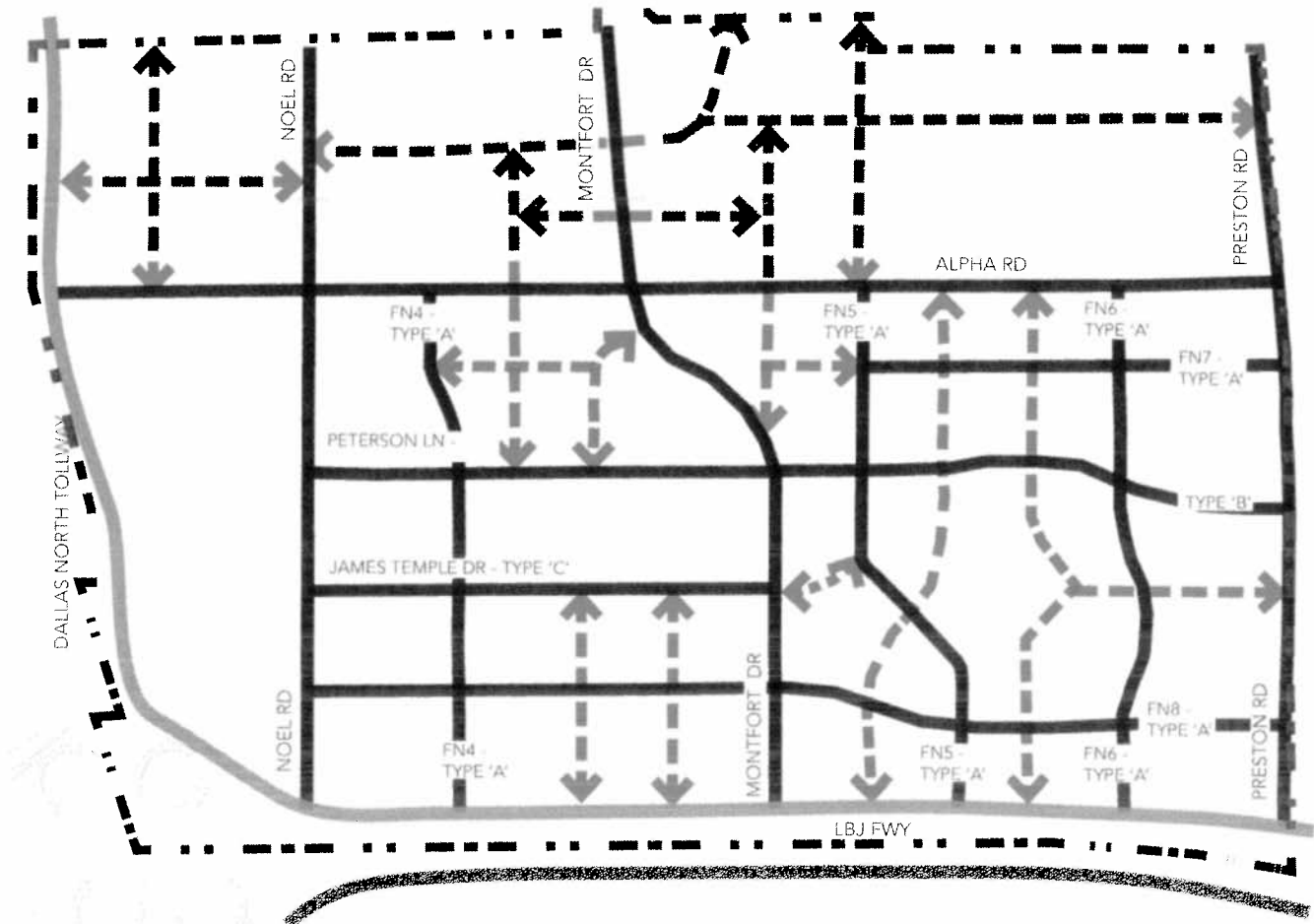
Exhibit 887A: District and Subdistricts Map



**LEGEND:**

- STUDY AREA BOUNDARY
- ■ ■ MIDTOWN COMMONS
- ==== BLOCK PARK FRAMEWORK
- GREEN FRAME

29032



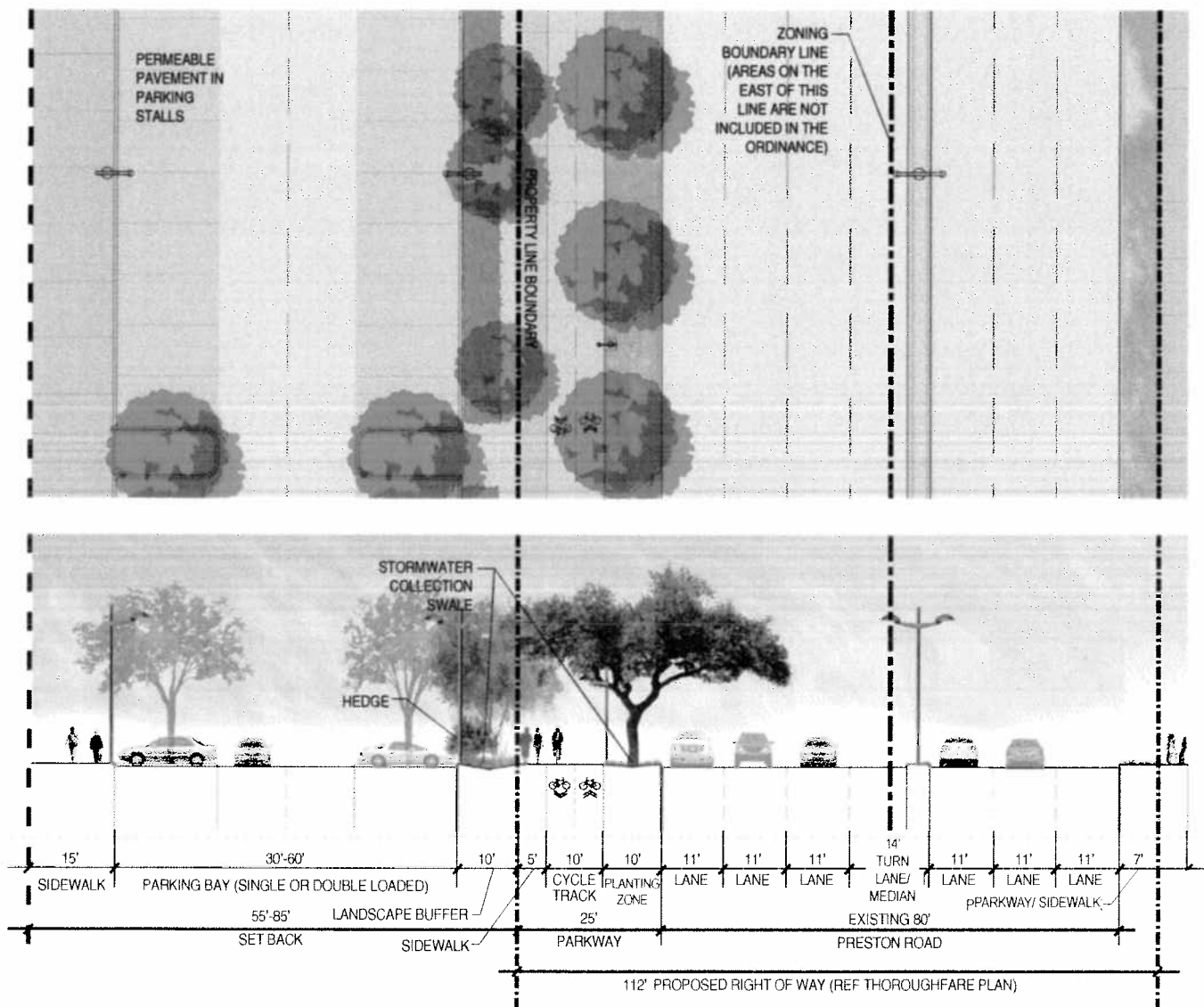
* NOT TO SCALE

LEGEND:

- STUDY AREA BOUNDARY
- PROPOSED AMENDMENT TO THOROUGHFARE PLAN
- FRONTAGE ROAD
- CONCEPTUAL MINOR STREETS, DEVELOPMENT DRIVEN*

