

No. 05-17-00879-CV

**In the Court of Appeals
for the Fifth District of Texas**

HINGA MBOGO, HINGA AUTOMOTIVE CO., d/b/a HINGA AUTO
REPAIR, and 3516 ROSS AVENUE, DALLAS, TEXAS, *in rem*,

Appellants,

v.

CITY OF DALLAS, et al.,

Appellees.

On Appeal from the 68th Judicial District,
Dallas County District Court, Cause No. DC-16-07983

OPENING BRIEF OF APPELLANTS

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ORAL ARGUMENT REQUESTED

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- The Clerk’s Record will be cited as “CR (page) [Source].”
- The Reporter’s Record will be cited as “(Vol.) RR (page) [Source].”
- The Appendix will be cited as “App. (page).”

I. STATEMENT OF THE CASE

<i>Nature of the Case</i>	This is an accelerated interlocutory appeal from the trial court’s order granting the City’s Plea to the Jurisdiction, which dismissed Hinga’s counterclaims and third-party complaint against the City and its officials. Hinga’s claims alleged that the City’s application of its zoning laws to him violated the Texas Constitution’s prohibition on retroactive civil legislation, deprived him of the due course of law, and destroyed a fundamental aspect of his property for the benefit of private parties.
<i>Trial Court</i>	68th Judicial District Court, Dallas County, Texas The Hon. Martin Hoffman, Presiding.
<i>Course of Proceedings</i>	On July 5, 2016, the City sued Hinga in district court seeking a permanent injunction and fines. On July 25, 2016, Hinga filed an answer, counterclaims, and third-party complaint in response. On February 17, 2017, Hinga filed an amended answer, counterclaims, and third-party complaint. On April 17, 2017, the City filed a plea to the jurisdiction that sought to dismiss Hinga’s counterclaims and third-party complaint. The parties fully briefed the City’s plea and the trial court conducted a hearing on it on May 19, 2017. On June 9, 2017, Hinga filed a second amended answer, counterclaims, and third-party complaint.
<i>Trial Court’s Disposition</i>	On July 6, 2017, the district court granted the City’s plea. On July 21, 2017, the district court issued a revised order <i>nunc pro tunc</i> granting the City’s plea. This appeal followed.

II. STATEMENT REGARDING ORAL ARGUMENT

This case concerns municipal zoning ordinances that rendered an auto shop illegal at the location where it had operated since 1986. Whether the application of these ordinances to Hinga are constitutional requires the application of recent legal developments to the specific facts of this case. Nonetheless, the district court concluded that Hinga's constitutional claims were not viable and granted the City's plea to the jurisdiction. Hinga respectfully requests oral argument because this appeal involves the application of recent legal changes and its outcome will impact both property owners and municipal governments throughout the state of Texas. Oral argument is therefore likely to assist this Court.

III. ISSUES PRESENTED

Hinga owns an auto repair business that operated on Ross Avenue in Dallas, Texas. The City's zoning code permitted auto repair on Ross Avenue when he opened the shop in 1986. After years of operating legally, the City changed its zoning code to make repairing cars illegal on Ross Avenue, thus making Hinga's shop a nonconforming use. The City did this to drive businesses like Hinga's off of Ross Avenue and replace them with private entities more in line with the City's vision. Hinga stopped repairing cars on Ross Avenue after the City sued him.

The issue presented is: Did the district court err when it concluded that Hinga's constitutional claims against the City were not viable, and therefore it did not have jurisdiction to hear them, when:

- (i) article I, § 16 of the Texas Constitution prohibits retroactive legislation;
- (ii) the Texas Constitution's substantive due course of law provision, article I, § 19, prohibits legislation that lacks a legitimate governmental purpose and is so burdensome as to be oppressive; and
- (iii) article I, § 17 of the Texas Constitution prohibits the government from destroying fundamental aspects of Hinga's property interest for the benefit of private parties?

IV. STATEMENT OF FACTS¹

A. Hinga Mbogo and Hinga's Automotive

Hinga was born in Kenya and learned to repair cars on his family farm. CR 753 [Aff. Hinga Mbogo Mem. Supp. Mot. Summ. J. ("Mbogo Aff.") ¶ 3]. He moved to the U.S. in 1974, completed mechanic's school, and became a citizen in 1999. CR 752-53 [Mbogo Aff. ¶¶ 1-4]. He came to Dallas in 1981. CR 753 [Mbogo Aff. ¶ 5].

¹ Hinga sought significant amounts of discovery and conducted numerous depositions in this case. In contrast, the City sought no discovery from Hinga. The facts upon which Hinga relies are therefore uncontroverted.

In 1986, Hinga opened Hinga's Automotive Company, a general automotive repair shop located at 3516 Ross Avenue, Dallas, Texas. CR 752-53 [Mbogo Aff. ¶¶ 2, 5]. Although he leased the property at first, he worked hard, saved, and was ultimately able to buy it. CR 754 [Mbogo Aff. ¶ 8]. He has since paid off the mortgage and today Hinga owns the property outright. CR 755 [Mbogo Aff. ¶ 10]. He employs four mechanics.

When Hinga first opened Hinga's Automotive in 1986, the City's zoning code permitted automobile-related businesses on Ross Avenue. CR 753 [Mbogo Aff. ¶¶ 5-6]. Hinga regularly interacted with City personnel while obtaining his business license and certificate of occupancy. At no point during these interactions did City personnel inform him that the City would change the zoning on Ross Avenue to make his business illegal. CR 753 [Mbogo Aff. ¶ 6].

Because he did not know that the City would make his business illegal, Hinga invested approximately \$80,000 in Hinga's Automotive. CR 754 [Mbogo Aff. ¶ 7]. Much of this was to make the building and property suitable for auto repair. This included installing lifts, ventilation, specialized equipment, and an emissions-testing machine. CR 754 [Mbogo Aff. ¶ 7]. If he were forced to move his business permanently, Hinga would lose his investment in these improvements. CR 754 [Mbogo Aff. ¶ 7].

Hinga's Automotive has not been investigated or cited for violating any environmental or waste regulations, nor has it generated any noise or nuisance complaints. CR 755-56 [Mbogo Aff. ¶¶ 12-13]; CR 1064-65 [Council Tr. 78:14-25, 79:1-7]; *see also* CR 1163 [Deposition of Juan Ramos ("Ramos Dep.") 34:3-10, 23-25] (Hinga's Automotive does not pose a threat to public health or safety); CR 1181, 1185 [Deposition of Kris Sweckard ("Sweckard Dep.") 44:13-25, 57:7-10]. In 2014, the Dallas Best Business Association awarded Hinga's Automotive the distinction of Dallas' best auto repair shop. CR 756 [Mbogo Aff. ¶ 14].

B. The City Rezones Ross Avenue

In 1986, Ross Avenue was the heart of Dallas' automotive-business area. CR 753 [Mbogo Aff. ¶ 5]. Beginning in 1988, however, the City began to consider changing Ross Avenue. CR 763-64 [Mbogo Aff., ¶ 37]. It decided to take two actions. First, it would drive auto-related businesses from the area without paying any compensation. Second, it would replace these businesses with private owners more to the City's liking.

1. The City Targets Auto-Related Businesses for Elimination

In 1988, the City issued a report called the Bryan Area Study. The study proposed that the City "organize and enhance" development in this part of East Dallas, which includes Ross Avenue. CR 1247-48 [Dallas' First Resp. to Reqs. Produc. (City Plan Commission Report to City Council)]. The study identified

eight goals it hoped to achieve, one of which was to “encourage redevelopment and commercial activity.” CR 1247 [*Id.*]; see also CR 1177-78 [Mauer Aff., Ex. C (Sweckard Dep. 36:25-37:25)] (describing the City’s “vision”).

At the same time, a private entity also began to investigate radically changing Ross Avenue. Bryan Place is a housing development first built in the 1980s and located almost a mile and a half from the location of Hinga’s Automotive. CR 758 [Mbogo Aff. ¶ 25]. Homeowners in the Bryan Place development also commissioned a planning study of their own. “This study addressed the same issues as those being considered in the current Bryan Area Study One of the major components of this study was an expansion of the area for residential development.” CR 1148, 1150 [Dallas’ Resp. Second Reqs. Produc.] (“Bryan Place is the only downtown housing development in Dallas. These homeowners desire an urban neighborhood with its associated uses”).

To effectuate the transformation of Ross Avenue, in 1988 the City created Planned Development District No. 298 (“PD 298”). CR 1151 [Dallas’ Resp. Second Reqs. Produc.]. A planned development district is a special zoning overlay for an area of land that deviates from the zoning of the area around it. Such districts usually include subareas and each subarea has its own zoning rules. CR 1199-1200 [Deposition of Neva Dean (“Dean Dep.”) 24:12-25:11]. Hinga’s Automotive is in PD 298 and was initially located in subdistrict 1. CR 756 [Mbogo

Aff. ¶ 16]. The ordinance that created PD 298 prohibited auto-related uses in subdistrict 1, thus making such uses nonconforming.² As is standard with zoning changes, the City did not require those auto shops that were operating to cease operation, but allowed them to continue as nonconforming uses. CR 1119 [Mbogo Aff., Ex. Q], 1247-48 [Dallas' Resp. First Reqs. Produc.].

In March 2004, the City reexamined the Bryan Area Study to determine whether the City was achieving its goals. CR 1247-48 [Dallas' Resp. First Reqs. Produc.]. The City concluded that it was failing “to encourage redevelopment and commercial activity along Ross Avenue (objective 3)” CR 1144 [Dallas' Resp. Second Reqs. Produc., (Planned Development District 298 – Bryan Area Study)]. The City blamed this failure on the existence of auto-related businesses. CR 1144 [*Id.*] (“Ross Avenue has the potential to be a corridor prime for economic development. At present, a large number of automotive related uses exist along the corridor. These uses are not conducive to having professional offices located next door due to noise and odors associated with many of them.”); *see also* CR 1145 [*Id.*] (“The number of used car lots and vehicle repair shops along Ross Avenue gives the area an industrial feel as opposed to an urban character.”).

² Under the Dallas Development Code, a “nonconforming use” is “a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.” Dallas, Tex., Dallas City Code § 51A-2.102 (90) (2017).

The City's 2004 evaluation recommended that the City modify PD 298 so that it could repopulate Ross Avenue with owners who were more in tune with the City's "vision." Specifically, the study recommended that "compliance dates for nonconforming uses along Ross Avenue were determined necessary to achieve the desired urban scale development and improve opportunity to maximize development potential." CR 1247 [Dallas' Resp. First Reqs. Produc.]. The study suggested this to benefit the homeowners in the area: "With a large number of residential developments occurring both inside and outside of the PD, proposed amendments to PD 298 are meant to increase the ability to create mixed-use areas and developments. They are also meant to upgrade the aesthetic quality of the area and establish linkages to some of the key surrounding areas." CR 1211 [Dallas' Resp. First Reqs. Produc.].

2. The City Seeks to Drive Out Auto-Related Businesses to Bring In Other Private Businesses

In 2005, the City amended PD 298. Hinga publicly, but unsuccessfully, opposed the City's efforts. CR 756-57 [Mbogo Aff. ¶ 18]. In contrast, the City specifically asked the Bryan Place homeowners to participate in the rezoning effort. CR 1254 [Deposition of Linda Collins ("Collins Dep.") 36:1-15]. The amendment created a new subdistrict, Subdistrict 1B, for the area in which Hinga's Automotive was located, and limited uses there to hotels, motels, town homes, apartments, restaurants, dry cleaners, florists, churches, art galleries, museums,

furniture stores, theaters, and medical clinics. Because the ordinance did not list automobile repair shops as an approved use, the City effectively banned automobile repair shops, including Hinga's, from Subdistrict 1B. Unlike the original PD 298, the new ordinance set a time for nonconforming uses to cease: Ordinance No. 25960, enacted on April 27, 2005, set two compliance date categories for nonconforming uses. For the category that Hinga's Automotive fell into, property owners had until April 26, 2010, to come into compliance. CR 757 [Mbogo Aff. ¶ 19, Ex. Q]. Of course, for those property owners who wanted to continue operating an auto shop, "coming into compliance" meant moving off the property or closing down altogether.

It is undisputed that the City adopted these compliance dates to eliminate auto-related businesses from Ross Avenue and replace them with private businesses acceptable to the City. CR 1247-48 [Dallas' Resp. First Reqs. Produc.] ("compliance dates for nonconforming uses along Ross Avenue were determined necessary to achieve the desired urban scale development and improve opportunity to maximize development potential"); CR 1256 [Collins Dep. 48:20-21] ("[T]he changes were made for a purpose, to eliminate the automotive businesses."); CR 1257 [Collins Dep. 71:21-25] ("Q: When it was first passed, PD 298, it was designed, the stated goal was to eliminate automotive use; is that right? ... A: That's correct."). The City "[e]stablish[ed] a sunset clause for non-conforming

uses along Ross Avenue of 3 years” for three reasons: “[1] Increase[the] desirability of economic development; [2] Improve [the] opportunity to maximize development potential; [3] Create [the] potential for more urban scale development.” CR 1146 [Dallas’ Resp. Second Reqs. Produc.].

C. Hinga Seeks to Save His Business

The City’s adoption of conformance dates forced the automotive businesses on Ross Avenue to disappear. CR 757 [Mbogo Aff. ¶ 20]. Prior to 2005, there were forty-eight auto-related businesses on Ross Avenue. CR 1145 [Dallas’ Resp. Second Reqs. Produc.]. Now there are none. But as discussed below, there has been little development to replace the shops driven from the area.

1. The City’s Initial Compliance Period and the Board of Adjustment Extension

Hinga remained on Ross Avenue through his initial compliance period, which ended in 2010. He then used a provision in Ordinance No. 25960 that stated that, “[t]he owner of a nonconforming use in Subarea 1 may appeal to the board of adjustment for a later compliance date at any time up to the conformance date set forth in this subsection if the owner will not be able to recover his investment in the use (up to the date of nonconformance) by the conformance date set forth in this subsection.” CR 1119 [Mbogo Aff., Ex. Q]; Dallas, Tex., Dallas City Code, ch. 51P, art. 298, § 51P-298.108(b) (2017). The Board of Adjustment gave him a new compliance date of April 13, 2013. CR 757 [Mbogo Aff. ¶ 21].

2. Hinga Obtains an SUP but With a Condition Demanded by the Bryan Place Homeowners

As his compliance date came closer, Hinga still wished to operate his business on Ross Avenue. The City’s efforts to redevelop Ross Avenue had been unsuccessful—while there was some new development, there were numerous vacant lots strewn with garbage and broken glass where successful auto-related businesses were once located. CR 759, 764 [Mbogo Aff. ¶¶ 29, 38]. In December 2012, prior to his compliance date, Hinga filed a zoning change application with the City Plan Commission (the “Commission”) to obtain a Specific Use Permit (SUP) for vehicle or engine repair or maintenance. CR 757 [Mbogo Aff. ¶ 22].³ Hinga requested a ten-year SUP because the City had recently granted a ten-year SUP, with an automatic extension, to another auto repair shop, Woodard Paint & Body Shop. Woodard sat across the street from Hinga’s Automotive. CR 757-58 [Mbogo Aff. ¶ 23]; CR 1061-62 [Council Tr. 75:18-76:17]; CR 1255 [Collins Dep. 47:20-21].

To promote his application, Hinga met with Dallas City Councilmember (and Third-Party Defendant/Appellee) Phillip Kingston, who represents the area in which Hinga’s Automotive is located. During the meeting, Councilman Kingston

³ The Dallas Development Code does not define the term “specific use permit,” but the term is synonymous with “special-use permits.” A “special-use permit” is the municipal “authorization to use property in a way that is identified as a special exception in a zoning ordinance.” *Special-use permit*, Black’s Law Dictionary (10th ed. 2014).

advised Hinga that, despite the ten-year SUP given to Woodard, “there [was] no way in hell” that Hinga would receive a similar term for his SUP. CR 758 [Mbogo Aff. ¶ 24]. Councilman Kingston explained that he had spoken with representatives of the Bryan Place Neighborhood Association (the “Association”), who represented the homeowners in the Bryan Place development, and they would oppose Hinga’s request unless he agreed to two conditions: first, he must limit his extension to two years; and second, he must promise to not seek any further extensions. Councilman Kingston told Hinga that if he did not agree, the Association would kill his application altogether. CR 758-59 [Mbogo Aff. ¶ 26]. Faced with the choice of either shortening his request or closing his business, Hinga agreed to these terms. CR 758-59 [Mbogo Aff. ¶¶ 24-26].

It is unclear why the City was so sensitive to the Association’s views. The Association has no direct interest in Hinga’s property. The Bryan Place homes are not located on Ross Avenue. CR 758 [Mbogo Aff. ¶ 25]. They are not within the area that Dallas requires by ordinance to be notified of a proposed zoning change. CR 1272 [Deposition of Sara May (“May Dep.”) 17:1-6]; Dallas, Tex., Dallas City Code § 51A-4.701(b)(5) (2017). Many members of the Association moved to the Bryan Place development after Hinga established his business on Ross Avenue. CR 758 [Mbogo Aff. ¶ 25].

When the Dallas City Council held the public hearing on Hinga’s application, Councilman Kingston asked him to repeat the “promise” he made, which Hinga did. CR 758 [Mbogo Aff. ¶ 27]. The City then approved Hinga’s application and told him that it would not grant any additional extensions. CR 759 [Mbogo Aff. ¶ 27]. The Dallas City Code lists the conditions for granting an SUP. Agreeing to not ask for another one is not a standard listed in the code. CR 1277 [May Dep. 32:15-22]. Nor is there a “catch-all” provision that permits the City to impose additional conditions as it chooses. The ordinance the City Council ultimately passed, and the SUP it ultimately granted to Hinga, did not mention waiver of the right to seek a new SUP. CR 779-815 [Mbogo Aff., Ex. C].

The City passed the ordinance that created Hinga’s SUP on August 14, 2013. Dallas, Tex., Dallas City Code art. 298, § 51P-298 Dallas, Tex., Ordinance 29099 (Aug. 14, 2013) (“Ordinance 29099”); CR 1220-25 [Dallas’ Resp. First Reqs. Produc.].

D. The City Denies Hinga’s Request for a Second SUP

In the two years after Hinga received his SUP, only minimal development occurred on Ross Avenue. CR 759 [Mbogo Aff. ¶ 29]. There were two new condo buildings and some upscale shops, but Ross Avenue remained (and remains) a sparsely-populated street comprised mostly of abandoned buildings and vacant lots. The area is dominated by the massive Dallas Independent School District

building and its associated parking lots. CR 759 [Mbogo Aff. ¶ 29, Ex. R]; CR 1271-72 [May Dep. 16:2-17:6]. The City would lose nothing by allowing Hinga to stay. CR 760 [Mbogo Aff. ¶ 31]. Hinga thus sought a second SUP for a term of three years. CR 760 [*Id.* at ¶ 31].

Under Dallas' City Code, applications for an SUP are first heard by the Commission. Dallas, Tex., Dallas City Code § 51A-4.701(b) (2017). Commission staff recommended that the Commission approve Hinga's application because (i) while redevelopment was occurring on Ross Avenue, Mr. Mbogo's auto shop "currently remains compatible with the surrounding area"; (ii) the request sought to extend the life of an existing use; and (iii) "[t]he request is not foreseen to be a detriment to the public health, safety, or general welfare." CR 1273-74 [May Dep. 28:3-29:6]; CR 898 [City Plan Commission Staff Report, Nov. 10, 2015] (finding that "[a]lthough the request does not create a dense mixed use development, it is believed that in time it will redevelop when conditions are appropriate, much like the redevelopment across the street"). Commission staff told Hinga that because his request was modest and his application was approved the last time, there did not appear to be any impediment to getting his application approved again. CR 1269-70 [May Dep. 14:4-15:2]. However, the Association soon began to lobby to have Hinga's application denied. CR 1154-55, 1156-57 [Dallas' Resp. Second Reqs. Produc.]; CR 1271-72 [May Dep. 16:2-17:6]. As the Association's president

testified, “Our beef is with Hinga[’s] Automotive operating on Ross Avenue.” CR 1258 [Collins Dep. 116:10-11].

At the Commission hearing, the Commission heard from Hinga, his legal counsel, and seven supporters, while recognizing dozens of additional supporters in the audience. CR 923 [Comm’n Tr. 14:12-15]. No one from the legislatively-required notification area spoke against the application or opposed it in writing. CR 927-39 [Comm’n Tr. 18:20-30:10 (opposition only from residents of Bryan Place)]. Three members of the Association spoke in opposition, one of whom noted that the Association “had agreed to support Mr. Mbogo’s request in 2013 for the two-year SUP in return for an agreement that he would not seek a renewal of the SUP.” CR 934 [Comm’n Tr. 25:7-10]. Even though the City typically follows the recommendation of staff, *see* CR 1274-76 [May Dep. 29:22-25, 30:21-31:12], the Commission rejected Hinga’s application because of his previous “promise” not to ask for any more time. CR 964-65 [Comm’n Tr. 55:15-56:2]. Urging his fellow commissioners to deny Hinga’s application, Commissioner Paul Ridley stated, “Enough is enough. This property needs to be redeveloped.” CR 962 [*Id.* at 53:14-15]. The Commission reached this conclusion despite its staff’s finding that no development was being prevented by Hinga’s Automotive. CR 760-64 [Mbogo Aff. ¶¶ 32-38]; CR 955, 957 [Comm’n Tr. 46:13-21, 48:1-2].

Hinga appealed to the City Council. CR 765-66 [Mbogo Aff. ¶ 42]. At the City Council hearing, a member of the Association noted that “the Planning Commission [and] . . . the Bryan Place Neighborhood Association” had given Hinga “ample time” to comply with the new zoning (that is, shut down or move). CR 996 [Council Tr. 10:21-22]. Urging the Council to deny the SUP, Councilmember Kingston discussed the impact of approving the SUP not on Ross Avenue or Hinga’s neighbors, but on Bryan Place. CR 1038-39 [*Id.* at 52:2-53:7]. The City made clear that it was denying his SUP to force Hinga to sell the property to private investors. As the Mayor said, “Now, Mr. Mbogo . . . let’s get that land sold and let’s move on to the right place.” CR 1043 [Council Tr. 57:6-10]; CR 762-63 [Mbogo Aff. ¶36], CR 934-35 [Comm’n Tr. 25:25-26:1]. The City denied Hinga’s application so that private businesses more acceptable to the City could end up on the property:

[S]ometimes when you have a proliferation of these auto-related businesses, you’re not going to get national-accredited tenants come in like Starbucks, Macaroni Grill or nice sit-down restaurants and so forth. They’re not going to spend a million dollars or two million dollars to be next door. You would love to live and let live, but it just doesn’t seem to work.

CR 1045-46 [*Id.* at 59:25-60:7] (Statement of Councilmember Callahan).

E. Harm to Hinga

In August 2016, Hinga relocated his repair facilities to an area where auto-repair is permitted. CR 769 [Mbogo Aff. ¶ 58]. He maintains an intake service for

Hinga's Automotive on Ross Avenue, but does not conduct auto repairs there. CR 770 [Mbogo Aff. ¶ 62]. He pays \$3,250 in rent to house his repair business at this other location. In contrast, he did not have to pay any rent on Ross Avenue because he owns the property outright, with no mortgage. CR 755, 769 [Mbogo Aff. ¶¶ 10, 60]. Hinga wants to move his business back to his property and continue to fix the cars of Dallas residents as he has done for the last 31 years. CR 770 [Mbogo Aff. ¶ 62].

When Hinga opened the shop on Ross Avenue, he wanted to operate an automotive repair business. He expected to ply his trade, own his business, help it grow, and then transfer it to his mechanics when he retired. Before that could happen, however, he first had to obtain permits from the City, including business licenses and a certificate of occupancy. While interacting with City personnel, they never told him that the City would make the business he was establishing illegal in that location. CR 753 [Mbogo Aff. ¶ 6]. His Certificate of Occupancy did not have a termination, suggesting that it would continue indefinitely.

With no indication that the City would change the zoning applicable to his business, Hinga invested in the necessary structural improvements and machinery to make the shop fully operational for that use. Many of these improvements and repairs are useless if the property cannot be used in automotive repair. In particular, Hinga installed and/or upgraded hydraulic lifts, drainage, ventilation,

and other built-in machinery and tools. The costs associated with most of these expenditures cannot ever be recouped because they are permanent improvements specific to the Ross Avenue property. Some of these improvements can be dismantled and relocated, but only at great expense. CR 754 [Mbogo Aff. ¶ 7].

When Hinga first opened his business, he and his then-business partners believed that Hinga's Automotive would be lawfully permitted to operate on Ross Avenue for as long as they paid the mortgage and operated the business to environmental and financial standards. If he had known that the City would soon take active measures to force him to stop operating, he would not have purchased the property to begin with. CR 754 [Mbogo Aff. ¶ 8].

V. PROCEEDINGS IN THE DISTRICT COURT

The City sued Hinga on July 5, 2016. CR 15 [City Dallas' Original Pet., Appl. Temp. Permanent Inj., Req. Disclosure (the "Petition")]. The City sought to permanently enjoin Hinga from operating an auto repair shop on Ross Avenue and sought fines of \$1,000 a day for each day that Hinga operated his auto shop after his SUP expired. By that point, the fines the City sought would come to over \$300,000. CR 21 [Petition 7]. The City even sought penalties for the approximately 11 months that Hinga spent asking the City to grant him a new SUP so that he

could come into compliance with the City's zoning code. RR. Vol. 2 14:23-17:17 [Hr'g on Mot. Dismiss].⁴

On July 25, 2016, Hinga responded to the City's Petition by filing an answer, a Motion to Dismiss pursuant to Tex. R. Civ. P. 91a, affirmative defenses, counterclaims, and a third-party complaint against both the City and the members of the Dallas City Council and the Mayor in their official capacities. CR 53 [Defs.' Original Answer, Special Exceptions, Rule 91a Mot. Dismiss, Affirmative Defenses, Countercl., & Third-Party Compl.]. The motion to dismiss was limited to the issue of the remedies sought by the City. Specifically, the motion sought to either dismiss the City's claim for fines altogether or limit it to those times that Hinga was not before the City seeking a new SUP. It did not address whether Hinga's shop could continue to operate on Ross Avenue. CR 70-71. On August 19, 2016, the district court denied Hinga's motion to dismiss. CR 483 [Order Den. Defs.' Mot. Dismiss]; RR Vol. 2 29:5-8 [Hr'g on Mot. Dismiss].

On April 17, 2016, the City filed its Plea and requested that the district court dismiss both Hinga's counterclaims and his third-party complaint. CR 510 [City Dallas' Plea Jurisdiction 1]. On May 15, 2016, the parties, pursuant to an agreement between them, filed cross-motions for summary judgment. CR 688,

⁴ The issues of (i) whether the City is entitled to such fines, and (ii) if it is, whether such fines are constitutional remain in the district court. Pursuant to Tex. Civ. Prac. & Rem. Code § 51.014 (b), proceedings on those issues are stayed pending the resolution of this interlocutory appeal.

1320 [Defs.’/Third-Party Pls.’ Mot. Summ. J. & Incorporated Mem. Law Supp. Summ. J. 1; City Dallas’ No-Evidence Mot. Summ. J. 1]. After oral argument on the Plea occurred, but before the district court had ruled, Hinga filed a Second Amended Answer to address purported pleading deficiencies alleged by the City in its Plea. CR 1395 [Defs.’ Second Am. Answer, Special Exception, Rule 91a Mot. Dismiss, Affirm. Defenses, Countercls., & Third-Party Compl. 1]. The City did not move to strike or otherwise challenge this pleading and the district court took no action to strike or otherwise disapprove of it.

Ultimately, even though discovery was complete and the district court had cross-motions for summary judgment before it, the court, without explanation, granted the City’s Plea. CR 1416, 1418 [Order City Dallas, Mayor, & City Council Members’ Plea Jurisdiction 1; Order *Nunc Pro Tunc* City Dallas’s Plea Jurisdiction 1]. This appeal followed.

VI. SUMMARY OF THE ARGUMENT

The district court concluded that it had no jurisdiction to hear Hinga’s claims because it believed the claims were not viable, and the court therefore granted the Plea. The district court erred in coming to this conclusion because Hinga’s claims easily meet the Texas Supreme Court’s baseline “viability” standard. In fact, as shown below, Hinga’s claims are not only viable, they are likely to prevail on the

merits. Specifically, the district court erred in granting the Plea—and should have considered the pending cross-motions for summary judgment—for three reasons.

First, the City's ordinances, as applied to Hinga, violate article I, § 16 of the Texas Constitution, which prohibits retroactive civil legislation. The ordinances are retroactive because they destroy Hinga's settled expectations and attach new disabilities to his business, which was legal when he opened it in 1986 but became illegal years later. To survive, the City was required to prove that the ordinances here serve a compelling public interest, do not substantially impair Hinga's rights and interests, and do not frustrate the purpose of the prohibition on retroactive laws. The City failed to prove any of this. The City drove Hinga from his property so that it may be developed by private entities. This is not a legitimate governmental interest in Texas. The City's ordinances harm Hinga's substantial interests in his building, business, investments, certificate of occupancy, real estate, and chattels by making it illegal to operate his business on his property. Finally, the City's ordinances frustrate the purposes of the prohibition on retroactive legislation: protecting settled expectations and preventing legislative abuse. Here, the City decided that Hinga is not good enough to stay and should leave so someone better can take his place. That is abusive. The City's ordinances, as applied to Hinga, are therefore unconstitutionally retroactive and the district court should have denied the City's Plea.

Second, the City’s ordinances violate the “due course of law” provision of article I, § 19 of the Texas Constitution. Under this provision, a law or ordinance deprives a plaintiff of the due course of law if it either (i) is not rationally related to a legitimate governmental interest, or (ii) the law’s real world effect is so burdensome as to be oppressive. As noted above, the governmental interest here is not legitimate. The ordinances, as applied to Hinga, significantly burden his rights because they force his business from land he owns. All of this is done at the threat of over \$300,000 in fines. This is manifestly oppressive. The City’s application of its ordinances to Hinga deprives him of the due course of law.

Third, the City’s ordinances violate the 2009 amendments to article I, § 17 of the Texas Constitution, which prohibit the government from taking, damaging, or destroying a person’s private property to benefit private entities. Yet the ordinances do exactly that: they destroy Hinga’s rights to use, exclude others, and dispose of his private property and the City has done this to exclusively benefit private parties. In 2009, the people of this state overwhelmingly decided that the government should not have that power. The City’s ordinances thus violate article I, § 17 and the district court erred in concluding that it did not have jurisdiction to consider Hinga’s claims.

These issues all go to whether there were sufficient facts to establish jurisdiction in the district court. However, the City also challenged—but failed to

establish—that Hinga’s pleading were insufficient. In response to the Plea, and in an abundance of caution, Hinga amended his pleading to cure any potential deficiencies, thus rendering the City’s insufficiency challenge moot. In any case, under *Andrade v. NAACP*, 345 S.W.3d 1 (Tex. 2011), Hinga’s pleadings were more than sufficient to demonstrate the viability of his claims, and as a consequence, the district had jurisdiction to decide them on summary judgment. Hinga briefly addresses these issues at the conclusion of this brief.

VII. STANDARD OF REVIEW

A plea to the jurisdiction challenges a trial court’s subject matter jurisdiction. The question of whether a court has subject matter jurisdiction is a question of law that this Court considers *de novo*. *Tex. Dep’t of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 226 (Tex. 2004). If a plea to the jurisdiction challenges the existence of jurisdictional facts, this Court considers relevant evidence submitted by the parties. *Id.* at 227. In considering a plea that implicates the merits of the case, this Court takes as true all evidence favorable to the nonmovant (in this case, Hinga) and “indulge[s] every reasonable inference and resolve[s] any doubts in [his] favor.” *Id.* at 228. If the evidence creates a fact question regarding the jurisdictional issue, then the plea should not be granted. If the evidence is undisputed or fails to raise a fact question, however, the court should rule on the plea as a matter of law. *Id.*

If a plea challenges the pleadings, this Court is to construe the pleadings liberally in favor of the nonmoving party and look to his intent. *Id.* at 226. If the pleadings do not contain sufficient facts to demonstrate the trial court's jurisdiction but also do not demonstrate incurable defects in jurisdiction, then the plaintiff should be permitted to amend. *Id.* at 226-27. If the pleadings affirmatively negate jurisdiction, however, the plea may be granted without allowing the plaintiff to amend. *Id.* at 227.

VIII. ARGUMENT

There are three key, undisputed facts that establish the district court's subject matter jurisdiction. First, the City permitted auto repair shops on Ross Avenue when Hinga established Hinga's Automotive there in 1986. Second, after Hinga's Automotive had operated on Ross Avenue for years, the City changed its zoning code to drive auto-related businesses from Ross Avenue. And third, the City did this so that the properties could be obtained by private entities. Applying these facts to the law yields the conclusion that Hinga's claims were not barred and the district court erred in granting the City's Plea.

First, Hinga addresses why the zoning code provisions applied by the City here are unconstitutional retroactive legislation. Hinga then discusses how the City's application of these ordinances to him has deprived him of the due course of law. Hinga next discusses how the City's ordinances destroy fundamental aspects

of his property for the benefit of private parties in violation of the Texas Constitution's Takings Clause. The final portion of this brief discusses why Hinga's pleadings provided fair and adequate notice of the facts upon which he based his claims and the viable legal theories those facts support. For these reasons, this Court should reverse the district court's order and remand the case for consideration on the merits.

A. The City's Ordinances, As Applied to Hinga, Are Unconstitutionally Retroactive

1. The City's Ordinances are Retroactive

Article I, § 16 of the Texas Constitution provides that "No ... retroactive law ... shall be made." There are two kinds of retroactive laws. The first kind of retroactive law is one that specifically takes effect at a time prior to its passage. *Landgraf v. USI Film Prods.*, 511 U.S. 244, 268 (1994). The second kind—and the kind at issue here—are those laws that "take[] away or impair[] vested rights acquired under existing law, or create[] ... new obligation[s], or impose[] a new duty, or attach[] a new disability in relation to transactions already past." *Robinson v. Crown Cork & Seal Co.*, 335 S.W.3d 126, 172 (Tex. 2010) (quoting *Soc'y for Propagation of the Gospel v. Wheeler*, 22 F. Cas. 756, 767 (C.C.D.N.H. 1814) (opinion of Story, J.)). The government thus creates a retroactive law when, on December 1, 2016, it enacts a law that takes effect on December 1, 2015. It also creates a retroactive law when, on December 1, 2016, it enacts a law that creates

new obligations, duties, or disabilities that destroy or impair vested rights or transactions that existed on December 1, 2015—or, in this case, when it applies ordinances that make a use that has been legal since 1986 illegal in 2015.

For over two centuries, American courts have rejected the cramped view, urged by the City before the district court, that only those laws which take effect anterior to their passage are retroactive. “Such a construction ... would be utterly subversive of all the objects of the prohibition” against retroactive legislation. *Landgraf*, 511 U.S. at 268 (citing *Wheeler*, 22 F. Cas. at 767). Instead, the courts look to “whether the new provision attaches new legal consequences to events completed before its enactment.” *Id.* at 270. In undertaking this analysis, “familiar considerations of fair notice, reasonable reliance, and settled expectations offer sound guidance.” *Id.* In particular, “settled expectations should not be lightly disrupted In a free, dynamic society, creativity in both commercial and artistic endeavors is fostered by a rule of law that gives people confidence about the legal consequences of their actions.” *Landgraf*, 511 U.S. at 265-66.

Determining whether a law or ordinance is retroactive is “not always a simple or mechanical task.” *Id.* at 268. As the U.S. Supreme Court explained, “[t]he conclusion that a particular rule operates ‘retroactively’ comes at the end of a process of judgment concerning the nature and extent of the change in the law and the degree of connection between the operation of a new rule and a relevant

past event.” *Id.* at 270. Applying this process here nonetheless yields the unavoidable conclusion that the City’s ordinances are retroactive. The ordinances attached new legal consequences (auto repair is now illegal on Ross Avenue) to events completed before those legal consequences came into being (Hinga bought the property, established his business there, made substantial investments in it, hired employees, obtained government permits, and maintained his livelihood by working at the location). When he bought the property and obtained his permits, the City gave Hinga no notice—reasonable or otherwise—that it would, at some point in the future, make his business illegal on Ross Avenue. It was reasonable for him to expect that because the City permitted auto repair shops on Ross Avenue then, it would continue to do so in the future. This was reflected in his certificate of occupancy, which had no termination date. As a result, he invested significant amounts of time, effort, and money into his business. The City’s ordinances thus meet the definition of retroactive laws.

In sum, the City allowed Hinga to fully commit to running his business on Ross Avenue and then changed the rules. The prohibition against retroactive lawmaking exists, however, precisely because “the rules should not change after the game has been played.” *Robinson*, 335 S.W.3d at 139. For these reasons, the City’s ordinances, as applied to Hinga, are retroactive.

2. The City’s Ordinances, As Applied to Hinga, Are Unconstitutional

This does not end this Court’s inquiry, however. Despite the Texas Constitution’s categorical ban on retroactive civil legislation, not all retroactive laws are unconstitutional. Retroactive laws that “merely affect remedies or procedure, or ... otherwise have little impact on prior rights” are constitutional even if they are retroactive. *Id.* at 146. To distinguish between benign laws that do little harm to prior rights or interests and more malignant laws that change the rules after the game has been played, the Texas Supreme Court created a three-part test in *Robinson* that measures a retroactive law against the purpose of the prohibition against retroactive laws in the first instance. *Id.* at 145. The purpose of the prohibition on retroactive laws is two-fold: “protecting settled expectations and preventing abuse of legislative power.” *Id.* at 139. To determine whether the law at issue is unconstitutional in light of the purpose of the prohibition, the court must consider: (1) the nature and strength of the public interest served by the law as evidenced by the government’s factual findings, (2) the nature of the prior right impaired by the statute, and (3) the extent of the impairment. *Id.* at 145.

This is a stringent test that places the burden on the government to overcome the presumptive unconstitutionality of retroactive laws. “The perceived public advantage of a retroactive law is not simply to be balanced against its relatively small impact on private interests, or the prohibition would be deprived of most of

its force. There must be a compelling public interest to overcome the heavy presumption against retroactive laws.” *Id.* at 145-46. For instance, in *Robinson*, the Texas Supreme Court found that a statute was unconstitutionally retroactive because it extinguished a filed-but-not-reduced-to-judgment claim against the successor of an asbestos insulation manufacturer. The court acknowledged that the effect of the law on individual claims might be slight in relation to the company it was designed to protect, “[b]ut we think that an important reason for the constitutional prohibition against retroactive laws is to preempt this weighing of interests absent compelling reasons. Indeed, it is precisely because retroactive rectification of perceived injustice seems so reasonable and even necessary, especially when there are few to complain, that the constitution prohibits it.” *Id.* at 150.

Under *Robinson*, then, the questions of whether the City’s ordinances seem reasonable (and they do not) or whether the City applied them to Hinga to balance a past injustice (and it did not), are irrelevant. Instead, this Court must start from the presumption that the ordinances, as applied to Hinga, are unconstitutional, and it is the City that must provide a compelling justification sufficient to overcome this presumption. The City did not attempt to do so here. Thus, these ordinances, as applied to Hinga, fail to overcome *Robinson*’s strict, searching review.

a. The Nature of the Public Interest

In *Robinson*, the Texas Supreme Court held that the government’s interest in a retroactive law is “evidenced by the Legislature’s factual findings.” *Id.* at 145. The City made *no* factual findings in the original ordinance that made auto-related uses illegal in 2005. The ordinance that the City alleges Hinga violated, Ordinance No. 29099, does contain “factual findings,” but these findings only pertain to the fact that the City gave notice and held hearings on the ordinance. Thus, there are no factual findings that discuss the City’s interest here. This alone is sufficient to reverse the district court here.