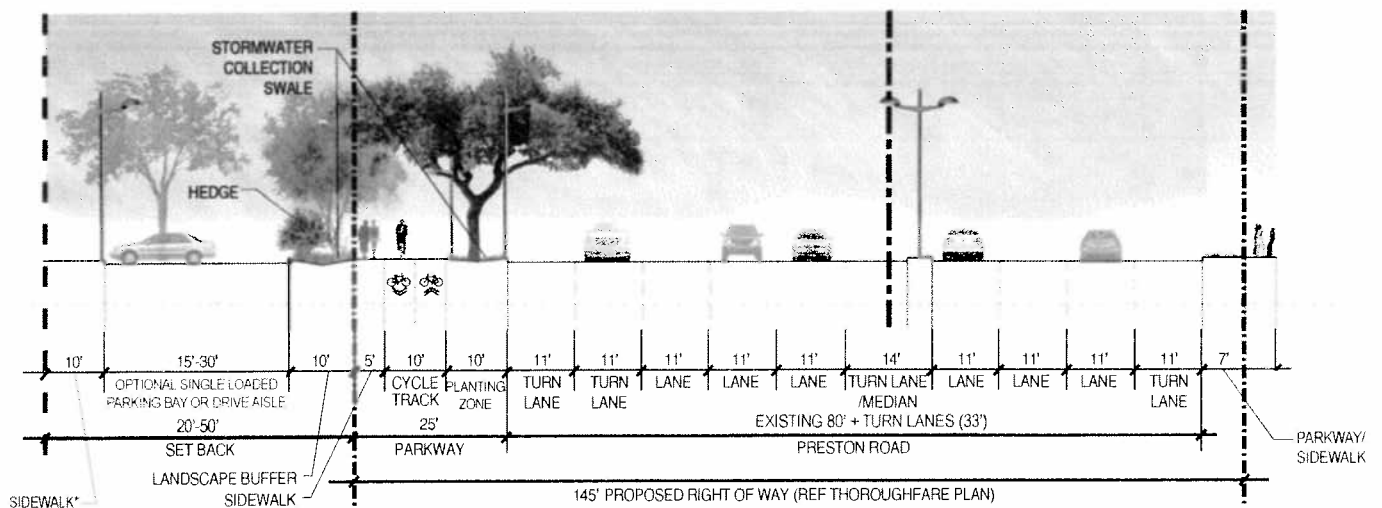
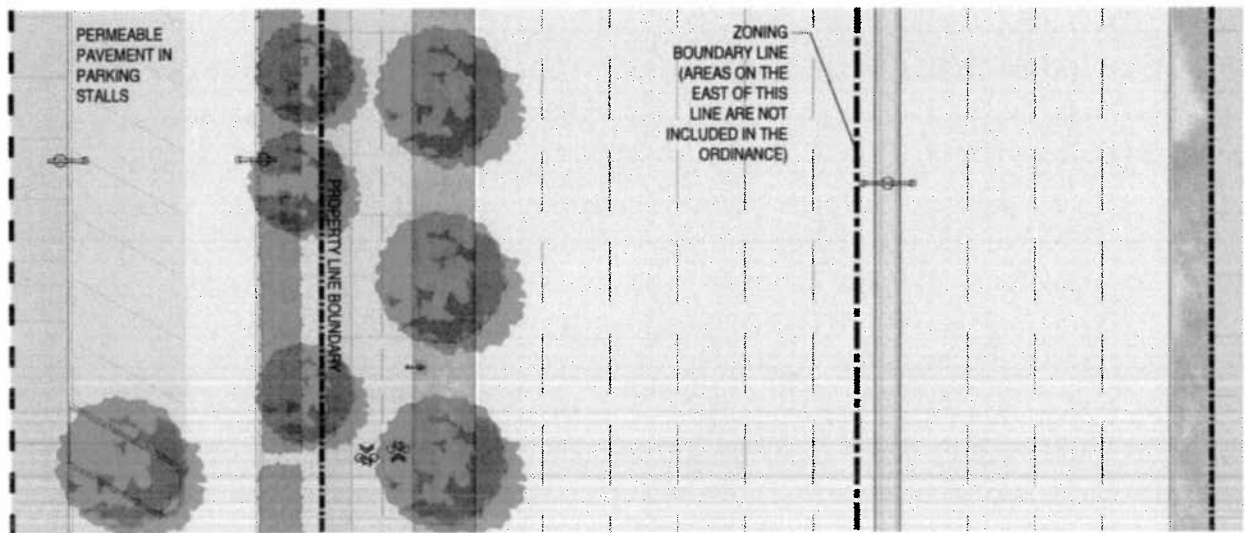
* THESE MINOR STREETS ARE CONCEPTUAL AND INTENDED ONLY TO ILLUSTRATE DESIRED CONNECTIVITY FOR NEW STREETS. ALTERNATIVE ALIGNMENTS MAY BE APPROVED BY THE DIRECTOR OF PUBLIC WORKS IF THEY PROVIDE EQUIVALENT CONNECTIVITY AND COMPLY WITH THE PROVISIONS OF SECTION 51P-887.115 (STREET STANDARDS) AND SECTION 51A-13.502 (NEW MINOR STREETS).

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REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

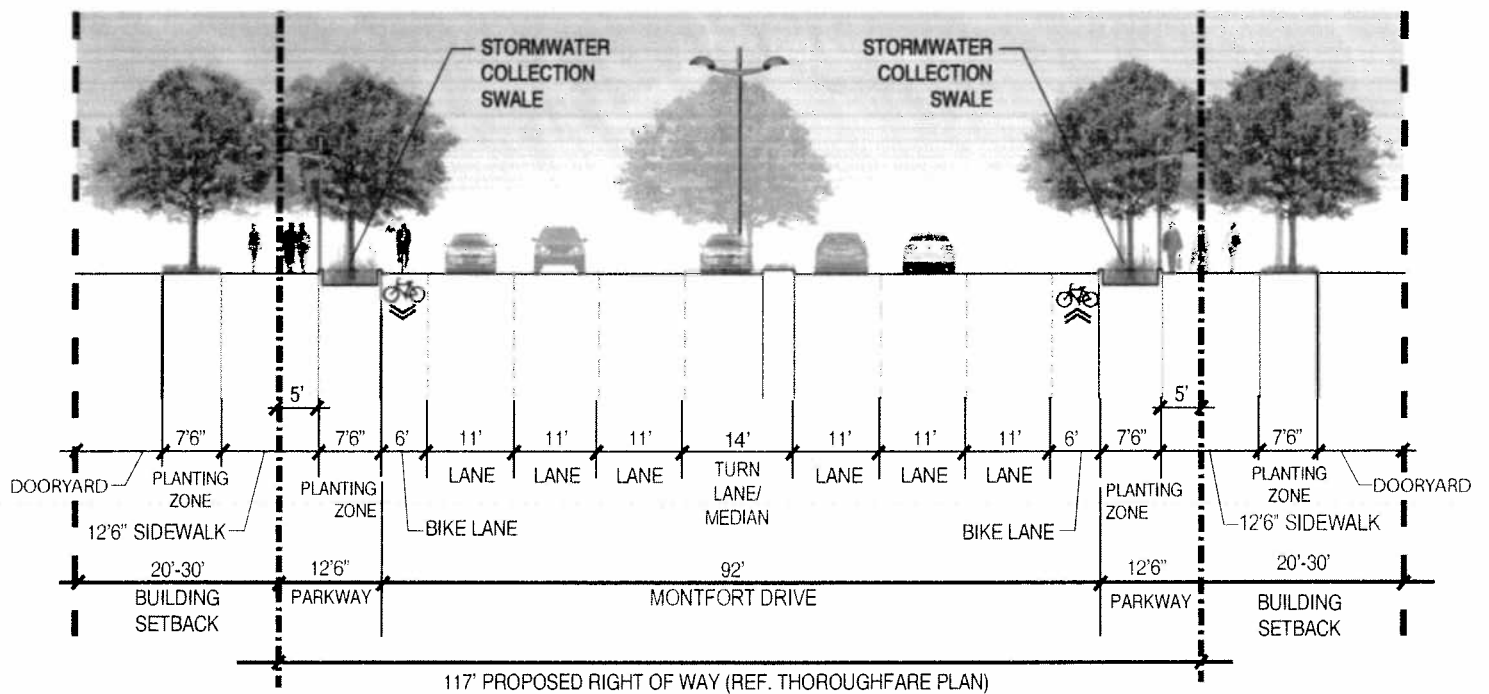
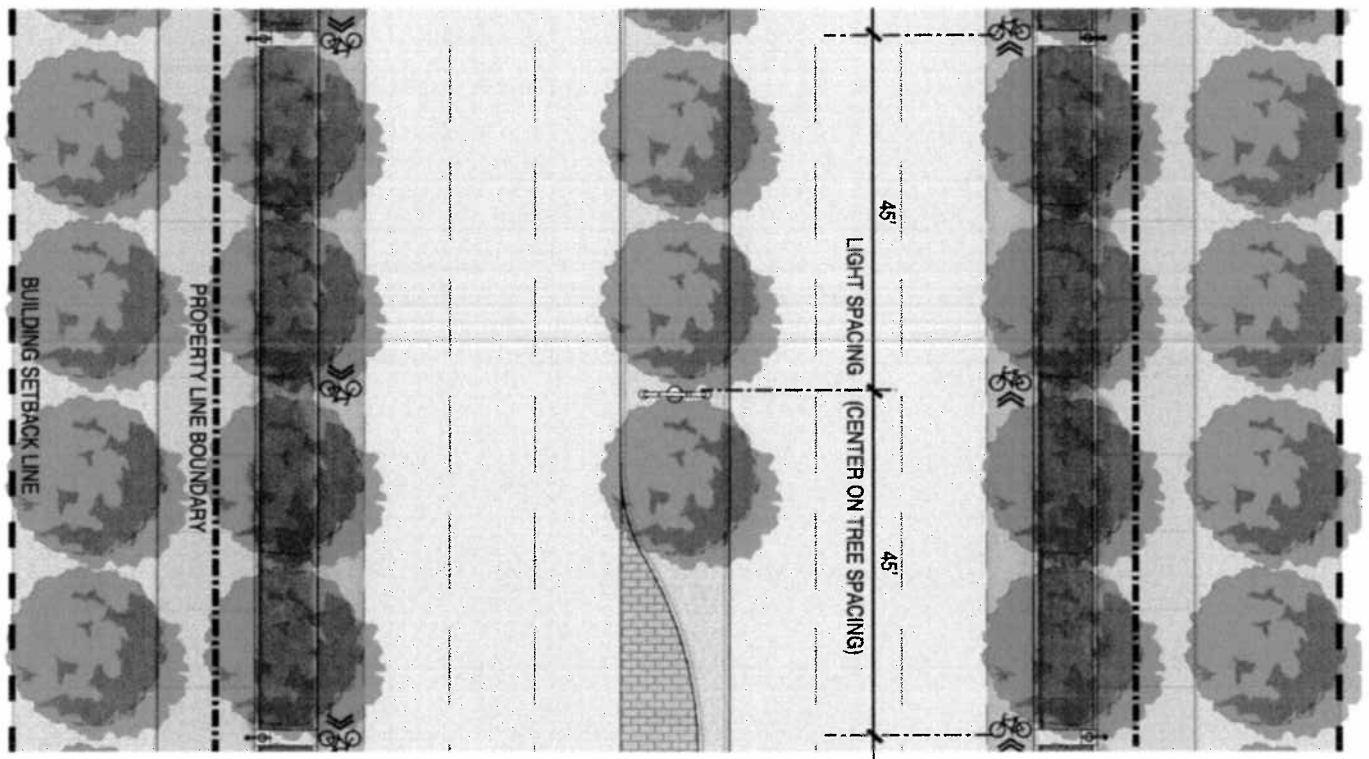
29032