Nonetheless, one Texas appellate court has held that, regardless of *Robinson*’s holding, it is appropriate to examine the government’s fact finding to determine whether the government possesses a compelling interest in a retroactive law. *Tex. Educ. Agency v. American YouthWorks, Inc.*, 496 S.W.3d 244, 264 n. 111 (Tex. App.—Austin 2016, pet. filed) (stating that legislative history and other additional facts may be considered in determining whether the government has a compelling interest). What legislative history does exist regarding these ordinances undisputedly demonstrates that the City drove auto related businesses from Ross Avenue to create “urban character” and “upgrade the aesthetic quality of the area” through redevelopment. Promoting aesthetics or physical appearance is not a compelling governmental interest. *Members of the City Council of the City of L.A.*

v. Taxpayers for Vincent, 466 U.S. 789, 823 (1984); *Neighborhood Enters., Inc. v. City of St. Louis*, 644 F.3d 728, 738 (8th Cir. 2011); *Solantic, LLC v. City of Neptune Beach*, 410 F.3d 1250, 1267 (11th Cir. 2005); *XXL of Ohio, Inc. v. City of Broadview Heights*, 341 F.Supp.2d 765, 789-90 (N.D. Ohio 2004); *Whitton v. City of Gladstone*, 832 F.Supp. 1329, 1335 (W.D. Mo. 1993).

But there is not just an absence of a compelling justification here. The people of this state have also clearly stated that they do not consider violating the property rights of one private party to benefit another private party to be legitimate. In 2009, the people amended article I, § 17 of the Texas Constitution to explicitly prohibit the taking, damaging, or destroying of private property for anyone but the government or the public. The 2009 amendments specifically stated as well that “public use” does “not include the taking of property ... for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.” Tex. Const. art. I, § 17 (b). This provision started as a legislatively-referred constitutional amendment that passed out of both houses of the Texas Legislature with only one “nay” vote. H.J.R. No. 14 (Tex. 2009). The people passed the amendment by 81% in favor to 19% opposed. *See* [https://ballotpedia.org/Texas Eminent Domain, Proposition 11 \(2009\)](https://ballotpedia.org/Texas_Eminent_Domain_Proposition_11_(2009)).

Thus, not only is promoting aesthetics is not a compelling governmental interest, but Texans have affirmatively (and overwhelmingly) restricted the ability

of the government to interfere with a property owner's rights to benefit other private parties. In other words, the City's interest here could scarcely be any less compelling. The City thus fails the first prong of the *Robinson* test and the district court erred in concluding that it did not have jurisdiction here.

b. The Rights and Interests Impaired by the City's Ordinances

The next step in the *Robinson* test is to determine whether the retroactive laws "significantly impact[] a substantial interest" the plaintiff possesses.

Robinson, 335 S.W.3d at 149. Hinga clearly possesses significant interests in the preservation of his business, his property, his livelihood, and even the simple dignity of not being pushed off his property because the government wants someone more upscale to be there. The City presented no evidence to the contrary.

Nonetheless, the City argued at length below that the *Robinson* test does not apply here because Hinga purportedly does not possess a vested right in the continuation of a zoning classification. CR 518 [Plea 9] (citing *City of Univ. Park v. Benners*, 485 S.W.2d 773, 778 (Tex. 1972)).⁵ *Benners* held that property owners do not acquire a constitutionally protected vested right in property uses once commenced or in zoning classifications once made and so the government did not

⁵ *Benners* should also not apply here because it was wrongly decided and contradicts the majority view of courts in this country. See *Southern States-Bartow Cty., Inc. v. Riverwood Farm Homeowners Ass'n*, 797 S.E. 2d 468 (Ga. 2017); *Budget Inn of Daphne, Inc. v. City of Daphne*, 789 So. 2d 154, 159-60 (Ala. 2000); *Rotter v. Coconino Cty.*, 818 P.2d 704, 706-07 (Ariz. 1991); *Crumbaker v. Hunt Midwest Mining, Inc.*, 69 P.3d 601 (Kan. 2003); see also CR 726 [MSJ 28, n.8 (listing additional cases)]. Hinga recognizes that this Court cannot overturn *Benners*, but includes this argument to preserve it for further appeals.

have to pay compensation to the property owner when it changed the zoning applicable to the property to make the business on which the property sat nonconforming and ultimately illegal. *Benners*, 485 S.W.2d at 778. The law has evolved beyond this conclusion, however. *Benners* arose under the pre-2009 version of article I, § 17 of the Texas Constitution. It did not address article I, §§ 16 or 19, neither of which requires the plaintiff to possess a vested right before they apply. In fact, in *Robinson*, the Texas Supreme Court specifically rejected the possession of a vested right as a condition precedent for a retroactivity claim. Second, the people of this state amended article I, § 17 in 2009 to specifically prohibit the government from taking, damaging, or destroying private property for private uses—that prohibition simply did not exist when *Benners* was decided.

In other words, the City’s argument that *Benners* should apply in a retroactivity case would require this Court to revise the *Robinson* test beyond recognition. In fact, in *Robinson*, the Texas Supreme Court specifically held that the question of whether a law violates article I, § 16 does *not* depend on whether the plaintiff possesses a vested right because the term “vested right” was too circular and subjective to be of any use. *Robinson*, 335 S.W.3d at 143 (“What constitutes an impairment of vested rights is too much in the eye of the beholder to serve as a test for unconstitutional retroactivity.”). Ultimately, even the City recognized that the *Robinson* test does not depend on whether the plaintiff

possesses a vested right. CR 1352 [Reply in Support of Plea 6] (“[I]t is true that the Texas Supreme Court rejected the traditional ‘impaired-vested-rights analysis for retroactivity claims in *Robinson*”). Thus, whether Hinga possesses a vested right here is beside the point in a retroactivity analysis.

There is no evidence that contradicts the fact that Hinga possesses substantial interests in his investments in his business, the continuation of that business, his livelihood and that of his employees, or in the financial harm caused by the City’s ordinances and their application to him. These are concrete interests that the City has significantly harmed by applying its ordinances to Hinga. The City thus fails the second part of the *Robinson* test.

c. The Extent of the Impairment

The final portion of the *Robinson* test is for this Court to consider the extent of the government’s interference with the plaintiff’s rights and interests. The City’s interference with Hinga’s interests here is significant. Hinga invested tens of thousands of dollars into his property on Ross Avenue to make the shop fully operational for auto repair. Many of these improvements will be useless if the property cannot be used for auto repair. For instance, Hinga installed and upgraded hydraulic lifts, drainage, ventilation, and other built-in machinery and tools, and while some of these improvements can be dismantled and moved at a significant cost, many will be lost forever if he is forced to move his shop from Ross Avenue.

He also hired employees based on his expectation of continuing to operate on Ross Avenue. These interests are irrevocably harmed by the City's ordinances.

If allowed to stand, the City's ordinances will have a devastating effect on Hinga's livelihood and well-being. The City does not claim otherwise. For this reason, the City failed to meet its burden on this prong of the *Robinson* test as well.

3. Conclusion to the Retroactivity Analysis

The City's ordinances, as applied to Hinga, operate retroactively because they destroy his settled expectations and impose new disabilities on transactions and considerations already past. The City applied these ordinances to Hinga to benefit private entities, an interest that is not only not compelling in Texas, it is not even legitimate. In doing so, the City seriously harms Hinga's significant interests in his store, his livelihood, his employees, and his dignity. For these reasons, the district court erred in concluding that it did not have jurisdiction to hear Hinga's claims that the City's ordinances are unconstitutionally retroactive.

B. The City's Ordinances Deprive Hinga of the Due Course of Law

Article I, § 19 of the Texas Constitution provides that "[n]o citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land." Tex. Const. art. I, § 19. To demonstrate an as-applied violation of the substantive due course of law provision, a plaintiff must show that (i) he possesses an interest protected by

the provision, (ii) the law's purpose could not be rationally related to a legitimate government interest, or (iii) when considered as a whole, the law's actual, real-world effect as applied to the plaintiff could not arguably be related to, or is so burdensome as to be oppressive in light of, the governmental interest. Hinga's pleadings and evidence clearly established jurisdiction here and the district court should have reached the merits.

1. Hinga Possesses Interests Protected by the Due Course of Law Provision

“The requirements of [article I, § 19] apply only to the threatened deprivation of liberty and property interests deserving the protection of the federal and state constitutions.” *Tarrant Cty. v. Ashmore*, 635 S.W.2d 417, 422 (Tex. 1982). Thus, in considering this issue, the court must “first consider whether [the plaintiff] has an interest protected by due course of law under article I, section 19 of the Texas Constitution.” *NCAA v. Yeo*, 171 S.W.3d 863, 867 (Tex. 2005); *see also Ashmore*, 635 S.W.2d at 422 (“Therefore, any assessment of proper procedural safeguards necessarily begins with a consideration whether the particular interest at stake is a protectible interest.”).

Hinga possesses the following interests and property rights here:

- The real property located at 3516 Ross Avenue;
- His actual business, Hinga's Automotive Co.;

- The physical structure that houses the business, along with numerous automotive-related improvements on the property and the extensive chattels and personal property associated with and located in it;
- Permits, professional licenses, and tax certificates that relate to both the business and Hinga personally; and
- His certificate of occupancy, which had no expiration date.

These are all concrete, fully-realized, present interests that the City will irrevocably harm if it succeeds in permanently forcing Hinga’s Automotive from Ross Avenue. They are not speculative, contingent, or abstract. *See Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 577 (1972) (“To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it.”). As such, they are protected by the due course of law provision of the Texas Constitution. *See Consumer Serv. All. of Tex. v. City of Dallas*, 433 S.W.3d 796, 806 (Tex. App.—Dallas 2014, no pet.) (“A person’s property interests include actual ownership of real estate, chattels, and money. The term ‘property right’ refers to any type of right to specific property, including tangible, personal property.”); *Bowlby v. City of Aberdeen*, 681 F.3d 215, 220 (5th Cir. 2012) (“Privileges, licenses, certificates, and franchises” qualify as

property interests because, once the government issues them, they become “essential in the pursuit of a livelihood.”) (citation and quotation marks omitted).

Moreover, in contrast to the City’s argument below, article I, § 19 does not protect only “vested rights.” Article I, § 19 does, of course, protect vested rights, but property does not consist solely of what can be considered “vested rights.” *United States v. General Motors Corp.*, 323 U.S. 373, 378 (1945) (property consists of “the group of rights inhering in the citizen’s relation to the physical thing, as the right to possess, use and dispose of it.”); *LJD Props., Inc. v. City of Greenville*, 753 S.W.2d 204, 207 (Tex. App.—Dallas, 1988, writ den.) (“Since the right of the citizen to use his property as he chooses, so long as he harms nobody, is an inherent and constitutional right, the police power cannot be invoked for abridgment of a particular use of private property, unless such use reasonably endangers or threatens the public health, the public safety, the public comfort or welfare.”). Thus, a right need not have “vested” in order to be protected by the Texas Constitution.

To conclude otherwise would mean that local governments in Texas could force a business to close and move, make the owner’s substantial investments in the property pointless, make his building essentially useless and appropriate only for demolition, and otherwise force him out of the neighborhood where he has worked for decades and that the Texas Constitution not only permits this, but that

plaintiffs could not even challenge the government in court. Fortunately, the Texas Constitution does not allow the government to impair, destroy, or render useless vast aspects of the property and foreclose the ability of the property owner to stop it. For these reasons, Hinga possesses well-known, concrete, present, and fully realized interests in the property here, and these interests are protected by article I, § 19 of the Texas Constitution.

2. The City’s Interest Here is Not Legitimate and, Even If It Was, the City’s Ordinances Are Not Rationally Related to Achieving It

In determining whether the City has deprived Hinga of his right to the substantive due course of law, this Court must next consider whether the City’s ordinances “could not arguably be rationally related to a legitimate governmental interest.” *Patel v. Tex. Dep’t of Licensing & Regulation*, 469 S.W.3d 69, 87 (Tex. 2015).⁶ As discussed above in the retroactivity section, the people of Texas overwhelmingly demonstrated their opposition to the government taking or damaging private property for the benefit of other, more preferred, private entities. The City’s efforts here are designed to remove Hinga from Ross Avenue (“get that property sold”) and replace him with corporate restaurants (“like Starbucks and Macaroni Grill”). This is not a legitimate governmental purpose.

⁶ *Patel* specifically dealt with economic regulations. However, *Patel*’s substantive due course of law analysis applies to non-economic regulations as well. See *Gatesco Q.M. Ltd. v. City of Houston*, 503 S.W.3d 607, 620 (Tex. App.—Houston [14th Dist.] 2016, no pet.) (holding that *Patel* applies to due course of law claims arising outside of economic regulations).

Even if this were a legitimate governmental purpose in Texas, however, there is no evidence that the City's efforts here further any such interest. Moving Hinga's Automotive from Ross Avenue will achieve nothing. There are no developers waiting to purchase the property and the area is dominated by the massive school district building and its associated parking lots. The City's efforts in the area have mostly resulted in trash-strewn empty lots. The City's continued effort to move Hinga's Automotive from Ross Avenue thus fairly defines the term "irrational."

3. The City's Ordinances, as Applied to Hinga, Are Oppressive

Finally, the court must consider whether the ordinances, as applied to Hinga, are so burdensome as to be oppressive. Here, Hinga's Automotive operated on Ross Avenue for over thirty years. When Hinga established the business, the City did not tell him that it would spend years trying to drive the business off the property. The City denied his SUP not on the standards in the law, but on a "promise" the City extracted from him at the behest of private property owners with no legal interest in his property. The City seeks hundreds of thousands of dollars from him for simply operating his shop while he made his way through the City's zoning process. All of this was done so that he would sell his property and be replaced by businesses to the City's liking, "like a Starbucks or Macaroni Grill."

At every step, the City has acted arbitrarily and spitefully to Hinga, a man who only wants to operate his business on the property he owns. The City more than meets the definition of “oppressive” set out in *Patel*.

4. Conclusion Regarding the Due Course of Law

Hinga possesses numerous interests protected by article I, § 19 of the Texas Constitution. The City interfered with those interests to force him to sell his property to private entities acceptable to the City. The City’s actions here are so burdensome—in fact, outright vindictive—as to be oppressive. The district court thus erred when it concluded that it did not have jurisdiction to hear Hinga’s claims against the City.

C. The City’s Ordinances Destroy Hinga’s Private Property Interests for the Benefit of Private Entities

In 2009, the people of Texas amended article I, § 17 of the Texas Constitution to read (in relevant part):

- (a) No person’s property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:
 - (1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by:
 - (A) the State, a political subdivision of the State, or the public at large; or
 - (B) an entity granted the power of eminent domain under law; or
 - (2) the elimination of urban blight on a particular parcel of property.

(b) In this section, “public use” does not include the taking of property under Subsection (a) of this section for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

Under these amendments, then, any governmental action that damages or destroys private property for the benefit of private entities is specifically prohibited—it does not matter whether the government pays compensation or not.⁷ *See Manufactured Hous. Communities v. State*, 13 P.3d 183, 196-97 (Wash. 2000) (holding that, under that state’s constitution, the prohibition on private takings “is not conditioned on payment of compensation,” but instead “requires invalidation.”). The government simply cannot do it.

The City nevertheless argued that this provision does not protect Hinga because he does not possess a vested right and article I, § 17 only protects vested rights. CR 522 [Plea 13]. However, the Texas courts have rejected the City’s minimalist view of what constitutes property:

Property in a thing consists not merely in its ownership and possession, but in the unrestricted right of use, enjoyment and disposal. Anything which destroys any of these elements ... destroys the property itself. The substantial value of property lies in its use. If the right of use be denied, the value of the property is annihilated and ownership is rendered a barren right.

Spann v. City of Dallas, 235 S.W. 513, 514-15 (Tex. 1921); *see also Gen. Motors Corp.*, 323 U.S. at 378 (property consists of “the right to possess, use and dispose

⁷ In this case, of course, the City is not offering to pay any compensation. In fact, it is pursuing Hinga for hundreds of thousands of dollars in fines.

of it”). The rights to use, enjoy, and dispose of one’s property is thus part of the owner’s interest in the property and constitutes a valuable incident of ownership. It is undisputed that the City’s ordinances, as applied to Hinga, restricted his right to use, enjoy, and dispose of his property as he sees fit. The City did this to benefit the Association and private entities the City hopes will replace Hinga. There is no evidence that the City will devote Hinga’s property to a public use—the evidence instead irrefutably demonstrates that the City is pushing Hinga out to attract private development.

Because the City has damaged and destroyed fundamental aspects of Hinga’s interest in his property for private interests, the district court erred when it concluded that Hinga’s claims were meritless and it was wrong to grant the Plea.

D. Hinga Cured Any Alleged Pleading Deficiencies in His Second Amended Answer, Counterclaims, and Third-Party Complaint

Besides its arguments regarding the merits of Hinga’s claims, in its reply in support of its Plea, the City, for the first time, argued that the district court did not have jurisdiction over the case because Hinga had not specifically pleaded that the City’s ordinances were unconstitutional. CR 1347 [Response 1]. The City argued that the Texas Uniform Declaratory Judgment Act (UDJA) waives sovereign immunity for claims that ordinances are unconstitutional and Hinga did not specifically mention the UDJA or plead the unconstitutionality of the ordinances at issue. CR 1348-51 [Resp. 2-5].

Hinga responded by noting that Texas is a notice pleading state and that his pleading provided fair and adequate notice of the facts upon which he based his claims. CR 1367 [Surreply 4] (citing *Kopplow Dev., Inc. v. City of San Antonio*, 399 S.W.3d 532, 536 (Tex. 2013)). Hinga also noted that his pleading mentioned the UDJA twice. CR 1367 [Surreply 4]. Finally, Hinga pointed out that his claims were against the ordinances at issue as the City applied them to Hinga and the UDJA permits as-applied challenges to ordinances. CR 1368-71 [Surreply 5-8].

Before the district court ruled on these issues, however, in an abundance of caution, Hinga amended his pleadings to specifically state that he brought his claims under the UDJA and that he was challenging the constitutionality of the ordinances as the City applied them to Hinga. CR 1403-04, 1411-13 [Second Amended Answer 9-10, 17-19]. And when a plaintiff challenges a statute or ordinance as applied to him, as Hinga did here, the UDJA waives governmental immunity. *Patel*, 469 S.W.3d at 76. The City did not move to strike or otherwise challenge this pleading. Accordingly, Hinga's amended pleading clarified (to the extent that any clarification was necessary) that his challenge was to the City's ordinances as the City applied them to him. That was sufficient to waive governmental immunity.

In any event, the City failed to demonstrate in the Plea that Hinga's claims are "not viable" in light of the Texas Supreme Court's ruling in *Andrade v.*

NAACP. 345 S.W.3d 1 (Tex. 2011). In *Andrade*, the Texas Supreme Court found that the government should have prevailed on its plea to the jurisdiction, but only because numerous federal and state courts had already uniformly rejected the very same claims made by the plaintiffs in that case. *See id.* at 12-14. In this case, the City has not made (because it could not make) such a showing. To the contrary, the City has failed to produce a single case in this state, outside this state, or at the federal level which holds that municipalities may—consistent with due process and constitutional prohibitions on retroactive laws and private takings—enact zoning ordinances that destroy property owners’ settled expectations. Accordingly, on the basis of *Andrade* alone, the district court erred when it granted the Plea. Hinga has lodged colorable, and thus viable, claims against the City, and the City has utterly failed to demonstrate otherwise.

IX. PRAYER

For the reasons stated above, Hinga asks this Court to issue an order that (i) reverses the district court’s order granting the City’s Plea, and (ii) remands this case to the district court for consideration of the cross-motions for summary judgment. Hinga also requests all other relief, including any appellate attorneys’ fees, to which he is entitled.

RESPECTFULLY SUBMITTED this 28th day of August, 2017.

By: /s/Arif Panju

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of August, 2017, a true and correct copy of the foregoing Opening Brief of Appellants was filed with the Clerk of Court and served in compliance with Tex. R. App. P. 9.5(b)(1) via the courts electronic filing manager on the following counsel of record:

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Microsoft Word reports that the foregoing Opening Brief of Appellants contains 10,517 words, excluding the portions of the brief exempted by Rule 9.4(i)(1).

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Counsel for Appellants

No. 05-17-00879-CV

**In the Court of Appeals
for the Fifth District of Texas**

HINGA MBOGO, HINGA AUTOMOTIVE CO., d/b/a HINGA AUTO
REPAIR, and 3516, ROSS AVENUE, DALLAS, TEXAS, *in rem*,

Appellants,

v.

CITY OF DALLAS, et al.,

Appellees.

On Appeal from the 68th Judicial District,
Dallas County District Court, Cause No. DC-16-07983

APPENDIX

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TAB A

*Order for the City of Dallas, Mayor, and City Council Members'
on the City's Plea to the Jurisdiction*

CAUSE NO. DC-16-07983

CITY OF DALLAS,
Plaintiff,

IN THE DISTRICT COURT

v.

HINGA MBOGO, HINGA AUTOMOTVE
CO., d/b/a HINGA AUTO REPAIR, and
3516 ROSS AVENUE, DALLAS, TEXAS,
In rem,

Defendants.

DALLAS COUNTY, TEXAS

v.

MICHAEL S. RAWLINGS, in his official
Capacity as Mayor of the City of Dallas, Texas;
Et al.

Third-Party Defendants

68th JUDICIAL DISTRICT

**ORDER FOR THE CITY OF DALLAS, MAYOR, AND CITY COUNCIL MEMBERS'
ON THE CITY'S PLEA TO THE JURISDICTION**

The Court considered the Plea to the Jurisdiction of the City of Dallas and the Mayor and the City Council Members of the City of Dallas (the "City Council"). The Court, having considered the Plea, evidence, and the arguments of counsel, hereby ORDERS that the Plea is granted or denied as follows with respect to Plaintiff's claims against the City of Dallas:

~~[GRANTED]~~ or [DENIED] to Plaintiff's claim for violation of Article I, section 16 of the Texas Constitution.

~~[GRANTED]~~ or [DENIED] to Plaintiff's claim for violation of Article I, section 19 of the Texas Constitution.

~~[GRANTED]~~ or [DENIED] to Plaintiff's claim for violation of Article I, section 17 of the Texas Constitution.

Further, the Court, having considered the Plea, evidence, and the arguments of counsel, hereby ORDERS that the Plea is granted or denied as follows with respect to Plaintiff's claims against the City Council:

[GRANTED] or [DENIED] to Plaintiff's claim for violation of Article I, section 16 of the Texas Constitution.

[GRANTED] or [DENIED] to Plaintiff's claim for violation of Article I, section 19 of the Texas Constitution.

[GRANTED] or [DENIED] to Plaintiff's claim for violation of Article I, section 17 of the Texas Constitution.

It is further ORDERED that for each claim for which the Plea has been granted herein, that such claim is dismissed with prejudice and that for each claim, if any, for which the Plea has been denied, those claims may proceed.

SIGNED on this 6th day of July, 2017.



JUDGE PRESIDING

TAB B

Order Nunc Pro Tunc on the City of Dallas's Plea to the Jurisdiction

~~[GRANTED]~~ or [DENIED] to crossclaim for violation of Article I, section 16 of the Texas Constitution.

~~[GRANTED]~~ or [DENIED] to crossclaim for violation of Article I, section 19 of the Texas Constitution.

~~[GRANTED]~~ or [DENIED] to crossclaim for violation of Article I, section 17 of the Texas Constitution.

It is further ORDERED that for each claim for which the Plea has been granted herein, that such claim is dismissed with prejudice and that for each claim, if any, for which the Plea has been denied, those claims may proceed.

SIGNED on this 21st day of July, 2017.



JUDGE PRESIDING

TAB C

Tex. Const. art. I, § 16

Vernon's Texas Statutes and Codes Annotated
Constitution of the State of Texas 1876 (Refs & Annos)
Article I. Bill of Rights (Refs & Annos)

Vernon's Ann. Texas Const. Art. 1, § 16

§ 16. Bills of attainder; ex post facto or retroactive laws; impairing obligation of contracts

[Currentness](#)

*** Start Section

...

Sec. 16. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made.

Vernon's Ann. Texas Const. Art. 1, § 16, TX CONST Art. 1, § 16

Current through the end of the 2017 Regular and First Called Sessions of the 85th Legislature

End of Document

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TAB D

Tex. Const. art. I, § 17

Vernon's Texas Statutes and Codes Annotated
Constitution of the State of Texas 1876 (Refs & Annos)
Article I. Bill of Rights (Refs & Annos)

Vernon's Ann. Texas Const. Art. 1, § 17

§ 17. Taking, damaging or destroying property for public use; special
privileges and immunities; control of privileges and franchises

Effective: December 1, 2009

[Currentness](#)

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:

(1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by:

(A) the State, a political subdivision of the State, or the public at large; or

(B) an entity granted the power of eminent domain under law; or

(2) the elimination of urban blight on a particular parcel of property.

(b) In this section, "public use" does not include the taking of property under Subsection (a) of this section for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

(c) On or after January 1, 2010, the legislature may enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.

(d) When a person's property is taken under Subsection (a) of this section, except for the use of the State, compensation as described by Subsection (a) shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

Credits

Amended Nov. 3, 2009, eff. Dec. 1, 2009.

Vernon's Ann. Texas Const. Art. 1, § 17, TX CONST Art. 1, § 17

Current through the end of the 2017 Regular and First Called Sessions of the 85th Legislature

T A B E

Tex. Const. art. I, § 19

Vernon's Texas Statutes and Codes Annotated
Constitution of the State of Texas 1876 (Refs & Annos)
Article I. Bill of Rights (Refs & Annos)

Vernon's Ann. Texas Const. Art. 1, § 19

§ 19. Deprivation of life, liberty, etc.; due course of law

[Currentness](#)

*** Start Section

...

Sec. 19. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Vernon's Ann. Texas Const. Art. 1, § 19, TX CONST Art. 1, § 19

Current through the end of the 2017 Regular and First Called Sessions of the 85th Legislature

End of Document

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TAB F

H.J.R. No. 14 (Tex. 2009)

2009 Texas House Joint Resolution No. 14, Texas Eighty-First Legislature (FULL TEXT - NETSCAN)

TEXAS BILL TEXT

VERSION: Adopted

June 03, 2009

Corte, Hilderbran, Anderson, Paxton, Hughes, Harper-Brown, Legler, Leibowitz, Orr, Pena, Sheffield, Weber, Duncan



[Image 1 with n document n PDF format.](#)

TEXT:

H.J.R. No. 14

A JOINT RESOLUTION

proposing constitutional amendments limiting the public taking of private property, establishing the national research university fund to fund emerging research universities, and eliminating the higher education fund.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1.

SECTION 1.01. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. **(a)** No person's property shall be taken, damaged ,

or destroyed for or applied to public use without adequate

compensation being made, unless by the consent of such person, **and**

only if the taking, damage, or destruction is for:

(1) the ownership, use, and enjoyment of the property,

notwithstanding an incidental use, by:

(A) the State, a political subdivision of the

State, or the public at large; or

(B) an entity granted the power of eminent domain

under law; or

(2) the elimination of urban blight on a particular

parcel of property.

(b) In this section, “public use” does not include the

taking of property under Subsection (a) of this section for

transfer to a private entity for the primary purpose of economic

development or enhancement of tax revenues.

(c) On or after January 1, 2010, the legislature may enact a

general, local, or special law granting the power of eminent domain

to an entity only on a two-thirds vote of all the members elected to

each house.

(d) When a person's property is taken under Subsection (a)

of this section [~~and, when taken~~], except for the use of the

State, [~~such~~] compensation **as described by Subsection (a)** shall be

first made, or secured by a deposit of money; and no irrevocable or

uncontrollable grant of special privileges or immunities[~~;~~] shall

be made; but all privileges and franchises granted by the

Legislature, or created under its authority, shall be subject to

the control thereof.

SECTION 1.02. The constitutional amendment proposed in this

article shall be submitted to the voters at an election to be held

November 3, 2009. The ballot shall be printed to permit voting for

or against the proposition: “The constitutional amendment to

prohibit the taking, damaging, or destroying of private property

TAB G

Tex. Civ. Prac. & Rem. Code § 51.014 (b) (2017)

Vernon's Texas Statutes and Codes Annotated
Civil Practice and Remedies Code (Refs & Annos)
Title 2. Trial, Judgment, and Appeal
Subtitle D. Appeals
Chapter 51. Appeals
Subchapter B. Appeals from County or District Court (Refs & Annos)

V.T.C.A., Civil Practice & Remedies Code § 51.014

§ 51.014. Appeal from Interlocutory Order

Effective: September 1, 2015

[Currentness](#)

(a) A person may appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that:

- (1) appoints a receiver or trustee;
- (2) overrules a motion to vacate an order that appoints a receiver or trustee;
- (3) certifies or refuses to certify a class in a suit brought under [Rule 42 of the Texas Rules of Civil Procedure](#);
- (4) grants or refuses a temporary injunction or grants or overrules a motion to dissolve a temporary injunction as provided by Chapter 65;
- (5) denies a motion for summary judgment that is based on an assertion of immunity by an individual who is an officer or employee of the state or a political subdivision of the state;
- (6) denies a motion for summary judgment that is based in whole or in part upon a claim against or defense by a member of the electronic or print media, acting in such capacity, or a person whose communication appears in or is published by the electronic or print media, arising under the free speech or free press clause of the First Amendment to the United States Constitution, or [Article I, Section 8, of the Texas Constitution](#), or Chapter 73;
- (7) grants or denies the special appearance of a defendant under [Rule 120a, Texas Rules of Civil Procedure](#), except in a suit brought under the Family Code;
- (8) grants or denies a plea to the jurisdiction by a governmental unit as that term is defined in [Section 101.001](#);
- (9) denies all or part of the relief sought by a motion under [Section 74.351\(b\)](#), except that an appeal may not be taken from an order granting an extension under [Section 74.351](#);

(10) grants relief sought by a motion under [Section 74.351\(l\)](#);

(11) denies a motion to dismiss filed under [Section 90.007](#);

(12) denies a motion to dismiss filed under [Section 27.003](#); or

(13) denies a motion for summary judgment filed by an electric utility regarding liability in a suit subject to [Section 75.0022](#).

(b) An interlocutory appeal under Subsection (a), other than an appeal under Subsection (a)(4) or in a suit brought under the Family Code, stays the commencement of a trial in the trial court pending resolution of the appeal. An interlocutory appeal under Subsection (a)(3), (5), (8), or (12) also stays all other proceedings in the trial court pending resolution of that appeal.

(c) A denial of a motion for summary judgment, special appearance, or plea to the jurisdiction described by Subsection (a)(5), (7), or (8) is not subject to the automatic stay under Subsection (b) unless the motion, special appearance, or plea to the jurisdiction is filed and requested for submission or hearing before the trial court not later than the later of:

(1) a date set by the trial court in a scheduling order entered under the Texas Rules of Civil Procedure; or

(2) the 180th day after the date the defendant files:

(A) the original answer;

(B) the first other responsive pleading to the plaintiff's petition; or

(C) if the plaintiff files an amended pleading that alleges a new cause of action against the defendant and the defendant is able to raise a defense to the new cause of action under Subsection (a)(5), (7), or (8), the responsive pleading that raises that defense.

(d) On a party's motion or on its own initiative, a trial court in a civil action may, by written order, permit an appeal from an order that is not otherwise appealable if:

(1) the order to be appealed involves a controlling question of law as to which there is a substantial ground for difference of opinion; and

(2) an immediate appeal from the order may materially advance the ultimate termination of the litigation.

(d-1) Subsection (d) does not apply to an action brought under the Family Code.

(e) An appeal under Subsection (d) does not stay proceedings in the trial court unless:

(1) the parties agree to a stay; or

(2) the trial or appellate court orders a stay of the proceedings pending appeal.

(f) An appellate court may accept an appeal permitted by Subsection (d) if the appealing party, not later than the 15th day after the date the trial court signs the order to be appealed, files in the court of appeals having appellate jurisdiction over the action an application for interlocutory appeal explaining why an appeal is warranted under Subsection (d). If the court of appeals accepts the appeal, the appeal is governed by the procedures in the Texas Rules of Appellate Procedure for pursuing an accelerated appeal. The date the court of appeals enters the order accepting the appeal starts the time applicable to filing the notice of appeal.

Credits

Acts 1985, 69th Leg., ch. 959, § 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 167, § 3.10, eff. Sept. 1, 1987; Acts 1989, 71st Leg., ch. 915, § 1, eff. June 14, 1989; Acts 1993, 73rd Leg., ch. 855, § 1, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1296, § 1, eff. June 20, 1997; Acts 2001, 77th Leg., ch. 1389, § 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 204, § 1.03, eff. Sept. 1, 2003; Acts 2005, 79th Leg., ch. 97, § 5, eff. Sept. 1, 2005; Acts 2005, 79th Leg., ch. 1051, §§ 1, 2, eff. June 18, 2005; Acts 2011, 82nd Leg., ch. 203 (H.B. 274), § 3.01, eff. Sept. 1, 2011; Acts 2013, 83rd Leg., ch. 44 (H.B. 200), § 1, eff. May 16, 2013; Acts 2013, 83rd Leg., ch. 604 (S.B. 1083), § 1, eff. Sept. 1, 2013; Acts 2013, 83rd Leg., ch. 916 (H.B. 1366), § 1, eff. Sept. 1, 2013; Acts 2013, 83rd Leg., ch. 961 (H.B. 1874), § 1, eff. Sept. 1, 2013; Acts 2013, 83rd Leg., ch. 1042 (H.B. 2935), § 4, eff. June 14, 2013; Acts 2015, 84th Leg., ch. 1236 (S.B. 1296), §§ 3.001, 3.002, eff. Sept. 1, 2015.

V. T. C. A., Civil Practice & Remedies Code § 51.014, TX CIV PRAC & REM § 51.014

Current through the end of the 2017 Regular and First Called Sessions of the 85th Legislature

TAB H

Dallas, Tex., Dallas City Code § 51A-2.102 (90) (2017)

The Dallas City Code

**ARTICLE II.
INTERPRETATIONS AND DEFINITIONS. ARTICLE II.**

SEC. 51A-2.101. INTERPRETATIONS.

Unless the context clearly indicates otherwise, the following rules apply in interpreting this chapter:

- (1) Words used in the present tense include the future tense.
- (2) Words in the singular include the plural, and words in the plural include the singular.
- (3) The word “building” includes the word “structure”, and the word “structure” includes the word “building.”
- (4) The word “lot” includes the words “building site,” “site,” “plot” or “tract.”
- (5) The word “shall” is mandatory and not discretionary.
- (6) If there is a conflict:
 - (A) the text of this chapter controls over the charts or any other graphic display in this chapter;
 - (B) the use regulations (Division 51A-4.200) control over the district regulations (Division 51A-4.100, et seq.) in this chapter; and
 - (C) the text, charts, or other graphic display in Article XIII control over the text, charts, or other graphic display in other articles of this chapter. (Ord. Nos. 19455; 27495)

SEC. 51A-2.102. DEFINITIONS.

In this chapter, unless the context requires otherwise:

- (1) “A” DISTRICT means the agricultural district established under Chapter 51.
- (2) “A(A)” DISTRICT means the agricultural district established under this chapter.
 - (2.1) ACCESSORY STRUCTURE means a structure located on the same lot as the main building that is subordinate in floor area, location, and purpose to the main building and used for a permitted accessory use.
- (3) ACCESSORY USES means those uses defined in Section 51A-4.217.

(4) AGRICULTURAL DISTRICT means the A(A) district established under this chapter.

(5) AGRICULTURAL USES means those uses defined in Section 51A-4.201.

(6) AIRPORT HAZARD means any structure, tree, sign, vehicle or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to the landing or taking off of aircraft.

(7) ALLEY means a right-of-way which provides secondary access to adjacent property.

(7.1) ARTERIAL means a street designated as either a principal or minor arterial in the city's thoroughfare plan.

(8) BASEMENT means any level of a building where more than one half of the vertical distance between floor and ceiling is below grade.

(8.1) BATHROOM means any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.

(9) BEDROOM means any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.

(9.1) BICYCLE PARKING means Class I bicycle parking and Class II bicycle parking.

(10) BLOCK means:

(A) an area bounded by streets on all sides; and

(B) as a measurement term, the distance along one side of a street between the two nearest intersecting streets, or where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street.

(11) BOARD means the board of adjustment.

(11.1) BREEZEWAY means an unenclosed passage connecting two buildings or portions of a building.

(12) BUILDING means a structure for the support or shelter of any use or occupancy.

(13) BUILDING LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line. (Also called the "setback line.")

(14) **BUILDING OFFICIAL** means the person designated by the city manager as the building official of the city, or the building official's authorized representative.

(15) **BUILDING SITE** means property that meets the requirements of Section 51A-4.601.

(16) **"CA-1" DISTRICT** means the CA-1 district established under Chapter 51.

(17) **"CA-1(A)" DISTRICT** means the CA-1(A) district established under this chapter.

(18) **"CA-2" DISTRICT** means the CA-2 district established under Chapter 51.

(19) **"CA-2(A)" DISTRICT** means the CA-2(A) district established under this chapter.

(20) **CENTER LINE** means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the center line shall be determined by the director of mobility and street services.

(21) **CENTRAL AREA DISTRICTS** means the CA-1(A) and CA-2(A) districts established under this chapter.

(22) **CENTRAL BUSINESS DISTRICT** means the area of the city within Woodall Rodgers Freeway, Central Expressway (elevated bypass), R. L. Thornton Freeway, and Stemmons Freeway.

(23) **CITY COUNCIL** means the governing body of the city.

(23.1) **CLASS I BICYCLE PARKING** means unenclosed parking spaces intended for bicycles where one or both wheels and the frame of a bicycle can be secured to a rack with a user-supplied lock.

(23.2) **CLASS II BICYCLE PARKING** means enclosed parking spaces intended for bicycles within a building or structure designed for increased security from theft and vandalism, such as locked bicycle storage rooms, bicycle check-in systems, and bicycle lockers.

(23.3) **COLLECTOR** means a street designated as either a community or residential collector in the city's thoroughfare plan.

(24) **COMMERCIAL AND BUSINESS SERVICE USES** means those uses defined in Section 51A-4.202.

(25) **COMMISSION** or **CITY PLAN COMMISSION** means the city plan and zoning commission.

(26) COVERAGE means the percentage of lot area covered by a roof, floor, or other structure, except that roof eaves up to 24 inches and other ordinary building projections up to 12 inches are excluded.

(27) DENSITY means the ratio of dwelling units to lot area.

(28) DEPARTMENT means the department of sustainable development and construction. The department of sustainable development and construction was formerly named the department of development services, the department of planning and development, the department of urban design, and the city plan department. Any reference to these departments is a reference to the department of sustainable development and construction.

(29) “D” DISTRICT means the duplex district established under Chapter 51.

(30) “D(A)” DISTRICT means the duplex district established under this chapter.

(31) DIR means “development impact review” (See Division 51A-4.800).

(32) DIRECTOR means the director of the department of sustainable development and construction or the director’s representative.

(33) DUPLEX DISTRICT means the D(A) district established under this chapter.

(34) DWELLING UNIT means one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.

(35) EAVES means the lowest border of a roof, including any overhang.

(35.1) EXACTION means, for purposes of Section 51A-1.109 and Texas Local Government Code Section 212.904, dedications, fees, or construction costs for municipal infrastructure additions or improvements that the city requires a developer to bear a portion of as a condition for approval of a property development project.

(36) FAMILY means individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

(37) FENCE means a structure that provides a physical barrier.

(38) FLOOR AREA means the total square feet of floor space in a building measured to the outside faces of exterior walls or to the omitted wall lines, whichever produces the larger area, excluding the following:

(A) Area used solely for off-street parking.

(B) Area between an omitted wall line and the structural wall when the area is used solely for foot or vehicular traffic or landscaping.

(C) Area of a private balcony that is not accessible to the public and does not provide a means of ingress or egress.

(D) Area of a breezeway or an unenclosed stairway located within the first three stories, excluding any basement, of a residential use.

(39) FLOOR AREA RATIO means the ratio of floor area to lot area. (Note: A 1:1 FAR is stated as “1.0,” 2:1 is stated as “2.0,” 2.5:1 is stated as “2.5,” etc.)

(39.1) FORM DISTRICTS means the RTN, WMU- 3, WMU-5, WMU-8, WMU-12, WMU-20, WMU-40, WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts and the planned form districts established under Article XIII of this chapter.

(40) FRONTAGE means the length of property along one side of a street between property or lease boundary lines.

(41) FRONT YARD means that portion of a lot which abuts a street and extends across the width of the lot between the street and the setback line.

(41.1) GARBAGE means solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food. This includes such waste materials from markets and storage facilities where handling or sale of produce and other food products is conducted.

(42) “GO” DISTRICTS means the general office matrix districts established under Chapter 51.

(43) “GO(A)” DISTRICT means the general office district established under this chapter.

(44) “GR” DISTRICT means the general retail district established under Chapter 51.

(45) GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition, FINISHED GROUND SURFACE ELEVATION means the ground surface elevation of the building site before any construction or the ground surface elevation as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include:

(A) fill material not necessary to make the site developable;

(B) berms; or

(C) landscape features.

(45.1) HAZARDOUS WASTE means solid waste identified or listed as hazardous waste by the administrator of the United States Environmental Protection Agency under the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.).

(46) “HC” DISTRICT means the heavy commercial district established under Chapter 51.

(47) HEIGHT means the vertical distance measured from grade to:

(A) for a structure with a gable, hip, or gambrel roof, the midpoint of the vertical dimension between the lowest eaves and the highest ridge of the structure;

(B) for a structure with a dome roof, the midpoint of the vertical dimension of the dome; and

(C) for any other structure, the highest point of the structure.

(47.1) Reserved.

(Repealed by Ord. 20478).

(48) Reserved.

(Repealed by Ord. 24163).

(48.1) HUD-CODE MANUFACTURED HOME means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(49) “I-1” DISTRICT means the I-1 district established under Chapter 51.

(50) “I-2” DISTRICT means the I-2 district established under Chapter 51.

(51) “I-3” DISTRICT means the I-3 district established under Chapter 51.

(52) INDUSTRIAL DISTRICTS means LI, IR, and IM districts.

(52.1) INDUSTRIAL SOLID WASTE means solid waste generated by manufacturing or industrial processes, excluding mining or oil and gas, that is not

hazardous waste regulated under Subtitle C of the Resource Conservation and Recovery Act of 1976. Such waste may include, but is not limited to, waste resulting from:

(A) Electric power generation.

(B) Foundries or the manufacturing of nonferrous metals.

(C) Water treatment.

(D) The manufacturing of textiles; transportation equipment; plastics; resins; rubber; miscellaneous plastic products; concrete products; iron; steel; clay; glass; stone; organic chemicals; inorganic chemicals; leather; leather products; fertilizers and agricultural chemicals; pulp and paper; food; and food-related products and by-products.

(53) INDUSTRIAL USES means those uses defined in Section 51A-4.203.

(54) INNER COURT means an open space bounded on all sides by the walls of a building.

(55) INSTITUTIONAL USES means the post office; community service center; foster home; child-care facility; halfway house; church; convent or monastery; cemetery or mausoleum; overnight general purpose shelter; public or private school; business school; technical school; college, university, or seminary; college dormitory, fraternity, or sorority house; library, art gallery, or museum; hospital; and convalescent and nursing homes, hospice care, and related institutions uses.

(56) INSTITUTIONAL AND COMMUNITY SERVICE USES means those uses defined in Section 51A-4.204.

(57) INTERIOR LOT LINE means a lot line not adjacent to a street or alley.

(57.1) KITCHEN means any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.

(57.2) KNOWINGLY means a person acts knowingly, or with knowledge, with respect to the nature of their conduct or to circumstances surrounding their conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of their conduct when the person is aware that the conduct is reasonably certain to cause the result.

(58) LANDING AREA means the area of an airport used for the landing, take off or taxiing of aircraft.

- (59) LANDSCAPE AUTHORITY means:
- (A) a landscape architect licensed or registered by the state; or
 - (B) a professional horticulturist or nurseryman.
- (60) “LC” DISTRICT means the light commercial district established under Chapter 51.
- (61) LEGAL HEIGHT means the maximum building height allowed under Federal Aviation Administration regulations or any other ordinance or regulation in effect, whichever is most restrictive.
- (61.1) “LI” DISTRICT means the light industrial district established under this chapter.
- (61.2) LIGHT SOURCE means a flame or a bulb, mantle, or other device that produces light. The term “light source” does not include a device or fixture that serves to cover, direct or control the distribution of light.
- (61.3) LIMITED ACCESSORY USE means an accessory use that is subject to the restrictions in Section 51A-4.218 governing limited uses.
- (62) LIMITED USE means a use restricted under Section 51A-4.218.
- (63) “LO” DISTRICTS means the limited office matrix districts established under Chapter 51.
- (64) “LO-1” DISTRICT means the LO-1 district established under this chapter.
- (65) “LO-2” DISTRICT means the LO-2 district established under this chapter.
- (65.1) “LO-3” DISTRICT means the LO-3 district established under this chapter.
- (65.2) LO(A) DISTRICTS means the LO-1, LO-2, and LO-3 districts established under this chapter.
- (66) LODGING USES means those uses defined in Section 51A-4.205.
- (67) LOT means a building site that fronts on a public or private street, except that in the case of a planned development district, the building site may front on an access easement, and in the case of a shared access development, the building site may front on a shared access area.
- (68) LOT AREA means the total square feet contained within lot lines.
- (69) LOT DEPTH means the average distance between the front and rear lot lines.

(70) LOT LINE means a property line bounding a lot, excluding any street or alley dedicated in fee simple.

(71) LOT WIDTH means the distance between side lot lines measured along the front setback line.

(72) MAIN BUILDING means a building on a lot intended for occupancy by the main use.

(73) MAIN USE means those uses defined in Sections 51A-4.201 through 51A-4.216.

(73.1) MANUFACTURED HOME means a structure transportable in one or more sections, which is built on a permanent chassis and which is designed for use with or without a permanent foundation when connected to the required utilities. In this chapter, the term “manufactured home” includes, but is not limited to, HUD-code manufactured homes and mobile homes.

(73.2) MANUFACTURED HOME DISTRICT means the MH(A) district established under this chapter.

(73.3) “MC” DISTRICTS means the MC-1, MC-2, MC-3, and MC-4 districts established under this chapter (also called “multiple commercial districts”).

(74) “MF” DISTRICTS means the MF-1, MF-2, MF-3, and MF-4 districts established under Chapter 51.

(75) “MF(A)” DISTRICTS means the MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF-3(A), and MF-4(A) districts established under this chapter (also called “multifamily districts”).

(76) “MH” DISTRICT means the manufactured home district established under Chapter 51.

(77) “MH(A)” DISTRICT means the manufactured home district established under this chapter.

(77.1) MINOR ARTERIAL means a street designated as a minor arterial in the city’s thoroughfare plan.

(77.2) MINOR STREET means a street not designated in the city’s thoroughfare plan.

(78) MISCELLANEOUS USES means those uses defined in Section 51A-4.206.

(79) MIXED USE DISTRICTS means the MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, and MU-3(SAH) districts established under this chapter (also called “MU” districts).

(80) “MO” DISTRICTS means the mid-range office matrix districts established under Chapter 51.

(81) “MO-1” DISTRICT means the MO-1 district established under this chapter.

(82) “MO-2” DISTRICT means the MO-2 district established under this chapter.

(82.1) MO(A) DISTRICTS means the MO-1 and MO-2 districts established under this chapter.

(83) MOBILE HOME means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(84) “MU” DISTRICTS means the MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, and MU-3(SAH) districts established under this chapter (also called “mixed use districts”).

(85) MULTIFAMILY DISTRICTS means the MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF-3(A), and MF-4(A) districts established under this chapter [also called “MF(A)” districts].

(85.1) MULTIPLE COMMERCIAL DISTRICTS means the MC-1, MC-2, MC-3, and MC-4 districts established under this chapter (also called “MC” districts).

(86) NET ACRE means an acre of land that does not include public rights-of-way.

(87) “NO” DISTRICTS means the neighborhood office matrix districts established under Chapter 51.

(88) “NO(A)” DISTRICT mean the neighborhood office district established under this chapter.

(89) NONCONFORMING STRUCTURE means a structure which does not conform to the regulations (other than the use regulations) of this chapter, but which was lawfully constructed under the regulations in force at the time of construction.

(90) NONCONFORMING USE means a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

(91) NONRESIDENTIAL DISTRICTS means the office, retail, CS, industrial, central area, mixed use, multiple commercial, P(A), urban corridor, walkable urban mixed use, and walkable urban residential districts.

(92) NONRESIDENTIAL USE means any main use that is not listed in Section 51A-4.209.

(93) “NS” DISTRICT means the neighborhood service district established under Chapter 51.

(94) “NS(A)” DISTRICT means the neighborhood service district established under this chapter.

(95) “O-1” DISTRICT means the O-1 district established under Chapter 51.

(96) “O-2” DISTRICT means the O-2 district established under Chapter 51.

(97) OCCUPANCY means the purpose for which a building or land is used.

(98) OFFICE DISTRICTS means the NO(A), LO-1, LO-2, LO-3, MO-1, MO-2, and GO(A) districts established under this chapter.

(99) OFFICE USES means those uses defined in Section 51A-4.207.

(99.1) OFF-STREET PARKING means parking spaces provided for a motor vehicle that are not located on a public right-of-way or private street.

Off-street parking does not include bicycle parking spaces.

(100) OMITTED WALL LINE means a line on the ground determined by a vertical plane from:

- (A) the overhang or outermost projection of a structure; or
- (B) the outer edge of the roof of a structure without walls; or
- (C) two feet inside the eave line of a structure with roof eaves.

(101) OPEN SPACE means an area that is unobstructed to the sky and contains no structures except for ordinary projections of cornices and eaves.

(102) OPENINGS FOR LIGHT OR AIR means any windows, window walls, or glass panels in an exterior wall of a building, excluding doors used for access.

(103) OUTER COURT means an open space bounded on all sides except one by the walls of a building, and opening upon a street, alley or a permanent open space.

(104) OUTSIDE DISPLAY means the placement of a commodity outside for a period of time less than 24 hours.

(105) “P” DISTRICT means the parking district established under Chapter 51.

(106) “P(A)” DISTRICT means the parking district established under this chapter.

(107) PARKING means the standing of a vehicle, whether occupied or not. Parking does not include the temporary standing of a vehicle when commodities or passengers are being loaded or unloaded.

(108) PARKING DISTRICT means the “P(A)” district established under this chapter.

(109) PARKING BAY WIDTH means the width of one or two rows of parking stalls and the access aisle between them.

(110) PARTY WALL means a wall built on an interior lot line used as a common support for buildings on both lots.

(111) PERSON means any individual, firm, partnership, corporation, association, or political subdivision.

(111.1) PRINCIPAL ARTERIAL means a street designated as a principal arterial in the city’s thoroughfare plan.

(112) PRIVATE STREET means a street or an alley built to the same specifications as a street or alley dedicated to the public use, whose ownership has been retained privately.

(112.1) PUBLIC WORKS AND TRANSPORTATION means mobility and street services. Any reference to public works and transportation is a reference to mobility and street services.

(113) QUASI-PUBLIC AGENCY means an institution obtaining more than 51 percent of its funds from tax revenue.

(114) RAR means “residential adjacency review” (See Division 51A-4.800).

(115) “R” DISTRICTS means the R-1ac, R-1/2ac, R-16, R-13, R-10, R-7.5, and R-5 districts established under Chapter 51.

(116) “R(A)” DISTRICTS means the R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), and R-5(A) districts established under this chapter (also called “single family districts”).

(117) REAR YARD means that portion of a lot between two side lot lines that does not abut a street and that extends across the width of the lot between the rear setback line and the rear lot line.

(118) RECREATION USES means those uses defined in Section 51A-4.208.

(118.1) REFUSE means waste principally composed of trash and rubbish and containing no more than 50 percent by weight garbage or 50 percent by weight moisture, and no more than seven percent by weight noncombustible solids.

(119) RESIDENTIAL DISTRICTS means the A(A), R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), R-5(A), D(A), TH-1(A), TH-2(A), TH-3(A), CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF- 3(A), MF-4(A), MH(A), and RTN districts established under this chapter.

(120) RESIDENTIAL PROXIMITY SLOPE means “residential proximity slope” as defined in Section 51A-4.412.

(121) RESIDENTIAL USES means those uses defined in Section 51A-4.209.

(121.1) RESIDENTIAL TRANSITION DISTRICT means the RTN district established under Article XIII of this chapter.

(122) RETAIL AND PERSONAL SERVICE USES means those uses defined in Section 51A-4.210.

(122.1) RETAIL DISTRICTS means the NS(A), CR, and RR districts established under this chapter.

(123) RIDGE means the line of intersection at the top between the opposite slopes or sides of a roof.

(124) RIGHT-OF-WAY means an area dedicated to public use for pedestrian and vehicular movement.

(125) RIGHT-OF-WAY LINE means the dividing line between a right-of-way and an adjacent lot.

(125.1) RTN DISTRICT means the residential transition district established under Article XIII of this chapter.

(125.2) RUBBISH means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible materials. Combustible rubbish includes, but is not limited to, paper, rags, cartons, wood, excelsior, rubber, plastics, non-metal furniture, leaves, and yard trimmings. Noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and similar items or materials which will not burn at ordinary incinerator temperatures. For purposes of this

paragraph, temperatures from 1600 to 1800 degrees Fahrenheit are considered ordinary incinerator temperatures.

(126) “SC” DISTRICT means the shopping center district established under Chapter 51.

(127) SCREENING means a structure that provides a visual barrier.

(128) SETBACK LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line (also called the “building line”).

(128.1) SHARED ACCESS DEVELOPMENT means a development that meets all of the requirements of Section 51A-4.411.

(129) SIDE YARD means:

(A) that portion of a lot extending from the front setback line to the rear setback line between the side setback line and the side lot line; or

(B) that portion of a lot which is between a lot line and a setback line but is not a front or rear yard.

(130) SINGLE FAMILY DISTRICTS means the R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), and R-5(A) districts established under this chapter (also called “R(A)” districts).

(131) SITE AREA means that portion of a building site occupied by a use and not covered by a building or structure. For purposes of determining required off-street parking, site area does not include that area occupied by off-street parking, landscaped areas, and open space not used for storage or sales.

(131.1) SOLID WASTE means garbage; refuse; sludge from waste treatment plants, water supply treatment plants, and air pollution control facilities; and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities. Solid waste does not include:

(i) Solid or dissolved material in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to Chapter 26, Water Code.

(ii) Soil, dirt, rock, sand, and other natural or manmade inert solid materials used to fill land to make it suitable for the construction of surface improvements.

(iii) Waste materials resulting from activities associated with the exploration, development, or production of oil or gas which are subject to control by the Texas Railroad Commission.

(131.2) SPECIAL WASTE means solid waste from health-care-related activities which if improperly treated or handled may serve to transmit infectious disease, and which is comprised of the following: animal waste, bulk blood and blood products, microbiological waste, pathological waste, and sharps.

(132) STACKING SPACE means a space for one motor vehicle to line up in while waiting to enter or use a parking lot, garage, drive-in, or drive-through facility.

(133) STORY means that portion of a building between any two successive floors or between the top floor and the ceiling above it.

(133.1) STREET LEVEL means, in a multi-level building, the level having the floor closest in elevation to the adjacent street; if the floors of two levels are equally close in elevation to the adjacent street, the level with the higher elevation is the street level.

(134) STREET means a right-of-way which provides primary access to adjacent property.

(134.1) STREET SERVICES means mobility and street services. Any reference to street services is a reference to mobility and street services.

(135) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(136) SUP means “specific use permit” (See Section 51A-4.219).

(137) “TH” DISTRICTS means the TH-1, TH-2, TH-3, and TH-4 districts established under Chapter 51.

(138) “TH(A)” DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter (also called townhouse districts).

(138.1) THOROUGHFARE means a street designated in the city’s thoroughfare plan.

(139) TOWNHOUSE DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter [also called “TH(A)” districts].

(139.1) TRAFFIC ENGINEER means the person designated by the city manager as the traffic engineer of the city, or the traffic engineer’s authorized representative.

(140) TRANSIENT STAND means a site for the placing and use of a manufactured home, recreational vehicle, or tent.

(141) TRANSPORTATION USES means those uses defined in Section 51A-4.211.

(141.1) “UC” DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called “urban corridor districts”).

(141.2) URBAN CORRIDOR DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called “UC” districts). *[Note: Section 1 of Ordinance No. 24718 adds 51A–2.102 (141.2), providing a definition for the term “street level.” Section 4 of Ordinance No. 24718 adds 51A–2.102(141.2), providing a definition for the term “urban corridor districts.”]*

(142) UTILITY AND PUBLIC SERVICE USES means those uses defined in Section 51A-4.212.

(142.1) WALKABLE URBAN MIXED USE DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter.

(142.2) WALKABLE URBAN RESIDENTIAL DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter.

(143) WHOLESALE, DISTRIBUTION, AND STORAGE USES means those uses defined in Section 51A-4.213.

(143.1) WMU DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter (also called “walkable urban mixed use districts”).

(143.2) WR DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter (also called “walkable urban residential districts”).

(144) ZONING DISTRICT means a classification assigned to a particular area of the city within which zoning regulations are uniform.

(145) ZONING DISTRICT MAP means the official map upon which the zoning districts of the city are delineated. (Ord. Nos. 19455; 19786; 19806; 20272; 20360; 20361; 20383; 20411; 20478; 20673; 20902; 20920; 21002; 21186; 21663; 22018; 24163; 24718; 24731; 24843; 25047; 25977; 26286; 26530; 27334; 27495; 27572; 28072; 28073; 28424; 29128; [30239](#))

TAB I

Dallas, Tex., Dallas City Code § 51A-4.701(b) (2017)

SEC. 51A-4.701. ZONING AMENDMENTS.

(a) Initiation.

(1) The city council or the commission may authorize a public hearing on an amendment to this article or a change in a zoning district classification or boundary. If 10 or fewer property owners are involved, the director shall send written notice to the owners of real property within the subject area not less than 10 days before the meeting at which the city council or commission will consider authorization of a public hearing. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. If more than 10 property owners are involved, the director shall give notice of the public hearing in the official newspaper of the city at least 10 days before the meeting at which the city council or commission will consider authorization of a public hearing.

(2) A person may request a change in the zoning district classification or boundary by filing an application with the director.

(A) The application must be on a form approved by the commission and furnished by the department.

(B) Each owner of property within the area of request must sign the application.

(C) The applicant must pay an application fee.

(D) If the area of request is adjacent to a public street or alley, the director shall extend its boundaries to the centerline of the adjacent street or alley.

(E) An applicant requesting a change in zoning to an urban corridor district shall submit a concept plan in addition to the general requirements for a zoning change. The concept plan must indicate:

(i) the location of the urban corridor district site showing frontage along an urban corridor, indicating existing widths of rights-of-way, number of lanes, lane widths, and street designations according to the city's thoroughfare plan or Texas Department of Transportation;

(ii) the existing zoning district classifications and land uses for all properties within 250 feet of the area of request;

(iii) the proposed urban corridor lot dimensions, lot area, existing building footprints, and setback lines showing buildable area based on urban corridor regulations; and

(iv) the proposed mix of land uses.

(b) Commission report and recommendation required.

(1) The commission shall make a report and recommendation to the city council on all proposed amendments to this article or requests for a change in a zoning district classification or boundary.

(2) The director shall conduct those studies necessary for the commission to make its recommendation and report to city council.

(3) The commission or a committee of the commission shall hold a public hearing to allow proponents and opponents of an amendment to this article or request for a change in a zoning district classification or boundary to present their views.

(4) Before the commission holds the public hearing on an amendment to this article or on a request for a change in a zoning district classification or boundary, the director shall give notice of the public hearing in the official newspaper of the city at least 10 days before the hearing.

(5) The director shall send written notice of a public hearing on a city council, city plan commission, or landmark commission authorized hearing for a change in a zoning district classification or boundary to all owners of real property lying within 200 feet of the boundary of the area of request. See Section [51A-1.105](#) for the notification area for other applications. The measurement of the notification area includes streets and alleys. The notice must be given not less than 10 days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved tax roll. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. The applicant may not alter, change, amend, enlarge, or withdraw a portion of an application after notices have been mailed for the public hearing.

(6) The commission shall make its recommendation on a proposed amendment to this article or request for a change in a zoning district classification or boundary from staff reports of the director, field inspections and the evidence presented at the public hearing.

(7) The director shall forward to the city council the commission's recommendation and report on all amendments to this article and requests for a change in a zoning district classification or boundary except that when the request for a change in a zoning district classification or boundary is denied by the commission, the director shall not forward that recommendation and report to the city council unless the applicant within 10 days of the denial files with the director a request in writing that the city council review the commission's findings.

(8) A request for a change in a zoning district classification or boundary that has been forwarded to the city council may not be held for longer than six months from the date of the commission's action without being scheduled for a city council hearing. The commission shall review a request for a change in a zoning district classification or boundary that has not been scheduled within six months of the commission's action to determine whether a time extension should be granted for a specified period or whether the application should be terminated and declared null and void.

(c) City council action.

(1) Before the city council holds the public hearing on an amendment to this article or on a request for a change in a zoning district classification or boundary, the city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing.

(2) An amendment to this article and requests for a change in a zoning district classification or boundary must be approved by the affirmative vote of a majority of city council members present; except, the favorable vote of three-fourths of all members of the city council is required if:

(A) the request for a change in a zoning district classification or boundary has been recommended for denial by the commission; or

(B) a written protest against a change in a zoning district boundary or classification has been signed by the owners of 20 percent or more of either the land in the area of request or land within 200 feet, including streets and alleys, measured from the boundary of the area of request and the protest has been filed with the director.

(3) When city council passes an amending ordinance, the city secretary shall file the amending ordinance in the official city records. Unless the amending ordinance expressly indicates otherwise, the area of request is presumed to include the area to the centerline of an adjacent street or alley.

(d) Two year limitation.

(1) Except as provided in Subsections (d)(2) and (d)(3), after a final decision is reached by the commission or city council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision.

(2) If the commission or the city council renders a final decision of denial without prejudice, or if the city council grants a specific use permit and imposes a time limit of two years or less, the two year limitation is waived.

(3) A property owner may apply for a waiver of the two year limitation in the following manner:

(A) The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the commission shall consider his request and shall advise the applicant of his right to appear before the commission.

(B) The commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the commission is required to grant the request. If a rehearing is granted, the applicant shall follow the procedure for an amendment to this article or a request for a change in a zoning district classification or boundary.

(C) If the commission denies the request, the applicant may appeal in writing to the city council by filing an appeal with the director.

(e) Postponements.

(1) The applicant and the opponents shall each be allowed to postpone one hearing date before the commission and one hearing date before the city council.

(2) A request for postponement must be in writing and must be submitted to the director no later than 5:00 p.m. on the Monday of the week preceding the week of the hearing. If the deadline falls on an official city holiday, then the request must be submitted no later than noon on the following day.

(3) Before a hearing to be held by the city plan commission may be postponed, the person requesting postponement shall pay a fee of \$150.00 to the director. Before a hearing to be held by the city council may be postponed, the person requesting postponement shall pay a fee of \$150.00 to the director.

(4) Only the applicant or his representative may postpone the hearing date prior to the mailing of the hearing notices. A hearing postponed by the applicant or his representative whether prior to the mailing of required notices or after the mailing of required notices may be postponed for no longer than 60 days from the date of the scheduled or advertised hearing. If the applicant fails to request in writing within 60 days a new hearing date, the application is automatically withdrawn, and the director shall return the application to the applicant and the filing fee, less that amount necessary for administrative cost as determined by the director.

(5) Only a property owner within the area of notification may request a postponement for the opposition. The request for postponement must set forth the grounds for the postponement and must be signed by the party making the request. If postponed, the case will be rescheduled for the next hearing date that is four weeks or more in the future, unless the party making the request requests an earlier date.

(f) Withdrawals.

(1) If an applicant desires to withdraw his application, the applicant shall request in writing to withdraw an entire application for a change in a zoning district classification or boundary.

(2) If the applicant withdraws the application prior to the mailing of notice, the director shall return the application to the applicant. The director shall determine the administrative cost of processing the application, and shall return the filing fee less the administrative cost to the applicant.

(3) If the applicant withdraws the application after the mailing of notices for a public hearing before the commission, the applicant shall forfeit 65 percent of the filing fee to cover the administrative cost.

(A) If the application is withdrawn before 5:00 p.m. of the day that will leave five full working days (excluding Saturdays, Sundays and official city holidays) before the date of the hearing, the applicant shall not be subject to the two year waiting period required in Subsection (d).

(B) If an applicant requests withdrawal after 5:00 p.m. of the day that will leave five full working days (excluding Saturdays, Sundays and official city holidays) before the date of the hearing, the commission shall hold the public hearing and make a formal recommendation on the application. The applicant shall be subject to the two year waiting period required in Subsection (d).

(4) Once the commission has acted on a request for a change in a zoning district classification or boundary, the applicant may withdraw his application, but the entire application fee shall be retained by the city to cover administrative cost if:

(A) the commission approved the request; or

(B) the commission denied the request, but the applicant within 10 days of the denial files with the director a request in writing that the city council review the commission's findings.

(5) If the commission denies a request for a change in a zoning district classification or boundary and the applicant does not appeal the decision to city council, the city controller shall refund 35 percent of the filing fee to the applicant.

(g) Written protest procedures.

(1) Purpose.

(A) The state law expressly enables the governing body of a municipality to establish procedures for adopting and enforcing zoning regulations and district boundaries. Pursuant to that authority, the city council enacts this subsection governing the receipt of written protests submitted for the purpose of requiring the favorable vote of three-fourths of all members of the city council to effect a change in a zoning district classification or boundary.

(B) This subsection is not intended to conflict with the state law; it is being enacted at a time when the state law does not explicitly provide how, when, or where a written protest must be filed. The city council expressly recognizes that this subsection may be partially or completely preempted at any such time that the state law is amended to explicitly provide how, when, or where a written protest must be filed.

(C) This subsection is intended to accomplish the following listed objectives which, in the opinion of the city council, are fully in keeping with the purposes, spirit, and intent of the state law:

(i) To allow the staff sufficient time to accurately calculate the land area percentages that determine the voting requirement.

(ii) To protect the rights of all parties by establishing minimum criteria to assure the reliability of written protests received.

(iii) To protect the rights of those protesting by establishing procedures and deadlines which are not unduly burdensome or restrictive.

(iv) To promote order and maintain the integrity of the zoning process.

(2) Form of protest.

(A) A protest must be in writing and, at a minimum, contain the following information:

(i) A description of the zoning case at issue.

(ii) The names of all persons protesting the proposed change in zoning district classification or boundary.

(iii) A description of the area of lots or land owned by the protesting parties that is either covered by the proposed change or located within 200 feet of the area covered by the proposed change.

(iv) The mailing addresses of all persons signing the protest.

(v) The date and time of its execution.

(B) The protest must bear the original signatures of all persons required to sign under Paragraph (3).

(3) Who must sign.

(A) A protest must be signed by the owner of the property in question, or by a person authorized by power of attorney to sign the protest on behalf of the owner. If the property is owned by two or more persons, the protest must be signed by a majority of the owners, or by a person authorized by power of attorney to sign the protest on behalf of a majority of the owners, except that in the case of community property, the city shall presume the written protest of one spouse to be the protest of both.

(B) In the case of property owned by a corporation, the protest must be signed by the president, a vice-president, or by an attorney in fact authorized to sign the protest on behalf of the corporation. In the case of property owned by a general or limited partnership, the protest must be signed by a general partner or by an attorney in fact authorized to sign the protest on behalf of the partnership.

(C) Lots or land subject to a condominium regime are presumed to be commonly owned in undivided interests by the owners of all condominium units and under the control of the governing body of the condominium. For such lots or land to be included in calculating the lots or land area protesting a proposed rezoning, the written protest must state that the governing body of the condominium has authorized a protest in accordance with procedures required by its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium. A written protest signed by the owner of an individual condominium unit shall not be accepted unless the filing party produces legal documents governing the condominium which clearly establish the right of an individual owner to act with respect to his or her respective undivided interest in the common elements of the condominium.

(4) When signatures must be acknowledged.

(A) Except as otherwise provided in Subparagraphs (B) and (C), all signatures on a written protest must be acknowledged before a notary public.

(B) A signature on an original reply form sent by the city to the mailing address of the property owner need not be acknowledged.

(C) A signature on a protest delivered in person by the person signing need not be acknowledged if its reliability is otherwise established to the satisfaction of the director. In such a case, a summary of the evidence of reliability considered by the director must be endorsed on the protest by the director.

(5) Filing deadline.

(A) A written protest must be filed with the director before noon of the working day immediately preceding the date advertised for the city council public hearing in the statutory notice published in the official newspaper of the city. A protest sent through the mail must be received by the director before the deadline.

(B) Before the public hearing on the case, the filing deadline is automatically extended whenever the public hearing is re-advertised in the official newspaper of the city pursuant to statutory notice requirements.

(C) After the public hearing has begun, the filing deadline may only be extended by calling a subsequent public hearing and advertising that public hearing in the official newspaper of the city pursuant to statutory notice requirements. In such a case, the new filing deadline is noon of the working day immediately preceding the newly advertised public hearing date.

(6) Withdrawals of protests filed. Withdrawals of protests filed must be in writing and filed with the director before the filing deadline. The provisions of this subsection governing the form and filing of protests apply equally to withdrawals.

(7) Presumptions of validity.

(A) In all cases where a protest has been properly signed pursuant to this subsection, the city shall presume that the signatures appearing on the protest are authentic and that the persons or officers whose signatures appear on the protest are either owners of the property or authorized to sign on behalf of one or more owners as represented.

(B) In cases of multiple ownership, the city shall presume that a properly signed protest which on its face purports to represent a majority of the property owners does in fact represent a majority of the property owners.

(C) The presumptions in Subparagraphs (A) and (B) are rebuttable, and the city attorney may advise the city council that a presumption should not be followed in a specific case based on extrinsic evidence presented.

(8) Conflicting instruments. In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls. (Ord. Nos. 19455; 19872; 19935; 20037; 20381; 21431; 22389; 24718; 26271; 28096)

TAB J

Dallas, Tex., Dallas City Code art. 298, § 51P-298

ARTICLE 298.

PD 298.

Bryan Area Special Purpose District

SEC. 51P-298.101. LEGISLATIVE HISTORY.

PD 298 was established by Ordinance No. 20049, passed by the Dallas City Council on August 24, 1988. Ordinance No. 20049 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20049 was amended by Ordinance No. 20820, passed by the Dallas City Council on November 28, 1990, and Ordinance No. 21885, passed by the Dallas City Council on November 10, 1993. (Ord. Nos. 10962; 19455; 20049; 20820; 21885; 24914)

SEC. 51P-298.102. PROPERTY LOCATION AND SIZE.

PD 298 is established on property generally bounded by North Central Expressway, Roseland Avenue and its northeastward prolongation, Fitzhugh Avenue, San Jacinto Street, Peak Street, Gaston Avenue, and Good-Latimer Expressway. The size of PD 287 is approximately 455.04 acres. (Ord. Nos. 20049; 24914)

SEC. 51P-298.103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions.

(1) **COMMERCIALLY COMPATIBLE SINGLE FAMILY USE** means a moderately dense single family use that is compatible with commercial development. The residential proximity slope does not emanate from commercially compatible single family uses.

(2) **GROUND COVER** means living plant material of species which generally reach a height of three inches or less upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(3) **LABOR AGENCY** means an agency that offers or attempts to procure or procures employment for common workers, or that offers or attempts to procure or procures common workers for employers. For purposes of this definition, "common worker" means an individual who performs labor involving physical toil that does not require a particular skill, training in a particular occupation, craft, or trade, or practical or familiar knowledge of the principles or processes of an art, science, craft, or trade.

(4) **PARKWAY** means the portion of a right-of-way located between the street curb and the property line of an adjoining lot.

(5) **PEDESTRIAN LINKAGE STREETS** mean streets in the Bryan Area SPD that serve as linkages between major activity centers and that are designed to promote pedestrian use.

(6) **PROJECTED STREET CURB** means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of public works and transportation.

(7) TREE PLANTING ZONE means the area parallel to and between two and one-half and ten feet from the back of the projected street curb.

(b) Interpretations. Unless otherwise stated, all references to code sections in this article refer to sections in Chapter 51A. In addition, the definitions, interpretations, and other provisions of Chapter 51A apply to the Bryan Area SPD unless expressly modified by these conditions. (Ord. Nos. 20049; 24914)

SEC. 51P-298.104. CREATION OF SUBAREAS.

A map showing the boundaries of the 15 subareas of the Bryan Area SPD is provided as Exhibit 298A. (Ord. Nos. 20049; 24914; 25177; 25960; 26179; 26308; 26388; 26707)

SEC. 51P-298.105. SUBAREA 9 CONDITIONS.

Subarea 9 is subject to the regulations governing the R-7.5(A), TH-2(A), MF-2(A), MU-1, MU-1-D, and CR districts of Chapter 51A. The zoning district category applicable to each tract in Subarea 9 is shown on Exhibit 298B. The conditions contained in Sections 298.103 and 298.106 through 298.117 do not apply to Subarea 9. (Ord. Nos. 20049; 24914)

SEC. 51P-298.105.1. DEVELOPMENT PLANS.

(a) Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development and use of Subarea 11 must comply with the development plan for Subarea 11 (Exhibit 298G). (Ord. Nos. 25177; 25960)

SEC. 51P-298.106. LANDSCAPING.

(1) General requirements. The landscaping provisions of Article X apply in the Bryan Area SPD. The following additional requirements apply in all subareas except Subareas 6 and 9. Compliance with previously approved landscape plans is not required.

(2) Street trees.

(A) Location, number, and type of trees required.

(i) Each building site must have at least one tree located within the tree planting zone. A tree is not considered located within the tree planting zone unless its trunk is entirely within the zone.

(ii) The number of trees required is calculated by dividing the number of feet or lot frontage by 30 for property abutting pedestrian linkage streets and by 50 in all other cases. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number.

(iii) All required trees must be recommended for local area use by the director of parks and recreation and must be "canopy trees" and "large trees" as defined in Article X.

(B) Minimum tree height and trunk caliper. Required trees must have a minimum height of 15 feet, and a minimum trunk caliper of four inches.

(C) Tree spacing requirements. Required trees must be spaced as uniformly as practicable. The center of a trunk of a required tree, measured at grade, must be within the following distance of the center of the trunk of another required tree, measured at grade:

(i) Thirty feet along pedestrian linkage streets, as shown in Exhibit 298C.

(ii) Fifty feet along all other streets.

(D) Tree grates required in sidewalks. Tree grates must be provided for all trees within a public sidewalk. These tree grates must:

(i) conform to city standards and specifications; and

(ii) be large enough to permit healthy tree growth.

(E) Points for street trees. Each tree provided in accordance with Paragraph (C)(i) is awarded eight points. Each tree provided in accordance with Paragraph (C)(ii) is awarded six points.

(3) Front yard landscaping and parkway landscaping.

(A) Three points will be awarded if, along pedestrian linkage streets, enhanced paving is provided in at least 50 percent of the area between the main structure and the curb, or if ground cover is provided in 25 percent of this area.

(B) Building sites along pedestrian linkage streets must achieve at least one-half of their landscaping credits in the area between the main structure and the curb.

(4) Sidewalks.

(A) Where the director of public works and transportation determines that sufficient right-of-way exists, sidewalks must be a minimum of eight feet in width for pedestrian linkage streets and six feet in width in all other cases. If the director of public works and transportation determines that the foregoing standard cannot be satisfied within existing right-of-way, a sidewalk must be no less than four feet in width.

(B) Barrier free ramps, as shown on Drawing No. 1007 of the department of public works and transportation "Standard Construction Details" (Exhibit 298D), must be provided in the Bryan Area SPD.

(5) Pedestrian amenities.

(A) Three points will be awarded for pedestrian scale lighting. To qualify as pedestrian scale lighting, lighting must:

(i) provide a minimum of 1.5 footcandles; and

(ii) be mounted at a height no greater than 14 feet.

(B) A building site located in Subarea 3 must achieve at least two points in the parkway fronting the pedestrian linkage streets through the use of pedestrian scale lighting or pedestrian facilities as described in Section 51A-10.107(f)(2).

(6) Parkway landscape permit.

(A) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or pavement [other than for the sidewalk required under Paragraph (4) of this section] in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the construction and planting proposed.

(B) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise, he shall deny the permit.

(C) A property owner is not required to comply with any parkway landscaping requirement of this subsection if compliance is made impossible due to the director's denial of a parkway landscape permit.

(D) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(E) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of way. (Ord. Nos. 20049; 24914; 25177; 25960)

SEC. 51P-298.107.

USES.

(a) The use chart (Exhibit 298E) establishes for each subarea the permitted and limited uses, and those uses requiring a specific use permit.

(b) Commercially compatible single family uses must comply with the following requirements:

(1) This use is subject to the standards and definitions of Subparagraphs (A), (D), and (E) of Section 51A-4.209(6). Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is also subject to the off-street parking requirements of Subparagraph (C) of Section 51A-4.209(6).

(2) Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, a minimum of 12 dwelling units per acre is required.

(3) No residential proximity slope emanates from building sites developed with this use.

(4) This use is permitted in all subareas except Subarea 9, as shown on Exhibit 298E.

(5) In portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is subject to the following standards:

(A) Maximum dwelling unit density is 18 dwelling units per acre.

(B) Maximum structure height is 36 feet.

(C) Maximum number of stories is two.

(D) Maximum lot coverage is 60 percent.

(E) Minimum lot size is 2,000 square feet.

(F) One off-street parking space is required per lot.

(c) Labor agency uses must comply with the following requirements:

(1) This use is permitted by SUP only in the subareas indicated in Exhibit 298E.

(2) Operation of this use must be conducted wholly inside. A waiting area must be shown on the site plan which is large enough to accommodate all common worker candidates. The specific use permit ordinance may limit the number of common worker candidates permitted in the waiting area of the labor agency use.

(3) The site plan must show a separate area for pickup and drop-off of all persons using the facility. This area must not include the right-of-way area.

(4) This use is treated as an office use for purposes of calculating off street loading requirements.

(d) A governmental installation: inside vehicle service center use must comply with the following requirements:

(1) Definition: An installation owned or leased by a governmental entity or agency where vehicles are repaired, maintained, serviced, or stored in conjunction with the normal operation of the entity or agency. This use includes periodic vehicular inspection, maintenance, and repair, as well as modification of vehicles and their equipment to accomplish the particular purposes of the governmental entity or agency.

(2) Subareas permitted: Permitted by right in Subarea 5 only.

(3) Required off-street parking: One space per 500 square feet of floor area.

(4) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 60,000	1
Each additional 60,000 or fraction thereof	1

(5) Additional provisions:

(A) Except for permitted accessory uses, this use must be wholly contained inside of an enclosed structure.

(B) The sale of goods and services to the public is prohibited. (Ord. Nos. 20049; 20820; 21885; 24914; 25960; 26179; 26388; 26707; 26994)

SEC. 51P-298.108. NONCONFORMING USES.

(a) Except as provided in this section, the nonconforming use provisions in Chapter 51A apply.