* SIDEWALK PLACEMENT FLEXIBLE WITHIN THE BUILDING SET BACK AREA

REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

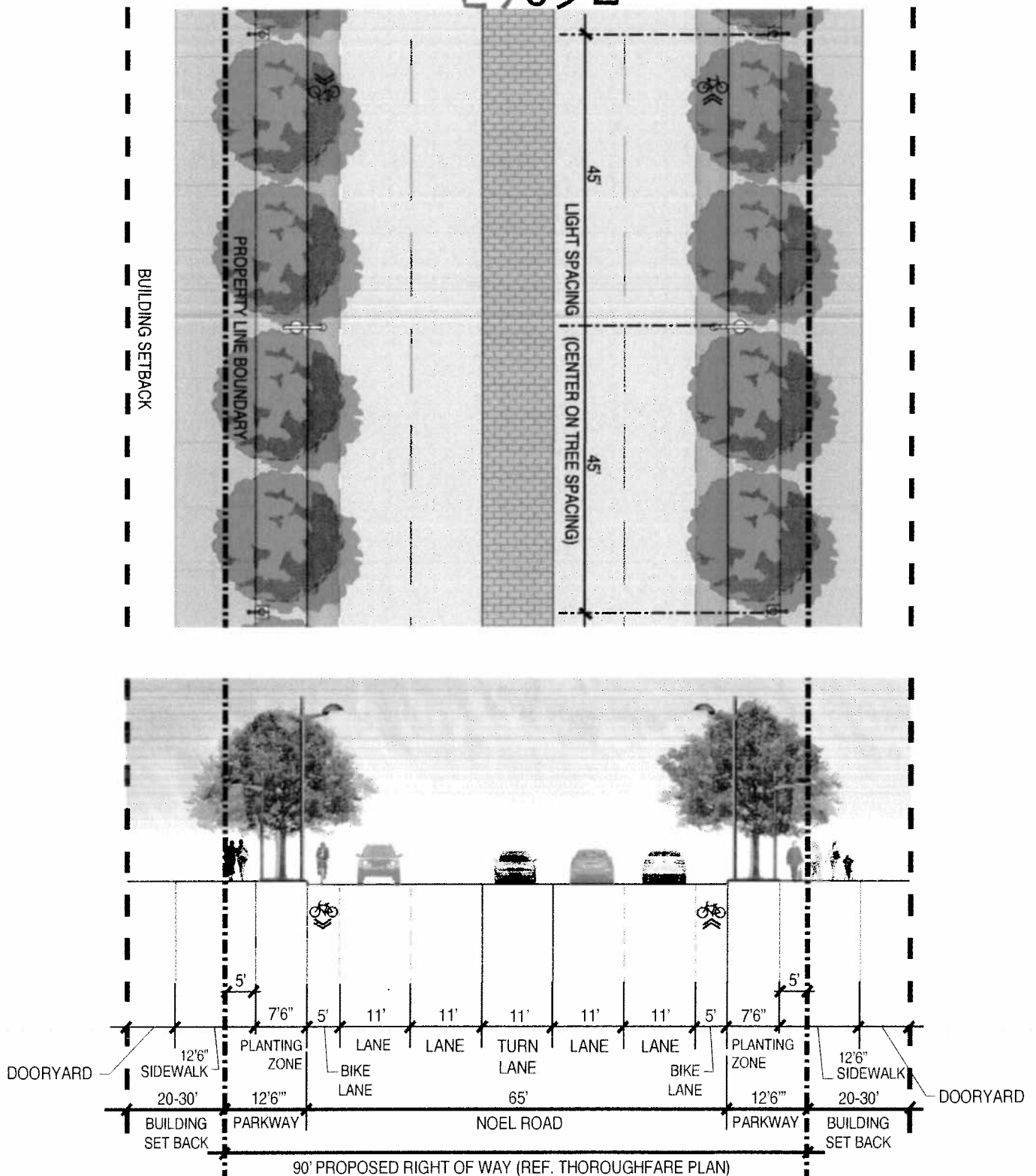
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REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

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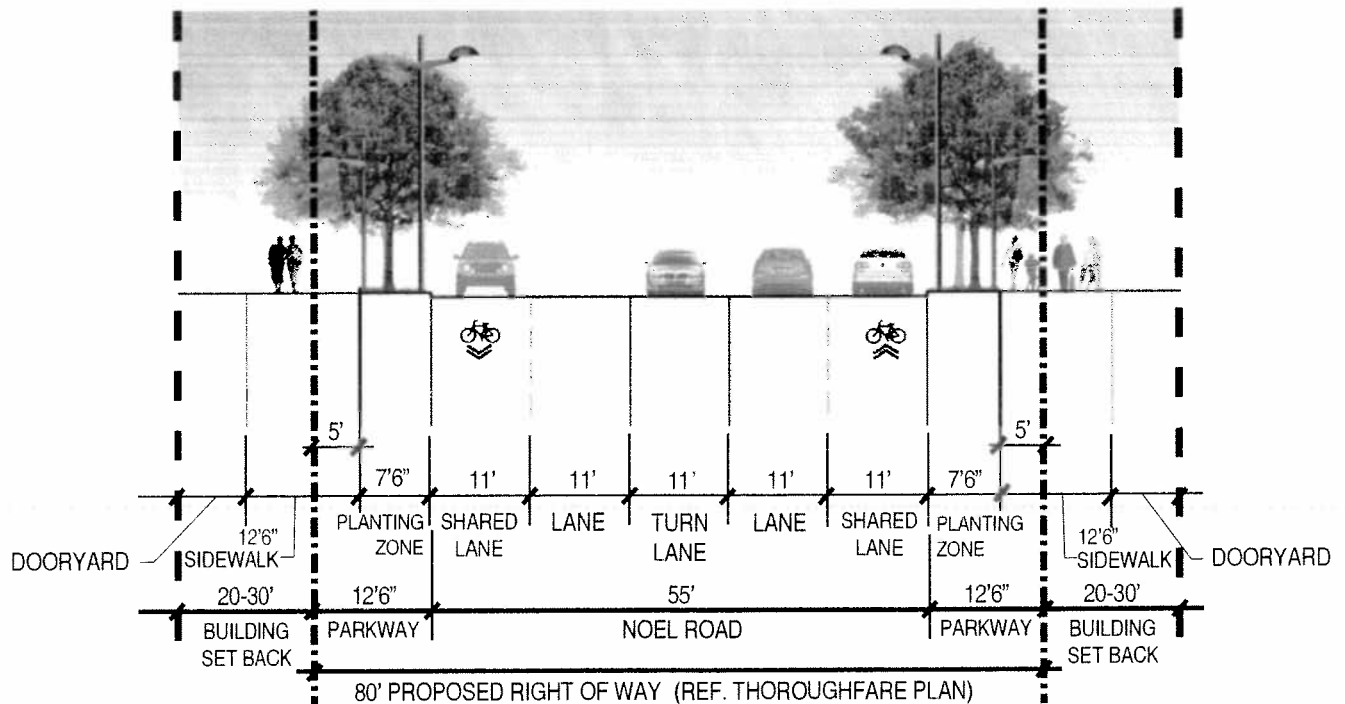
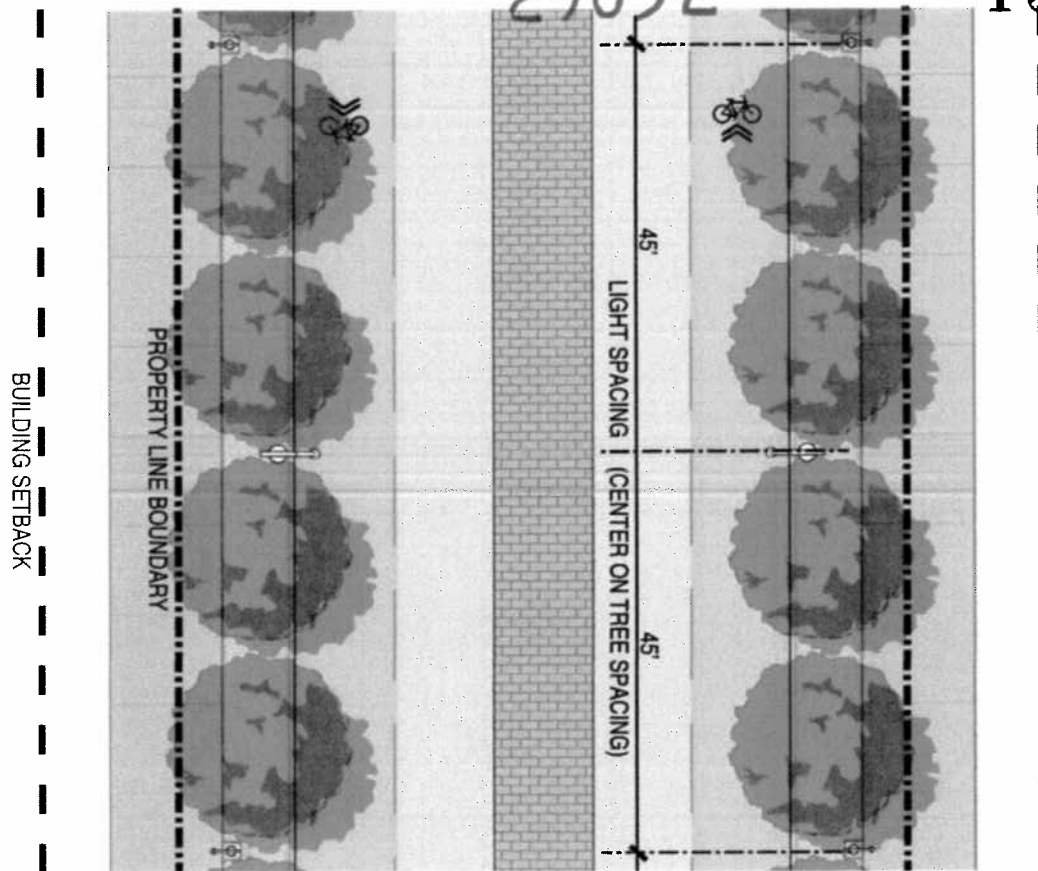
131003



REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

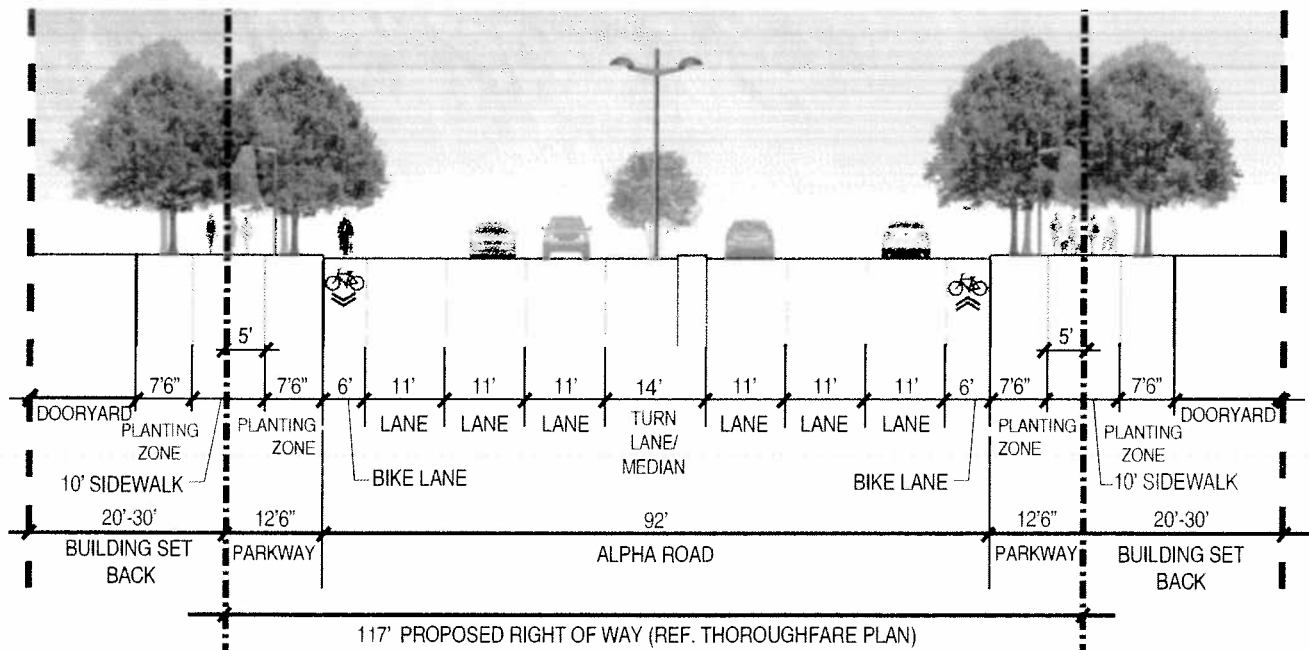
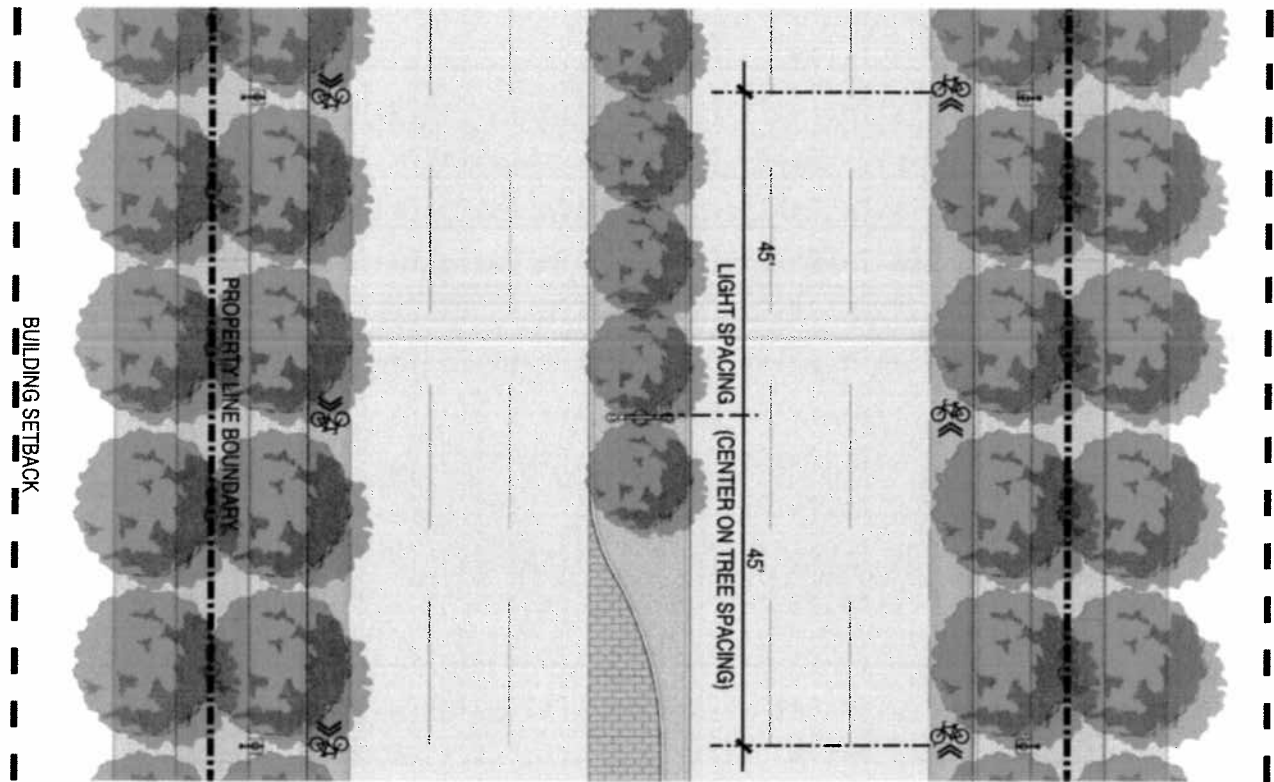
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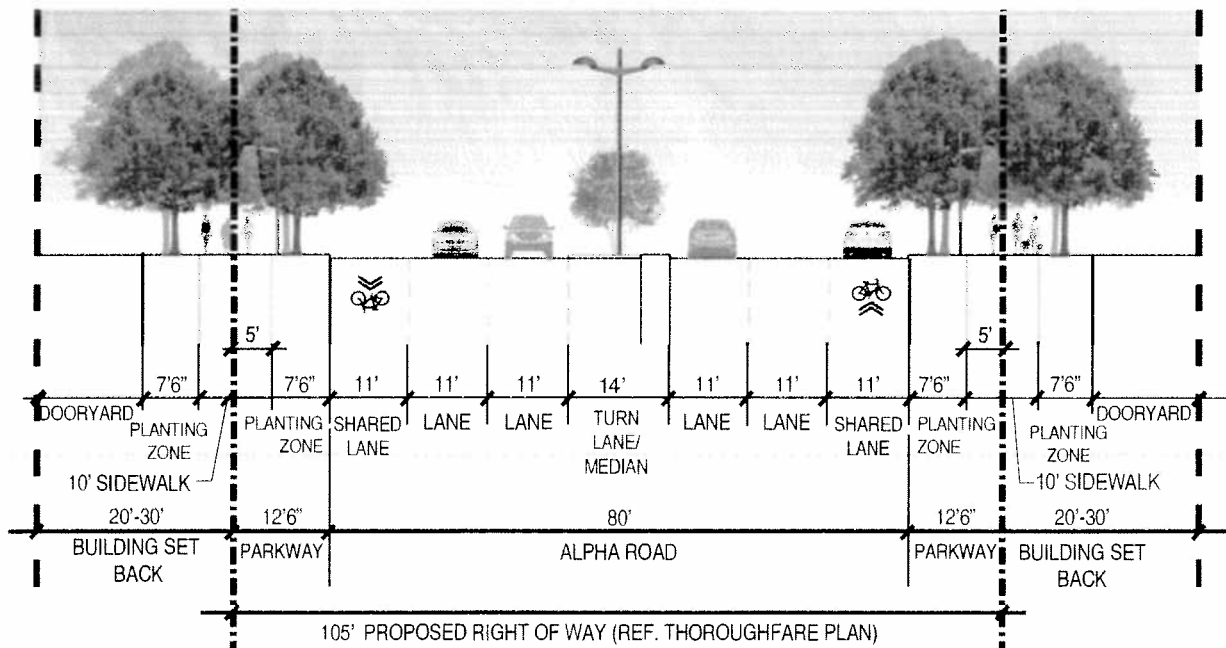
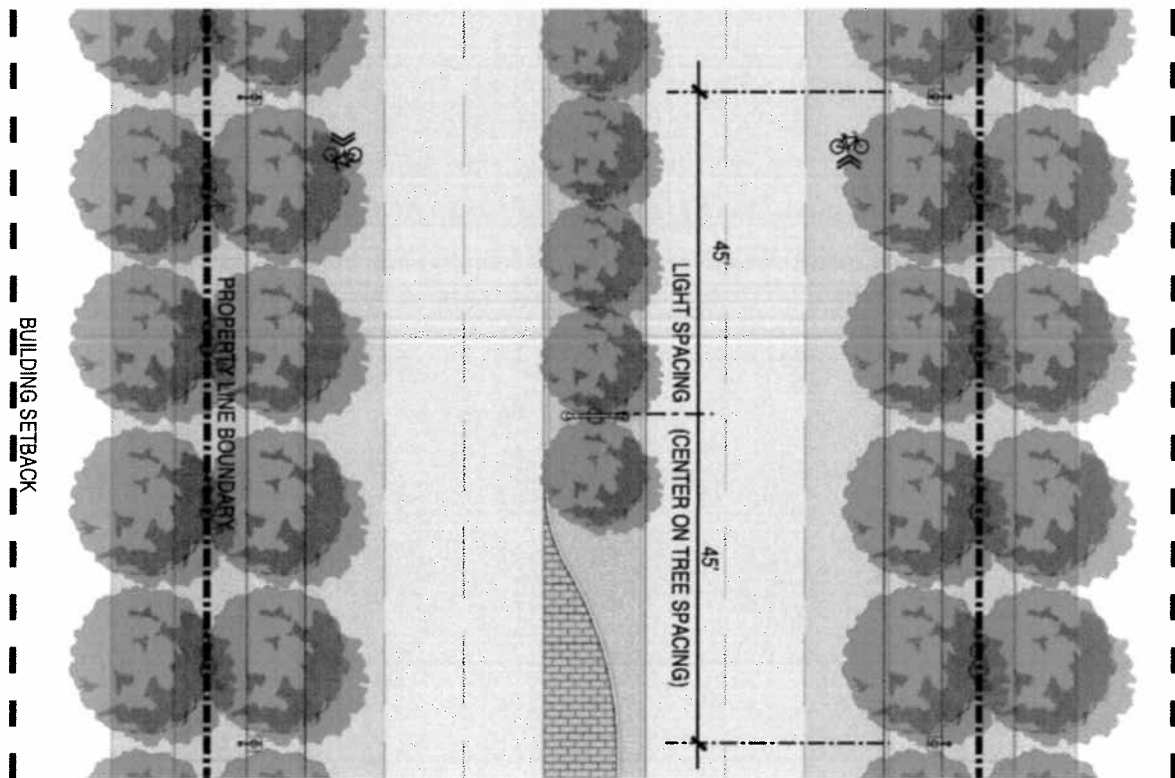
REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