(b) In Subarea 1, all nonconforming uses must be brought to conformance no later than April 26, 2008, except that those uses that became nonconforming as a result of city council action on April 27, 2005 must be brought to conformance no later than April 26, 2010. The owner of a nonconforming use in Subarea 1 may appeal to the board of adjustment for a later compliance date at any time up to the conformance date set forth in this subsection if the owner will not be able to recover his investment in the use (up to the date of nonconformance) by the conformance date set forth in this subsection. The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A. (Ord. Nos. 20049; 24914; 25960)

SEC. 51P-298.109. RESIDENTIAL PROXIMITY SLOPE.

A 1:3 residential proximity slope emanates from the property line of any property within Subarea 6 or any R(A), D(A), or TH(A) district adjacent to the Bryan Area SPD. A 1:1 residential proximity slope emanates for a distance of 50 feet from the property line of any MF(A) district or planned development district for multifamily uses adjacent to the Bryan Area SPD. If any portion of a structure is over 26 feet in height, that portion may not be located above the applicable residential proximity slope. Exceptions:

(1) The residential proximity slopes does not apply to limit the height of structures located in Subarea 7.

(2) Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. (Ord. Nos. 20049; 24914)

SEC. 51P-298.110. MAXIMUM HEIGHTS.

Unless further restricted under Sections 51P-298.107(b) and 51P-298.109, maximum structure heights for each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Structure Height (in feet)</u>
1	120
3	160
4	54
5	270
6	36-40
7	39
8	100
10 and 10A	100
11 and 11A	100
12 and 12A	160
13	54

(Ord. Nos. 21885; 24914; 25960; 26388)

SEC. 51P-298.111. STORIES IN SUBAREA 7.

Maximum number of stories permitted in Subarea 7 is:

- (1) four if at least one-half of the structure is occupied by residential uses; and
- (2) three in all other cases. (Ord. Nos. 20049; 24914; 26388)

SEC. 51P-298.112. SETBACKS.

The setbacks in each subarea within the Bryan Area SPD are as follows:

(1) Front yard.

(A) No less than a five-foot front yard setback must be provided in all subareas.

(B) No more than a 15-foot front yard setback may be provided in Subareas 1, 3, 4, 5, 8, 10, 10A, 12, and 13 in front yards fronting on Pedestrian Linkage Streets as shown on Exhibit 298C.

(C) No more than a 25-foot front yard setback may be provided in Subareas 6 and 7.

(D) No maximum front yard setback is required in Subareas 11A and 12A.

(2) Side yard.

(A) No side yard setback is required in Subareas 1, 3, 4, 5, 7, 8, 10, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.

(B) No side yard setback is required in Subarea 6; however, if a side yard setback is provided, it must be a minimum of five feet.

(C) No side yard setback is required in Subareas 10A, 11A, and 12A.

(3) Rear yard. No less than a five-foot rear yard setback must be provided in all subareas. (Ord. Nos. 20049; 24914; 25960; 26388)

SEC. 51P-298.113. MAXIMUM COVERAGE.

Unless further restricted under Section 51P-298.107(b), maximum lot coverages in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Lot Coverage (percent)</u>
1	90
3	70*
	80***
4	90
5	90
6	80
7	70*
	90**
8	70*
	80***
10 and 10A	90
11 and 11A	70*
	80***
12 and 12A	90
13	90

*Applies if less than one-half of the floor area of the structure is occupied by residential uses.

**Applies if at least one-half of the floor area of the structure is occupied by residential uses.

***Applies if at least 10 percent of the floor area of the structure is occupied by residential uses.

(Ord. Nos. 21885; 24914; 25960; 26388)

SEC. 51P-298.114. SIGNS.

The sign provisions for business zoning districts contained in Division 51A-7.300 apply to all subareas except Subareas 6 and 9. The sign provisions for non-business zoning districts contained in Division 51A-7.400 apply in Subarea 6. Subarea 9 is subject to the definitions and provisions of either business signs or non-business signs in Chapter 51A, whichever apply in accordance with those provisions. The signage provisions of Division 51A-7.200 apply in all subareas except that no detached premise sign with an effective area greater than 200 square feet is permitted in any subarea. (Ord. Nos. 20049; 24914; 26388)

SEC. 51P-298.115. PARKING REQUIREMENTS.

(a) The parking provisions in Chapter 51A apply in the Bryan Area SPD, except as modified below:

(1) General merchandise establishments located in Subarea 3 are only required to provide one parking space per 250 square feet of floor area.

(2) In order to provide adequate off-street parking for large scale mixed use development projects, the following are excluded in the calculation of off-street parking requirements:

(A) Ten percent of the required parking for the office use when that use totals in excess of 150,000 square feet in floor area and is developed on the same lot with a use qualifying for an exception under Subparagraphs (B) or (C).

(B) Ten percent of the required parking for the hotel and motel use when that use totals in excess of 150 guest rooms and is developed on the same lot with a use qualifying for an exception under Subparagraphs (A) or (C).

(C) Ten percent of the required parking for the retail and personal service uses, when those uses total in excess of 15,000 square feet in floor area and are developed on the same lot with a use qualifying for an exception under Subparagraphs (A) or (B).

(D) Fifteen percent of the required parking for college, university, or seminary classrooms when developed on a campus providing at least 100 units of campus housing.

(E) Fifty percent of the required parking for the following uses when developed on the same lot with an office use with more than 150,00 square feet of floor area or a hotel or motel use with more than 125 guest rooms:

- (i) Bar, lounge, or tavern;
- (ii) Catering service;
- (iii) Country club with private membership; or
- (iv) Restaurant without drive-in or drive-through service.

(3) The college, university, or seminary use located at 3909 Swiss Avenue must provide the following required off-street parking:

(A) one space per 25 square feet of classroom; and

(B) that parking required in Section 51A-5.209 for all residential uses located in the campus area.

All required parking must be provided within the campus area generally bounded by North Washington Avenue, Floyd Street, Haskell Avenue, Swiss Avenue, Peak Street, and Live Oak Avenue.

(4) Office uses, other than medical office uses, in all subareas except Subarea 9 are only required to provide one parking space per 366 square feet of floor area. Medical office uses, and any office use located in Subarea 9, must provide parking in accordance with the requirements of Chapter 51A.

(5) A labor agency use must provide one parking space per 200 square feet of office floor area, and one parking space per 50 feet of lobby floor area.

(6) The city council shall consider the feasibility of reducing the parking requirements for any structure that is designated as a historic landmark in the Bryan Area SPD.

(b) Special parking provisions in Subareas 10A, 11A, and 12A. Except as provided in this subsection, the following special parking provisions apply to Subareas 10A, 11A, and 12A.

(1) In general. All uses within the Baylor expanded district must comply with the Master Parking and Floor Area requirements in Subsection (b)(8) of this section.

(2) Master Parking and Floor Area Plan purpose. Because off-street parking requirements for Baylor-related uses may be provided in remote locations throughout the Baylor expanded district, the Master Parking and Floor Area Plan (Exhibit 298I) identifies available off-street parking, determines the amount of required off-street parking, and ensures that each Baylor-related use within the Baylor expanded district meets the off-street parking requirements. To maintain adequate required off-street parking for all uses within the Baylor expanded district, the Master Parking and Floor Area Plan must be updated when floor area is added or removed from a building (Exhibit 298I-1).

(3) Definitions. In this section:

(A) BAYLOR EXPANDED DISTRICT means the property in Subareas 10A, 11A, and 12A of PD 298 and PD 749.

(B) BAYLOR-RELATED USE means any of the following uses within the Baylor expanded district:

- Adult day care facility.
- Ambulance service.
- Child-care facility.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes, hospice care, and related institutions.
- Day home.
- Extended stay hotel or motel.
- Helistop.
- Hospital.
- Hotel or motel.
- Medical clinic or ambulatory surgical center.
- Medical or scientific laboratory.
- Office.
- Residential hotel.

(C) BAYLOR-RELATED USE SPECIAL PARKING means parking spaces located within the Baylor expanded district and available for use by Baylor-related uses.

(D) BAYLOR SHUTTLE means a private shuttle bus service that connects Baylor-related uses to Baylor-related use special parking spaces.

(E) MASTER PARKING AND FLOOR AREA PLAN means the Master Parking and Floor Area Plan shown on Exhibit 298I, and as revised and supplemented in accordance with this article.

(F) REQUIRED BAYLOR-RELATED USE SPECIAL PARKING means the total number of required parking spaces for all Baylor-related uses that satisfy their off-street parking requirements with Baylor-related use special parking.

(4) Application. Off-street parking requirements for Baylor-related uses may be satisfied with Baylor-related use special parking as shown on the Master Parking and Floor Area Plan and subject to the requirements in this subsection.

(5) Number of spaces available and required. The number of Baylor-related use special parking spaces existing on June 28, 2006, is 8,755. The number of required Baylor-related use special parking spaces existing on June 28, 2006, is 7,089. Reductions in floor area from the floor area existing on June 28, 2006, will result in adjustments to the number of Baylor-related use special parking spaces required as follows: one parking space per bed for hospital use, and one space per 200 square feet of floor area for any other use.

(6) Baylor shuttle.

(A) The Baylor shuttle service must be available for use from 5:30 am to 8 pm Monday through Friday with service to all stops at intervals of not more than 20 minutes for all occupants, employees, and guests of Baylor-related uses that satisfy their off-street parking requirements with Baylor-related use special parking.

(B) The Baylor shuttle service must stop within 300 feet of the nearest entrance to a Baylor-related use and within 300 feet of each parking lot providing Baylor-related use special parking.

(C) In this subsection, distance is measured from the shuttle stop to the nearest entrance of the main use or from the nearest pedestrian access to the parking lot to the shuttle stop, measured along the most convenient pedestrian walkway.

(D) The building official may extend the distance to a maximum of 600 feet unless the extension would:

(i) significantly discourage use of the Baylor-related use special parking,

(ii) unreasonably endanger the safety of persons or property, or

(iii) not otherwise be in the public interest.

(7) Agreement required.

(A) No written agreement is required if the fee simple owner of the real property on which the Baylor-related use is located is the same as the fee simple owner of the real property on which the Baylor-related use special parking is provided. Otherwise, a written agreement is required in accordance with this paragraph.

(B) The written agreement must comply with the special parking agreement requisites in Section 51A-4.328.

(C) A copy of the written agreement must be provided to the building official at the time application is made for a building permit or certificate of occupancy.

(8) Master Parking and Floor Area Plan supplements.

(A) A Master Parking and Floor Area Plan supplement must be submitted to and approved by the building official (see Exhibit 298I-1) if an application is made for:

(i) a building permit, demolition permit, or a certificate of occupancy that modifies the parking requirements for any use satisfying all or part its off-street parking requirement with Baylor-related use special parking;

(ii) approval of a parking agreement for any use or parking within the Baylor expanded district; or

(iii) a building permit, demolition permit, or certificate of occupancy that modifies the parking requirements in connection with additions to or reductions in floor area that have occurred since the last supplement that are not described in this paragraph, such as destruction of a building by fire or expiration or withdrawal of a building permit application.

(B) A Master Parking and Floor Area Plan supplement must include:

(i) the number assigned to each Baylor-related use special parking lot,

(ii) the boundaries of each Baylor-related use special parking lot,

(iii) any changes to the number of Baylor-related use special parking spaces since the last approved supplement,

(iv) a corresponding table indicating:

(aa) the number of parking spaces available in each Baylor-related use special parking lot;

(bb) the number of parking spaces designated for Baylor-related use special parking;

(cc) the number of parking spaces designated as on-site required parking for each Baylor-related use;

(dd) the number of spaces designated as remote parking subject to a parking agreement (citing the recording information of the parking agreement and the location of the use); and

(ee) the number of spaces that are not available as Baylor-related use special parking.

(v) a revised floor area tabulation for the Baylor expanded district in the form shown on Exhibit 298I-2, and

(vi) a revised Master Parking and Floor Area Plan that shows:

(aa) the floor area being added or removed; and

(bb) other changes to the Master Parking and Floor Area Plan since the last update, including changes to the floor area of existing buildings; new buildings; demolished buildings; changes to parking areas; and revisions to streets, alleys, or private drives.

(C) The building official shall maintain a copy of each approved Master Parking and Floor Area Plan supplement.

(D) A property owner may charge a fee to use required off-street parking for Baylor-related uses in the Baylor expanded district. (Ord. Nos. 20049; 24914; 26388; 26707)

SEC. 51P-298.116.

FLOOR AREA RATIO AND FLOOR AREA.

(a) Maximum floor area ratios in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Floor Area Ratio</u>
1	4:1
3	4:1
4	2:1
5	4:1
6	None
7	3:1*
	2:1**
8	2.5:1
10 and 10A	3:1
11 and 11A	2.5:1
12 and 12A	4:1
13	2:1

*Applies if at least one-half of the floor area of the structure is occupied by residential uses.

**Applies in all other cases.

(b) The maximum total floor area permitted in Subarea 12A is 1,334,848 square feet. (Ord. Nos. 20049; 24914; 25960; 26388)

SEC. 51P-298.117.

RECONCILIATION OF REGULATIONS APPLICABLE TO SUBAREA 6.

The special development standards contained in Ordinance Nos. 16029, 16858, 17676, and 17966 apply to Subarea 6. In the event of a conflict between the provisions of this article and the special development standards, the more restrictive regulation applies. (Ord. Nos. 20049; 24914)

SEC. 51P-298.118.

HIGHLY REFLECTIVE GLASS PROVISIONS.

Highly reflective glass may not be used as an exterior building material on any building or structure in the Bryan Area SPD. For the purposes of these restrictions, highly reflective glass means glass with exterior visible reflectance percentages in excess of 27 percent. Visible reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.) (Ord. Nos. 20049; 24914)

SEC. 51P-298.119.

FENCES.

(a) Fencing material for properties fronting on Ross Avenue, Live Oak Street, and Gaston Avenue must be wrought iron, tubular steel, or similar material, or a combination of these items, with up to a four-foot-high masonry base.

(b) Fencing material for all other properties must be wrought iron, tubular steel, chain link, wood, or similar materials or a combination of these items with up to a four-foot-high masonry base.

(c) Razor wire and barbed wire fencing are prohibited in this district within 50 feet of the back-of-curb on the following streets:

- (1) Gaston.
 - (2) Good Latimer.
 - (3) Haskell.
 - (4) Live Oak.
 - (5) Peak.
 - (6) Ross.
 - (7) Washington.
- (d) Nonconforming razor wire and barbed wire fencing materials must be removed by April 26, 2008.
- (e) Maximum fence height.
- (1) Except as further limited in this subsection, maximum fence height is nine feet.
 - (2) For all residential uses, maximum fence height in the required front yard is four feet. (Ord. 25960)

SEC. 51P-298.120. SPECIAL PROVISIONS FOR SUBAREAS 10A, 11A, AND 12A.

- (a) Definitions. In this section,
- (1) BAYLOR EXPANDED DISTRICT means the property in Subareas 10A, 11A, and 12A of PD 298 and PD 749.
 - (2) PROPERTY OWNER means the Baylor University Medical Center or its successors.
- (b) Traffic Management Plan (TMP) in general.
- (1) Instead of requiring a TMP prior to the passage of this ordinance, the property owner must submit a TMP for review by the director by June 28, 2007.
 - (2) No building permit may be issued that will result in a total floor area in the Baylor expanded district exceeding 4,068,964 square feet until the property owner submits a revised TMP for review by the director. Thereafter, a revised TMP must be submitted with each additional 500,000 square feet in total floor area. The building official shall determine if a revised TMP is required by using the cumulative floor area calculation for the Baylor expanded district as shown on the last approved supplement to the Master Parking and Floor Area Plan.
 - (3) The preparation and submission of the TMP and its revisions are the responsibility of the property owner. The TMP and its revisions must be:
 - (A) prepared by a registered professional engineer skilled in transportation engineering; and

(B) approved by the director.

(c) Contents of the TMP. The TMP and its revisions must be in writing and must report on the following:

(1) The planned and actual operations of the street system within and in the immediate vicinity of the Baylor expanded district, describing traffic controls, lane operations, signal timing patterns, signage, dedicated lanes, crosswalks in the right-of-way, the impact of public transportation, and traffic control personnel including security personnel directing traffic.

(2) The planned and scheduled construction of the street system within and in the immediate vicinity of the Baylor expanded district during the construction of roadways and buildings.

(3) The planned and actual maintenance and management of traffic within and in the immediate vicinity of the Baylor expanded district during the construction of roadways and buildings.

(4) Development and occupancy levels within the Baylor expanded district.

(5) Vehicular congestion and pedestrian safety concerns at locations within and in the immediate vicinity of the Baylor expanded district together with an analysis of and recommendations for appropriate mitigation measures.

(d) Approval by the director. The director shall approve the TMP and its revisions following the procedures and standards in Subsection 51A-4.803(e) through (k) regarding site plan review.

(e) Subarea 12A. The building official shall not issue a building permit for new construction in Subarea 12A without a completed floor area tabulation form (Exhibit 298J). The applicant shall provide documentation of floor area reduction from demolition of structures or expiration or withdrawal of previous building permit applications for new construction. The applicant must file a copy of each completed floor area tabulation form with the building official at the time the application is made for the building permit. (Ord. Nos. 26388; 26707)

SEC. 51P-298.121.

GENERAL REQUIREMENTS.

Development of the Property must comply with the requirements of all ordinances, rules, and regulations of the city. (Ord. Nos. 20049; 24914; 25960; 26102; 26388)

SEC. 51P-298.122.

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 director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this planned development district 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. (Ord. Nos. 20049; 24914; 25960; 26102; 26388)

SEC. 51P-298.123.

ZONING MAP.

PD 298 is located on Zoning Map Nos. I-7, I-8, J-7, and J-8. (Ord. Nos. 20049; 24914; 25960; 26388)

TAB K

Dallas, Tex., Ordinance No. 25960

ORDINANCE NO. 25960

An ordinance amending Article 298, "PD 298," of CHAPTER 51P, "DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS," of the Dallas City Code, as amended; amending the regulations in Sections 51P-298.104, 51P-298.105.1, 51P-298.106, 51P-298.107, 51P-298.108, 51P-298.110, 51P-298.112, 51P-298.113, 51P-298.116, 51P-298.119, 51P-298.120, and 51P-298.121 of Article 298; providing a new boundary map and use chart; terminating the moratorium on acceptance of building permits and certificates of occupancy for non-residential properties on Ross Avenue from Central Expressway to Fitzhugh Avenue; 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, have given the required notices and have held the required public hearings regarding the rezoning of the property hereinafter described; and

WHEREAS, the city council finds that it is in the public interest to amend Article 298 as specified herein; Now, Therefore,

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

SECTION 1. That Section 51P-298.104, "Creation of Subareas," of Article 298, "PD 298," of CHAPTER 51P, "DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS," of the Dallas City Code is amended to read as follows:

“SEC. 51P-298.104. CREATION OF SUBAREAS.

A map showing the boundaries of the 12 [~~13~~] subareas of the Bryan Area SPD is provided as Exhibit 298A.”

SECTION 2. That Section 51P-298.105.1, “Development Plan for Subarea 11,” of Article 298, “PD 298,” of CHAPTER 51P, “DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-298.105.1 DEVELOPMENT PLANS [FOR SUBAREA 11].

(a) Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development and use of Subarea 11 must comply with the development plan for Subarea 11 (Exhibit 298G).”

SECTION 3. That Section 51P-298.106, “Landscaping,” of Article 298, “PD 298,” of CHAPTER 51P, “DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-298.106. LANDSCAPING.

~~[The landscaping provisions of Article X apply in the Bryan Area SPD. The following additional requirements apply in all subareas except Subareas 6 and 9.]~~

(1) General requirements. The landscaping provisions of Article X apply in the Bryan Area SPD. The following additional requirements apply in all subareas except Subareas 6 and 9. Compliance with previously approved landscape plans is not required. [Except as provided in Paragraph (7) of this section, landscape plans must be submitted to the city plan commission with each detailed development plan for each building site and for the parkway. If a lot fronts on more than one street, each parkway must be included in the landscape plans.]

(2) Street trees.

(A) Location, number, and type of trees required.

(i) Each building site must have at least one tree located within the tree planting zone. A tree is not considered located within the tree planting zone unless its trunk is entirely within the zone.

(ii) The number of trees required is calculated by dividing the number of feet or lot frontage by 30 for property abutting pedestrian linkage streets and by 50 in all other cases. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number.

(iii) All required trees must be recommended for local area use by the director of parks and recreation and must be "canopy trees" and "large trees" as defined in Article X.

(B) Minimum tree height and trunk caliper. Required trees must have a minimum height of 15 feet, and a minimum trunk caliper of four inches.

(C) Tree spacing requirements. Required trees must be spaced as uniformly as practicable. The center of a trunk of a required tree, measured at grade, must be within the following distance of the center of the trunk of another required tree, measured at grade:

(i) Thirty feet along pedestrian linkage streets, as shown in Exhibit 298C.

(ii) Fifty feet along all other streets.

(D) Tree grates required in sidewalks. Tree grates must be provided for all trees within a public sidewalk. These tree grates must:

(i) conform to city standards and specifications; and

(ii) be large enough to permit healthy tree growth.

(E) Points for street trees. Each tree provided in accordance with Paragraph (C)(i) is awarded eight points. Each tree provided in accordance with Paragraph (C)(ii) is awarded six points.

(3) Front yard landscaping and parkway landscaping.

(A) Three points will be awarded if, along pedestrian linkage streets, enhanced paving is provided in at least 50 percent of the area between the main structure and the curb, or if ground cover is provided in 25 percent of this area.

(B) Building sites along pedestrian linkage streets must achieve at least one-half of their landscaping credits in the area between the main structure and the curb.

(4) Sidewalks.

(A) Where the director of public works and transportation determines that sufficient right-of-way exists, sidewalks must be a minimum of eight feet in width for pedestrian linkage streets and six feet in width in all other cases. If the director of public works and transportation determines that the foregoing standard cannot be satisfied within existing right-of-way, a sidewalk must be no less than four feet in width.

(B) Barrier free ramps, as shown on Drawing No. 1007 of the department of public works and transportation "Standard Construction Details" (Exhibit 298D), must be provided in the Bryan Area SPD.

(5) Pedestrian amenities.

(A) Three points will be awarded for pedestrian scale lighting. To qualify as pedestrian scale lighting, lighting must:

- (i) provide a minimum of 1.5 footcandles; and
- (ii) be mounted at a height no greater than 14 feet.

(B) A building site located in Subarea 3 must achieve at least two points in the parkway fronting the pedestrian linkage streets through the use of pedestrian scale lighting or pedestrian facilities as described in Section 51A-10.107(f)(2).

(6) Parkway landscape permit.

(A) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or pavement [other than for the sidewalk required under Paragraph (4) of this section] in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the construction and planting proposed.

(B) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise, he shall deny the permit.

(C) A property owner is not required to comply with any parkway landscaping requirement of this subsection if compliance is made impossible due to the director's denial of a parkway landscape permit.

(D) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(E) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of-way.

~~[(7) Landscape plan for Subarea 11. Landscaping on Subarea 11 must be provided as shown on the landscape plan for Subarea 11 (Exhibit 29811).]~~

SECTION 4. That Section 51P-298.107, "Uses," of Article 298, "PD 298," of CHAPTER 51P, "DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS," of the Dallas City Code is amended to read as follows:

"SEC. 51P-298.107. USES.

(a) The use chart (Exhibit 298E) establishes for each subarea the permitted and limited uses, and those uses requiring a specific use permit.

(b) Commercially compatible single family uses must comply with the following requirements:

(1) This use is subject to the standards and definitions of Subparagraphs (A), (D), and (E) of Section 51A-4.209(6). Except in portions of Subareas 1, [2,] 3, and 4, as described in Exhibit 298F, this use is also subject to the off-street parking requirements of Subparagraph (C) of Section 51A-4.209(6).

(2) Except in portions of Subareas 1, [2,] 3, and 4, as described in Exhibit 298F, a minimum of 12 dwelling units per acre is required.

(3) No residential proximity slope emanates from building sites developed with this use.

(4) This use is permitted in all subareas except Subarea 9, as shown on Exhibit 298E.

(5) In portions of Subareas 1, [~~2~~] 3, and 4, as described in Exhibit 298F, this use is subject to the following standards:

(A) Maximum dwelling unit density is 18 dwelling units per acre.

(B) Maximum structure height is 36 feet.

(C) Maximum number of stories is two.

(D) Maximum lot coverage is 60 percent.

(E) Minimum lot size is 2,000 square feet.

(F) One off-street parking space is required per lot.

(c) Labor agency uses must comply with the following requirements:

(1) This use is permitted by SUP only in the subareas indicated in Exhibit 298E.

(2) Operation of this use must be conducted wholly inside. A waiting area must be shown on the site plan which is large enough to accommodate all common worker candidates. The specific use permit ordinance may limit the number of common worker candidates permitted in the waiting area of the labor agency use.

(3) The site plan must show a separate area for pickup and drop-off of all persons using the facility. This area must not include the right-of-way area.

(4) This use is treated as an office use for purposes of calculating off-street loading requirements.

(d) A governmental installation: inside vehicle service center use must comply with the following requirements:

(1) Definition: An installation owned or leased by a governmental entity or agency where vehicles are repaired, maintained, serviced, or stored in conjunction with the normal operation of the entity or agency. This use includes periodic vehicular inspection, maintenance, and repair, as well as modification of vehicles and their equipment to accomplish the particular purposes of the governmental entity or agency.

(2) Subareas permitted: Permitted by right in Subarea 5 only.

(3) Required off-street parking: One space per 500 square feet of floor area.

(4) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 60,000	1
Each additional 60,000 or fraction thereof	1

(5) Additional provisions:

(A) Except for permitted accessory uses, this use must be wholly contained inside of an enclosed structure.

(B) The sale of goods and services to the public is prohibited.”

SECTION 5. That Section 51P-298.108, “Nonconforming Uses,” of Article 298, “PD 298,” of CHAPTER 51P, “DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-298.108. NONCONFORMING USES.

(a) Except as provided in this section, [F]the nonconforming use provisions in Chapter 51A apply [in Subarea 9].

(b) In Subarea 1, all nonconforming uses must be brought to conformance no later than April 26, 2008, except that those uses that became nonconforming as a result of city council action on April 27, 2005 must be brought to conformance no later than April 26, 2010. The owner of a nonconforming use in Subarea 1 may appeal to the board of adjustment for a later compliance date at any time up to the conformance date set forth in this subsection if the owner will not be able to recover his investment in the use (up to the date of nonconformance) by the conformance date set forth in this subsection. The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A. [In all other subareas, uses made nonconforming by Ordinance No. 20049 or by amendments to that ordinance are not subject to amortization by the board of adjustment. The following provisions apply to all noneonforming uses in the Bryan Area SPD:

~~(1) The right to operate a nonconforming use terminates if the noneonforming use is discontinued or remains vacant for 12 months or more. The board may grant a special exception to this provision only if the owner can state an extreme~~

~~circumstance that demonstrates that there was not an intent to abandon the use even though the use was discontinued for 12 months or more.~~

~~(2) The violation of any ordinance directly related to the operation of a nonconforming use immediately terminates the right to operate the nonconforming use.]”~~

SECTION 6. That Section 51P-298.110, “Maximum Heights,” of Article 298, “PD 298,” of CHAPTER 51P, “DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-298.110. MAXIMUM HEIGHTS.

Unless further restricted under Sections 51P-298.107(b) and 51P-298.109, maximum structure heights for each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Structure Height (in feet)</u>
1	120 [270]
[2]	120
3	160
4	54
5	270
6	36-40
7	[50*] 39[**]
8	100
10	100
11	100
12	160
13	54

~~[*Applies if at least one half of the floor area of the structure is occupied by residential uses.~~

~~**Applies in all other cases.]”~~

SECTION 7. That Section 51P-298.112, “Setbacks,” of Article 298, “PD 298,” of CHAPTER 51P, “DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-298.112. SETBACKS.

The setbacks in each subarea within the Bryan Area SPD are as follows:

(1) Front yard.

(A) No less than a five-foot front yard setback must be provided in all subareas.

(B) No more than a 15-foot front yard setback may be provided in Subareas 1, [~~2~~] 3, 4, 5, 8, 10, 12, and 13 in front yards fronting on Pedestrian Linkage Streets as shown on Exhibit 298C.

(C) No more than a 25-foot front yard setback may be provided in Subareas 6 and 7.

(2) Side yard.

(A) No side yard setback is required in Subareas 1, [~~2~~] 3, 4, 5, 7, 8, 10, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.

(B) No side yard setback is required in Subarea 6; however, if a side yard setback is provided, it must be a minimum of five feet.

(3) Rear yard. No less than a five-foot rear yard setback must be provided in all subareas.”

SECTION 8. That Section 51P-298.113, “Maximum Coverage,” of Article 298, “PD 298,” of CHAPTER 51P, “DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-298.113. MAXIMUM COVERAGE.

Unless further restricted under Section 51P-298.107(b), maximum lot coverages in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Lot Coverage (percent)</u>
1	90
[2]	90]
3	70*
	80***
4	90

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5	90
6	80
7	70*
	90**
8	70*
	80***
10	90
11	70*
	80***
12	90
13	90

*Applies if less than one-half of the floor area of the structure is occupied by residential uses.

**Applies if at least one-half of the floor area of the structure is occupied by residential uses.

***Applies if at least 10 percent of the floor area of the structure is occupied by residential uses.”

SECTION 9. That Section 51P-298.116, “Floor Area Ratio,” of Article 298, “PD 298,” of CHAPTER 51P, “DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-298.116. FLOOR AREA RATIO.

Maximum floor area ratios in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Floor Area Ratio</u>
1	4:1
2	3:1
3	4:1
4	2:1
5	4:1
6	None
7	3:1*
	2:1**
8	2.5:1
10	3:1
11	2.5:1
12	4:1
13	2:1

*Applies if at least one-half of the floor area of the structure is occupied by residential uses.

**Applies in all other cases.”

SECTION 10. That a new Section 51P-298.119, “Fences,” of Article 298, “PD 298.” of CHAPTER 51P, “DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS,” of the Dallas City Code is added to read as follows:

“SEC. 51P-298.119. FENCES.

(a) Fencing material for properties fronting on Ross Avenue, Live Oak Street, and Gaston Avenue must be wrought iron, tubular steel, or similar material, or a combination of these items, with up to a four-foot-high masonry base.

(b) Fencing material for all other properties must be wrought iron, tubular steel, chain link, wood, or similar materials or a combination of these items with up to a four-foot-high masonry base.

(c) Razor wire and barbed wire fencing are prohibited in this district within 50 feet of the back-of-curb on the following streets:

- (1) Gaston.
- (2) Good Latimer.
- (3) Haskell.
- (4) Live Oak.
- (5) Peak.
- (6) Ross.
- (7) Washington.

(d) Nonconforming razor wire and barbed wire fencing materials must be removed by April 26, 2008.

(e) Maximum fence height.

(1) Except as further limited in this subsection, maximum fence height is nine feet.

(2) For all residential uses, maximum fence height in the required front yard is four feet.”

SECTION 11. That Sections 51P-298.119, 51P-298.120, and 51P-298.121 of Article 298, "PD 298," of CHAPTER 51P, "DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS," of the Dallas City Code are renumbered to read as follows:

"SEC. 51P-298.120[419]. GENERAL REQUIREMENTS.

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

SEC. 51P-298.121[420]. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this planned development district 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 of Dallas.

SEC. 51P-298.122[421]. ZONING MAP.

PD 298 is located on Zoning Map Nos. I-7, I-8, J-7, and J-8."

SECTION 12. That the boundary map, Exhibit 298A of Article 298, "PD 298," of CHAPTER 51P, "DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS," of the Dallas City Code is replaced by the Exhibit 298A attached to this ordinance.

SECTION 13. That the use chart, Exhibit 298E of Article 298, "PD 298," of CHAPTER 51P, "DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS," of the Dallas City Code is replaced by the Exhibit 298E attached to this ordinance.

SECTION 14. That the moratorium on acceptance of building permits and certificates of occupancy for non-residential properties on Ross Avenue from Central

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Expressway to Fitzhugh Avenue established by City Council Resolution No. 04-1037, adopted on March 24, 2004, as extended, is terminated.

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

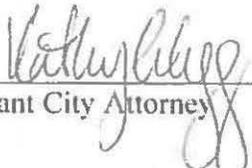
SECTION 16. That CHAPTER 51P, "DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS," of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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 provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., Interim City Attorney

By 
Assistant City Attorney

Passed APR 27 2005

		6	7	10	4,13	5,12	8,11	3	1a
SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.201	AGRICULTURAL USES								
1	Animal production								
2	Commercial stable								
3	Crop production								

6 7 10 4,13 5,12 8,11 3 1a

		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4 202	COMMERCIAL AND BUSINESS SERVICE USES								
1	Building repair and maintenance shop				(R)		(R)		
2	Bus or rail transit vehicle maintenance or storage facility								
3	Catering service		(I)	●	●	●	●	●	●
4	Commercial cleaning or laundry plant			●	●				●
5	Custom business services		(I)	●	●	●	●	●	●
6	Custom woodworking, furniture construction, or repair			●	●				●
7	Electronics service center		(I)	●	●	●	●	●	●
8	Job or lithographic printing			●	●	●	●		●
9	Machine or welding shop								
10	Machinery, heavy equipment, or truck sales and services								
11	Medical or scientific laboratory			●	●	●	●	●	●
12	Technical school			(R)	(R)	(R)	(R)		(R)
13	Tool or equipment rental				●				
14	Vehicle or engine repair or maintenance			(R)	(R)				

6 7 10 4,13 5,12 8,11 3 1a

		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.203	INDUSTRIAL USES								
1	Industrial (inside) without high risk or hazardous uses								
1A	Industrial (inside) with high risk or hazardous uses								
2	Industrial (outside) without high risk or hazardous uses								
2A	Industrial (outside) with high risk or hazardous uses								
3	Metal salvage facility								
4	Mining								
5	Outside salvage or reclamation								
6	Temporary concrete or asphalt batching plant								

6 7 10 4,13 5,12 8,11 3 1a

SUB DISTRICTS	BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.204	INSTITUTIONAL AND COMMUNITY SERVICE USES							
1		S	S	S	●	●		S
2								
3		S	S	S	●	●		S
4	S	●	●	●	●	●	●	●
5			●	●	●	●		●
6		S	●	●	●	●		●
7				S	S	S	S	S
8	S	S	●	●	●	●	S	S
9		●	●	●	●	●		
10					S	S		
11		S			●	●		
12				S	S	S		
13				S		S		
14					●	●	●	
15			(R)	(R)	(R)	(R)	(R)	(R)
16			●	●	●	●	●	●
17			(R)	(R)	(R)	(R)	(R)	(R)

6 7 10 4,13 5,12 8,11 3 1a

		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.205	LODGING USES								
1	Hotel or motel			●	●	●	●	●	●
2	Lodging or boarding house			●	●	●	●	●	●
3	Residential hotel			S	S	S	S	S	S

		6	7	10	4,13	5,12	8,11	3	1a
SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4 206	MISCELLANEOUS USES								
1	Carnival or circus (temporary)								
2	Temporary construction or sales office	●	●	●	●	●	●	●	●

6 7 10 4,13 5,12 8,11 3 1a

SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4 207	OFFICE USES								
1	Ambulatory surgical center			●	●	●	●	●	●
2A	Financial institution without drive-in window		(L)	●	●	●	●	●	●
2B	Financial institution with drive-in window			(R)	(R)			(R)	(R)
3	Medical clinic			●	●	●	●	●	●
4	Office		●	●	●	●	●	●	●
5	Labor Agency						S	S	

		6	7	10	4,13	5,12	8,11	3	1a
SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4 208	RECREATION USES								
1	Country club with private membership								
2	Private recreation center, club, or area		S	●	●	●	●	●	●
3	Public park, playground, or golf course		●	●	●	●	●	●	●

		6	7	10	4,13	5,12	8,11	3	1a
SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4 209	RESIDENTIAL USES								
1	College dormitory, fraternity or sorority house		●	●	●	●	●	●	●
2	Duplex	●	●	●	●	●	●	●	●
3	Retirement Housing		●	●	●	●	●	●	●
4	Mobile home park or subdivision								
5	Multifamily		●	●	●	●	●	●	●
6	Single family	●	●						
7	Commercial compatible single family			●	●	●	●	●	●

		6	7	10	4,13	5,12	8,11	3	1a
4.210	SUB DISTRICTS	BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
		RETAIL AND PERSONAL SERVICE USE							
1	Ambulance service			(R)	(R)	(R)	(R)		(R)
2	Animal shelter or clinic without outside run				(R)				
3	Animal shelter or clinic with outside run								
3A	Auto service center				(R)				
4	Bar, lounge, or tavern			S	S	S	S	S	S
5	Business school			(R)	(R)	(R)	(R)	(R)	(R)
6	Car wash				(R)				
7	Commercial amusement (inside)								
8	Commercial amusement (outside)								
9	Commercial parking lot or garage			(R)	(R)	(R)	(R)	(R)	(R)
10	Drive-in theater								
11	Dry cleaning or laundry store		(L)	●	●	●	●	●	●
12	Furniture store		(L)	●	●	●	●	●	●
13	General merchandise or food store 3,500 square feet or less		(L)	●	●	●	●	●	●
14	General merchandise or food store greater than 3,500 square feet			●	●	●	●	●	●
15	Home improvement center, lumber, brick or building materials sales yard				●	S	S		
16	Household equipment and appliance repair		(I)	●	●	●	●		●
17	Liquor store			S	S	S	S		S
18	Mortuary, funeral home, or commercial wedding chapel			●	●				
19	Motor vehicle fueling station			●	●				

		6	7	10	4,13	5,12	8,11	3	1a
SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.210	RETAIL AND PERSONAL SERVICE USE								
20	Nursery, garden shop, or plant sales		(L)	●	●	●	●	●	●
21	Outside sales								
22	Pawn shop								
23	Personal service uses		●	●	●	●	●	●	●
24	Restaurant without drive-in or drive-through service		(I)	●	●	●	●	●	●
25	Restaurant with drive-in or drive-through service			S	●	S	S	S	S
26	Surface parking			(R)	(R)	(R)	(R)	(R)	(R)
27	Taxidermist								
28	Temporary retail use				●			●	
29	Theater			●	●	●	●	●	●
30	Vehicle display, sales, and service				●				

		6	7	10	4,13	5,12	8,11	3	1a
SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.211	TRANSPORTATION USES								
1	Airport or landing field								
2	Commercial bus station and terminal								
3	Heliport								
4	Helistop								
5	Railroad passenger station			S	S	S	S	S	S
6	Railroad yard, roundhouse, or shops								
7	STOL (short takeoff or landing) port								
8	Transit passenger shelter	S	S	●	●	●	●	●	●

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Exhibit 298E

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6 7 10 4,13 5,12 8,11 3 1a

		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.212	UTILITY AND PUBLIC SERVICE USES								
1	Commercial radio or television transmitting station			●	●	●	●	●	●
2	Electrical generating plant								
3	Electrical substation			S	S	S	S		S
4	Local utilities	●	●	●	●	●	●	●	●
5	Police or fire station		S	●	●	●	●	●	●
6	Post office		●	●	●	●	●	●	●
7	Radio, television, or microwave tower			S	S	S			S
8	Refuse transfer station								
9	Sanitary landfill								
10	Sewage treatment plant								
11	Utility or government installation other than listed				S	S	S	S	S
12	Water treatment plant								

		6	7	10	4,13	5,12	8,11	3	1a
SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.213	WHOLESALE, DISTRIBUTION, AND STORAGE USES								
1	Auto auction								
2	Building mover's temporary storage yard								
3	Contractor's maintenance yard								
4	Freight terminal								
5	Livestock auction pens or sheds								
6	Mini-warehouse				●	S	S		
7	Office showroom/warehouse				●	●	●		
8A	Outside storage (with visual screening)								
8B	Outside storage (without visual screening)								
9	Petroleum product storage and wholesale								
10	Recycling collection center								
11	Sand, gravel, or earth sales and storage								
12	Trade center					●		●	●
13	Vehicle storage lot								
14	Warehouse			●	●	●	●		●

		6	7	10	4,13	5,12	8,11	3	1a
SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.217	ACCESSORY USES								
1	Accessory community center (private)	S	S	●	●	●	●	●	●
2	Accessory game court (private)	●	●	●	●	●	●	●	●
3	Accessory helistop			S		S			S
4	Accessory outside display of merchandise			●	●			●	●
5	Accessory outside sales							S	
6	Accessory outside storage	●	●	●	●	●	●	●	●
7	Amateur communication tower	S	S	●	●	●	●	●	●
8	Home occupation	●	●	●	●	●	●	●	●
9	Occasional sales (garage sales)	●	●	●	●	●	●	●	●
10	Private stable								
11	Swimming pool (private)	●	●	●	●	●	●	●	●



AUTHORIZED HEARING

DEPARTMENT OF
PLANNING & DEVELOPMENT
CITY HALL ROOM 5B-NORTH
DALLAS, TEXAS 75201
(214) 670-4209

CITY OF DALLAS

051355

FILE NO: <u>045-169</u>	PLANNER: <u>Barnett</u>	CPC DATE: <u>3-24-05</u>
-------------------------	-------------------------	--------------------------

SECTION 1: Authority Information

- CPC AUTHORIZED HEARING
- LANDMARK COMMISSION AUTHORIZED HEARING

Signat: Bruce Wells Date: 1-27-05
CPC/LMC Chair

- | | | | |
|---|--|---------------------|------------------------------------|
| Planned Development District | <input type="checkbox"/> New | Specific Use Permit | <input type="checkbox"/> New |
| | <input checked="" type="checkbox"/> Amendment | | <input type="checkbox"/> Amendment |
| <input type="checkbox"/> General Zoning Change | <input type="checkbox"/> Historic Landmark Designation | | <input type="checkbox"/> Renewal |
| <input type="checkbox"/> Deed Restriction Amendment | <input type="checkbox"/> Misc | | |

SECTION 2: Proposal Information

Site Location: Roseland Ave, Fitzhugh Ave, San Jacinto St, Carroll Ave, Gaston Ave and Central Expressway

Site Street Address: _____

Lot No(s): _____	Block No: _____	Size of Site: _____	Existing Zoning: <u>PD 298</u>
------------------	-----------------	---------------------	--------------------------------

Proposal: _____

Census Tract: _____ Council District 14 Mapscor: _____ Zoning Map: _____

SECTION 3: Staff Check List

- | | | |
|---|---|---|
| <input type="checkbox"/> Tax Plats | <input type="checkbox"/> Zoning Maps | <input type="checkbox"/> Index Log Book |
| <input type="checkbox"/> Site Plans | <input type="checkbox"/> Zoning History Map | <input type="checkbox"/> Index Location Map |
| <input type="checkbox"/> Landscape Plans | <input type="checkbox"/> Escarpment Area | Notification Area <u>200'</u> |
| <input type="checkbox"/> Transparencies | <input type="checkbox"/> Correct Lot & Block | Reference Files: _____ |
| <input type="checkbox"/> Survey Maps (Metes & Bounds) | <input type="checkbox"/> LandUse Statement by Planner | |

Accepted by: _____ Date Accepted: _____ Date Withdrawn: _____
9/15/92pj

CATEGORY: PUBLIC HEARINGS AND RELATED ACTIONS

AGENDA DATE: April 27, 2005
COUNCIL DISTRICT(S): 14
DEPARTMENT: Department of Development Services
CMO: ¹³⁵⁶ Ryan S. Evans, 670-3314
MAPSCO: 45 D G H L M; 46 A E

SUBJECT

A City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development District No. 298, the Bryan Area Special Purpose District, in an area generally bound by Roseland Avenue, Fitzhugh Avenue, Gaston Avenue and Good Latimer Expressway and Central Expressway and an ordinance amending the development standards and sub-district boundaries

Recommendation of Staff and CPC: Approval

Z045-169(NB)



For Official Use Only

DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

	Check One		Fill in Appropriate Information
<input checked="" type="checkbox"/>	Elected Official	Office Held	Councilmember
<input type="checkbox"/>	Appointed Official	Board or Commission/ Title	
<input type="checkbox"/>	City Employee	Title/Department	

1. Name of Employee/Official: Bill Blaydes, Councilmember

I Bill Blaydes have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

Substantial client under current requirement. DISD Cases.

April 27, 2005 – Agenda Item #49, 52, 54 and 63.

Nature of Conflict:

DISD is a major client of my company.

As a result of this conflict, I will not take any official action in regard to the matter stated above.

Bill Blaydes 8/31/05

Signature of Employee/Official Date

BEFORE ME, the undersigned authority, on this day personally appeared

Bill Blaydes who on oath stated that the above facts are within his personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 31st day of August, 2005, to certify which, witness my hand and seal.

NOTARY SEAL

Patricia Lane PATRICIA LANE *Notary*

Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath



CITY OF DALLAS

For Official Use Only

DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

Check One	Fill in Appropriate Information	
<input checked="" type="checkbox"/> Elected Official	Office Held	<i>Council member</i>
<input type="checkbox"/> Appointed Official	Board or Commission/ Title	
<input type="checkbox"/> City Employee	Title/Department	

1. Name of Employee/Official: Mitchell Rasawsky

1 Mitchell Rasawsky have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

Agenda item 52

051355

Nature of Conflict:

Property owner

As a result of this conflict, I will not take any official action in regard to the matter stated above.

Mitchell Raszky
Signature of Employee/Official

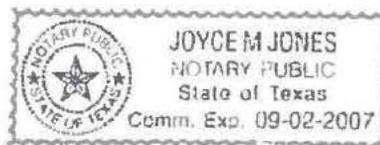
4/25/05
Date

BEFORE ME, the undersigned authority, on this day personally appeared

Mitchell Raszky, who on oath stated that the above facts are within his personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 25th day of April, 2005, to certify which, witness my hand and seal.

<NOTARY SEAL>



Joyce M Jones
Signature of officer administering oath

Joyce M. Jones
Printed name of officer administering oath

Notary
Title of officer administering oath

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, APRIL 27, 2005

ACM: Ryan S. Evans

FILE NUMBER: Z045-169 (NB) DATE FILED: January 27, 2005

LOCATION: An area generally bounded by Roseland Avenue, Fitzhugh Avenue, Gaston Avenue, and Good Latimer Expressway/Central Expressway

COUNCIL DISTRICT: 2&14 MAPSCO: 45-D,G,H, L&M, 46-A&E

SIZE OF REQUEST: Approx. 461.98 acres CENSUS TRACT: 8,15.03,15.04,16, 22

PROPOSAL: A City Plan Commission authorized hearing to consider proper zoning on property zoned Planned Development District No. 298, the Bryan Area Special Purpose District, in an area generally bound by Roseland Avenue to the north, Fitzhugh Avenue to the east, Gaston Avenue to the south and Good Latimer Expressway and Central Expressway to the west with consideration given to amending development standards and sub-district boundaries.

SUMMARY: Sub-districts 1, 2, and 3 within Planned Development District No. 298 will be combined into sub-district 1 and allow a mix of uses including retail and personal service uses, with a maximum height of up to 120 feet, lot coverage of 90% and an FAR of 4:1. A sunset clause will also be established for non-conforming uses in these sub-districts, which includes automotive type uses along Ross Avenue. A residential proximity slope would be incorporated for sub-district 7. Razor wire, barbed wire, and similar fencing material will no longer be allowed in the district.

The purpose of the amendments is to allow the property to be developed with more commercial and retail uses more appropriate leading to the central business district. The purpose of this request is to update the original Planned Development District in areas where the original objectives are not being met.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

- This amendment of the original PD is to update the standards in various sub-districts to help achieve the original objectives outlined. The original objectives for the Bryan Area Special Purpose District were to provide for a diverse number of uses throughout the area, particularly mixed-use developments that combine residential, retail, and office uses.
- The amendments would change the sub-district designation of all of sub-districts 1 & 2 and part of sub-district 3 to a new sub-district 1 and amending the regulations governing the new sub-district 1. A map reflecting the current sub-area alignments and the revised sub-area is attached.
- Within the existing sub-districts 1, 2, & 3, there exists 20 non-conforming uses. These are listed in table 1, attached. An additional 12 non-conforming uses would be created by the combination of the sub-districts. These are listed in table 2, attached.
- The proposal would also disallow the use of razor wire or barbed wire as fencing material in the street side of properties on the major streets throughout the area.
- The PD stretches across two Council Districts, 2 & 14. The Council District boundary line is Haskell Avenue with properties north of Haskell Avenue in Council District 2 and properties south of Haskell Avenue in Council District 14. All of the new non-conforming uses would occur in Council District 14. The combination of the sub-districts affects properties in both Council Districts as sub-districts 1 & 2 are in Council District 14 and sub-district 3 is in Council District 2.
- The City Plan Commission added the recommendation that properties belonging to the Dallas Independent School District currently in both sub-area 2 and sub-area 7 all be placed in sub-area 1. They also recommended that all non-conforming uses along Ross Avenue be subjected to the same termination date of 3 years.

Zoning History: There have been nine zoning changes requested in the area.

1. Z990-109 On January 6, 2000, the City Plan Commission denied the applicant's application for a Motor Vehicle Fueling Station and increase the maximum front yard setback to fifty-five feet on property at the corner of Ross and Haskell.
2. Z001-177 On June 13, 2001, the City Council approved the applicant's application for an SUP for a restaurant with drive-through or drive-in service on property zoned PD 298.
3. Z023-110 On February 12, 2003, the City Council approved the applicant's application to amend Subareas 10 and 11 in PD 298.
4. Z023-243 On September 10, 2003, the City Council approved the applicant's application to amend the site plan and conditions for SUP No. 1269 on property on Bryan Street, between Haskell Avenue and Peak Street for a water chilling facility.

5. Z034-225 On June 10, 2004, the City Plan Commission denied the applicant's application for an SUP for a liquor store on the corner of Ross Avenue and Haskell Avenue.
6. Z034-246 On January 26, 2005, the City Council approved the applicant's application to change zoning from LO-3-D and P(A) to MU-2 with retention of the D Liquor Control Overlay.
7. Z045-132 On April 14, 2005, the City Plan Commission will consider a zoning request for property at Washington and Worth with consideration for MU-2 zoning and a D Liquor Control Overlay.
8. Z045-120 On April 14, 2005, the City Plan Commission will consider a zoning request for a Planned Development District for Baylor Hospital and its affiliates.
9. Z045-191 Pending, the City Plan Commission will consider a zoning request for a PD for a retail development on property zoned PD 298.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Bryan Street	Residential	36'	36'
Carroll Avenue	Residential	30'	30'
Fitzhugh Avenue	Minor arterial	100'	100'
Gaston Avenue	Collector	60'	60'
Good Latimer Expwy	Principal arterial	100'	100'
Haskell Avenue	Principal arterial	160'	65'
Live Oak Street	Minor arterial	60'	60'
Peak Street	Principal arterial	60'	60'
Roseland Avenue	Residential	30'	30'
Ross Avenue	Collector	60'	60'
Swiss Avenue	Residential	30'	30'
Washington Ave	Residential	30'	30'

Land Use:

	Zoning	Land Use
	PD No. 298	Mixed Uses
North	CR, MF-2(A), PDD No. 446, PDD No. 466	Cesar Chavez Learning Center, office buildings, Multi-family, Single Family, Retail
South	PDD No. 98-H/72, IM, LO-3, MC-3-H/72, MU-3, MU-3-D, P(A), RR-H/72	Historic District Residential, Office uses, medical buildings, Baylor Hospital, Multi-family
East	CR-H/72, MF-2(A), MF-2(A)-H/72, MU-1, NO(A), PDD No. 362, R 7.5(A)-H/72, TH-2(A)	Historic District Commercial and Residential, Town homes, Retail
West	CA-1(A), CA-1(A)-SP, CA-2(A)	CBD, Office buildings

051355

STAFF ANALYSIS:

Land Use Compatibility: The Bryan area PD is an area developed with multiple uses. It was established to capitalize on the potential for mixed-use developments, create pedestrian-friendly amenities to provide a multi-modal alternative within the area, develop dense residential uses to allow people to have short commutes to the central business district as well as excellent access to freeways, and capitalize on its proximity to a major health care facility by developing compatible uses. With a large number of residential developments occurring both inside and outside of the PD, proposed amendments to PD 298 are meant to increase the ability to create mixed-use areas and developments. They are also meant to upgrade the aesthetic quality of the area and establish linkages to some of the key surrounding areas.

The majority of land uses surrounding the PD are similar to uses within the PD. Notable surrounding uses include the Cesar Chavez Learning Center which serves as an elementary school for neighborhood children; Baylor Medical Center, the regional health care facility which is also a major employer in the area; Peak Suburban Historic District which regulates commercial and residential structures with regards to historical appropriateness; and the Central Business District, which is adjacent to the PD on the west.

Two developments that directly affect PD 298 are the proposed Baylor Hospital Planned Development District and the proposed City Lights Planned Development District. Both of these planned developments would incorporate properties currently existing within the PD 298 boundaries. The proposed Baylor PD would combine properties owned by and affiliated with the hospital into one PD to mainly reduce parking requirements and provide unified regulations. The proposed City Lights PD would establish a retail center on the edge of the central business district. The development standards and uses in both of the proposed PD's are being reviewed for consistency with PD 298.

Landscaping:

Landscaping must be provided in accordance with Article X, as amended.

Traffic Analysis:

The Engineering Section of the Department of Development Services has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

CPC Action (March 24, 2005)

Motion: It was moved to recommend **approval** of an amendment to development standards and subdistrict boundaries within Planned Development District No. 298, the Bryan Area Special Purpose District, in an area generally bound by Roseland, Fitzhugh, Gaston, Good Latimer and Central Expressway, with the DISD campus in one subdistrict and making the following change to the ordinance: Section 51P-298.108(b) will read as follows: "In Subarea 1, all nonconforming uses must be brought to conformance no later than , 2008 (the compliance date)."

Maker: Emmons

Second: Strater

Result: Carried: 10 to 2

For: 10 - Strater, Gary, Lee, Traylor, Brandon, Cunningham, Wilke, Perkett, Scott, Emmons

Against: 2 - Vera, Isenberg

Absent: 3 - Marshall, Estrada, Avery

Vacancy 0

Notices: Area: 200 Mailed: 1248

Replies: For: 81 Against: 32

Speakers: For: Wayne Smith, 927 Liberty St., Dallas, TX, 75204
Stan Armstrong, 3700 Ross Ave., Dallas, TX, 75204
Gary Mitchell, 908 Pavillion St., Dallas, TX, 75204
Jim Rogers, 3208 Trevolle Pl., Dallas, TX, 75204
Gay Hopkins, 6030 Monticello Ave., Dallas, TX, 75206
David Sacks, 1508 Pecos St., Dallas, TX, 75204
Andrew Ormsby, 3121 Ross Ave., Dallas, TX, 755204
Against: Bill Dickerson, 2000 Euclid St., Dallas, TX, 75206
Edwin Meador, 5415 Monticello Ave., Dallas, TX, 75206
Carl Key, 1010 Allen St., Dallas, TX, 75204
Robert Clinesmith, 3015 St., Dallas, TX, 75204
Hinga Mbogo, 3516 Ross Ave., Dallas, TX, 75204
Kim O'Neal, 3800 Ross Ave., Dallas, TX, 75204

Table 1

Existing Land Uses non-conforming			
number	street	Business name	C/O land use
3101	Ross	Credit Used Cars	vehicle display, sales, service
3137	Ross	Carls Auto Repair (Nichols Auto Center)	vehicle display, sales, service (auto dealer)
3215	Ross	Ademco Auto Place (Mega Motors)	vehicle display, sales, service
3225	Ross	(Clingston Hampton)	polish and wax cars
3404	Ross	EZ Auto Service	auto service center
3405	Ross	(Sherwin)	auto service center
3410	Ross	ASAP Auto Sales (Dallas Auto Finders)	vehicle display, sales, service
3800	Ross	Ross Avenue Used Cars	vehicle display, sales, service (used car lot)
3820	Ross	State Auto Body Repair	auto service center
3825	Ross	Stillwell Motors	vehicle display, sales, service
3910	Ross	Cars for Cash	vehicle display, sales, service
4017	Ross	Prime Auto Sales	vehicle display, sales, service
4101	Ross	Becks Automotive	part of Becks automotive
4201	Ross	CD Auto Brokers	auto service center
4205	Ross	Mario's Body Shop (address changed from 4209)	paint and body
4210	Ross	Big Daddy's Used Cars	vehicle display, sales, service (used car lot)
4219	Ross	Sport Auto Sales	auto service center
4222	Ross	Alamo Cab	vehicle display, sales, service
4224	Ross	Athans Auto Repairs	vehicle engine repair
4226	Ross	Budget Autos	vehicle engine repair

Table 2

New Land Uses non-conforming			
number	street	Business name	C/O land use
3102	Ross	Central Parking System	vehicle storage 1984 c/o no permits since
3311	Ross	(Phamara Vong)	vehicle engine repair (auto repair) 1987 c/o
3400	Ross	(EZ Auto Repair)	vehicle engine repair 2003 c/o, new construction, 2004 gas test and sewer tap out \$48,000
3401	Ross	Ricks Body Shop	vehicle engine repair 1998 c/o
3505	Ross	Rite Quik Auto Repair	vehicle engine repair 2000 c/o
3515	Ross	(Ross Engine Service)	vehicle engine repair 2000 c/o, 2001 fire sprinkler, added sheet rock and window and door, electrical permit, 2003 install paint booth \$3,500
3516	Ross	Hinga Automotive Company	vehicle engine repair (auto repair) 2003 addition/remodel \$15,000
3623	Ross	(Park Avenue Limo Service)	vehicle storage lot 1998 c/o
3629	Ross	Paquito Auto Sales (Duze)	vehicle engine repair 2003 c/o
3801	Ross	Pro Shop	vehicle engine repair 1997 c/o, remove 3 pipings
3901	Ross	Panchos Body Shop	vehicle engine repair 1996 c/o
3917	Ross	Antonios Body Shop	vehicle engine repair 1996 c/o, 1997 constructed paint booth

CPC Proposed conditions

SEC. 51P-298.104. CREATION OF SUBAREAS.

A map showing the boundaries of the 12 [~~13~~] subareas of the Bryan Area SPD is provided as Exhibit 298A.

SEC. 51P-298.105.1 DEVELOPMENT PLANS [~~FOR SUBAREA 11~~].

(a) Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development and use of Subarea 11 must comply with the development plan for Subarea 11 (Exhibit 298G).

SEC. 51P-298.106. LANDSCAPING.

(1) General requirements. The landscaping provisions of Article X apply in the Bryan Area SPD. The following additional requirements apply in all subareas except Subareas 6 and 9. [~~Except as provided in Paragraph (7) of this section, landscape plans must be submitted to the city plan commission with each detailed development plan for each building site and for the parkway. If a lot fronts on more than one street, each parkway must be included in the landscape plans.~~]

[~~(7) Landscape plan for Subarea 11. Landscaping on Subarea 11 must be provided as shown on the landscape plan for Subarea 11 (Exhibit 298H).~~]"

SEC. 51P-298.108. NONCONFORMING USES.

(a) Except as provided in this section, [~~F~~] the nonconforming use provisions in Chapter 51A apply.

(b) In Subarea 1, all nonconforming uses that were nonconforming prior to _____, 2005, must be brought to conformance no later than _____, 2008 (the compliance date).

(c) The owner of a nonconforming use in Subarea 1 may appeal to the board of adjustment for a later date of termination of the use at any time up to the respective compliance date if the owner will not be able to recover his investment in the use (up to the date of nonconformance) by the respective compliance date.

~~(d) The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A. [in Subarea 9. In all other subareas, uses made nonconforming by Ordinance No. 20049 or by amendments to that ordinance are not subject to amortization by the board of adjustment. The following provisions apply to all nonconforming uses in the Bryan Area SPD:~~

~~(1) The right to operate a nonconforming use terminates if the nonconforming use is discontinued or remains vacant for 12 months or more. The board may grant a special exception to this provision only if the owner can state an extreme circumstance that demonstrates that there was not an intent to abandon the use even though the use was discontinued for 12 months or more.~~

~~(2) The violation of any ordinance directly related to the operation of a nonconforming use immediately terminates the right to operate the nonconforming use.]~~

SEC. 51P-298.110. MAXIMUM HEIGHTS.

Unless further restricted under Sections 51P-298.107(b) and 51P-298.109, maximum structure heights for each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Structure Height (in feet)</u>
1	<u>120</u> [270]
[2	120]
3	160
4	54
5	270
6	36-40
7	[50*] 39[**]
8	100
10	100
11	100
12	160
13	54

~~[*Applies if at least one-half of the floor area of the structure is occupied by residential uses.~~

~~**Applies in all other cases.]~~

SEC. 51P-298.112. SETBACKS.

The setbacks in each subarea within the Bryan Area SPD are as follows:

(1) Front yard.

(A) No less than a five-foot front yard setback must be provided in all subareas.

(B) No more than a 15-foot front yard setback may be provided in Subareas 1, [2,] 3, 4, 5, 8, 10, 12, and 13 in front yards fronting on Pedestrian Linkage Streets as shown on Exhibit 298C.

(C) No more than a 25-foot front yard setback may be provided in Subareas 6 and 7.

(2) Side yard.

(A) No side yard setback is required in Subareas 1, [2,] 3, 4, 5, 7, 8, 10, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.

(B) No side yard setback is required in Subarea 6; however, if a side yard setback is provided, it must be a minimum of five feet.

(3) Rear yard. No less than a five-foot rear yard setback must be provided in all subareas.

SEC. 51P-298.113. MAXIMUM COVERAGE.

Unless further restricted under Section 51P-298.107(b), maximum lot coverages in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Lot Coverage (percent)</u>
1	90
2	90
3	70*
	80***
4	90
5	90
6	80
7	70*
	90**
8	70*
	80***
10	90
11	70*
	80***
12	90
13	90

*Applies if less than one-half of the floor area of the structure is occupied by residential uses.

**Applies if at least one-half of the floor area of the structure is occupied by residential uses.

***Applies if at least 10 percent of the floor area of the structure is occupied by residential uses.

SEC. 51P-298.116. FLOOR AREA RATIO.

Maximum floor area ratios in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Floor Area Ratio</u>
1	4:1
[2	3:4]
3	4:1
4	2:1
5	4:1
6	None
7	3:1*
	2:1**
8	2.5:1
10	3:1
11	2.5:1
12	4:1
13	2:1

*Applies if at least one-half of the floor area of the structure is occupied by residential uses.

**Applies in all other cases.

SEC. 51P-298.119. FENCES.

(a) Fencing material for properties fronting on Ross Avenue, Live Oak Street, and Gaston Avenue must be wrought iron, tubular steel, or similar material, or a combination of these items, with up to a four-foot-high masonry base.

(b) Fencing material for all other properties must be wrought iron, tubular steel, chain link, wood, or similar materials or a combination of these items with up to a four-foot-high masonry base.

(c) Razor wire and barbed wire fencing are prohibited in this district within 50 feet of the back-of-curb on the following streets:

- (1) Gaston
- (2) Good Latimer
- (3) Haskell
- (4) Live Oak
- (5) Peak
- (6) Ross
- (7) Washington

(d) Nonconforming razor wire and barbed wire fencing materials must be removed by _____, 2008.

(e) Maximum fence height.

(1) Except as further limited in this subsection, maximum fence height is nine feet above grade.

(2) For all residential uses, maximum fence height in the required front yard is four feet above grade, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

SEC. 51P-298.120[419]. GENERAL REQUIREMENTS.

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

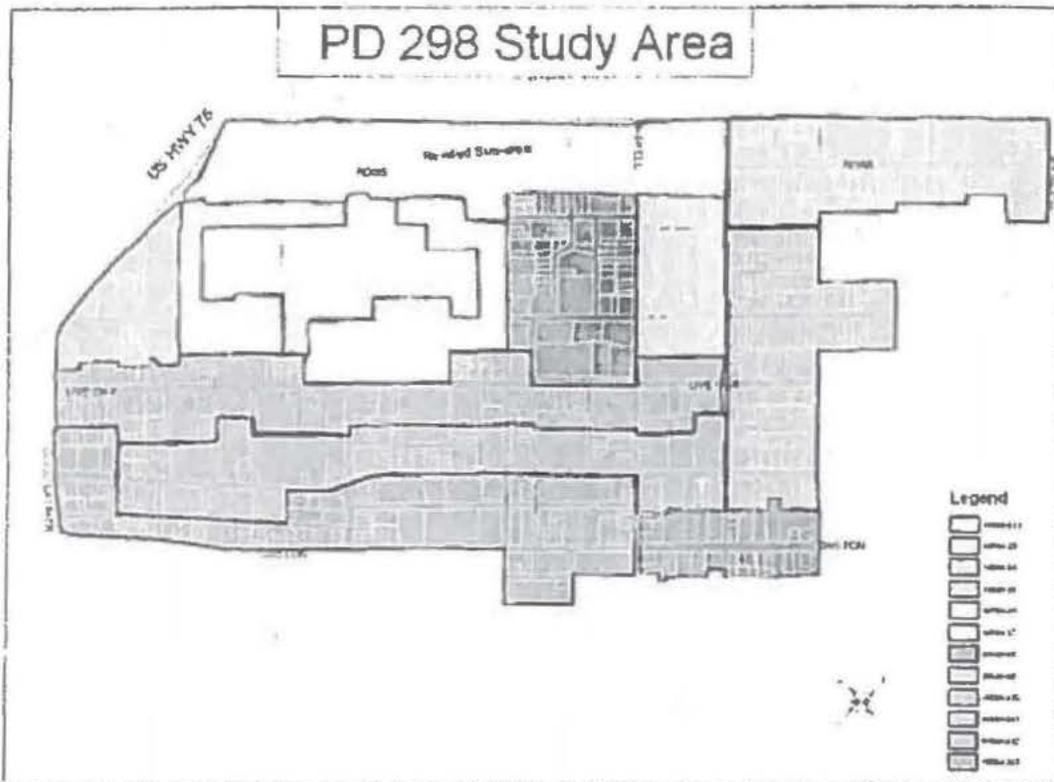
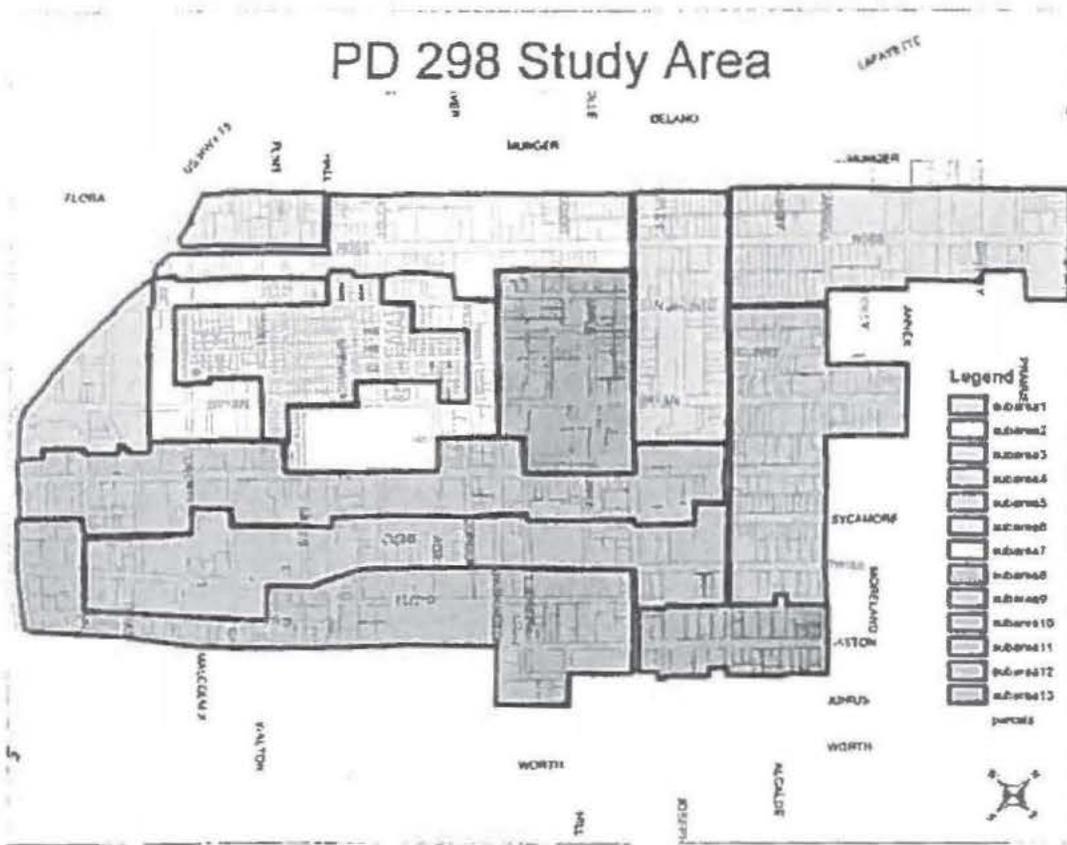
SEC. 51P-298.121[420]. COMPLIANCE WITH CONDITIONS.

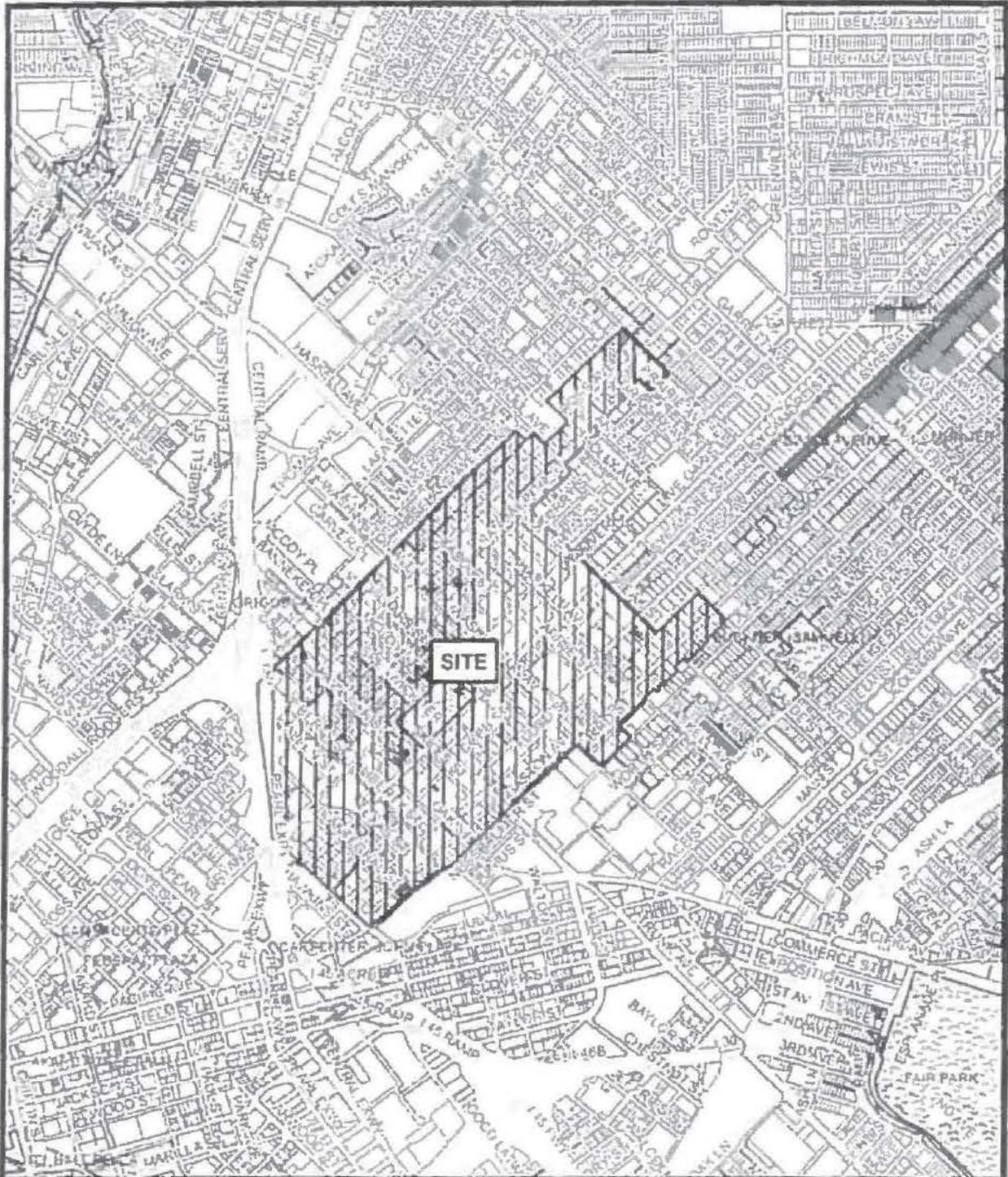
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this planned development district 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 of Dallas.

SEC. 51P-298.122[421]. ZONING MAP.

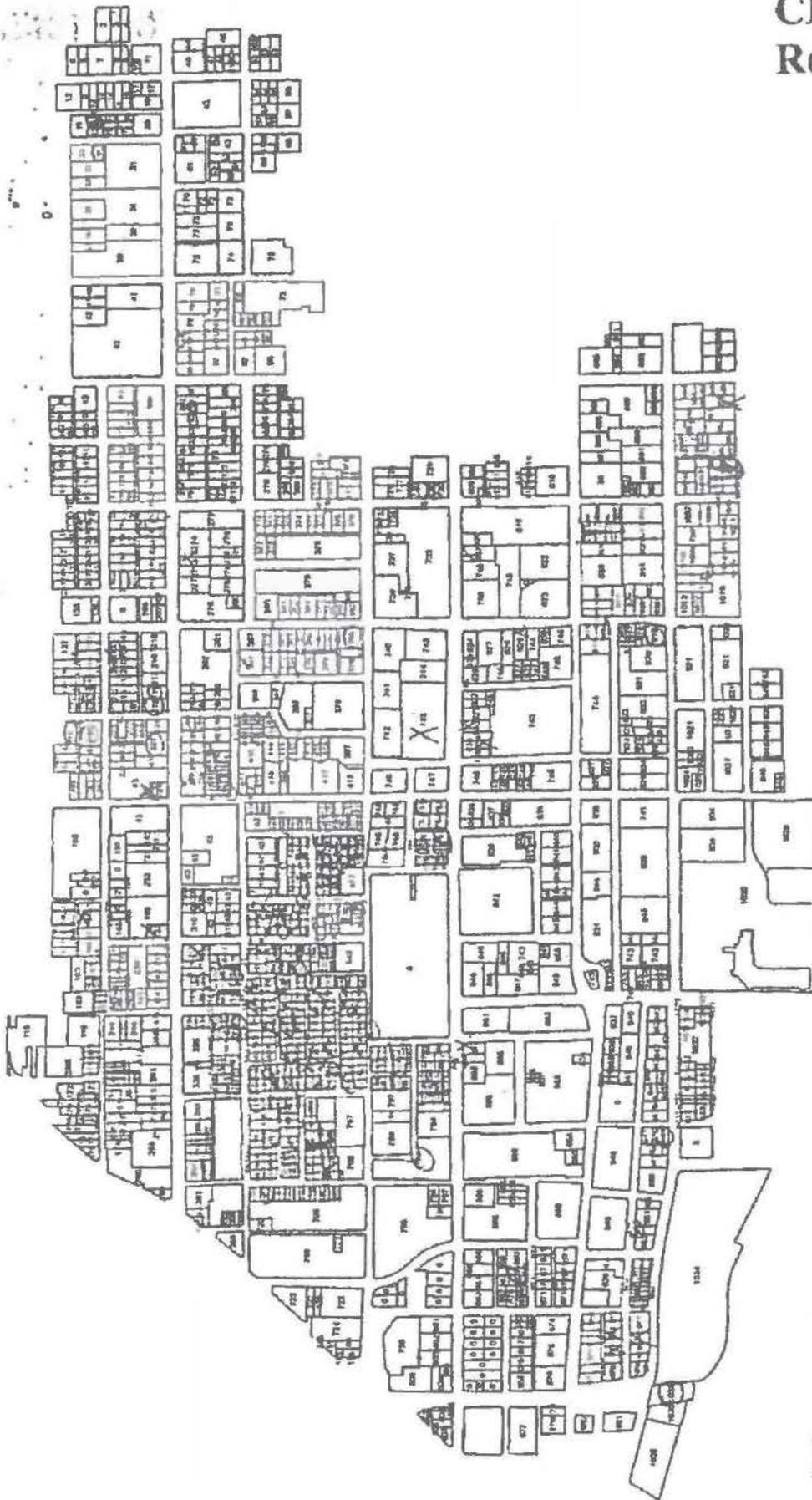
PD 298 is located on Zoning Map Nos. I-7, I-8, J-7, and J-8. (Ord. No. 20049)





 1:20,000	<h2>VICINITY MAP</h2>	Map no: <u>J-7, J-8</u> Case no: <u>Z045-169 nb</u>
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CPC Notification Responses



12418 PROPERTY OWNERS NOTIFIED
 81 REPLIES IN FAVOR
 50 REPLIES IN OPPOSITION
 300 AREA OF NOTIFICATION
 3-24-81 DATE

3/3/2005

*Notification List of Property Owners**Z045-169(NB)(KRua)**1248 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
2	1721 BENNETT AVE	TAYLOR ELIZABETH C
3	1717 BENNETT AVE	PHILLIPS NATHALIE J
4	1715 BENNETT AVE	BOGGS DON W
5	1800 N FITZHUGH AVE	NGUYEN CHI THI
6	1738 N FITZHUGH AVE	NGUYEN CAN V &
7	1728 N FITZHUGH AVE	TELUN INTERNATIONAL LLC
8	1722 N FITZHUGH AVE	PHAM THI DBA P V ALL SVC
9	1737 N FITZHUGH AVE	GNG PROPERTIES INCORP
10	1712 N FITZHUGH AVE	PHAM VAN PHUOC &
11	4901 ROSS AVE	MORBEN RLTY CO INC
12	1807 N FITZHUGH AVE	FAIR OAKS APTS INC
13	1733 N FITZHUGH AVE	CUEVAS SALVADOR & CARMEN
14	1725 N FITZHUGH AVE	EAST DALLAS COMMUNITY
15	1723 N FITZHUGH AVE	NARVAEZ ABELARDO N
16	1719 N FITZHUGH AVE	SHEIKHOESLAMI KUROSH
17	1713 N FITZHUGH AVE	WILCREST TRUST
18	4815 ROSS AVE	REZAIAN FATEME
19	1810 N PRAIRIE AVE	COSTA BILLIE G
20	1804 N PRAIRIE AVE	COLLINS ALTON J
21	1802 N PRAIRIE AVE	THOMAS DANIEL
22	1800 N PRAIRIE AVE	SYSAVATH KEANG POL &
23	1722 N PRAIRIE AVE	RISKIN JACQUELINE
24	1714 N PRAIRIE AVE	GRAHAM URMIT
25	1718 N PRAIRIE AVE	WILLIAMS GAIL L &
26	1716 N PRAIRIE AVE	ALVAREZ FELIX A &
27	1712 N PRAIRIE AVE	CABRERA GUILLERMINA A