TYPICAL PLAN

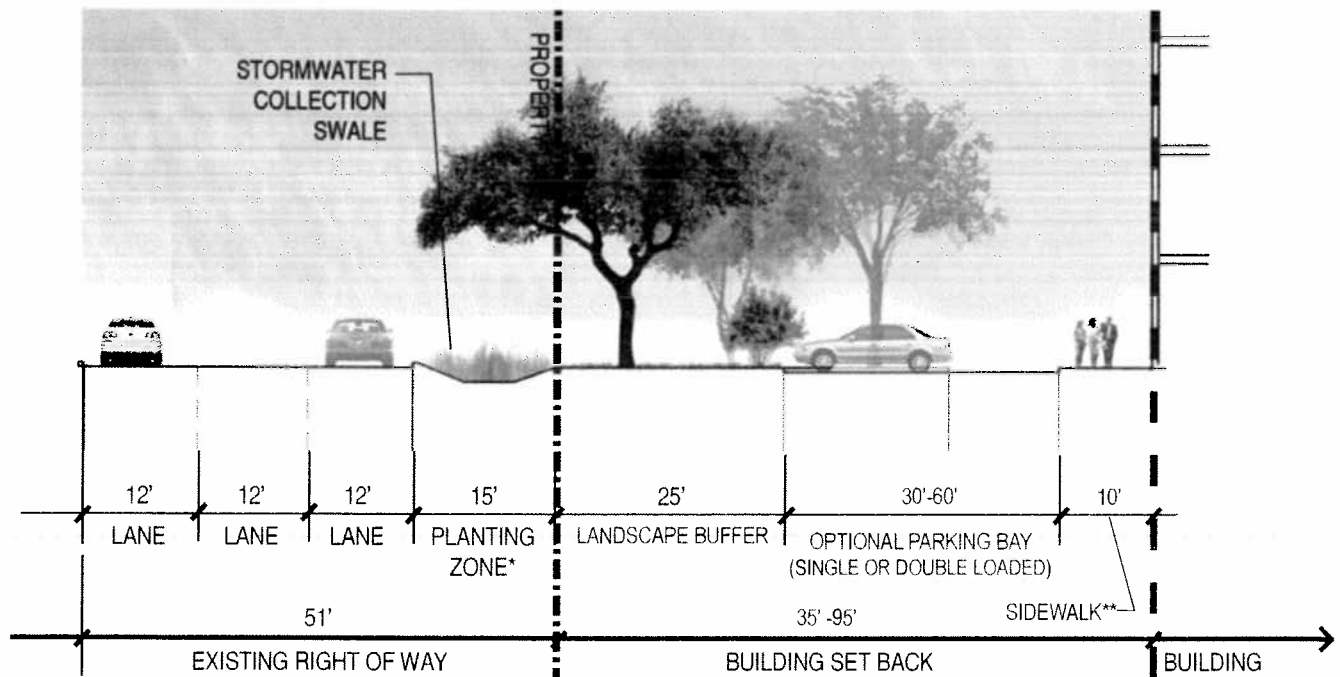
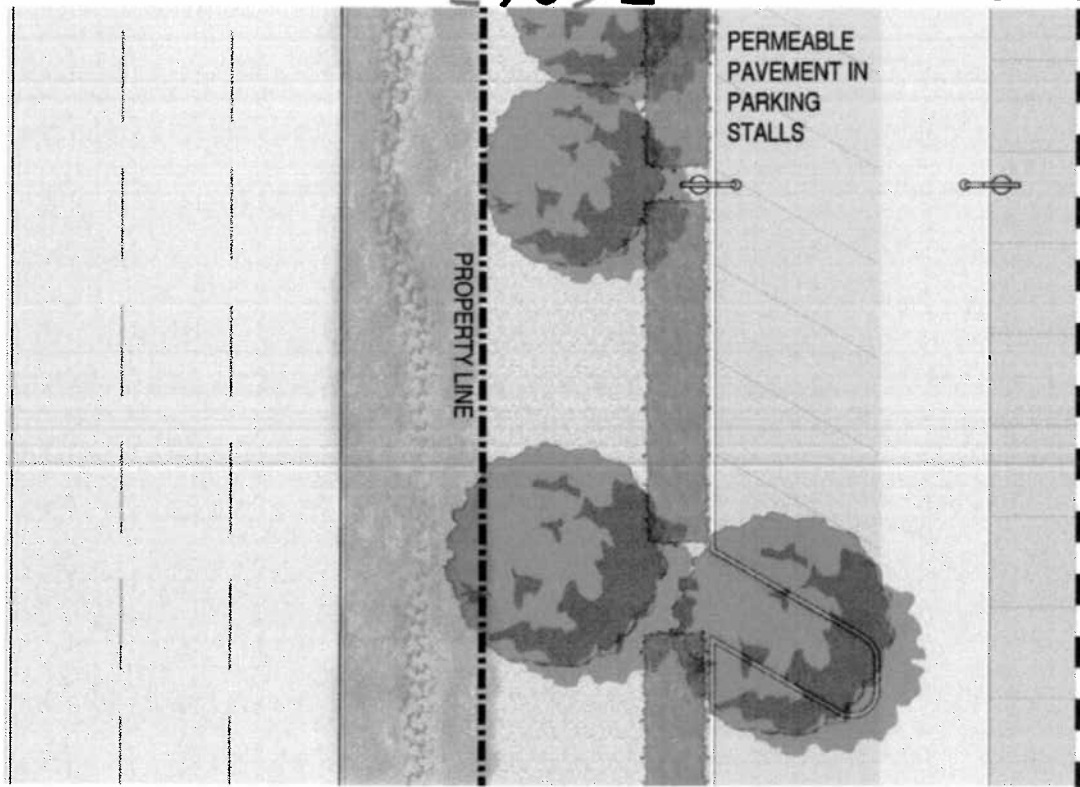


REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

29032



REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.



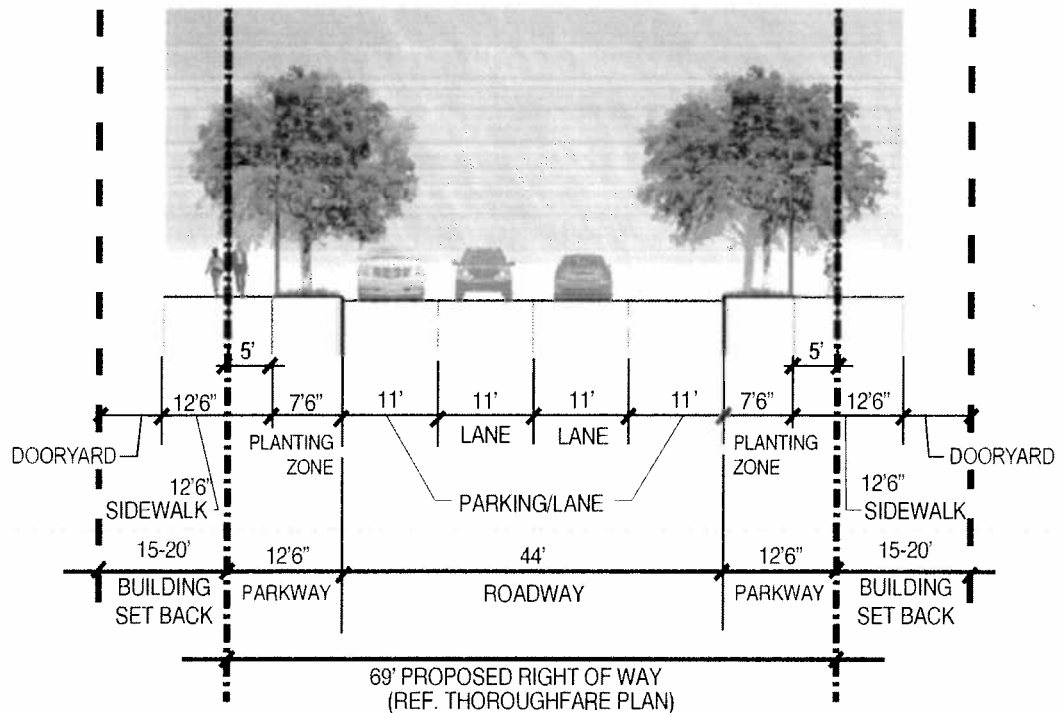
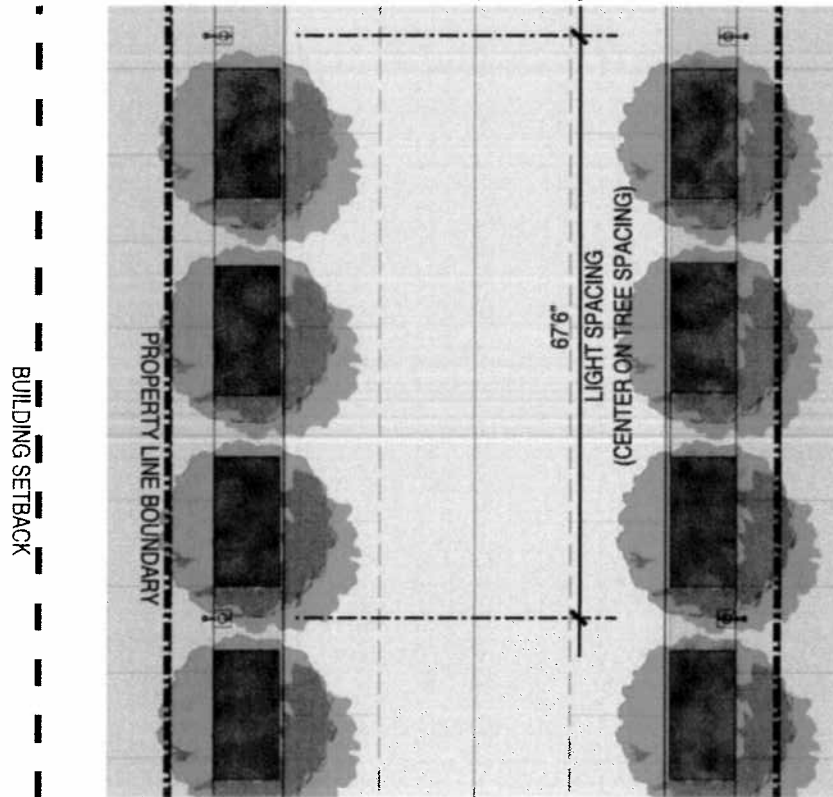
* REDUCE TO CONFORM WITH EXISTING R.O.W. AS NECESSARY