Label # Address

Owner

051355

28	4801	ROSS AVE	BARTON DOYLE G &
29	4718	MUNGER AVE	GUTIERREZ ELIAS & ANGELA
30	4306	GASTON AVE	BUCHANAN JO ANN
31	4621	ROSS AVE	BRISCOE CLARK CO LTD
32	4710	MUNGER AVE	CFS # 1 LTD
33	4640	MUNGER AVE	ROMERO RUDY
34	4621	ROSS AVE	YOUNG WOMENS CHRISTIAN
35	4630	MUNGER AVE	EXODUS
36	1000	N PEAK ST	HETRICK DENNIS W &
37	4610	MUNGER AVE	HETRICK DENNIS W
38	4619	ROSS AVE	HETRICK DENNIS W &
39	4601	ROSS AVE	DALLAS WOMANS FORUM
40	4538	MUNGER AVE	ROSS AVE JV
41	4533	ROSS AVE	SAM ABLON MGR
42	4526	MUNGER AVE	MUNGER SAN JUAN PS
43	4800	ROSS AVE	DALLAS I S D
44	4910	ROSS AVE	MEDINA MARIA C
45	4900	ROSS AVE	GREGG GUION JR TRUST
46	4919	SAN JACINTO ST	CASA BUENA LC
47	1614	N FITZHUGH AVE	RAMIREZ MARIBEL
48	1610	N FITZHUGH AVE	ANDERSON JAMES H
49	4909	SAN JACINTO ST	REIGER ASSOC 90 I LTD
50	4903	SAN JACINTO ST	CARROLL ROBERT W
51	4901	SAN JACINTO ST	YIN HSIAOYING &
52	4912	SAN JACINTO ST	REYES EVERARDO &
53	1508	N FITZHUGH AVE	EAGLE PARTNERS LTD
54	1519	N FITZHUGH AVE	JUREK PROPERTIES LTD
55	1513	N FITZHUGH AVE	HOMeward BOUND INC
56	4813	VIRGINIA AVE	ABC HOMES
57	4800	SAN JACINTO ST	ST JOSEPH MISSIONARY
58	1516	N PRAIRIE AVE	CARRILLO RAMONA D

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
59	4801 VIRGINIA AVE	FULCE GREGORY
60	1621 N PRAIRIE AVE	MFT ENTERPRISES INC TR
61	4700 ROSS AVE	GONZALES MARIA R TR
62	4709 SAN JACINTO ST	ANDRADE SERGIO
63	1612 GRIGSBY AVE	WOODARD WILLIAM &
64	4705 SAN JACINTO ST	PENA ANDREW M &
65	4701 SAN JACINTO ST	HOEGGER KENNETH LEO
66	4720 SAN JACINTO ST	SAINT JOSEPH MISSIONARY
67	4714 SAN JACINTO ST	LOPEZ ASUNCION ET AL
68	4708 SAN JACINTO ST	GARLAND ANNIE B
69	4717 VIRGINIA AVE	LE HAI
70	4636 ROSS AVE	DAVIS W O REALTY LP
71	4634 ROSS AVE	DAVIS WILTON O & ETAL
72	4600 ROSS AVE	DALLAS TEACHERS CREDIT
73	1625 GRIGSBY AVE	ABRAHIM KARAM &
74	1604 ANNEX AVE	AUSTIN CAPITAL INV LP
75	1516 ANNEX AVE	ANNEX MANOR LOS COLORES
76	4540 ROSS AVE	TOWLE THOMAS GRANT &
77	1601 ANNEX AVE	PROPERTY EXPERT INV LTD
78	4533 SAN JACINTO ST	PROPERTY EXPERT INV LTD
79	4522 ROSS AVE	CHAPMAN MOTORS INC
80	4519 SAN JACINTO ST	BECERRA ANTONIO &
X 81	4516 ROSS AVE	ALLEN THOMAS RICHARD
82	4515 SAN JACINTO ST	VALDEZ JUVENTINO
X 83	4512 ROSS AVE	ALLEN THOMAS RICHARD &
84	4511 SAN JACINTO ST	PHAM KIM YEN
85	4508 ROSS AVE	RAOFPUR DAVID &
86	4500 ROSS AVE	POLLARD WILLIAM R JR &
87	4501 SAN JACINTO ST	DUNCAN CONNIE RAY &
88	1535 ANNEX AVE	CODY JAYME S
89	1536 HOLLY ST	RODRIQUEZ REBECCA Q

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Label #	Address	Owner
90	1532 HOLLY ST	REIGER ASSOC 90 I LTD
91	1524 HOLLY ST	DOAN MISTY
92	1520 HOLLY ST	CRONHOLM CARL E
93	4512 SAN JACINTO ST	MARTINEZ CARLOS TRUSTEE
94	4510 SAN JACINTO ST	BETHEL MEMORIAL
95	1527 HOLLY ST	ROJAS JOSE GAMEZ &
96	1519 HOLLY ST	GAMEZ SIXTO & CELIA
97	1530 N CARROLL AVE	BETHEL MEMORIAL CHAPEL
98	1522 N CARROLL AVE	BENEVENTI MARK
99	4416 MUNGER AVE	ABALOS PASCUAL PUENTE
100	4414 MUNGER AVE	PETRY CHARLENE ANNE
101	4408 MUNGER AVE	DELUNA AMERICO
102	4406 MUNGER AVE	ROMAN MARIA GUADALUPE
103	4402 MUNGER AVE	ONEAL MARTHA D
104	4411 ROSELAND AVE	DIROB CORPORATION
105	4407 ROSELAND AVE	BIESEL JERRY W
106	4401 ROSELAND AVE	BARBOSA CONSUELO
107	4324 MUNGER AVE	LETTIERI ANNA
108	4314 MUNGER AVE	ORTIZ ELVIRA ET AL
109	4310 MUNGER AVE	VITELA ZENNIA &
110	4306 MUNGER AVE	VITELA JOEL & HAYDE
111	1814 PEAK ST	MANCILLA RAMIRO & MARY J
112	4321 ROSELAND AVE	FLORES RAFAEL & MARIA T
113	4315 ROSELAND AVE	DENNET VICTORIA M
114	4311 ROSELAND AVE	LUNA GERARDO G & TERESA P
115	4307 ROSELAND AVE	GARCIA ELISEO
116	4305 ROSELAND AVE	HERNANDEZ FELICITA Z
117	4301 ROSELAND AVE	FLORES EUFRACIO & MANUELA
118	1809 N PEAK ST	LUNA REYES ZAPATA &
119	4226 MUNGER AVE	HOUSING AUTHORITY OF THE
120	4222 MUNGER AVE	RIOS MODESTA R

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
121	4216 MUNGER AVE	LEAL RAUL S
122	4214 MUNGER AVE	CAMPOS VELIA
123	4210 MUNGER AVE	BELTRAN JOSE
124	4206 MUNGER AVE	NUNCIO AUGUSTINE
125	4200 MUNGER AVE	ALVARADO FLORENCIO C &
126	1807 PEAK ST	MCCORMACK MICHAEL J
127	4233 ROSELAND AVE	B & G PROPERTIES
128	4229 ROSELAND AVE	LUNA TERESA
129	4221 ROSELAND AVE	ELDORADO PROPERTIES INC
130	4217 ROSELAND AVE	MORALES GUADALUPE JR
131	4215 ROSELAND AVE	T & T INVESTMENTS GROUP
132	4209 ROSELAND AVE	MENCHACA ALEJANDRO
133	4201 ROSELAND AVE	VILLALPANDO SYLVIA
134	4205 ROSELAND AVE	ALARCON RAFAEL & ROSA
135	1812 N HASKELL AVE	PITTS ADRIAN R
136	1800 N HASKELL AVE	ANDERSON MARILYN KAY
137	1813 N HASKELL AVE	STAHLMAN PROP LTD
138	4008 MUNGER AVE	GOMEZ CHERYL V
139	4004 MUNGER AVE	MILLER G T ESTATE
140	3914 MUNGER AVE	MUNGER AVENUE BAPTIST
141	3910 MUNGER AVE	MARFILENO ANTONIO
142	1812 CADDO ST	REED CONE J
143	4016 ROSELAND AVE	TOMAINO JOHN J
144	4005 ROSELAND AVE	ESPINOSA ROBERTO &
145	4001 ROSELAND AVE	MDS FAMILY HOMES LTD
146	3915 ROSELAND AVE	MURILLO JOSE & CARMEN
147	3909 ROSELAND AVE	CAMPAGNA JOHNNY ETAL
148	1810 CADDO ST	DOMINGUEZ FERNANDO J &
149	1802 CADDO ST	LEWIS BILLY
150	1806 CADDO ST	MCNEAL BLUITT &
151	1813 CADDO ST	CAMPAGNA JOHNNY

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
152	3824 MUNGER AVE	MOXIE INVESTMENTS LTD 051355
153	3818 MUNGER AVE	3818 MUNGER AVE LAND TR
154	3814 MUNGER AVE	MANGRAM JOHN D
155	3829 ROSELAND AVE	INTERRANTE LENA C TR
156	2705 BRYAN ST	INTERRANTE JASPER A
157	3819 ROSELAND AVE	SOLES BARBARA
158	3815 ROSELAND AVE	HAWKINS ADA F
159	3607 ROSELAND AVE	PILGRIM REST BAPTIST
160	1810 WASHINGTON AVE	PILGRIM REST BAPTIST
161	1802 N WASHINGTON AVE	CLARK BEULAH B ESTATE OF
162	3512 MUNGER AVE	PILGRIM REST BAPTIST
163	3407 ROSELAND AVE	TOPLETZ INVESTMENTS
164	3504 MUNGER AVE	HARDEN H M
X 165	3506 ROSELAND AVE	WOODARD JOHN O JR
166	3505 ROSELAND AVE	LAMPA ROSE MARIE LAUREA
167	3409 ROSELAND AVE	BUTLER VERNON JR
168	3309 ROSELAND AVE	MOXIE INVESTMENTS LTD
169	1812 WATKINS AVE	HOUSING CHOICES INC
170	3105 FLORA ST	SALTILLO APARTMENTS LTD
171	3201 FLORA ST	FLORA STREET PROP INC
172	1815 WATKINS AVE	CARTWRIGHT VICKI LYNN
173	3108 MUNGER AVE	GRIFFIN ESTHER ET AL
174	1807 PAVILLION ST	TOPLETZ HAROLD ET AL
175	3016 FLORA ST	VINING LOWERY B TR &
176	3009 FLORA ST	FISHER RICHARD & NANCY
177	4414 ROSELAND AVE	CORREA JULIA ACOSTA ET AL
178	4410 ROSELAND AVE	CORREA JULIA
179	4406 ROSELAND AVE	APOSTOLIC ASSEMBLY OF THE
180	1705 ROSS AVE	ARBELA INC
181	4405 ROSS AVE	HUENCA JAIME &
182	4318 ROSELAND AVE	GUERRA HECTOR F

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
183	1719 ASHBY ST	HURTADO AMADO &
184	4314 ROSELAND AVE	HEREDIA MANUELA
185	4308 ROSELAND AVE	ANDRES ZAVALA
186	4304 ROSELAND AVE	GARCIA ELISEO
187	4300 ROSELAND AVE	SALAS JUAN & FELIPA SALAS
188	1718 PEAK ST	MARTINEZ MICHAEL
189	4321 ROSS AVE	CHAPMAN MOTOR CO
190	4305 ROSS AVE	GREENVILLE ROSS PTNR LTD
191	4311 ROSS AVE	BAILEY JOHN T
192	4301 ROSS AVE	RASKIN M M
193	4234 ROSELAND AVE	MOTA J DIONISIO ET AL
194	1717 N PEAK ST	MIRANDA ANGELINA
195	4230 ROSELAND AVE	ALMAGUER ELIDA
196	4210 ROSELAND AVE	TAEK CHUNG KAP
197	4218 ROSELAND AVE	MIRANDA ANASTACIO ORTA
198	4214 ROSELAND AVE	ORTA REINALDO
199	4202 ROSELAND AVE	MCKENZIE RHODIA M
200	1718 RIPLEY ST	LONGORIA CRECENCIA
201	1714 RIPLEY ST	VEGA CHONITA ARREDONDO
202	4225 ROSS AVE	MAIN ST ROSS PARTNERS LTD
203	4221 ROSS AVE	HOLLOWAY BETTY LOIS ET AL
204	4219 ROSS AVE	KITTRELL JESS
205	4205 ROSS AVE	HABTE MEKONNEN M &
206	1708 N HASKELL AVE	BECK L ENTERPRISES LLC
207	4111 ROSS AVE	L BECK ENTERPRISES LLC
208	4008 ROSELAND AVE	YOUNG JUDY ANN
209	4004 ROSELAND AVE	KIM YOUNG
210	4000 ROSELAND AVE	WARD M M
211	3914 ROSELAND AVE	ZAMBRANO ALFREDO & ELIDIA
212	3910 ROSELAND AVE	AMIRKHAN ELLEN ANNE
213	3906 ROSELAND AVE	JC LEASING LLP

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Label #	Address	Owner
214	3902 ROSELAND AVE	UVALLE SYLVIA
215	4017 ROSS AVE	BOREN TRUST THE
216	4001 ROSS AVE	LAPSLEY BRADFORD N TR
217	3917 ROSS AVE	VIDAL ANTONIO ET AL
218	3907 ROSS AVE	AMIRKHAN H M
219	3901 ROSS AVE	AMIRKHAN H M JR
220	1727 CADDO ST	LEONARD BEVERLY JEAN
221	1719 CADDO ST	EDWARDS W R JR
222	1717 CADDO ST	FRIDIA MANSELL & JANIS
223	1715 CADDO ST	BEDFORD L A JR
224	3824 ROSELAND AVE	HODGE ELLA
225	3816 ROSELAND AVE	CLARK C J
226	3825 ROSS AVE	OUTLAW MARY AMIRKHAN
227	3811 ROSS AVE	LOMONACO MARY
X 228	3801 ROSS AVE	BEGGS C JANET
229	3600 ROSELAND AVE	DIXON MINNIE
X 230	3516 ROSELAND AVE	WOODARD JOHN & ASSOC
231	3623 ROSS AVE	GRIFFITH RUSSELL F &
232	3603 ROSS AVE	BILLBOARD SERVICES INC
X 233	3501 ROSS AVE	WOODARD BILL
234	3404 ROSELAND AVE	ROSE LIMITED PS
235	3402 ROSELAND AVE	CHUNG KAP TAEK
X 236	3310 ROSELAND AVE	WOODARD JOHN R JR
X 237	3304 ROSELAND AVE	WOODARD JULIA J ET AL
238	1722 N HALL ST	HALL & ROSS LTD PS
239	1711 MCCOY ST	GIRMA ASKE
240	1716 N HALL ST	HALL & ROSS LTD
241	3415 ROSS AVE	FONBERG REAL ESTATE INV L
242	3407 ROSS AVE	FONBERG PETER D &
243	3405 ROSS AVE	DILLON MRS JONNIE L
244	1725 N HALL ST	LARSEN BERNARD E SD IRA

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
245	1721 N HALL ST	MITCHELL RUDY INVESTMENTS
246	1713 N HALL ST	WATSON JIMMIE ET AL
247	3231 ROSS AVE	FOSTER ROSCOE
248	3225 ROSS AVE	TOBEY ROBERT TR &
249	3204 FLORA ST	ADAMS L RAY & ANDRES L
250	3200 FLORA ST	ADAMS L RAY
251	3203 ROSS AVE	VALLE AMADO &
252	1719 WATKINS CT	FLORA STREET PROPERTIES
253	3201 ROSS AVE	GRADY CHRISTINA
254	3108 FLORA ST	JJW PROPERTIES LLC
255	3026 FLORA ST	SWAIN JACK R JR ET AL
256	3129 ROSS AVE	IVEY HOLDINGS LLC
257	3125 ROSS AVE	ANDERSON GEORGE W JR
258	3024 FLORA ST	DEADMON WILLA B
259	3113 ROSS AVE	PATRONMARCHE LLC
260	1700 N CENTRAL EXPY	DUCKINS LTD
261	4416 ROSS AVE	DUNCAN RAY &
262	4410 ROSS AVE	COOK KATHY KEMP
263	4324 ROSS AVE	CHANEY WILLIAM L &
264	4306 ROSS AVE	CARTER KEITH E
265	4400 SAN JACINTO ST	HUDSON NOAH
266	4415 SAN JACINTO ST	4415 SAN JACINTO ST CORP
267	4411 SAN JACINTO ST	SMITH DALLAS
268	4407 SAN JACINTO ST	MCELVEEN GEORGE W
269	4401 SAN JACINTO ST	CHACON AUTOS LTD
270	4319 SAN JACINTO ST	AMDICO INC
271	4307 SAN JACINTO ST	EMANUEL LUTHERAN CHURCH
272	1614 N PEAK ST	EMANUEL LUTHERAN CH
273	1617 N PEAK ST	RR EW PROPERTY LTD
274	4218 ROSS AVE	TSEGU RUSOM &
275	4210 ROSS AVE	BEENE LOIS J

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
276	4206 ROSS AVE	4206 ROSS PARTNERS LTD
277	4202 ROSS AVE	HARRIS W R JR TR
278	4123 SAN JACINTO ST	ANNEX MANOR LOS COLORES
279	4205 SAN JACINTO ST	LAND MART INC
280	4107 SAN JACINTO ST	HASKELL LEMMON PTNR LTD
281	1605 N HASKELL AVE	CASS DON TR
282	4004 ROSS AVE	4008 RHS PARTNERS LTD
283	3910 ROSS AVE	LAUGHLIN PHILIP B
284	3900 ROSS AVE	OUTLAW DR MARY K
285	3901 SAN JACINTO ST	PINNEBOG INVESTMENTS
286	1613 CADDO ST	KECHEJIAN SARKIS J TRUST
287	3820 ROSS AVE	TAN GEORGE
288	3814 ROSS AVE	ELDEN GORDON W
X 289	3808 ROSS AVE	JCJ INVESTMENTS LTD
290	3835 SAN JACINTO ST	JAL TRUSTS THE
291	3821 SAN JACINTO ST	LANE GAIL ANN &
292	3817 SAN JACINTO ST	KNOWLES JACQUELINE R
X 293	3809 SAN JACINTO ST	ANGLIN RONALD G
294	3809 SAN JACINTO ST	SPERLICH ROLAND
295	3809 SAN JACINTO ST	HOWE RANDALL & ANITA
296	3809 SAN JACINTO ST	MURPHY BRIAN P &
297	3809 SAN JACINTO ST	GRAYSON ERIC
298	3805 SAN JACINTO ST	RAUSCH ERIC T
299	3805 SAN JACINTO ST	MOLINA GUSTAVO A &
300	3805 SAN JACINTO ST	MARSHALL WILLIAM
301	3805 SAN JACINTO ST	DEVINE JEANNE
302	3805 SAN JACINTO ST	HUSSEINI RAWAN M
303	3801 SAN JACINTO ST	WEBSTER TIMOTHY P &
304	3801 SAN JACINTO ST	MCDONOUGH RICHARD A
305	3801 SAN JACINTO ST	CRAWFORD CARRELL & NORA
306	3801 SAN JACINTO ST	MATTHEWS BRIAN

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
307	3801 SAN JACINTO ST	WALSH GARRETT
X 308	3520 ROSS AVE	MBOGO HINGA ET AL
X 309	3516 ROSS AVE	MBOGO HINGA ET AL
310	3510 ROSS AVE	PARKS JAMES B JR
311	1607 MCCOY ST	MACEDONIA BAPTIST CHURCH
X 312	3410 ROSS AVE	WEBSTER JAMES E
313	3404 ROSS AVE	PARKS JAMES B JR
314	3400 ROSS AVE	HERNANDEZ JULIO
315	3300 N HALL ST	BARSHOP ROSE RESIDUARY TR
316	3211 LAKENHEATH PL	LEVITT MICHAEL E &
317	3427 SAN JACINTO ST	SCHACKNOW TAMAR M
318	3419 SAN JACINTO ST	PFLIEGER DAVID JR
319	3415 SAN JACINTO ST	SPETCH KURT
320	3411 SAN JACINTO ST	CRAIN CYNTHIA M
321	3407 SAN JACINTO ST	COATS ANDREW GORDON
322	3403 SAN JACINTO ST	ICHILIAN ANNA ADELE
323	3343 SAN JACINTO ST	ENGELHARDT EDWARD E
324	3339 SAN JACINTO ST	KOTCH WILLIAM L
325	3335 SAN JACINTO ST	KILLIAN AARON D
326	3331 SAN JACINTO ST	HUGGHINS GAYLA J
327	3327 SAN JACINTO ST	FRANCESCHETTI ALESSIO
328	3323 SAN JACINTO ST	JOHNSON POLLY
329	3319 SAN JACINTO ST	DAVIS JENNIIE M
330	3315 SAN JACINTO ST	SINGER FLORIZA FLORES &
331	3311 SAN JACINTO ST	CHASSIE MARILYN BACHE
332	3307 SAN JACINTO ST	STAFFORD DONALD J
333	3303 SAN JACINTO ST	ALLEN D ALAN
334	1623 N HALL ST	MORENO JERRY & DELIA
335	1619 N HALL ST	MORENO JERRY C
336	3214 ROSS AVE	3200 ROSS TECHNOLOGY CTR
337	3251 SAN JACINTO ST	HILL CHARLES W JR

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338	3247	SAN JACINTO ST	BAKER SCOTT GREGORY
339	3243	SAN JACINTO ST	RICHARDSON AMIE
340	3239	SAN JACINTO ST	BORMAN CHRISTOPHER & BETH
341	3235	SAN JACINTO ST	EBANKS CLYDE K
342	3231	SAN JACINTO ST	SKAGGS K L &
343	3219	SAN JACINTO ST	BRYAN AFFORDABLE
344	3201	SAN JACINTO ST	MOORE J G & CO INC
345	3209	SAN JACINTO ST	PEARCE COLIN P &
346	3207	SAN JACINTO ST	CELKO KRISTEN
347	3205	SAN JACINTO ST	REID EDWARD J & JENNIFER
348	3203	SAN JACINTO ST	RUMBO JOE D
349	3201	SAN JACINTO ST	CHAVEZ ANTONIO F
350	3109	VANN CT	MALL HOLDING CORP
351	3030	ROSS AVE	DEVEREUX BARBARA SUE TR
352	3008	ROSS AVE	VASEK BUILDING LTD
353	1010	ALLEN ST	ALLEN STREET BROWNSTONE
354	1008	ALLEN ST	MCILREE ALEXANDER II
355	1006	ALLEN ST	CRIBBS FREDRICK C II
356	1004	ALLEN ST	HOBAN JEFFREY ALAN &
357	1002	ALLEN ST	ZAZO CHRISTOPHER J
358	1000	ALLEN ST	DURON MARCUS S
359	2909	SAN JACINTO ST	BLANKENSHIP #1 FLP &
360	1609	N HALL ST	MORENO JERRY C & DELIA M
361	4406	SAN JACINTO ST	PHAN LORN C
362	1509	N CARROLL AVE	VISION SCURRY CARROLL JV
363	4417	SCURRY ST	VISION SCURRY CARROLL JV
364	4405	SCURRY ST	VISION SCURRY CARROLL JV
365	4401	SCURRY ST	MANDEL GERAUD N
366	1511	BURLEW ST	GEHANI MAHESH
367	4315	SCURRY ST	EIKENBURG MARGARET
368	1508	N PEAK ST	1508 PEAK STREET PARTNERS

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
369	1502 N PEAK ST	POWERS MICHAEL J
370	4316 SCURRY ST	RECONCILIATION OUTREACH
371	4310 SCURRY ST	SUSCHIE CORPORATION
372	4315 BRYAN ST	PAKSE INC
373	1412 N PEAK ST	CFTR 10 INC
374	1513 N PEAK ST	RECONCILIATION OUTREACH
375	1509 N PEAK ST	WORDEN JACQUELYN M
376	4217 BRYAN ST	PICCOLA ERNEST CHARLES
377	1520 MCKELL ST	HUNTER TANA L
378	1524 APPLE ST	SOUTHWESTERN BELL
379	4112 SAN JACINTO ST	AT&T COMM OF TEXAS LTD
380	1518 N HASKELL AVE	SMITH SHIRLEY &
381	1514 N HASKELL AVE	MORRISON MRS HARLIN ETAL
382	4101 BRYAN ST	WILLOW BLDG 3800 LTD
383	1416 N HASKELL AVE	JACOB JOSEPH PROP LTD
384	1412 N HASKELL AVE	WILLOW BLDG 3800 LTD
385	919 N HASKELL AVE	VENTURA JOANN
386	1408 N HASKELL AVE	RAMIREZ ANTHONY A &
387	1533 N HASKELL AVE	NEWSOM WELDON J
388	1521 N HASKELL AVE	BUILDING MAINTENANCE &
389	1513 N HASKELL AVE	MORENO GERARDO
390	1505 N HASKELL AVE	TAYLOR T R INC
X 391	1516 APPLE ST	ONEAL KIMBERLY JOYCE &
392	1510 APPLE ST	OFSHE KENNETH JOEL &
393	1508 APPLE ST	OFSHE KENNETH JOEL &
394	1500 APPLE ST	URIBE BELIA
395	1403 N HASKELL AVE	TRIPLE S EQUITIES
396	3910 SAN JACINTO ST	LUCENT TECHNOLOGIES INC
397	1424 CADDO ST	CITY WIDE MECHANICAL INC
398	3848 SAN JACINTO ST	VEVERA MARK C
399	3844 SAN JACINTO ST	TRAN SUZANNE N D

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Label #	Address	Owner
400	3840 SAN JACINTO ST	DOUGLAS LANCE
401	3836 SAN JACINTO ST	CHAN TEE
402	3832 SAN JACINTO ST	BURROUGHS CODY &
403	3828 SAN JACINTO ST	SMITH JUSTIN H &
404	1509 CADDO ST	BLAHNICK MICHAEL T SR &
405	1513 CADDO ST	WOLESAGLE RICHARD &
406	1517 CADDO ST	LARSON GEORGE D TR
407	1521 CADDO ST	JOHNSON CARL KENNETH III
408	1525 CADDO ST	ZUCHOWSKI MICHAEL L
409	1529 CADDO ST	ARIZOLA BEN
410	3816 SAN JACINTO ST	CLASSROOM TEACHERS
411	3800 SAN JACINTO ST	ONEAL KIM &
412	1520 N WASHINGTON AVE	DICKSON STEVEN L &
413	1516 N WASHINGTON AVE	CLASSROOM TEACHERS
414	1505 CADDO ST	KINCHELOE PROPERTY
415	1435 CADDO ST	STEPHENSON DELIA G &
416	1427 CADDO ST	URBAN LOFTS VIII LTD
417	1408 N WASHINGTON AVE	COMMUNICATIONS WORKERS
418	3714 SAN JACINTO ST	MOORE R H & CO INC
419	1419 N WASHINGTON AVE	MORRIS JAMES ARTHUR
420	1403 N WASHINGTON AVE	CENCO REAL EST INC
421	1518 PECOS ST	ROEY RICHARD C
422	1516 PECOS ST	CAMPBELL CHRISTOPHER H &
423	1514 PECOS ST	OBRIEN DAVID
424	1512 PECOS ST	WARD JOYCE M & CUBIE WARD
425	1510 PECOS ST	MOORE JAMES G &
426	1508 PECOS ST	SACKS DAVID L &
427	1506 PECOS ST	PODSEDNIK SCOTT E
428	1504 PECOS ST	ROLLER ALAN E
429	1502 PECOS ST	COUSINS ROGER W & NATALIE
430	1430 PECOS ST	DINSMORE JAMES

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
431	1426 PECOS ST	TCHORZ KATHRYN M
432	1418 PECOS ST	FRAZIER SARAH E
433	1516 VILLARS ST	TORRES ERNEST L
434	1511 PECOS ST	DUKE RICHARD & CYNTHIA
435	1507 PECOS ST	GOEBEL BERNARD A
436	1503 PECOS ST	GUTIERREZ ALEJANDRO
437	3651 WORD ST	STORK MICHAEL WERNER &
438	3647 WORD ST	HARMON LESTER H JR
439	3643 WORD ST	HUNT EDWARD T
440	3639 WORD ST	COUTURE ROBERT D
441	3635 WORD ST	BURGER PAUL
442	3631 WORD ST	MC MAHAN GARY C
443	3627 WORD ST	MICHEL DONNIE
444	3623 WORD ST	YOUNG CARLA
445	3619 WORD ST	VEGA ROBERTO
446	3615 WORD ST	BERGER ROBERT H &
447	3611 WORD ST	ALLEN DILLARD A &
448	3607 WORD ST	ROSENBERG JOHN D
449	1502 VILLARS ST	BABB CAROLE A &
450	1504 VILLARS ST	MEDFORD JOEL DAVID JR
451	1503 MCCOY ST	SMITH J WAYNE & SHARON A
452	1415 PECOS ST	HAIKUK JIMMY W
453	1419 PECOS ST	LAM MINH A
454	3654 WORD ST	FRANCIS L NEVITT JR
455	3650 WORD ST	DAVIS KATHRYN W
456	3646 WORD ST	LIVINGSTON D W & STOREY C
457	3642 WORD ST	BOWMAN JEREMY
458	3638 WORD ST	LOVING LORETTA M
459	3634 WORD ST	DEALEY MARTHA D
460	3630 WORD ST	GHOLSTON JAMES L
461	3626 WORD ST	VETTER JUDY M

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Label #	Address	Owner
462	3622 WORD ST	TERRELL PAMELA M
463	3618 WORD ST	BERKHEIMER TERRY L &
464	3614 WORD ST	THOMPSON MIKE D
465	3610 WORD ST	CALLISON BEN & VALERIE
466	3606 WORD ST	TRAVERS TONI F
467	3602 WORD ST	LOPEZ ROBERT G
468	1418 VILLARS ST	PARKER ROBERT ROSS
469	1414 VILLARS ST	SOTELO GAVINO D &
470	1411 PECOS ST	CLAY LAREATHA HONETTE
471	1407 PECOS ST	CUELLAR DIANE
472	3639 BRYAN ST	THOM TROUTT PEGGY ANN
473	3631 BRYAN ST	PIPER KAREN
474	3627 BRYAN ST	KINGSTON DONALD W & DIANA
475	3623 BRYAN ST	MACHO JUAN JOSE
476	3619 BRYAN ST	HERMANN ERICA M
477	3611 BRYAN ST	WHITLEY EDGAR D & DOROTHY
478	3512 SAN JACINTO ST	DANCER VIOLET
479	3510 SAN JACINTO ST	BARBER KEVIN MICHAEL
480	3506 SAN JACINTO ST	TOTH AMRK STEPHEN
481	3502 SAN JACINTO ST	LAROE VICKI
482	1521 VILLARS ST	WHITE NINA MAE
483	1517 VILLARS ST	FAIRBANKS CAPITAL CORP TR
484	1515 VILLARS ST	FLYNN EUGENE III
485	1507 VILLARS ST	WILSON ADAM S
486	1503 VILLARS ST	GAFFNEY CARMEN G
487	1544 MCCOY ST	BROWN AARON WAYNE
488	1540 MCCOY ST	CRAIG CHRISTOPHER R
489	1536 MCCOY ST	STEPHENSON PATSY
490	1532 MCCOY ST	MOSES THOMAS J
491	1528 MCCOY ST	HIRJEE NASHIR B
492	1524 MCCOY ST	DORSEY MYRNA SUE

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
493	1520 MCCOY ST	BARON ELISABETH
494	1516 MCCOY ST	YASIN KIMBERLY ANN T
495	1512 MCCOY ST	MASON KENNETH RANDALL
496	1508 MCCOY ST	LEWRIGHT VIOLA R
497	3503 WORD ST	GERDES SHARON A
498	3507 WORD ST	NUNEZ PAMELA A
499	3515 WORD ST	USKOVICH MICHAEL
500	1429 VILLARS ST	MCCARTY RONNIE EUGENE
501	1421 VILLARS ST	TURNER RUSSELL M
502	1415 VILLARS ST	FLORES ANTONIO C
503	3524 WORD ST	RUIZ BENNY S & ROSE G
504	3518 WORD ST	MCKNIGHT BILLY REA
505	3512 WORD ST	WATT JAMES BLALOCK
506	1428 MCCOY ST	LODEESEN DAVID M
507	1420 MCCOY ST	SALAZAR RAMIRO S
508	1410 MCCOY ST	STELL HUBBARD
509	1411 VILLARS ST	CHAISSON ANDREE M
510	1409 VILLARS ST	LYNCH KEITH E &
511	1407 VILLARS ST	TUBBS WINFRED O
512	3513 BRYAN ST	WANDLING RONALD G
513	3511 BRYAN ST	LACKEY PAUL BRIAN
514	3509 BRYAN ST	DAVIDSON W DOUGLAS
515	3507 BRYAN ST	WILLIAMSON MICHAEL E
516	1402 MCCOY ST	HETRICK DENNIS &
517	1563 MCCOY ST	MAYO CHERYL L
518	1559 MCCOY ST	BRICKLER ERIC JOHN
519	3404 SAN JACINTO ST	CHAPPELL CHRIS
520	3120 TREVOLLE PL	KNOX WILLIAM T
521	1555 MCCOY ST	MEDLEY ANTHONY R JR
522	1551 MCCOY ST	MCINISH JO CAROL
523	1547 MCCOY ST	JOHNSTON ROBERT L

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524	1543	MCCOY ST	FELLE MAEVE W &
525	1539	MCCOY ST	WINTON LEAH
526	1535	MCCOY ST	WEBER JOHN C
527	1531	MCCOY ST	BURTON RONALD DEAN &
528	1527	MCCOY ST	STEEN RUBY
529	1523	MCCOY ST	BURRISS GEORGE B
530	1519	MCCOY ST	BURROW MICHAEL Y & ANN K
531	1515	MCCOY ST	BOGAARDS JAY
532	1511	MCCOY ST	LOWE JERRY JOHN
533	1507	MCCOY ST	FINDLEY RONALD
534	1417	MCCOY ST	SCHOLLMAYER DARCIE
535	1421	MCCOY ST	HILL WILLIE JEAN
536	1419	MCCOY ST	MONIER GARY FRANCIS &
537	1415	MCCOY ST	RANSOM COBBIE L III
538	1413	MCCOY ST	CARLO JOHN THOMAS
X 539	1409	MCCOY ST	R S J PROPERTIES INC
540	1407	MCCOY ST	LEE MICHAEL G &
541	1411	MCCOY ST	CHARLES PHILLIP ARTHUR
542	3401	BRYAN ST	BRYAN SQUARE DEV LTD
543	1404	SPENWICK TERRACE	FRIDIA DEBORAH B ET AL
544	1408	SPENWICK TERRACE	CHACKO PEER F &
545	1412	SPENWICK TERRACE	BELCHER CHARLES E &
546	1416	SPENWICK TERRACE	GUTMANN JAMES L & MARYLOU
547	1420	SPENWICK TERRACE	KINGSLEY WILLIAM BREWSTER
548	1424	SPENWICK TERRACE	FRAZIER MARK W
549	1504	SPENWICK TERRACE	LIDBURY JOHN N
550	1508	SPENWICK TERRACE	CASTILLO CELIA GEORGE
551	1512	SPENWICK TERRACE	WATTS HELEN G
552	1516	SPENWICK TERRACE	DIPIZIO DEANNA
553	1520	SPENWICK TERRACE	HILTY GEORGE E & SUE
554	1524	SPENWICK TERRACE	TALLQUIST MICHELLE

Label #	Address	Owner
X 555	3316 SAN JACINTO ST	MARCONTEL MARILYN
556	3312 SAN JACINTO ST	KNIGHT ERICA NICOLE
557	3308 SAN JACINTO ST	SWEENEY HALLIE H TR
558	3304 SAN JACINTO ST	VISSER NANCY ANN
559	3236 SAN JACINTO ST	CARKER LOIS A
560	3232 SAN JACINTO ST	QUISENBERRY CHARLES H
561	3228 SAN JACINTO ST	SWITZER BETTY W &
562	3224 SAN JACINTO ST	WEST GREGORY A &
563	3220 SAN JACINTO ST	WESTER MELAINE
564	3216 SAN JACINTO ST	MAPLES CLAUDE O &
565	3212 SAN JACINTO ST	MIMS CASSANDRA G
566	3203 BASIL CT	REGO RALPH O & JOLINE W
567	3129 TREVOLLE PL	BECKER M WILLIAM &
568	3211 BASIL CT	NICHOLS BERNICE B
569	3215 BASIL CT	WALLACE HAROLD D ETAL
570	3219 BASIL CT	DANIEL CHARLES E &
571	3223 BASIL CT	WARE ELGIN W JR &
572	3227 BASIL CT	PIERCE GARY W
573	3231 BASIL CT	BURNES IRA R
574	3235 BASIL CT	GADIENT EMILY L TR
575	1528 SPENWICK TERRACE	MEYERS STEVEN JOHN
576	3236 BASIL CT	URBINA BETTY
577	3232 BASIL CT	VANGILDER PATRICIA A
578	3228 BASIL CT	HAMILTON REBECCA
579	3224 BASIL CT	KRAUSE DAVID E &
580	3220 BASIL CT	NORWOOD SUZANNA BYRD
581	3216 BASIL CT	SMITH PAMELA
582	3212 BASIL CT	ROESEL CHARLES L JR &
583	3208 BASIL CT	MILLER MARY J TR
584	3204 BASIL CT	NELSON ROBERT THOMAS &
585	3203 LAKENHEATH PL	COLLINS GARY C & LINDA M

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Label #	Address	Owner	
586	3207	LAKENHEATH PL	MOSELEY MARC D
587	3215	LAKENHEATH PL	POWELL BARBARA JEAN
588	3219	LAKENHEATH PL	MARTIN HARRY J JR
589	3223	LAKENHEATH PL	MELETIO MARY LOUISE
590	3227	LAKENHEATH PL	FLYNN JAMES WILLIAM
591	3231	LAKENHEATH PL	SNYDER DANNY R
592	3235	LAKENHEATH PL	CAIN KELLENE N
593	3288	LAKENHEATH PL	SCHOW STERLING R &
594	3232	LAKENHEATH PL	BONETTO RICHARD F
595	3228	LAKENHEATH PL	RUBEDE JEAN & CLAIRE
596	3224	LAKENHEATH PL	FLORENCE FREDERICK R
597	3220	LAKENHEATH PL	BRADFORD HEATHER
598	3216	LAKENHEATH PL	KENT STUART M ETAL
599	3212	LAKENHEATH PL	TAYLOR ROY A & JEAN G
600	3208	LAKENHEATH PL	FERGUSON WILLIAM M &
601	3204	LAKENHEATH PL	MASON BRADLEY A
602	3121	TREVOLLE PL	RAMIREZ RUBEN J
603	3125	TREVOLLE PL	DRINNON STEPHEN W
604	3203	TREVOLLE PL	ALEXANDER GEORGE R JR &
605	3211	TREVOLLE PL	CLARK ROGER W &
606	3215	TREVOLLE PL	BURRISS GLADYS
607	3219	TREVOLLE PL	BREAUX IRY J II &
608	3223	TREVOLLE PL	KNAUER TODD S & SANDRA W
609	3224	TREVOLLE PL	PALEN WILLIAM R
610	3220	TREVOLLE PL	WADDINGTON JACK B
611	3216	TREVOLLE PL	JONES MILLA PERRY
612	3212	TREVOLLE PL	BERGER ROBERT H & MARY A
613	3208	TREVOLLE PL	ROGERS JAMES FRANKLIN
614	3204	TREVOLLE PL	FRENCH DAVID P & ANNE S
615	3128	TREVOLLE PL	HARRIS NATALIE
616	3124	TREVOLLE PL	TESAURO RICHARD A &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
617	3116 TREVOLLE PL	TSENG EUGENE Y
618	3112 TREVOLLE PL	FRAZIER DRAKE S A
619	3108 TREVOLLE PL	KOOPMAN ELNA J
620	3104 TREVOLLE PL	MORROW BELVA NELL
621	3103 BRYAN ST	FULLER KENNETH D
622	3107 BRYAN ST	JAMES MARGARET THOMPSON
623	3111 BRYAN ST	BRISTER BILL H &
624	3115 BRYAN ST	SHEELER RAY A & LOIS A
625	3119 BRYAN ST	FOSTER CAROLINE S
626	3123 BRYAN ST	CARTER LE SARE
627	3127 BRYAN ST	WEST DON M
628	3203 BRYAN ST	ROMAN CATH DIOCESE DALLAS
629	3207 BRYAN ST	BERG DANIEL &
630	3211 BRYAN ST	MYERS CAROL R
631	3215 BRYAN ST	LEWIS PERCY
632	3219 BRYAN ST	BROWN PATRICIA ANN
633	3223 BRYAN ST	BARNETT GEORGE LEWIS
634	1523 MARSEILLE PL	LUCAS VALTER F III REV TR
635	1519 MARSEILLE PL	MCCLURE HOWARD H &
636	1515 MARSEILLE PL	MINUTILLO PAUL M
637	1511 MARSEILLE PL	PHAN SYNNY
638	1507 MARSEILLE PL	FOWLER DAWN E
639	1503 MARSEILLE PL	GORMAN PATRICIA R
640	1423 MARSEILLE PL	RICHARDSON WAYNE &
641	1419 MARSEILLE PL	HENDRICKSON DONALD E &
642	1415 MARSEILLE PL	ASHCRAFT WILLIAM O
643	1411 MARSEILLE PL	JACKSON SHANAN MARIE J
644	1407 MARSEILLE PL	NORWOOD JAMES T & CECILIA
645	1403 MARSEILLE PL	NUCHERENO FRANK S &
646	928 PAVILLION ST	ALBEE KIETH D & SUE E
647	924 PAVILLION ST	MORMON M GAY

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Label #	Address	Owner
648	916 PAVILLION ST	HERRINGTON LAWRENCE D
649	912 PAVILLION ST	WILSON REX TRUSTEE &
650	908 PAVILLION ST	MITCHELL JAMES GARY &
651	904 PAVILLION ST	HULTMAN CARL ARNE
652	832 PAVILLION ST	WILLIAMS DARRYLL
653	828 PAVILLION ST	HOOVER JOEL &
X 654	824 PAVILLION ST	GRAFF HERBERT R
655	820 PAVILLION ST	BOUL RICHARD J
656	3136 SAN JACINTO ST	JACOBS JERRY
657	919 PAVILLION ST	NOLEN MARK H &
658	915 PAVILLION ST	TAYLOR MARLON R &
659	911 PAVILLION ST	LUMKES JEFFREY A &
660	3037 ADOLPH ST	HOLDRIETH PATRICK J
661	3124 SAN JACINTO ST	GLOVER TRACY
662	3120 SAN JACINTO ST	BOGAERTS CATHERINE J
663	3116 SAN JACINTO ST	MICHE LINDA S GUARDIAN
664	3112 SAN JACINTO ST	RICHARDSON DEBBIE L
665	3108 SAN JACINTO ST	KIRKLAND KENNETH D
666	3104 SAN JACINTO ST	WALKER CLYDIA M
667	3102 SAN JACINTO ST	MILLER JOSEPH
668	901 LIBERTY CT	SCOTT PEGGY N
669	905 LIBERTY CT	LOWE DOROTHY
670	909 LIBERTY CT	TURNER MATTHEW J
X 671	915 LIBERTY CT	FOX SALLY ANNETTE
672	919 LIBERTY CT	KURTZE WILLIAM L
673	923 LIBERTY CT	PEREZ KENNETH A
674	927 LIBERTY CT	GLOVER FAITH
675	931 LIBERTY CT	CROOK JEFFREY G &
676	3021 ADOLPH ST	JALILVAND KHASHAYAR &
677	3025 ADOLPH ST	DAVIS ROBERT L & TUYET N
678	3029 ADOLPH ST	GIAMBRI NICHOLAS A

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
679	3033 ADOLPH ST	ROSSI JAMES S
680	924 LIBERTY CT	MEWHIRTER LEIGH ANN
681	904 LIBERTY CT	JOHNSON DONNA P
682	902 LIBERTY CT	LAKE HARRY & LISA
683	928 LIBERTY CT	EDWARDS CAROL G
684	3030 ADOLPH ST	BRYAN PLACE SWIMMING POOL
685	3028 ADOLPH ST	HUFF CHARLES II
686	3024 ADOLPH ST	PEREZ NIEVES
687	3022 ADOLPH ST	LOWE THELMA M
688	3020 ADOLPH ST	MACPHERSON GREGORY N
689	3018 ADOLPH ST	JARVIS MICHAEL C
690	3016 ADOLPH ST	FLECK JAMES K
691	3014 ADOLPH ST	SEMPLE JAMES H & BETTY B
692	3012 ADOLPH ST	SANDSTROM ARTHUR C ETAL
693	3010 ADOLPH ST	GUTMANN JAMES LEO
694	3008 ADOLPH ST	WEBER GINA
695	3006 ADOLPH ST	SLAUGHTER SUSAN C
696	3004 ADOLPH ST	FOSTER GARY LEE
697	3002 ADOLPH ST	GRAY JAMI J
698	828 LIBERTY ST	BALIS MICHELLE
699	826 LIBERTY ST	MANZAY JENNIFER E
700	824 LIBERTY ST	FISHMAN PAUL H ET AL
701	822 LIBERTY ST	SMITH HAROLD F
702	820 LIBERTY ST	DENNISON KATHY S
703	818 LIBERTY ST	ONEAL BARBARA L
704	816 LIBERTY ST	BABCOCK SHARON LYNNE &
705	814 LIBERTY ST	MACIOLEK REBECCA
706	714 LIBERTY ST	AMLI AT BRYAN PLACE LP
707	3000 BRYAN ST	BRYAN STREET STATION LP
708	947 LIBERTY ST	CUBEROS CHRISTOPHER M &
709	943 LIBERTY ST	SUHM MARY K & VICTOR C

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710	939	LIBERTY ST	LONGSTAFF RICHARD J
711	935	LIBERTY ST	ARENAMEDIA LTD
712	931	LIBERTY ST	MORICE DAVID T
713	927	LIBERTY ST	SMITH JERRY WAYNE &
714	923	LIBERTY ST	HAMMARLEY JOHN E
715	919	LIBERTY ST	CARNEY FREDERICK S ETAL
716	915	LIBERTY ST	DUONG ANDY
717	909	LIBERTY ST	WATSON ORA LEE SIMPSON
718	905	LIBERTY ST	WHITTINGTON FRANK L
719	841	LIBERTY ST	LECROY R JAN
720	3000	SAN JACINTO ST	3000 SAN JACINTO JV ETAL
721	815	ALLEN ST	BLACKMAN NEELY L &
722	827	TEXAS ST	910 N CENTRAL LLC
723	819	TEXAS ST	MINERVA PARTNERS LTD
724	2709	BRYAN ST	ETHERIDGE PRINTING CO
725	1022	BOLL ST	VINING LOWERY ET AL
726	4316	BRYAN ST	SCHWARTZ HYMIE TRUST
727	4308	BRYAN ST	CORP OF PRESIDING BISHOP
728	4302	BRYAN ST	CASS DON E TR
729	4311	LIVE OAK ST	LILLARD FRANK H &
730	4311	LIVE OAK ST	LILLARD FRANK H &
731	1310	N PEAK ST	FRANK LILLARD H &
X 732	1306	N PEAK ST	GRIPPY FRANK E
733	1333	N PEAK ST	WORTHING ON LIVE OAK LP
734	1325	N PEAK ST	CASS DON D TRUSTEE
735	4214	BRYAN ST	CAMPISE LUCY R MENTESANA
736	4210	BRYAN ST	PICCOLA ERNEST CHARLES &
737	4200	BRYAN ST	AT & T CORP
738	4109	LIVE OAK ST	PAN AMERICAN LIFE
739	4100	BRYAN ST	AT&T SW INC
740	1333	N HASKELL AVE	AT&T COMM OF THE SW

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
741	3920 BRYAN ST	ADI INVESTMENTS INC
742	1326 ST JOSEPH ST	TEXAS UTILITIES ELEC CO
743	1008 N HALL ST	BAYLOR HEALTH CARE SYSTEM
744	4001 LIVE OAK ST	RIDDHI L L C
X 745	1216 N WASHINGTON AVE	DALLAS THEOLOGICAL
746	1333 ST JOSEPH ST	ENGLISH FAMILY LTD PS
747	3811 LIVE OAK ST	FFCA IPI 1984 PROPERTY
748	3704 BRYAN ST	GLEN VISTA HOMES LLC
749	3707 CONVENT ST	LEVIN MRS GLADYS A
750	3606 BRYAN ST	HORRI INVESTMENT CORP
751	1317 N WASHINGTON AVE	WASHINGTON CONVENT GROUP
752	3715 LIVE OAK ST	OFFSITE FACILITIES INC
753	3613 LIVE OAK ST	WERTHEIMER BEATRICE P TR
754	3612 CONVENT ST	KEON NEIL J
755	3610 CONVENT ST	ESPARZA SHERALYN
756	3608 CONVENT ST	NATHAN STEVEN J
757	3606 CONVENT ST	PARKWAY BANK NA
758	3600 LIVE OAK ST	IN TOWN CUSTOM BUILDERS
759	1336 ADAIR ST	HUFF DANIEL
760	1332 ADAIR ST	DICICCO BRIAN
761	1328 ADAIR ST	SMITH ROBERT
762	1324 ADAIR ST	TODD JOYCE S
763	1320 ADAIR ST	HIGH DON N &
764	1316 ADAIR ST	MITCHELL MARRIOTT INV LTD
765	1312 ADAIR ST	KOVAC MARK G
766	1308 ADAIR ST	HUGHES DAVID L
767	1304 ADAIR ST	SABOGAL ANDREW & BETSY
768	3605 LIVE OAK ST	MONACO JOLENE
769	3607 LIVE OAK ST	RICE JOSEPH B
770	3609 LIVE OAK ST	GONZALES BENJAMIN &
771	1337 SKILES ST	SMITH EDGAR L II &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
772	1333 SKILES ST	MULLEN STEVE L
773	1329 SKILES ST	MORROW WOODROW
774	1325 SKILES ST	BLOOMGARDEN CHARLES W
775	1321 SKILES ST	KALMAN CRAIG B TRUSTEE
776	1320 BIRKENHEAD CT	TRUMBLE KATHARINE N
777	1316 BIRKENHEAD CT	SMITH MICHAEL J
778	1312 BIRKENHEAD CT	NICHOLS CHRISTOPHER P &
779	1308 BIRKENHEAD CT	BOONERSHINE THOMAS E &
780	1304 BIRKENHEAD CT	RANSOM COBBIE L
781	3112 CARMEL ST	JONES JOHN G
782	1319 BIRKENHEAD CT	BORUFF WILLIAM RAY
783	1315 BIRKENHEAD CT	GUTHRIE DARREN K &
784	1311 BIRKENHEAD CT	LESLEY PEGGY L
785	1307 BIRKENHEAD CT	BURNHAM JOEL
786	1303 BIRKENHEAD CT	ZERVOPOULOS JOHN A
787	3032 BRYAN ST	BOWIE WILLIAM H
788	3028 BRYAN ST	BOWIE WILLIAM H
789	3020 BRYAN ST	DALLAS HABITAT FOR
790	1315 SKILES ST	PERRYMAN FRANK H
791	7 LIVE OAK ST	LIVE OAKS TOWNHOMES LP
792	14 LIVE OAK ST	CARMEL LIVE OAK LP
793	3009 LIVE OAK ST	ASSOCIATED LOCKSMITHS
794	3003 LIVE OAK ST	ASSOC LOCKSMITHSAM INC
795	2806 BRYAN ST	JEFFERSON AT TEXAS ST LP
796	707 LIBERTY ST	YEUNG SHIU F
797	2819 LIVE OAK ST	JAYSON WILLIAM K THE TR
798	4204 GASTON AVE	BILLINGSLY L B INV CO
799	723 CANTEGRAL ST	PIERCE B A ET AL
800	814 N GOOD LATIMER EXPY	GOOD LATIMER INC
801	2631 LIVE OAK ST	CLARK ROBERT H ET AL
802	2625 LIVE OAK ST	CLARK JOHN M SR ESTATE

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Label #	Address	Owner
803	2605 LIVE OAK ST	TEXANS CAN
804	2601 LIVE OAK ST	LIVE OAK RM LTD PS
805	801 N GOOD LATIMER EXPY	PERRY COMPANY LTD THE
806	2515 LIVE OAK ST	HODGDON SUE W
807	2505 LIVE OAK ST	GOLDSMITH C R ET AL
808	4308 LIVE OAK ST	TAMEZ ALBERTO D TR &
809	1212 N PEAK ST	WILCREST TRUST
810	4315 SYCAMORE ST	ARELLANO RENATTO A
811	4309 SYCAMORE ST	ZAMORA PORFIRIO & RAQUEL
812	4305 SYCAMORE ST	JOHNSON ALICE RUTH
813	4301 SYCAMORE ST	CANADY PHILIP J &
814	4316 SYCAMORE ST	ERICKSON JONATHAN R
815	4312 SYCAMORE ST	ZAMORA EDUVIGUES
816	4308 SYCAMORE ST	XAYPANYA SOUVANH &
817	4304 SYCAMORE ST	PHASOUNNABANE BOUANGEUN &
818	4303 SWISS AVE	SCHULLE D GENE &
819	4217 SWISS AVE	SWISS AVENUE BANK
820	4105 GASTON AVE	BILLINGSLY L B INVESTMENT
X 821	4202 LIVE OAK ST	DLS THEOLOGICAL SEMINARY
822	4125 SWISS AVE	POPLAWSKI GARY A
823	4103 SWISS AVE	SWISS AVE PROPERTIES LP
824	1225 N HASKELL AVE	CONIGLIO ANITA
825	4010 LIVE OAK ST	LEE CHUN KOO
826	4006 LIVE OAK ST	OCCUCENTERS INC
827	1200 APPLE ST	DALLAS THEOLOGICAL SEM
828	1209 N HASKELL AVE	BEVRICH LTD
X 829	1203 N HASKELL AVE	STEWART WALTON H
830	1111 N HASKELL AVE	DALLAS THEOLOGICAL
831	1120 APPLE ST	DALLAS THEOLOGICAL
832	3924 LIVE OAK ST	DALLAS THEOLOGICAL
X 833	3912 LIVE OAK ST	DALLAS THEOLOGICAL OWR

Label #	Address	Owner
X 834	3910 LIVE OAK ST	DALLAS THEOLOGICAL SEM
835	3904 LIVE OAK ST	DALLAS THEOLOGICAL
836	3712 LIVE OAK ST	SHANIL TEX INC
837	1207 N WASHINGTON AVE	DAVID S MILFORD 1989 JV
838	3604 LIVE OAK ST	LIVE OAK PROPERTIES
839	1101 N WASHINGTON AVE	BAYLOR HEALTH CARE SYSTEM
840	3611 SWISS AVE	DALLAS CHILDRENS ADVOCACY
841	3603 COBB ALLEY ST	SWISS AVENUE PROPERTIES
842	3434 LIVE OAK ST	BAYLOR HEALTH CARE SYSTEM
843	3515 SWISS AVE	BOCK JOE
844	3500 SWISS AVE	BAYLOR INST OF REHAB
845	3900 JUNIUS ST	BAYLOR UNIVERSITY MED CTR
846	1215 FLORIDE ST	DALLAS COUNTY HOSPITAL
847	1200 N HALL ST	BAYLOR CENTER FOR
848	3307 COBB ALLEY ST	BAYLOR HEALTH CARE SYSTEM
849	3301 SWISS AVE	BAYLOR HEALTH CARE SYSTEM
850	3301 SWISS AVE	BAYLOR UNIVERSITY MED CTR
851	3206 LIVE OAK ST	LIVE OAK STATE BANK
852	1111 N HALL ST	RUBENSTEIN FOODS
X 853	3116 LIVE OAK ST	CANDY JERRY A
X 854	3112 LIVE OAK ST	CANDY JERRY A &
855	613 TEXAS ST	MEADOWS FOUNDATION INC
856	3102 GREENWOOD ST	RODRIGUEZ IGNACIO V
857	3100 GREENWOOD ST	DENNING JOHN
858	3106 SWISS AVE	HETRICK DENNIS &
859	2800 LIVE OAK ST	VOLUNTEER CTR OF DALLAS
860	2732 LIVE OAK ST	LIVE OAK JOINT VENTURE
861	2708 LIVE OAK ST	UNION ALLEY I LIMITED
862	2720 UNION ALLEY ST	UNION ALLEY I LTS PS
863	607 TEXAS ST	USA FILM FESTIVAL INC
864	2715 FLORENCE ST	MCDONALD ROBERT S

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
865	2711 FLORENCE ST	FOLMAR DARWIN B JR
866	2711 FLORENCE ST	WEINERTH DAVID &
867	2711 FLORENCE ST	WICKMAN CHAD A
868	2707 FLORENCE ST	WILLIAMS JAMES F
869	600 CANTEGRAL ST	BREEDLOVE WILLIAM O
870	606 CANTEGRAL ST	COCKRELL TOM ALEXANDER
871	2708 FLORENCE ST	DAVIS JOHN MARTIN JR &
872	2715 SWISS AVE	NEXT INC
873	2622 FLORENCE ST	CISNEROZ JOSEPHINE M
874	2633 SWISS AVE	MARTINEZ FERNANDO
875	2613 SWISS AVE	BONNESS PROPERTY COMPANY
876	2601 SWISS AVE	ADOLPHS VENDING SERVICE
877	615 N GOOD LATIMER EXPY	38 INT TRUETTOX 14 INT &
878	2519 SWISS AVE	REEVES GEORGE M ET AL
879	2511 SWISS AVE	COX TRUETT ET AL
880	4512 SWISS AVE	BELEW SCOTT MURRIE
881	1003 MORELAND AVE	WELTON TATE & JENE
882	4513 GASTON AVE	TURTLE CREEK MANOR INC
883	4505 GASTON AVE	CHHOR NGOUN LAY &
884	1000 N CARROLL AVE	STANLEY MABLE &
885	1015 N CARROLL AVE	DALLAS JOINT ELECTRICAL
886	4414 SWISS AVE	MORNINGSIDE PROPERTY CO
887	4316 SWISS AVE	SWISS AVENUE VENTURE INC
888	4425 GASTON AVE	CHHOR NGOUN LAY
889	4415 GASTON AVE	TESSON ROBERT J DBA
890	4408 GASTON AVE	HERITAGE FUNERAL HOME &
891	4317 GASTON AVE	KROVETZ CHARLES
892	4309 GASTON AVE	LOUPOT FLOYD
893	4303 GASTON AVE	C & M MANAGEMENT CO
894	4224 SWISS AVE	GUNBY ROBERT T ETAL
895	921 N PEAK ST	WELCOME HOUSE INC

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Label #	Address	Owner
896	4214 SWISS AVE	MORGAN SCOTT
897	4214 SWISS AVE	CATRON RICHARD A
898	4214 SWISS AVE	WISEMAN NICHOLAS
899	4214 SWISS AVE	BELLAMY DARCY
900	4214 SWISS AVE	MCMINN JASON D
901	4214 SWISS AVE	CUNNINGHAM ANITA R
902	4214 SWISS AVE	WOOD DAVE H
903	4214 SWISS AVE	MILLER SHAY
904	4214 SWISS AVE	TATUM HEATHER
905	4214 SWISS AVE	WATTS JEROME J &
906	4214 SWISS AVE	PADGETT KEVIN D
907	4214 SWISS AVE	SPRAGUE DOUGLAS
908	4206 SWISS AVE	AMALGAMATED TRANSIT UNION
909	4112 SWISS AVE	CARTER DAVID
910	4108 SWISS AVE	CARTER DAVID F DBA
911	922 N HASKELL AVE	SHAMMAS LINDA
912	911 N PEAK ST	BALDWIN VIVIAN P
913	4213 GASTON AVE	MSC I LTD
914	4121 GASTON AVE	BILLINGSLY L B ESTATE
915	4030 SWISS AVE	MATTOX JANICE L &
916	4022 SWISS AVE	DALLAS THEOLOGICAL
917	917 N HASKELL AVE	DINGLER JACK
918	911 N HASKELL AVE	COMMON GROUND COMM ECONOM
919	4025 GASTON AVE	4025 GASTON LLC
920	4019 GASTON AVE	CRISWELL W A FOUNDATION
921	4003 JUNIUS ST	CRISWELL CENTER FOR
922	3921 GASTON AVE	NCNB TEXAS NATL BANK
923	3912 FLOYD ST	BANDY ROLAND
924	3908 FLOYD ST	DICKINSON PLACE
925	3909 GASTON AVE	MCMAHAN FORREST P
926	3905 GASTON AVE	MCMAHAN MILDRED L

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
927	3814 SWISS AVE	VARON BARBARA FLEMING TR
928	1004 N WASHINGTON AVE	SWISS WASHINGTON MEDICAL
929	3801 GASTON AVE	MONDRIAN MEDICAL LP
930	3710 SWISS AVE	GASTON EPISCOPAL HOSPITAL
931	3434 SWISS AVE	SWISS AVE MEDICAL BLDG
932	3302 FLOYD ST	GOLMAN MARILYN C
933	3300 SWISS CIR	BECKEL FLOYD
934	3402 FLOYD ST	BAYLOR HEALTH CARE SYSTEM
935	3309 GASTON AVE	ADAMS WAYNE
936	3301 GASTON AVE	ADDUCCI JOINT VENTURE
937	1001 N HALL ST	STAFFORD CLINTON J &
938	3114 SWISS AVE	HETRICK DENNIS &
939	3100 SWISS AVE	GRAHAM J STEPHEN
940	3109 FLOYD ST	PEERLESS INDUSTRIES INC
941	3103 FLOYD ST	PEERLESS INDUSTRIES INC
942	3207 GASTON AVE	BOARD OF REGENTS THE
943	3107 GASTON AVE	AKERS REGEANA LYNNE
944	3102 FLOYD ST	3101 GASTON INC
945	3015 GASTON AVE	MARION R
946	3011 GASTON AVE	ROCKING A INVESTMENTS INC
947	3001 GASTON AVE	3001 GASTON PARTNERS LP
948	2922 SWISS AVE	MEADOWS FOUNDATION INC
949	2929 GASTON AVE	VEIGA MANUEL G
950	2917 GASTON AVE	GARISON ELEANOR M
951	2815 GASTON AVE	DALLAS CASA PROPERTY
952	2805 GASTON AVE	LARSON VICKIE SUE
953	2712 SWISS AVE	ST JOSEPH GERMAN
954	301 TEXAS ST	ROGERS MARTIN &
955	2717 GASTON AVE	MASSINGILL LYNN
956	2712 FLOYD ST	ANDERSON DONNA &
957	2710 FLOYD ST	COHEN MICHAEL D &

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Label #	Address	Owner
958	2708 FLOYD ST	SPAEDER GERALD J &
959	2706 FLOYD ST	CARAM MEREDITH LEIGH
960	2704 FLOYD ST	RICHTER MATTHEW T
961	2702 FLOYD ST	MAYER ZACHARY T
962	2700 FLOYD ST	WESSELY CINDY K
963	2703 GASTON AVE	PEDERSEN LUKE
964	2705 GASTON AVE	VAGO CHARLES A
965	2707 GASTON AVE	EASLEY ROBERT E JR &
966	2709 GASTON AVE	RAMOS GABRIEL & CYNTHIA Q
967	2711 GASTON AVE	MOFFITT SCOTT &
968	2713 GASTON AVE	PNB FINANCIAL BANK
969	2636 SWISS AVE	PETR E J &
970	2628 SWISS AVE	CAMPBELL J W & ASSOC
X 971	2606 SWISS AVE	GIDDINGS DONALD
972	2635 FLOYD ST	PREVRATIL JAMES E
X 973	2625 FLOYD ST	S P J ST 84
X 974	2619 FLOYD ST	LODGE POKROK DALLAS 84
975	2615 FLOYD ST	TERRY CHARLES F
976	402 N GOOD LATIMER EXPY	SHARED HOUSING CENTER
977	2633 GASTON AVE	2633 GASTON AVE LTD
X 978	2621 GASTON AVE	SPJST LODGE POKPOK 84
979	2615 GASTON AVE	AVIVA INVESTMENTS LP
980	505 N GOOD LATIMER EXPY	STEIN ROY E
981	2516 MIRANDA ST	UB PARTNERS LTD
982	4511 JUNIUS ST	BOLLMAN J KEVIN &
983	4503 JUNIUS ST	HAAH PAUL S &
984	4422 GASTON AVE	WELLS WILLIAM K TR ET AL
985	4412 GASTON AVE	WELLS WILLAIM K TR ETAL
X 986	713 N CARROLL AVE	MIELKE LEROY W
987	4400 GASTON AVE	PATTON SCHUYLER T
988	4324 GASTON AVE	GASTON ROSE THE LP

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
989	4320 GASTON AVE	BARBER JAMES C TR ETAL
990	4324 GASTON AVE	BARBER JIM & NANCY
991	4407 JUNIUS ST	JOHNSON GEOFFREY H &
992	4325 JUNIUS ST	KAM ROBERT S
993	4315 JUNIUS ST	KAM ROBERT S & LANA E
994	4310 GASTON AVE	BARBER JAMES & NANCY
995	4302 GASTON AVE	HANSEN FREDERICK E
996	4315 TRELIS CT	CHEVALIER LEE
997	4307 TRELIS CT	COOK BETTY &
998	802 N PEAK ST	DEJULIAN JOSE & MARIA G
999	4314 TRELIS CT	WOLFF ELIZABETH
1000	4310 TRELIS CT	BROUNOFF ZELMAN
1001	4306 TRELIS CT	YENTIS RICHARD &
1002	4302 TRELIS CT	GARRETT RANDALL D &
1003	4313 JUNIUS ST	KING SHERYL S
1004	4311 JUNIUS ST	WRIGHT SHARON S
1005	4307 JUNIUS ST	DAVIS JENNIFER A &
1006	4303 JUNIUS ST	AMIE TARAS ARNELL
1007	4210 GASTON AVE	CHURCHS FRIED CHICKEN
1008	801 N PEAK ST	PRESTON ROAD CHURCH OF
1009	4130 GASTON AVE	WALKUP JAMES KEVIN
1010	4122 GASTON AVE	WALKUP JAMES KEVIN
1011	4116 GASTON AVE	J & I REALTY INV
1012	806 N HASKELL AVE	WIMAN REALTY CO
1013	4104 GASTON AVE	WIMAN REALTY CO 17718
1014	4219 JUNIUS ST	COOK BETTY
1015	4215 JUNIUS ST	EPPELSON MARVA Y
1016	4209 JUNIUS ST	HENLEY H HUDSON
1017	4203 JUNIUS ST	PETERSON JULIAN ARNOLD &
1018	4125 JUNIUS ST	PENFOLD CRAIG
1019	4115 JUNIUS ST	GRACE METHODIST CHURCH

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1020	709 N HASKELL AVE	HASKELL JUNIUS LP
1021	3910 GASTON AVE	GASTON BIOMEDICAL LP
1022	3902 GASTON AVE	NEVIL HOLLY D JR &
1023	3812 GASTON AVE	DAULAT JANAK ET AL
1024	3802 GASTON AVE	MCDONALD CORPORATION
1025	3801 BIRD ST	MCDONALDS CORPORATION
1026	711 N HILL AVE	CLARK FAMILY TRUST
1027	712 N WASHINGTON AVE	WASHINGTON TOWER JV
1028	3932 JUNIUS ST	BAYLOR HEALTH CARE SYSTEM
1029	3500 GASTON AVE	BAYLOR MEDICAL PLAZA
1030	3535 WORTH ST	BAYLOR UNIVERSITY MED CTR
1031	3210 GASTON AVE	JOBST EMILY STEWART ET AL
1032	604 OAK ST	BAYLOR COLL OF DENTISTRY
1033	3012 GASTON AVE	3010 GASTON LTD
1034	2752 GASTON AVE	GASTON APT LP PS
1035	2510 PACIFIC AVE	WESTDALE PROPERTIES
1036	2500 PACIFIC AVE	GRAINGER W W INC
1037	1010 ALLEN ST	BRYANT MEGAN P
1038	1010 ALLEN ST	COCKERHAM SIDNEY JOE
1039	1010 ALLEN ST	COLE ROBERT D
1040	1010 ALLEN ST	GILLETT AUDREY
1041	1010 ALLEN ST	GIPP MICHAEL S
1042	1010 ALLEN ST	GRAY MICHAEL
1043	1010 ALLEN ST	GREEN EDIE
1044	1010 ALLEN ST	HADLEY JACQUELINE YELTON
1045	1010 ALLEN ST	KEY PAUL DWAYNE
1046	1010 ALLEN ST	KIRKPATRICK JAN KAREN
1047	1010 ALLEN ST	MAYS GLORIA
1048	1010 ALLEN ST	NOCHUMSON JOSHUA ETAL
1049	1010 ALLEN ST	READ JOHN H II &
1050	1010 ALLEN ST	SCOTT JAMES RANDALL

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1051	1010 ALLEN ST	SMITH MAURICE HASTIE
1052	1010 ALLEN ST	SMITH TAWANA DENISE
1053	1010 ALLEN ST	STRICKLAND LISA DEANN
1054	1010 ALLEN ST	TAYLOR LAWTON CHASE
1055	1010 ALLEN ST	VELADOR HORACIO
1056	1010 ALLEN ST	WOLOSHIN FARRAH N
1057	4502 GASTON AVE	COMSUDI NICHOLAS C ETAL
1058	4502 GASTON AVE	SBI GASTONIAN LP
1059	4502 GASTON AVE	SUAREZ JOSE J
1060	4502 GASTON AVE	THACKER MARLYS M
1061	1001 LIBERTY ST	ALLEN RYAN
1062	1001 LIBERTY ST	BLUEBONNET HIL LTD PS
1063	1001 LIBERTY ST	BRAXTON ERIN N
1064	1001 LIBERTY ST	CARRERA JOSE
1065	1001 LIBERTY ST	CRAFTON CRAIG CARLYLE &
1066	1001 LIBERTY ST	ELLINGTON GAIL G
1067	1001 LIBERTY ST	FROEHLKH T
1068	1001 LIBERTY ST	HINNANT ERIC E
1069	1001 LIBERTY ST	LEWIS JASON T
1070	1001 LIBERTY ST	MCLEE MARTIN D
1071	1001 LIBERTY ST	NELSON MARK CHRISTOPHER
1072	1001 LIBERTY ST	ODSTRCIL ELIZABETH A
1073	1001 LIBERTY ST	RUFF HEATHER M
1074	1001 LIBERTY ST	RUNNELS NEVA
1075	1001 LIBERTY ST	SANCHEZ JUAN ANTONIO
1076	1001 LIBERTY ST	TEAM FRED W
1077	1001 LIBERTY ST	TRAVIS JON E
1078	1001 LIBERTY ST	ZIEGLER DAVID
1079	2502 LIVE OAK ST	ABINGTON CLAY
1080	2502 LIVE OAK ST	ANDERSEN JAMES T
1081	2502 LIVE OAK ST	APPLE MICHAEL

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1082	2502 LIVE OAK ST	ARZONETTI WILLIAM J & 051355
1083	2502 LIVE OAK ST	AVANT BENJAMIN O
1084	2502 LIVE OAK ST	BAILEY DIETRICH D
1085	2502 LIVE OAK ST	BAUDOIN JOHN
1086	2502 LIVE OAK ST	BECKER SCOTT R
1087	2502 LIVE OAK ST	BREITHAUPT CATHERINE H
1088	2502 LIVE OAK ST	BREWINGTON MAXIE J JR
1089	2502 LIVE OAK ST	BRICKER ERIK WARREN
1090	2502 LIVE OAK ST	BUFORD REALTY HOLDINGS
1091	2502 LIVE OAK ST	CARLYLE DAN A & ANN
1092	2502 LIVE OAK ST	CARR PERCY & HELEN
1093	2502 LIVE OAK ST	CHANDLER JAMES SCOTT
1094	2502 LIVE OAK ST	COVINGTON CRISTI
1095	2502 LIVE OAK ST	DAVIS VIRGINIA A &
1096	2502 LIVE OAK ST	EDWARDS RODERICK
1097	2502 LIVE OAK ST	FISCHER CORIE
1098	2502 LIVE OAK ST	GRABEKIS JAY
1099	2502 LIVE OAK ST	GRAY LUCILLE
1100	2502 LIVE OAK ST	GUBBINS TERESA
1101	2502 LIVE OAK ST	HEGGEN ALEXANDER J & LESLIE N EUBAN
1102	2502 LIVE OAK ST	HOKE REED R
1103	2502 LIVE OAK ST	HOLLEY JOE D
1104	2502 LIVE OAK ST	HOULIHAN CHRIS & CHERISH
1105	2502 LIVE OAK ST	HUSSEY SEAN M
1106	2502 LIVE OAK ST	HWANG IN T
1107	2502 LIVE OAK ST	JINRIGHT JUSTIN
1108	2502 LIVE OAK ST	JOHNSON PRICE L
1109	2502 LIVE OAK ST	KANITRA PAUL M
1110	2502 LIVE OAK ST	KENWELL LENORE C
1111	2502 LIVE OAK ST	LACY JOHN A
1112	2502 LIVE OAK ST	LANGLITZ JEFFREY R &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1113	2502 LIVE OAK ST	LUSTIG LEE M
1114	2502 LIVE OAK ST	LUTZ THOMAS A
1115	2502 LIVE OAK ST	MARSHALL ASHLEY K
1116	2502 LIVE OAK ST	MASH LANA K & ANTHONY J ARAGONA
1117	2502 LIVE OAK ST	MILES LIVE OAK LLLP
1118	2502 LIVE OAK ST	MURICO ANTHONY D
1119	2502 LIVE OAK ST	REYES CARLOS
1120	2502 LIVE OAK ST	ROBERSON JAMES E JR
1121	2502 LIVE OAK ST	SCHULGEN SEAN
1122	2502 LIVE OAK ST	SHIELDS WILLIAM OLIVER II
1123	2502 LIVE OAK ST	SIFRIT DANIEL W
1124	2502 LIVE OAK ST	SKIPWORTH MICHAEL
1125	2502 LIVE OAK ST	SMITH SAMUEL L
1126	2502 LIVE OAK ST	SONNIER KARL A &
1127	2502 LIVE OAK ST	STARNES CHADWICK
1128	2502 LIVE OAK ST	STEM THOMAS C
1129	2502 LIVE OAK ST	SULLIVAN PATRICK S
1130	2502 LIVE OAK ST	SUMMERVILLE NICHOLAS A
1131	2502 LIVE OAK ST	TALMAGE MARK E
1132	2502 LIVE OAK ST	TERRELL PAUL A & NORMA L
1133	2502 LIVE OAK ST	VITTETOE CHRIS
1134	2502 LIVE OAK ST	WATKINS DAMON E
1135	2502 LIVE OAK ST	WIMBERLEY TODD
1136	2502 LIVE OAK ST	WINKLER JOSEPH P
1137	2502 LIVE OAK ST	YOST HARVEY D III
1138	1430 N WASHINGTON AVE	ADAMS KIMMERLY
1139	1430 N WASHINGTON AVE	BOWMAN JANET B
1140	1430 N WASHINGTON AVE	CHATHAM DEBRA L &
1141	1430 N WASHINGTON AVE	FRAZIER AMANDA J
1142	1430 N WASHINGTON AVE	LABREC DAVID J &
1143	1430 N WASHINGTON AVE	LEE ANNABETH

Label # Address

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1144	1430	N WASHINGTON AVE	MILLER BRIAN P &
1145	1430	N WASHINGTON AVE	ROBERTS JULES DARIUS IV
1146	1430	N WASHINGTON AVE	SAUNIER ROBERT G
1147	1430	N WASHINGTON AVE	SIMON JAY S
1148	817	PAVILLION ST	JONES JOHN G
1149	817	PAVILLION ST	JONES JOHN GORNAL
1150	817	PAVILLION ST	MURRAY MORTGAGE COMPANY
1151	821	PAVILLION ST	COLGIN IRWIN EDWARD
1152	821	PAVILLION ST	JONES JOHN G
1153	821	PAVILLION ST	MORALES VELYNA A
1154	821	PAVILLION ST	PRINDLE MARK
1155	1500	PECOS ST	ARCHIBEQUE DEREK J
1156	1500	PECOS ST	BOBOSKY SHELBY
1157	1500	PECOS ST	BRECHT LISA M
1158	1500	PECOS ST	CHRISTENSEN CARY A
1159	1500	PECOS ST	CLINTON SHAUN E &
1160	1500	PECOS ST	COBB RICHARD
1161	1500	PECOS ST	EDWARDS MATT
1162	1500	PECOS ST	GERWER ROBERT & CASEY
1163	1500	PECOS ST	KARP TRACY
1164	1500	PECOS ST	KONG JUN H & SARAH
1165	1500	PECOS ST	MARTINEZ LUIS E & PAM
1166	1500	PECOS ST	NICHOLS JERRY MARTIN &
1167	1500	PECOS ST	PRIJIC ZLATKO & OLHA
1168	1500	PECOS ST	RABIN MELISSA
1169	1500	PECOS ST	ROACH PAUL A &
1170	1500	PECOS ST	SHUMAN KENNETH E &
1171	1500	PECOS ST	SPENCER GREGORY D
1172	1500	PECOS ST	THOMS WADE A & MAY LEE
1173	1500	PECOS ST	ULRICH RODERICK G
1174	3033	SAN JACINTO ST	ALLEN KEITH

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1175	3033 SAN JACINTO ST	BORAH BARBARA HANNAH
1176	3033 SAN JACINTO ST	DE LA CRUZ CHRISTOPHER D
1177	3033 SAN JACINTO ST	HAMPTON JEFF M ETAL
1178	3033 SAN JACINTO ST	HANSON ANDREW
1179	3033 SAN JACINTO ST	JACOB RAJEEV
1180	3033 SAN JACINTO ST	KOCAN CHRISTOPHER N
1181	3033 SAN JACINTO ST	MARTINEZ MARIA ESTELLA
1182	3033 SAN JACINTO ST	MOHAMMADI MINA
1183	3033 SAN JACINTO ST	PEREZ MARCELLA R
1184	3033 SAN JACINTO ST	PUDER HEIDI M
1185	3033 SAN JACINTO ST	ROBINSON JASON D
1186	3033 SAN JACINTO ST	SIDDIQUI MOMIN T
1187	3033 SAN JACINTO ST	TAGUE TRACEY L
1188	3033 SAN JACINTO ST	YARBOROUGH VIRGIL C & F M
1189	3105 SAN JACINTO ST	ADAMS CARLOS T
1190	3105 SAN JACINTO ST	ALLEN AMY
1191	3105 SAN JACINTO ST	ANDERSON IRENE WEST &
1192	3105 SAN JACINTO ST	ANDERSON M SPENCER
1193	3105 SAN JACINTO ST	ANDREWS DLENE
1194	3105 SAN JACINTO ST	BENNETT LYNDA
1195	3105 SAN JACINTO ST	BLAKE DAVID & DONALD C
1196	3105 SAN JACINTO ST	BRANDON VINCENT D
1197	3105 SAN JACINTO ST	BROWN JUANITA
1198	3105 SAN JACINTO ST	CABRERA JOHN
1199	3105 SAN JACINTO ST	CARMACK JOHN M
1200	3105 SAN JACINTO ST	CARMACK JOHN MICHAEL
1201	3105 SAN JACINTO ST	CARNEY FREDERICK S &
1202	3105 SAN JACINTO ST	CLARK CRAIG
1203	3105 SAN JACINTO ST	COOK LAGENIA
1204	3105 SAN JACINTO ST	CRIBB FREDRICK C II
1205	3105 SAN JACINTO ST	DAVIGNON ROBERT C