** SIDEWALK PLACEMENT FLEXIBLE WITHIN THE BUILDING SET BACK AREA

REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

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TYPE A : 4 LANE UNDIVIDED WITH PARKING ALLOWED DURING NON-PEAK HOURS

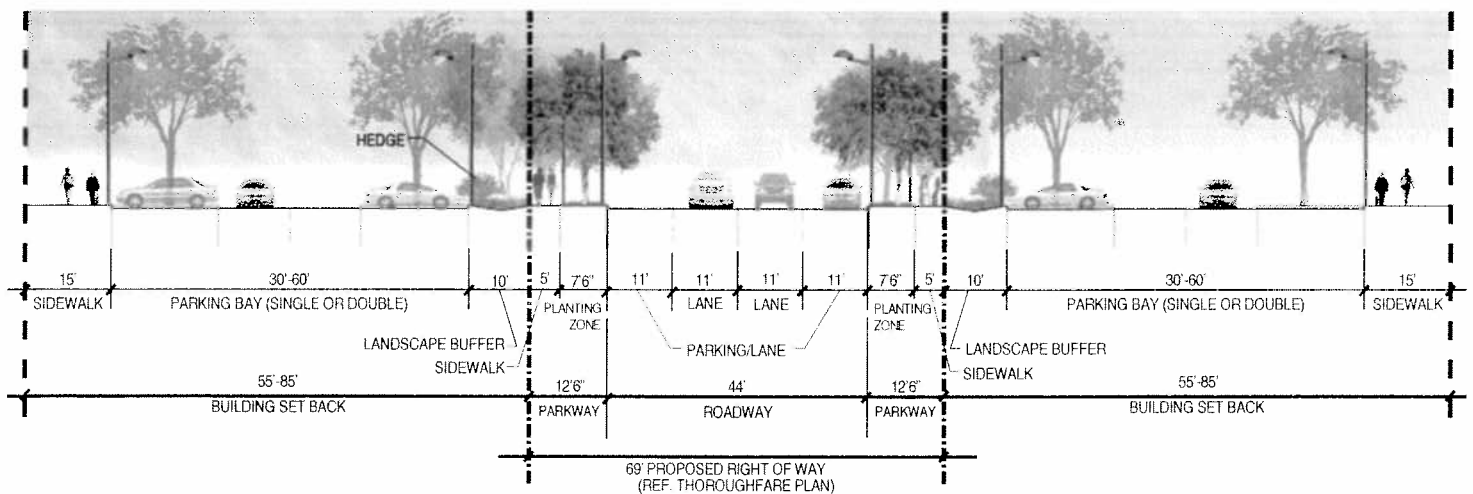
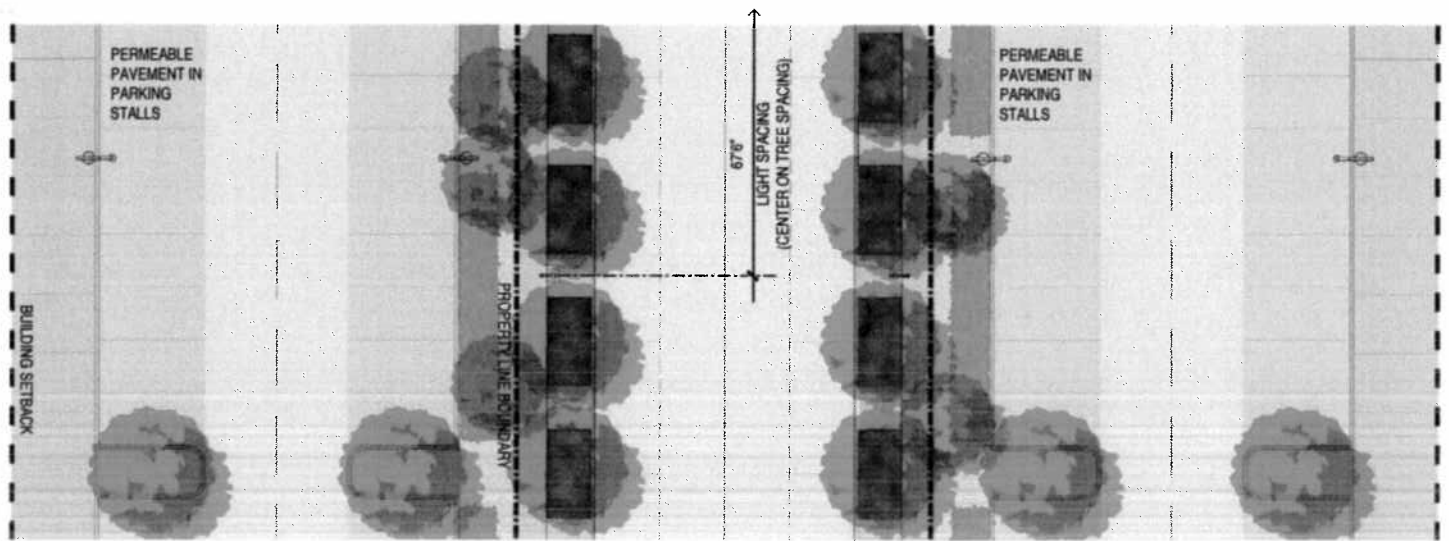
TYPE B : 2 LANE WITH 2 LANE PARKING

REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

TYPICAL STREET TYPE A / B

EXHIBIT 887C
STREETS PLAN

C. 10
JUNE 11, 2013



REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

**ALTERNATIVE STREET TYPE B
(WITHIN 700' OF THE PRESTON
ROAD INTERSECTION)**

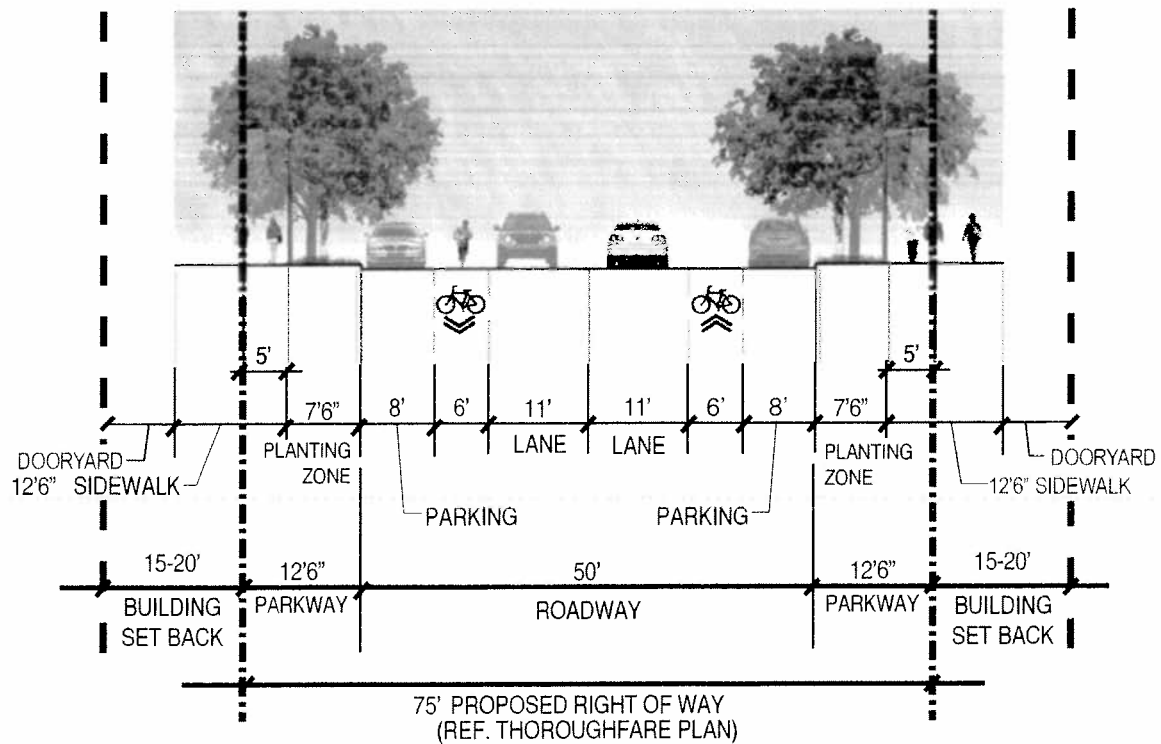
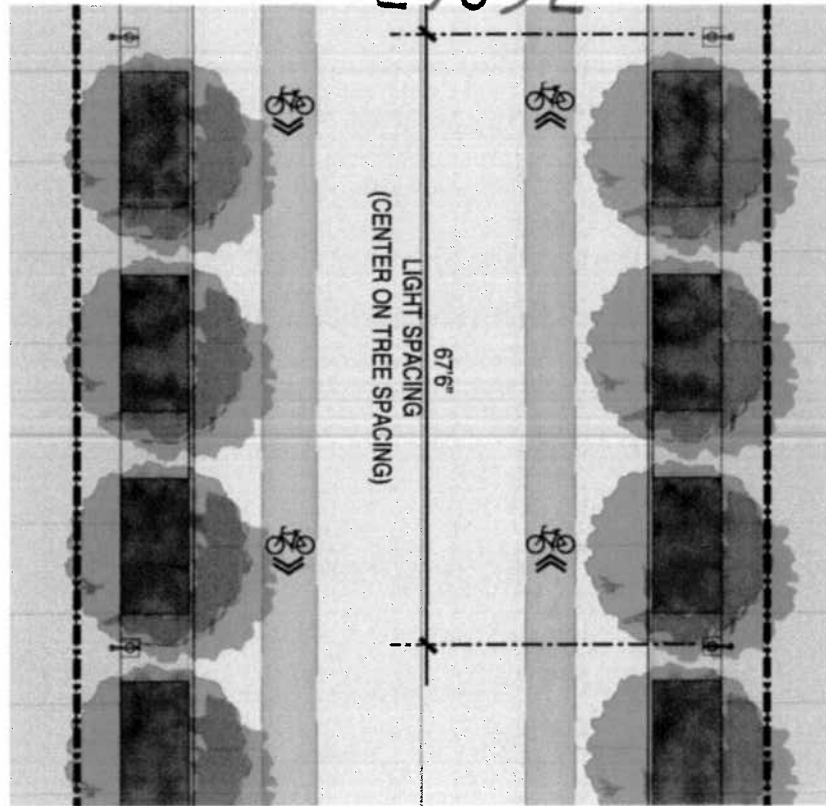
**EXHIBIT 887C
STREETS PLAN**

C. 11
JUNE 11, 2013

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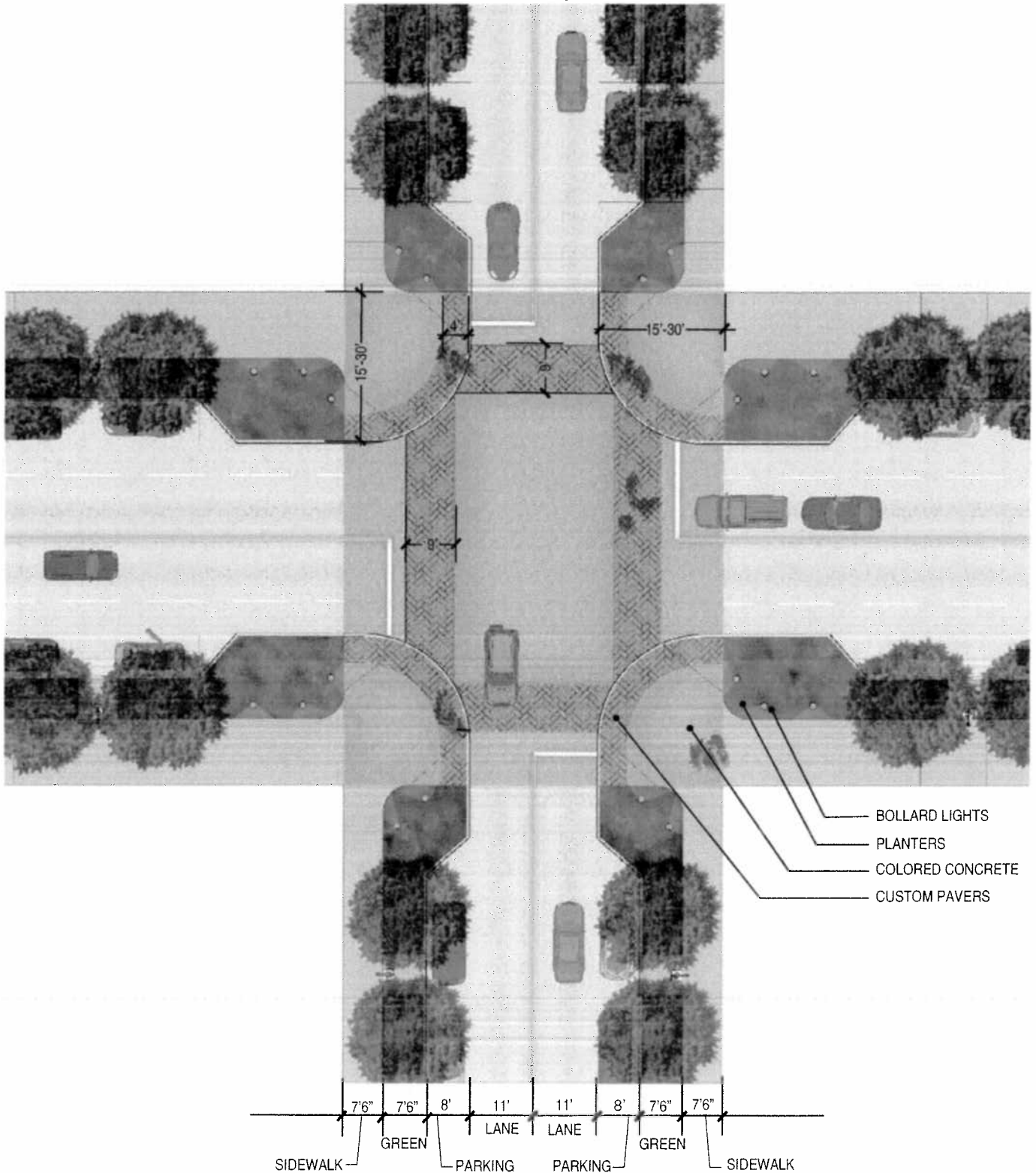
BUILDING SETBACK



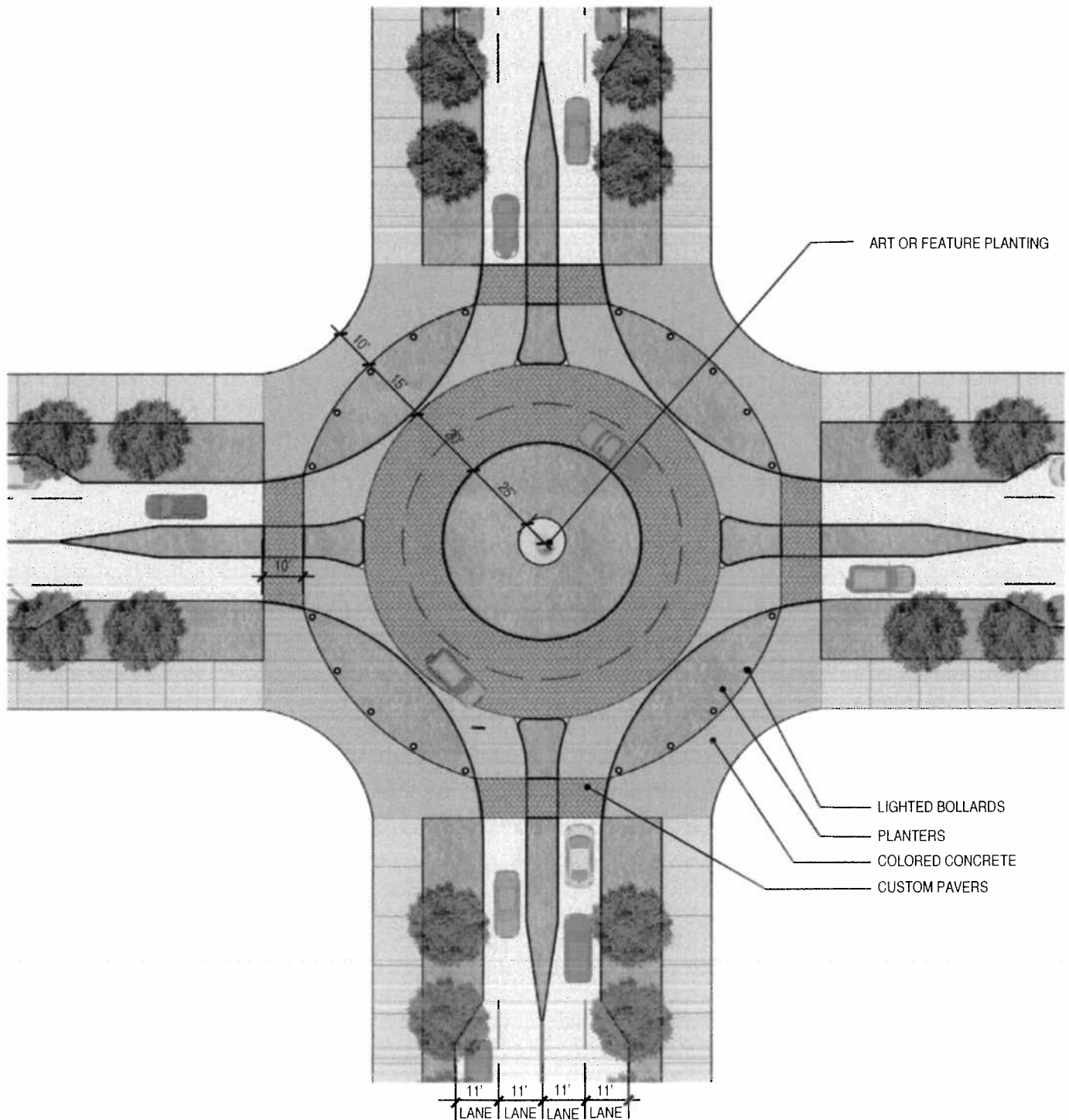
REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

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COUNCIL CHAMBER

June 12, 2013

WHEREAS, the termination in the attached instrument of deed restrictions originally offered in connection with zoning case no. Z056-226 have been volunteered in connection with property located at northwest corner of Preston Road and the LBJ Freeway frontage road, which is the subject of zoning case no. Z123-186; 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:

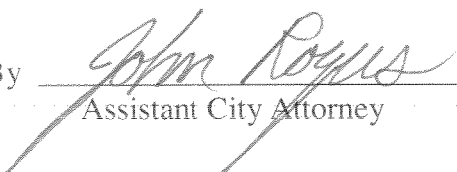
Section 1. That the termination of deed restrictions in the attached instrument originally offered in connection with zoning case no. Z056-226 are accepted by the City Council of the City of Dallas to be used in conjunction with the development of property that is the subject of zoning case no. Z123-186.