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1206	3105 SAN JACINTO ST	DELOACH DEBBIE LYNN
1207	3105 SAN JACINTO ST	DIVITO NICOLLE
1208	3105 SAN JACINTO ST	ELDON HOWARD E
1209	3105 SAN JACINTO ST	GEER DELORES K
1210	3105 SAN JACINTO ST	HOLDER JENNIFER S
1211	3105 SAN JACINTO ST	HOLDER JENNIFER SUTTON
1212	3105 SAN JACINTO ST	HOLLMER JAMES F
1213	3105 SAN JACINTO ST	JOHNSON CHRISTPHER
1214	3105 SAN JACINTO ST	JONES CATHY
1215	3105 SAN JACINTO ST	KLECHAPARIENTA DEBRA C
1216	3105 SAN JACINTO ST	LEE ALVIN S & ARNOLD Y
1217	3105 SAN JACINTO ST	LEONE RICHARD
1218	3105 SAN JACINTO ST	MAJORS MELANIE GAY
1219	3105 SAN JACINTO ST	MCBRIDE CLAYTON S &
1220	3105 SAN JACINTO ST	MILES SAMUEL A JR
1221	3105 SAN JACINTO ST	MILLER JACK D
1222	3105 SAN JACINTO ST	MINGO JERRY & HELEN RUTH
1223	3105 SAN JACINTO ST	MITCHELL STEPHANIE L
1224	3105 SAN JACINTO ST	MONSON STEVEN
1225	3105 SAN JACINTO ST	MYINT STANLEY N
1226	3105 SAN JACINTO ST	NGUYEN MINH KHOI M
1227	3105 SAN JACINTO ST	OFFUTT DIANNA G
1228	3105 SAN JACINTO ST	PACLIBARE JEROME &
1229	3105 SAN JACINTO ST	PULLY SCOTT & DUNN JANE
1230	3105 SAN JACINTO ST	PURDY JUDY H &
1231	3105 SAN JACINTO ST	RAGLAND JACQUELINE M
1232	3105 SAN JACINTO ST	REDWINE JEFFREY P &
1233	3105 SAN JACINTO ST	RIGGS RENEE R
1234	3105 SAN JACINTO ST	ROWLEY LYLE B
1235	3105 SAN JACINTO ST	SAHIB SULTANA M
1236	3105 SAN JACINTO ST	SANDERS ELIZABETH

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1237	3105 SAN JACINTO ST	SESSICA LECROY
1238	3105 SAN JACINTO ST	SHUEMAKE C JEAN
1239	3105 SAN JACINTO ST	SMITH SANDY R
1240	3105 SAN JACINTO ST	SPARROW LYNN & DALE R
1241	3105 SAN JACINTO ST	SPECK KARIN S
1242	3105 SAN JACINTO ST	SPRUILL ELBERT J &
1243	3105 SAN JACINTO ST	STONE EDDIE R
1244	3105 SAN JACINTO ST	VOGEL ELLIOTT DIANE E
1245	3105 SAN JACINTO ST	WALKER CLYDIA M
1246	3105 SAN JACINTO ST	WICKLANDER MARIE
1247	3105 SAN JACINTO ST	WRIGHT WILLA KATHRYN
1248	2710 SWISS AVE	2700 SWISS AVENUE LTD
1249	2710 SWISS AVE	STAFFORD ED D & LEAH L

051355

*EN Z045-169(NB)

*Violetta Forsythe Lill
Councilmember
District 14
5FS

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Richardson, TX 75081

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Dallas, TX 75206

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Dallas, TX 75203

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Dallas, TX 75229

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Dallas, TX 75240

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Dallas, TX 75063

Jackson Walker
Suzan Kedron
901 Main St. #6000
Dallas, TX 75202

Kiestwood Neighbors
Neoma Shafer
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Dallas, TX 75233

.Lake Highlands AIA
 Tammy Santi
 8821 Hackney Lane
 Dallas, TX 75238

.Micheal R Coker Co
 Michael R Coker
 6350 LBJ Frwy #158
 Dallas, TX 75240

.PARC DU LAC
 Linda Sharp
 12126 Vendome Place
 Dallas, TX 75230

.United HOA
 Norma Parry
 1515 Reynaldston Ln.
 Dallas, TX 75232

E Bryant
 2510 South Blvd.
 Dallas, TX 75215

Karen Roberts
 502 Cameron Ave
 Dallas, TX 75223

Bryan Place NA
 Caren Pemberton, Atty
 3211 Trevolle Place
 Dallas, TX 75204

BSEAT
 Allen McGill
 P O Box 41561
 Dallas, TX 75241

Cochran Heights
 Hector Garcia
 3601 Turtle Creek Blvd #901
 Dallas, TX 75219

Glen Oaks HOA
 Davis
 Timber Dell Ln
 Dallas, TX 75232

.Lake Highlands AIA
 Terri Woods
 9603 Rocky Branch Drive
 Dallas, TX 75243

.Minyards Properties Inc
 David Hardin
 777 Freeport Pkwy
 Coppell, TX 75019

.Quick Trip Co.
 Teri Dorazil
 14450 Trinity Blvd. #300
 Fort Worth, TX 76155

.United HOA
 Thelma J. Norman
 2628 Blackstone Dr.
 Dallas, TX 75237

Gabriel Camacho
 11002 Creekmere
 Dallas, TX 75218

Megan P Bryant
 411 Elm St., Ste 120
 Dallas, TX 75202

Bryan Place NA
 Christopher R Craig
 1540 McCoy Street
 Dallas, TX 75204

Buckner Terrace HOA
 Frances James
 4322 St. Francis Ave.
 Dallas, TX 75227

Fitzhugh/Capital NA
 Carl Smith
 4517 Weldon St
 Dallas, TX 75204

Hollywood Santa Monica NA
 Santos T. Martinez
 1111 Cordova
 Dallas, TX 75223

.Master Plan
 Karl Crawley
 500 S Ervay St. #112-B
 Dallas, TX 75201

.Oak Cliff Chamber
 Joe Burkleo
 545 Lacewood Drive
 Dallas, TX 75224

.Reed Construction Data
 Renee Williams
 11101 Stemmons Frwy Ste. 101
 Dallas, TX 75229

.United Homeowner
 Raymond Montgomery
 7535 Oak Garden
 Dallas, TX 75232

Jeri Arbuckle
 4800 Victor St.
 Dallas, TX 75246

J Peterson & S Graham
 4203 Junius St.
 Dallas, TX 75246

Bryan Place NA
 Drake Frazier
 3112 Trevolle Place
 Dallas, TX 75204

Buckner Terrace HOA
 Carolyn James
 5311 Banting Way
 Dallas, TX 75227

Forest Hills HOA
 Melinda Poss
 8507 Forest Hills
 Dallas, TX 75218

Junius Heights HOA
 Kara Kunkel
 5527 Tremont Street
 Dallas, TX 75214

205270
Kidd Springs NA
John W. (Bill) Robson
1010 Cedar Hill Ave.
Dallas, TX 75208

Lower Greenville Assoc
Chuck Cole
5820 Penrose Ave
Dallas, TX 75206

051255
Lowest Greenville West NA
Bill Dickerson
2000 Euclid
Dallas, TX 75206

Mill Creek HA
Lee Pepper
4826 Swiss Ave.
Dallas, TX 75214

Mill Creek HOA
Sandra Graham
4203 Junius St.
Dallas, TX 75246

Mill Creek HOA
Jo Blount
4834 Worth Street
Dallas, TX 75246

Mt. Lakes NA
Lloyd Powell
136 S Merryfield Rd.
Dallas, TX 75211

Mt. Lakes NA
Vicki L Crow
5907 Oro Way
Dallas, TX 75211

Old E Dallas Renaissance
Rick Leggio
4503 Reiger Avenue
Dallas, TX 75246

Operation Relief Center, Inc
Sherman Roberts
2010 Grand Ave.
Dallas, TX 75215

Orion Reality Group
Bill Lamm
729 Robin Lane
Coppell, TX 75019

Peak & Bryan Merch Assoc
Bill Dickerson
4223 Bryan
Dallas, TX 75204

Swiss Ave Hist Dist Assn
V. McAlester/D. Savage
5703 Swiss Avenue
Dallas, TX 75214

Trinity Foundation, Inc
Pete Evans
P O Box 33
Dallas, TX 75221

Urban Pioneers
Marian Gibson
4940 Worth Street
Dallas, TX 75214

*EN Z045-169(NB)

TAB L

Dallas, Tex., Ordinance 29099

ORDINANCE NO. 29099

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 513; fronting approximately 136 feet on the southeast line of Ross Avenue; fronting approximately 127.50 feet on the southwest line of Villars Street; and containing approximately 17,340 square feet of land,

from Subarea 1 within Planned Development District No. 298 to Subarea 1B within Planned Development District No. 298 (the Bryan Area Special Purpose District); amending Article 298, "PD 298," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code to reflect the creation of a new subarea within the planned development district; amending the creation of subareas, maximum heights, setbacks, maximum coverage, and floor area ratio and floor area regulations in Sections 51P-298.104, 51P-298.110, 51P-298.112, 51P-298.113, 51P-298.116 of Article 298; deleting the zoning map regulations in Section 51P-298.123 of Article 298; providing a new Exhibit 298A (subarea boundary map); providing a new Exhibit 298E (use chart); providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the property described in this ordinance and this amendment to the Dallas City Code; and

WHEREAS, the city council finds that it is in the public interest to change the zoning classification and amend Article 298 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from Subarea 1 within Planned Development District No. 298 to Subarea 1B within Planned Development District No. 298 on the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”).

SECTION 2. That Section 51P-298.104, “Creation of Subareas,” of Article 298, “PD 298,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-298.104 CREATION OF SUBAREAS.

A map showing the boundaries of the 17 [46] subareas of the Bryan Area SPD is provided as Exhibit 298A.”

SECTION 3. That Section 51P-298.110, “Maximum Heights,” of Article 298, “PD 298,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-298.110. MAXIMUM HEIGHTS.

Unless further restricted under Section 51P-298.107(b) and 51P-298.109, maximum structure heights for each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Structure Height</u> <u>(in feet)</u>
1, and 1A, and 1B	120
3	160
4	54
5	270
6	36-40
7	39
8	100
10 and 10A	100
11 and 11A	100
12 and 12 A	160
13	54”

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SECTION 4. That Section 51P-298.112, "Setbacks," of Article 298, "PD 298," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-298.112. SETBACKS.

(1) Front yard.

(A) Except as provided in this paragraph, the minimum front yard setback is five feet in all subareas.

(B) No minimum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(C) Except as provided in this paragraph, the maximum [~~feet~~] front yard setback is 15 feet in Subareas 1, 1A, 1B, 3, 4, 5, 8, 10, 10A, 12 and 13 in front yards fronting on Pedestrian Linkage Streets as shown on Exhibit 298C.

(D) No maximum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(E) Maximum front yard setback is 25 feet in Subareas 6 and 7.

(F) No maximum front yard setback is required in Subareas 11A and 12A.

(2) Side yard.

(A) Except as provided in this paragraph, no side yard setback is required in Subareas 1, 1A, 1B, 3, 4, 5, 7, 8, 10, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.

(B) No side yard setback is required in Subarea 6; however, if a side yard setback is provided, it must be a minimum of five feet.

(C) No side yard setback is required in Subareas 10A, 11A, and 12A.

(D) No side yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(3) Rear yard. The minimum rear setback is five feet in all subareas."

SECTION 5. That Section 51P-298.113, “Maximum Coverage,” of Article 298, “PD 298,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“SEC. 51P-298.113. MAXIMUM COVERAGE.

Unless further restricted under Section 51P-298.107(b), maximum lot coverages in each subarea within the Bryan Area SPD is as follows:

<u>Subarea</u>	<u>Maximum Lot Coverage (percent)</u>
1, [and] 1A, and 1B	90
3	70*
	80***
4	90
5	90
6	80
7	70*
	90**
8	70*
	80***
10 and 10A	90
11 and 11A	70*
	80***
12 and 12A	90
13	90

*Applies if less than one-half of the floor area of the structure is occupied by residential uses.

**Applies if at least one-half of the floor area of the structure is occupied by residential use.

***Applies if at least 10 percent of the floor area of the structure is occupied by residential uses.”

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SECTION 6. That Section 51P-298.116, "Floor Area Ratio and Floor Area," of Article 298, "PD 298," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

"SEC. 51P-298.116. FLOOR AREA RATIO AND FLOOR AREA.

(a) Maximum floor area ratios in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Floor Area Ratio</u>
1, [and] 1A, and 1B	4:1
3	4:1
4	2:1
5	4:1
6	None
7	3:1*
	2:1**
8	2.5:1
10 and 10A	3:1
11 and 11A	2.5:1
12 and 12A	4:1
13	2:1

*Applies if at least one-half of the floor area of the structure is occupied by residential uses.

**Applies in all other cases.

(b) The maximum total floor area permitted in Subarea 12A is 1,334,848 square feet."

SECTION 7. That Section 51P-298.123, "Zoning Map," of Article 298, "PD 298," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is deleted as follows:

~~"[SEC. 51P-298.123. ZONING MAP.~~

~~PD 298 is located on Zoning Map Nos. 1-7, 1-8, J-7, and J-8.]"~~

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SECTION 8. 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 9. That the subarea boundary map, Exhibit 298A, and the use chart, Exhibit 298E, of Article 298, "PD 298," of Chapter 51P of the Dallas City Code, are replaced by the Exhibit 298A and Exhibit 298E attached to this ordinance.

SECTION 10. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 11. That 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 12. 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 13. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By  _____
Assistant City Attorney

Passed AUG 14 2013

SUBAREA 1:

BEING an area of land located within the following City Blocks 595, A/595, 596, A/596, 597, A/597, 598, A/598, 599, 1/599, 2/600, 4/601, 4/649, 3/649, 287, 504, 3/506, 512, 513, 514, 641, 1/642, 2/642, 15/646 and further described as follows:

BEGINNING at the intersection of the southwesterly projection of the centerline of Flora Street and the centerline of North Central Expressway for a point for corner;

THENCE in a northeasterly direction along the centerline of Flora Street, a distance of approximately 1075 feet to the point of intersection with the centerline of Hall Street to a point for corner;

THENCE in a southeasterly direction along the centerline of Hall Street, a distance of approximately 35 feet to the point of intersection with the centerline of Roseland Avenue to a point for corner;

THENCE in a northeasterly direction along the centerline of Roseland Avenue, a distance of approximately 3022 feet; crossing McCoy Street, North Washington Avenue, Caddo Street, North Haskell Avenue and Ripley Street to the point of intersection with the centerline of Peak Avenue to a point for corner;

THENCE in a southeasterly direction along the centerline of Peak Avenue to the point of intersection with the centerline of San Jacinto Street (southeast offset) to a point for corner;

THENCE in a southwesterly direction along the centerline of San Jacinto Street (southeast offset) to the point of intersection with the centerline of North Haskell Avenue to a point for corner;

THENCE in a northwesterly direction along the centerline of North Haskell Avenue to the point of intersection with the northeasterly projection of the common diving line between the originally platted north and south Lots in City Blocks 2/642, 1/641 and 641, crossing Caddo Street said line also being approximately 143 feet south and parallel to the southeast line of Ross Avenue, said line being projected to the centerline of North Washington Avenue, to a point for corner;

THENCE in a southeasterly direction along the centerline of North Washington Avenue to the point of intersection with the centerline of San Jacinto Street (southeast offset) to a point for corner;

THENCE in a southwesterly direction along the centerline of San Jacinto Street (southeast offset) approximately 290 feet to the point of intersection with the northwesterly projection of the common line between Lots 1 and 2 (as originally Platted) in City Block 511, said line also being approximately 260 feet southeast of the southeast corner of Block 514 (at the intersection of the west line of Washington Avenue and the north line of San Jacinto Street) for a point for

corner on a line, said line will be running through the of a 3.30 acre Tract of DISD land in Block 514;

THENCE in a northwesterly direction along said line approximately 200 feet to the point of intersection with the northeasterly projection of the south line of a (14,674.86 square foot) DISD tract of land in same Block 514, said line being approximately 169 feet south of and parallel to Ross Avenue to a point for corner on a line;

THENCE in a southwesterly direction along said line approximately 253 feet projected to the centerline of Villars Street to a point for corner;

~~THENCE in a northwesterly direction along the centerline of Villars Street approximately 25.31 feet to the point for corner on a line, said point being the intersection with the northeasterly projection of the common line between Tracts 3 through 5 (Mbogo Tracts) and Tract 8 (DISD Tract) in City Block 513, said line being approximately 127.50 feet south and parallel to the south line of Ross Avenue to a point for corner on said line; to the point of intersection with the centerline of Ross Avenue to a point for corner;~~

~~THENCE in a southwesterly direction along said centerline of Ross Avenue to the point of intersection with the southeasterly projection of the common line between City Blocks 597 and 598 to a point for corner; the said common line of said Mbogo tract, and said Dallas Independent School District tract, a distance of 136.00 feet to a point for the south corner of said Mbogo tract, same being a northwest corner of said Tract 8 (DISD Tract) in City Block 513 to a point for corner on a line;~~

~~THENCE in a southeasterly direction approximately 18 feet along said line that is the common line between the west line of Tract 8 and the east line of Tract 1 in City Block 513 to its point of intersection with the common line between Tract 1 and Tract 9 in City Block 513 to a point for corner;~~

~~THENCE in a southwesterly direction along the said common line extended to the centerline of McCoy Street to a point for corner;~~

THENCE North 45 deg. 48 min. 00 sec. West, a distance of 295.04 feet to a point for the east corner of said Woodard tract, to a point for corner;

THENCE South 45 deg. 00 min. 00 sec. West, a distance of 261.92 feet to a point for the departing said northwest corner of said Woodard tract to a point for corner at the centerline of McCoy Street;

THENCE in a southeasterly direction approximately 48509 feet along the centerline of McCoy Street to the point of intersection with the northeasterly projection of the common line between Tracts N and Lot H in City Block 512 to a point for corner;

THENCE in a southwesterly direction approximately 208 feet along the said common line between Tracts N and Lot H in Block 512, continuing along the south line of Lot H to its most

southerly southwest corner, same being the southeast corner of a 35x93 inside Tract of land (VOL 88185 PG 4397) to a point for corner;

THENCE in a northwesterly direction along said common tract line approximately 34.75 feet to the point for corner at the intersection of the most southerly northwest corner of Lot H and the northeast corner of the 35x93 inside Tract in Block 512;

THENCE in a southwesterly direction approximately 89.64 feet along the north line of the called 35x93 foot inside Tract in Block 512 for the point of intersection with the east line of the Lots in BRYAN PLACE PH VII SEC III-REPLAT ADDTION to a point for corner;

THENCE northwesterly approximately 5.19 feet following the east line of the Lots in the BRYAN PLACE PH VII SEC III-REPLAT ADDTION to the point of intersection of the common line that is the north line of said Addition with the south line of a 95.85x129.7 foot Tract of land at Ross Avenue and NorthHall Street to a point for corner;

THENCE in a southwesterly direction approximately 128.53 feet along said line projected to the centerline of North Hall Street to a point for corner;

THENCE in a southeasterly direction along the centerline of North Hall Street to the point of intersection with thenortheasterly projection of the centerline of Vann Court to a point for corner;

THENCE in a southwesterly direction approximately 1059 feet along said centerline of Vann Court, crossing Liberty Street to the point of intersection with the common line in City Block 287 between the south line of Tracts 1 and 2 and the north line of the Condo Tract and in Block 1/287 to a point for corner;

THENCE in a southwesterly, northwesterly and then again in a southwesterly direction along said common Tract lines, crossing Allen Street said line projected to the centerline of North Central Expressway to a point for corner;

THENCE in a northwesterly direction along the centerline of North Central Expressway to the point of intersection with the southwesterly projection of the centerline of Flora Street, THE PLACE OF BEGINNING.

SUBAREA 1A:- (North of Ross Avenue)

BEING a 1.4074 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas Block No. 598, Dallas County, Texas, and being all that certain tract described in deed to Bill Woodard as recorded in Volume 75066, Page 987, of the Deed Records, Dallas County, Texas (D.R.D.C.T.), and a portion of those certain tracts of land described to Julia J. Woodard, Trustee of Trust A of the John and Julia Woodard Family Trust as recorded in Volume 2001076, Page 4447, and Page 4482, D.R.D.C.T., and being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the northwest right-of-way line of Ross Avenue (80 foot right-of-way) and the northeast right-of-way line of McCoy Street (50 feet wide);

THENCE North 44° 14' 00" West with said northeast line of McCoy Street, a distance of 255.04 feet to a point for comer;

THENCE North 45° 00' 00" East, leaving said northeast right-of-way line of McCoy Street, a distance of 236.92 feet to a point for comer;

THENCE South 45° 48'00" East, a distance of 255.04 feet to a point for comer in said northwest line of Ross Avenue;

THENCE South 45° 00'00" West with said northwest line of Ross Avenue, a distance of 243.89 feet to the POINT OF BEGINNING, and containing 61,307 square feet or 1.4074 acres of land.

The basis of bearing for this description is the deed of record to Julia J. Woodard, Trustee of Trust A of the John and Julia Woodard Family Trust as recorded in Volume 2001076, Page 4447, and Page 4482, D.R.D.C.T. and is not based on a survey made on the ground.

Subarea 1B:– (South of Ross Avenue)

Being that certain 0.3980 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas Block 513, City of Dallas, Dallas County, Texas, and being all of those three tract of land known as First Tract, Second Tract and Third Tract to Hinga Mbogo, by Warranty Deed recorded in Volume 97126, Page 1782, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the north comer of said Mbogo tract, same being the intersection of the southeast right-of-way line of Ross Avenue (a called 80 foot right-of-way) with the southwest right-of-way line of Villars Street;

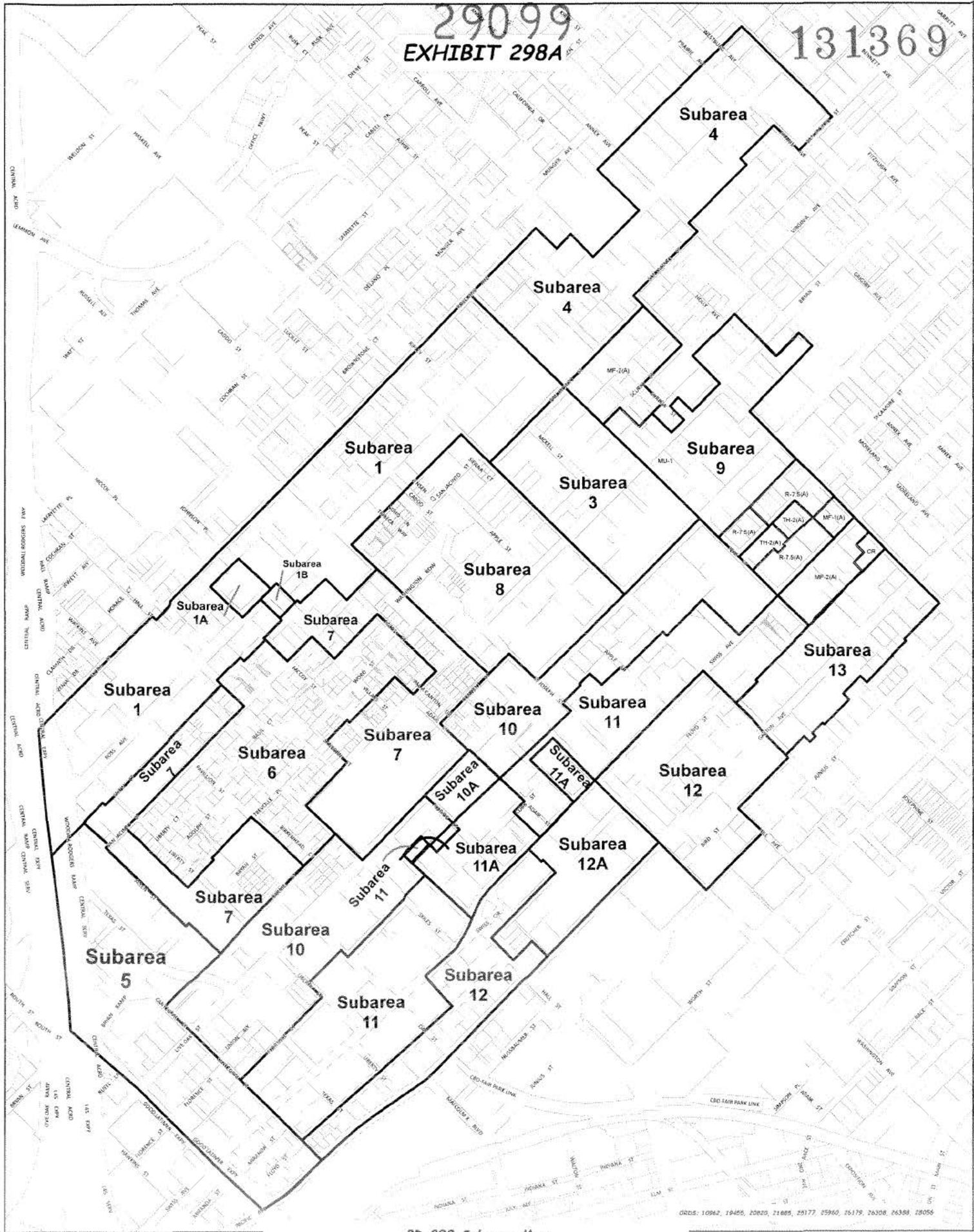
THENCE South 44 deg. 50 min. 00 sec. East, along the common line of said Mbogo tract, and said Villars Street, a distance of 127.50 feet to a point for the east comer of said Mbogo tract, same being the north comer of Tract 2 to Dallas Independent School District, by Warranty Deed recorded in Volume 84216, Page 1285, said Deed Records;

THENCE South 45 deg. 10 min. 00 sec. West, along the common line of said Mbogo tract, and said Dallas Independent School District tract, a distance of 136.00 feet to a point for the south comer of said Mbogo tract, same being a west comer of said Dallas Independent School District tract, same being in the northeast line of that certain tract of land to James B. Parks, Jr., by Warranty Deed with Vendor's Lien recorded in Volume 86022, Page 1389, said Deed Records;

THENCE North 44 deg. 50 min. 00 sec. West, along the common line of said Mbogo tract, and said Parks tract, a distance of 127.50 feet to a point for the west comer of said Mbogo tract, same being the north comer of said Parks tract, same being in the southeast right-of-way line of

aforesaid Ross Avenue;

THENCE North 45 deg. 10 min. 00 sec. East, along the common line of said Mbogo tract, and the southeast right-of-way line of said Ross Avenue, a distance of 136.00 feet to the POINT OF BEGINNING and containing 17,340 square feet or 0.398 acre of computed land, more or less.



PD 298 Subarea Map
Contains 17 Subareas

1, 1A, 1B, 3, 4, 5, 6, 7, 8, 9, 10, 10A, 11, 11A, 12, 12A
No longer contains a Subarea 2



1:4,400

Exhibit 298E

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6

7

10, 10A

4,13

5, 12, 12A

8, 11, 11A

3

1, 1A, 1B

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		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.201	AGRICULTURAL USES								
1	Animal production								
2	Commercial stable								
3	Crop production								

		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.202	COMMERCIAL AND BUSINESS SERVICE USES								
1	Building repair and maintenance shop				Ⓡ		Ⓡ		
2	Bus or rail transit vehicle maintenance or storage facility								
3	Catering service		Ⓛ	●	●	●	●	●	●
4	Commercial cleaning or laundry plant			●	●				●
5	Custom business services		Ⓛ	●	●	●	●	●	●
6	Custom woodworking, furniture construction, or repair			●	●				●
7	Electronics service center		Ⓛ	●	●	●	●	●	●
8	Job or lithographic printing			●	●	●	●		●
9	Machine or welding shop								
10	Machinery, heavy equipment, or truck sales and services								
11	Medical or scientific laboratory			●	●	●	●	●	●
12	Technical school			Ⓡ	Ⓡ	Ⓡ	Ⓡ		Ⓡ
13	Tool or equipment rental				●				
14	Vehicle or engine repair or maintenance			Ⓡ	Ⓡ				(1A & 1B - S)

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6
7
10,10A

4,13

5, 12, 12A

8, 11, 11A

3

1, 1A, 1B

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		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.203	INDUSTRIAL USES								
1	Industrial (inside) without high risk or hazardous uses								
1A	Industrial (inside) with high risk or hazardous uses								
2	Industrial (outside) without high risk or hazardous uses								
2A	Industrial (outside) with high risk or hazardous uses								
3	Metal salvage facility								
4	Mining								
5	Outside salvage or reclamation								
6	Temporary concrete or asphalt batching plant								

SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.204	INSTITUTIONAL AND COMMUNITY SERVICE USES								
1	Adult day care facility		S	S	S	●	●		S
2	Cemetery or mausoleum								
3	Child-care facility		S	S	S	●	●		S
4	Church	S	●	●	●	●	●	●	●
5	College, university, or seminary			●	●	●	●		●
6	Community home for disabled persons		S	●	●	●	●		●
7	Community service center				S	S	S	S	S
8	Convalescent and nursing homes and related institutions	S	S	●	●	●	●	S	S
9	Convent or monastery		●	●	●	●	●		
10	Establishments for the care of alcoholic narcotic, or psychiatric patients					S	S		
11	Foster home		S			●	●		
12	Group homes or shelters for disabled, indigent, or abused persons				S	S	S		
13	Halfway house				S		S		
14	Hospital			(10A - ●)		●	●	●	
15	Institution for special education			(R)	(R)	(R)	(R)	(R)	(R)
16	Library, art gallery or museum			●	●	●	●	●	●
17	Public or private school			(R)	(R)	(R)	(R)	(R)	(R)
18	Day home			(10A - S)		(12A - ●)	(11A - ●)		

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6

7

10, 10A

4, 13

5, 12, 12A

8, 11, 11A

3

131369
1, 1A, 1B

		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.205	LODGING USES								
1	Hotel or motel			●	●	●	●	●	●
2	Lodging or boarding house			●	●	●	●	●	●
3	Residential hotel			S	S	S	S	S	S
4	Extended stay hotel			(10A -S)		(12A -S)	(11A -S)		

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6
7

10, 10A

4, 13

5, 12, 12A

8, 11, 11A

3

1, 1A, 1B

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		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.206	MISCELLANEOUS USES								
1	Carnival or circus (temporary)								
2	Temporary construction or sales office	●	●	●	●	●	●	●	●

		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.207	OFFICE USES								
1	Ambulatory surgical center			●	●	●	●	●	●
2A	Financial institution without drive-in window		(L)	●	●	●	●	●	●
2B	Financial institution with drive-in window			(R) (10A – not allowed)	(R)	(12A - ●) (12-S)		(R)	(R)
3	Medical clinic			●	●	●	●	●	●
4	Office		●	●	●	●	●	●	●
5	Labor Agency						S	S	

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		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.208	RECREATION USES								
1	Country club with private membership								
2	Private recreation center, club, or area		S	●	●	●	●	●	●
3	Public park, playground, or golf course		●	●	●	●	●	●	●

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		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.209	RESIDENTIAL USES								
1	College dormitory, fraternity or sorority house		S	●	●	●	●	●	●
2	Duplex	●	●	●	●	●	●	●	●
3	Retirement Housing		●	●	●	●	●	●	●
4	Mobile home park or subdivision								
5	Multifamily		●	●	●	●	●	●	●
6	Single family	●	●						
7	Commercial compatible single family			●	●	●	●	●	●

		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.210	RETAIL AND PERSONAL SERVICE USE								
1	Ambulance service			Ⓡ	Ⓡ	Ⓡ	Ⓡ		Ⓡ
2	Animal shelter or clinic without outside run				Ⓡ				
3	Animal shelter or clinic with outside run								
3A	Auto service center				Ⓡ				
4	Bar, lounge, or tavern			S (10A – not allowed)	S	S (12A – not allowed)	S (11A – not allowed)	S	S
5	Business school			Ⓡ	Ⓡ	Ⓡ	Ⓡ	Ⓡ	Ⓡ
6	Car wash				Ⓡ				
7	Commercial amusement (inside)								
8	Commercial amusement (outside)								
9	Commercial parking lot or garage			Ⓡ	Ⓡ	Ⓡ	Ⓡ	Ⓡ	Ⓡ
10	Drive-in theater								
11	Dry cleaning or laundry store		Ⓛ	●	●	●	●	●	●
12	Furniture store		Ⓛ	●	●	●	●	●	●
13	General merchandise or food store 3,500 square feet or less		Ⓛ	●	●	●	●	●	●
14	General merchandise or food store greater than 3,500 square feet			●	●	●	●	●	●
15	Home improvement center, lumber, brick or building materials sales yard				●	S	S		
16	Household equipment and appliance repair		Ⓛ	●	●	●	●		●
17	Liquor store			S (10A – not allowed)	S	S (12A – not allowed)	S (11A – not allowed)		S

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Exhibit 298E

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SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.210	RETAIL AND PERSONAL SERVICE USE								
18	Mortuary, funeral home, or commercial wedding chapel			●	●				
19	Motor vehicle fueling station			●	●				
20	Nursery, garden shop, or plant sales		(L)	●	●	●	●	●	●
21	Outside sales								
22	Pawn shop								
23	Personal service uses		●	●	●	●	●	●	●
24	Restaurant without drive-in or drive-through service		(L)	●	●	●	●	●	●
25	Restaurant with drive-in or drive-through service			S	●	S	S	S	S
26	Surface parking			(R)	(R)	(R)	(R)	(R)	(R)
27	Taxidermist								
28	Temporary retail use				●			●	
29	Theater			●	●	●	●	●	●
30	Vehicle display, sales, and service				●				

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		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.211	TRANSPORTATION USES								
1	Airport or landing field								
2	Commercial bus station and terminal								
3	Heliport								
4	Helistop								
5	Railroad passenger station			S	S	S	S	S	S
6	Railroad yard, roundhouse, or shops								
7	STOL (short takeoff or landing) port								
8	Transit passenger shelter	S	S	●	●	●	●	●	●

Exhibit 298E

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		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.212	UTILITY AND PUBLIC SERVICE USES								
1	Commercial radio or television transmitting station			●	●	●	●	●	●
2	Electrical generating plant								
3	Electrical substation			S	S	S	S		S
4	Local utilities	●	●	●	●	●	●	●	●
5	Police or fire station		S	●	●	●	●	●	●
6	Post office		●	●	●	●	●	●	●
7	Radio, television, or microwave tower			S	S	S			S
8	Refuse transfer station								
9	Sanitary landfill								
10	Sewage treatment plant								
11	Utility or government installation other than listed				S	S	S	S	S
12	Water treatment plant								

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		SUB DISTRICTS							
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.213	WHOLESALE, DISTRIBUTION, AND STORAGE USES								
1	Auto auction								
2	Building mover's temporary storage yard								
3	Contractor's maintenance yard								
4	Freight terminal								
5	Livestock auction pens or sheds								
6	Mini-warehouse				●	S	S		
7	Office showroom/warehouse				●	●	●		
8A	Outside storage (with visual screening)								
8B	Outside storage (without visual screening)								
9	Petroleum product storage and wholesale								
10	Recycling collection center								
11	Sand, gravel, or earth sales and storage								
12	Trade center					●		●	●
13	Vehicle storage lot								
14	Warehouse			●	●	●	●		●

Exhibit 298E

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SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.217	ACCESSORY USES								
1	Accessory community center (private)	S	S	●	●	●	●	●	●
2	Accessory game court (private)	●	●	●	●	●	●	●	●
3	Accessory helistop			S (10A – not allowed)		S (12A – ●)			S
4	Accessory outside display of merchandise			●	●			●	●
5	Accessory outside sales							S	
6	Accessory outside storage	●	●	●	●	●	●	●	●
7	Amateur communication tower	S	S	●	●	●	●	●	●
8	Home occupation	●	●	●	●	●	●	●	●
9	Occasional sales (garage sales)	●	●	●	●	●	●	●	●
10	Private stable								
11	Swimming pool (private)	●	●	●	●	●	●	●	●

TAB M

Tex. R. Civ. P. 91a

Vernon's Texas Rules Annotated
Texas Rules of Civil Procedure
Part II. Rules of Practice in District and County Courts
Section 4. Pleading
C. Pleadings of Defendant

TX Rules of Civil Procedure, Rule 91a

Rule 91a. Dismissal of Baseless Causes of Action

Currentness

91a.1 Motion and Grounds. Except in a case brought under the Family Code or a case governed by Chapter 14 of the Texas Civil Practice and Remedies Code, a party may move to dismiss a cause of action on the grounds that it has no basis in law or fact. A cause of action has no basis in law if the allegations, taken as true, together with inferences reasonably drawn from them, do not entitle the claimant to the relief sought. A cause of action has no basis in fact if no reasonable person could believe the facts pleaded.

91a.2 Contents of Motion. A motion to dismiss must state that it is made pursuant to this rule, must identify each cause of action to which it is addressed, and must state specifically the reasons the cause of action has no basis in law, no basis in fact, or both.

91a.3 Time for Motion and Ruling. A motion to dismiss must be:

- (a) filed within 60 days after the first pleading containing the challenged cause of action is served on the movant;
- (b) filed at least 21 days before the motion is heard; and
- (c) granted or denied within 45 days after the motion is filed.

91a.4 Time for Response. Any response to the motion must be filed no later than 7 days before the date of the hearing.

91a.5 Effect of Nonsuit or Amendment; Withdrawal of Motion.

- (a) The court may not rule on a motion to dismiss if, at least 3 days before the date of the hearing, the respondent files a nonsuit of the challenged cause of action, or the movant files a withdrawal of the motion.
- (b) If the respondent amends the challenged cause of action at least 3 days before the date of the hearing, the movant may, before the date of the hearing, file a withdrawal of the motion or an amended motion directed to the amended cause of action.

(c) Except by agreement of the parties, the court must rule on a motion unless it has been withdrawn or the cause of action has been nonsuited in accordance with (a) or (b). In ruling on the motion, the court must not consider a nonsuit or amendment not filed as permitted by paragraphs (a) or (b).

(d) An amended motion filed in accordance with (b) restarts the time periods in this rule.

91a.6 Hearing; No Evidence Considered. Each party is entitled to at least 14 days' notice of the hearing on the motion to dismiss. The court may, but is not required to, conduct an oral hearing on the motion. Except as required by 91a.7, the court may not consider evidence in ruling on the motion and must decide the motion based solely on the pleading of the cause of action, together with any pleading exhibits permitted by [Rule 59](#).

91a.7 Award of Costs and Attorney Fees Required. Except in an action by or against a governmental entity or a public official acting in his or her official capacity or under color of law, the court must award the prevailing party on the motion all costs and reasonable and necessary attorney fees incurred with respect to the challenged cause of action in the trial court. The court must consider evidence regarding costs and fees in determining the award.

91a.8 Effect on Venue and Personal Jurisdiction. This rule is not an exception to the pleading requirements of [Rules 86](#) and [120a](#), but a party does not, by filing a motion to dismiss pursuant to this rule or obtaining a ruling on it, waive a special appearance or a motion to transfer venue. By filing a motion to dismiss, a party submits to the court's jurisdiction only in proceedings on the motion and is bound by the court's ruling, including an award of attorney fees and costs against the party.

91a.9 Dismissal Procedure Cumulative. This rule is in addition to, and does not supersede or affect, other procedures that authorize dismissal.

Credits

Adopted by order of Feb. 12, 2013, eff. March 1, 2013.

Vernon's Ann. Texas Rules Civ. Proc., Rule 91a, TX R RCP Rule 91a
Current with amendments received through June 1, 2017