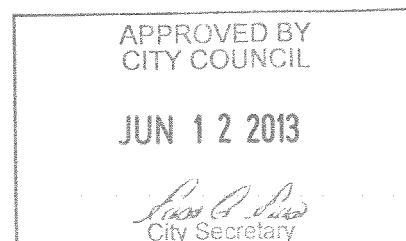
Section 2. That these termination of deed restrictions must be filed in the Deed Records of Dallas County, Texas.

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:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney



TERMINATION OF DEED RESTRICTIONS

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

I.

The undersigned, 13101 Preston Road L.P. (the "Owner"), is the owner of the following described property (the "Property"), being in particular Lot 1, City Block A/7409, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Sterling Bank, by Deed dated July 30, 2010, and recorded on August 3, 2010, as Instrument No. 201000197307 in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit "A" which is attached hereto for all purposes.

II.

The Property was impressed with certain deed restrictions (the "Prior Restrictions") as shown in an instrument dated November 15, 2006, signed by Shafer Plaza XLIX, Ltd., a previous owner, and recorded August 31, 2007, as Instrument No. 20070316090 in the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "B" 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, those certain Prior Restrictions described in Paragraph II above and attached hereto as Exhibit "B".

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, Dallas County, this the 28 day of May, 2013.

OWNER:

13101 Preston Road, L.P.,
a Texas limited partnership

By: 13101 Preston Road GP, LLC,
a Texas limited liability company,
its General Partner

By: Beck Properties, Inc.
its sole Member

By: 

Jeffrey L. Beck, President

CONSENT AND CONCURRENCE OF
LIENHOLDER:

By: N/A

Title: _____

APPROVED AS TO FORM:

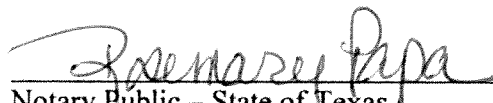
THOMAS P. PERKINS, JR., City Attorney

By: 

Assistant City Attorney

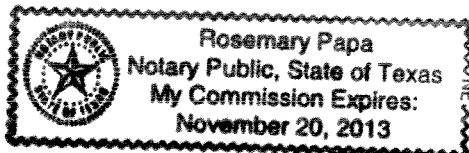
THE STATE OF TEXAS §
 §
 COUNTY OF DALLAS §

This instrument was acknowledged before me on the 28 day of May, 2013, by Jeffrey L. Beck, President of Beck Properties, Inc., sole member of 13101 Preston Road GP, LLC, a Texas limited liability company, the General Partner of 13101 Preston Road, L.P., a Texas limited partnership, for and on behalf of such limited partnership as the Owner.


 Notary Public – State of Texas

THE STATE OF _____ §
 §
 COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2013, by _____, _____ of _____, a national banking association, for and on behalf of such national banking association as the Lienholder.



Notary Public – State of _____

131003

EXHIBIT A
PROPERTY DESCRIPTION

Exhibit "A"
Legal Description

BEING a 2.8188 acre tract of land situated in the H. Wilburn Survey, Abstract No. 1567, City of Dallas, Dallas County, Texas, and being the remainder of Lot 1, Block A/7409, VALLEY VIEW MALL, an addition to the City of Dallas, according to the Plat thereof recorded in Volume 72178, Page 1879, Deed Records, Dallas County, Texas, said 2.8188 acre tract further being all of that certain tract of land conveyed to Sterling Bank, a Texas banking association by Substitute Trustee's Deed, recorded in Instrument No. 200900253467, Official Public Records, Dallas County, Texas, being more particularly described by metes and bounds as follows:

COMMENCING at a ½" iron rod found at the southwest corner of said Lot 1, also the most southerly southeast corner of Lot 2 of said VALLEY VIEW MALL addition, being the Southwest corner of a tract of land conveyed by deed from Shafer Plaza XLIX, Ltd., a Texas limited partnership, to the State of Texas, acting by and through the Texas Transportation Commission, for right-of-way purposes, recorded in Instrument No. 20080085299, Official Public Records, Dallas County, Texas.

THENCE N 01°00'52" W, along the east line of said Lot 2, a distance of 6.72 feet to the POINT OF BEGINNING;

BEGINNING at a "PK" nail found in the North right-of-way line of Interstate Highway No. 635 (LBJ Freeway) (variable width public right-of-way), being the Northwest corner of said State of Texas tract;

THENCE N 01°00'52" W, departing the north right-of-way line of said LBJ Freeway, continuing along the east line of said Lot 2, for a distance of 390.53 feet to a "PK" nail found for corner at the northwest corner of said Lot 1, a re-entrant corner in the south and east lines of said Lot 2;

THENCE N 88°59'08" E, along the north line of said Lot 1 and the south line of said Lot 2, a distance of 307.83 feet to an "X" cut found for corner for the northeast corner of said Lot 1, also the most northerly southeast corner of said Lot 2, same being in the west right-of-way line of Preston Road (State Highway No. 289) (variable width public right-of-way);

THENCE along the west right-of-way line of said Preston Road the following:

S 00°17'30" E, a distance of 185.27 feet to a ½" iron rod with orange plastic cap stamped "PIBURN PARTNERS" found for corner;

S 09°11'19" W, a distance of 85.00 feet to a "PK" nail found for corner;

S 00°17'30" E, a distance of 17.97 feet to a "PK" nail found for corner;

S 10°09'42" W, a distance of 77.12 feet to a "PK" nail found for corner;

S 00°21'06" E, a distance of 39.09 feet to a "PK" nail found for corner, being the beginning of the corner clip at the intersection of said west line with the north right-of-way line of said Interstate Highway 635;

S 24°39'31" W, along said corner clip a distance of 33.29 feet to a "PK" nail found for corner;

THENCE S 83°52'20" W, a distance of 31.56 feet to a "PK" nail found for corner, said nail being in the aforementioned North right-of-way line of Interstate Highway No. 635 (LBJ Freeway);

THENCE N 80°09'13" W, along said North right-of-way line, a distance of 224.04 feet to a "PK" nail found for corner, being the beginning of a curve to the left having a central angle of 00°06'47", a radius of 4,609.91 feet, and a chord bearing N 80°12'37" W - 9.09 feet;

THENCE West, with a said curve to the left and said North right-of-way line, an arc distance of 9.09 feet to the POINT OF BEGINNING, containing 122,786 square feet of 2.8188 acres of land, more or less. TOGETHER WITH a non-exclusive thirty-six foot (36.0') wide access easement as created in Easement dated November 6, 1974, filed February 19, 1975 executed by and between Sears, Roebuck and Co. and Valley View Building Associates, Ltd. recorded in Volume 75036, Page 494, Deed Records of Dallas County, Texas.

EXHIBIT B
PRIOR RESTRICTIONS

131003

072414



RESTRICT 20070316090

5 PGS

DEED RESTRICTIONS

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

I.

The undersigned, Shafer Plaza XLIX, Ltd., ("the Owner"), is the owner of the property ("the Property"), more particularly described as a particular tract of land out of the H. Wilburn Survey, Abstract No. 1567, Dallas County, Texas, and being Lot 1, Block A/7409 of VALLEY VIEW MALL, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 72178, Page 1879, of the Deed Records of Dallas County, Texas. The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. The maximum height for any structure on the property built on or before May 15, 2006, will be 95 feet with a maximum of six stories.
2. The maximum height for any structure on the property built after May 15, 2006, will be 45 feet with a maximum of three stories.
3. The following institutional and community services uses as defined by the Dallas Development Code, as amended, are prohibited:
 - a. Convalescent and nursing homes, hospice care, and related institutions,
 - b. Foster home.
4. All residential uses as defined by the Dallas Development Code, as amended, are prohibited.

II.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

III.

These restrictions may be amended or terminated only after 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 must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating 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 amendment or termination becomes effective.

IV.

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.

V.

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.

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 the provisions of this document.

VII.

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.

VIII.

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.

IX.

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

131003

072414

X.

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.

XI.

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 at the City of Dallas, Dallas County, this the 15 day of November, 2006.

OWNER:

SHAHER PLAZA XLIX, LTD., a Texas limited partnership

By: Shafer Plaza Forty Nine CM, LLC,
a Texas limited liability company,
General Partner

By: [Signature]
Steven G. Shafer, Manager

CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

LIENHOLDER:

STERLING BANK, a Texas banking association

By: [Signature]
Name: Bruce Loh
Title: CEO

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

By: [Signature]
Assistant City Attorney

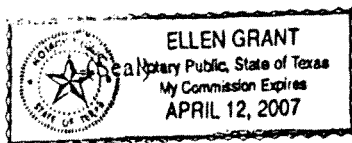
131003

072414

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the 15th day of November, 2006, by Steven G. Shafer, Manager of Shafer Plaza Forty Nine CM, LLC, a Texas limited liability company, General Partner of Shafer Plaza XLIX, Ltd., a Texas limited partnership, and on behalf of said limited liability company and limited partnership.



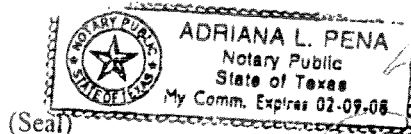
My commission expires:

Ellen Grant
Notary Public
4-12-2007
(date)

STATE OF TEXAS

COUNTY OF Dallas

This instrument was acknowledged before me on the 22nd day of January, 2006, by Bruce Leib, CEO of Sterling Bank, a Texas banking association, and on behalf of said banking association.



(Seal)

My commission expires:

Adriana L. Pena
Notary Public
Feb 09, 2008
(date)

131003

No. 07-2414
Return to City Secretary
City Hall
Dallas, Texas 75201

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

[Signature]
John F. Warren, County Clerk

Dallas County TEXAS

August 31, 2007 09:49:52 AM

FEE: \$28.00

20070316090

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