

11/29/88

ORDINANCE NO. 20143

An ordinance amending CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by changing the zoning classification on the following described property, to-wit:

Being a tract of land in City Block 520 at the west corner of North Akard Street and Munger Avenue, fronting approximately 285.81 feet on the southwest line of North Akard Street and fronting approximately 93.35 feet on the northwest line of Munger Avenue, and containing approximately 0.927 acres of land,

from a CA-1 Central Area District to a CA-1-H/42 Central Area Historic District; establishing new Historic Overlay District No. 42 (Cumberland Hill School) and providing procedures, regulations, and preservation criteria pertaining to that district; providing a penalty not to exceed \$2000; 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 applicable 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 grant this change in zoning; Now, Therefore,

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

SECTION 1. That CHAPTERS 51 and 51A, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, are amended by changing the zoning classification from a CA-1 Central Area District to a CA-1-H/42 Central Area Historic District on the following described property ("the Property"), to wit:

BEING a tract or parcel of land situated in the City of Dallas, Dallas County, Texas, and being part of the John Grigsby Survey, Abstract 495, and being part of City Block 520 in the City of Dallas, Texas, and including all of that portion of Akard Street which was abandoned, vacated and closed by Ordinance No. 9073 as recorded in Volume 69114, Page 1805, Deed Records of Dallas County, Texas, and also being a part of the tract of land described in a deed dated January 2, 1970 from W.P. Clements, Jr. to Southern Methodist University recorded in Volume 70033, Page 0151, of said Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the southeasterly line of Woodall Rodgers Freeway (variable width) with the southerly cut-off line, as established by said Ordinance No. 9073, between said southeasterly line and the southwesterly line of Akard Street (76 feet wide);

THENCE South $44^{\circ}59'$ West along the southeasterly line of Woodall Rodgers Freeway, a distance of 155.09 feet to a point for corner;

THENCE South $45^{\circ}01'40''$ East, a distance of 189.75 feet to the beginning of a curve to the left;

THENCE in a southeasterly direction along said curve to the left having a radius of 85.00 feet, a central angle of $29^{\circ}10'15''$, and an arc length of 43.28 feet to the end of said curve to the left;

THENCE South $74^{\circ}11'55''$ East, a distance of 13.47 feet to a point for corner;

THENCE South $78^{\circ}37'46''$ East, a distance of 12.43 feet to a point for corner;

THENCE South $46^{\circ}44'35''$ East, a distance of 47.00 feet to a point for corner in the present northwesterly line of Munger Avenue (64 feet wide);

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THENCE North $45^{\circ}11'05''$ East, along said present northwesterly line of Munger Avenue, a distance of 8.78 feet to the beginning of a curve to the left;

THENCE in a northeasterly direction along the present northwesterly line of Munger Avenue and along said curve to the left having a radius of 400.00 feet, a central angle of $9^{\circ}36'14''$, and an arc length of 67.05 feet to the end of said curve to the left;

THENCE North $35^{\circ}34'51''$ East along said present northwesterly line of Munger Avenue, a distance of 10.00 feet to the beginning of a curve to the right;

THENCE in a northeasterly direction along said present northwesterly line of Munger Avenue and along said curve to the right having a radius of 464.00 feet, a central angle of $0^{\circ}55'41''$, and an arc length of 7.52 feet to a point for corner in the southwesterly line of Akard Street (76 feet wide);

THENCE North $35^{\circ}57'30''$ West along the southwesterly line of Akard Street, a distance of 285.81 feet to its intersection with the southerly cut-off line between said southwesterly line and the southeasterly line of Woodall Rodgers Freeway;

THENCE North $85^{\circ}29'15''$ West along said southerly cut-off line, a distance of 12.98 feet to the PLACE OF BEGINNING, and containing approximately 40,403 square feet of land.

SECTION 2. That a person shall not make alterations to the Property without first obtaining a certificate of appropriateness in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit A.

SECTION 3. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes,

and all other applicable ordinances, rules, and regulations of the City of Dallas.

SECTION 4. That the director of planning and development shall correct Zoning District Map No. J-7 in the offices of the city secretary, the building official, and the department of planning and development to reflect the changes in zoning made by this ordinance.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, or maintenance of a building, structure, or land on the Property.

SECTION 6. That CHAPTER 51 of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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 8. That this ordinance shall take effect immediately from and after its passage and publication in

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

APPROVED AS TO FORM:

ANALES LIE MUNCY, City Attorney

By Angela M. Cowes
Assistant City Attorney

Passed and correctly enrolled NOV 30 1988

Zoning File No. 2878-251/8625-N

6402J

APPENDIX

Preservation Criteria: CUMBERLAND HILL SCHOOL

Renovations, repairs and maintenance to the building and site shall conform to the following guidelines and be approved through the Certificate of Appropriateness process.

Preservation and restoration materials and methods shall conform to those defined by the Preservation Briefs published by the United States Department of the Interior as listed herein unless specifically noted otherwise in these Criteria.

1. Site and Site Elements

- 1.1 No-Build Zone: No additional structures may be constructed on the site.
- 1.2 Landscape and exterior lighting shall enhance the structure and surroundings without obscuring significant views of the building or from the building.
- 1.3 Public and Right-of-Way Improvements shall be reviewed and approved through the Certificate of Appropriateness process prior to commencement of work.

2. Facades

- 2.1 Protected Facades: All building facades shall be considered protected for the purpose of these Criteria and all renovation, restoration and maintenance work shall conform to the following guidelines. No new additions to the structure shall be allowed.

Surface Materials:

- 2.2 Any reconstruction, renovation or repair of the opaque elements of the building facades shall employ only materials similar to the original materials in texture, color, pattern and module size as much as practicable.
- 2.3 Brick shall match in texture, module size and bond pattern. If desired for existing painted brick to be restored to original finish, brick shall be cleaned per Department of Interior standards. Sandblasting or other mechanical abrasive cleaning processes will not be allowed.
- 2.4 All other facade materials, whether painted or unpainted, shall be renovated or repaired only with materials similar in size, grain, texture and color to the original materials.

- 2.5 Wood siding, trim and detailing shall be carefully restored wherever practicable. Replace historic materials only when necessary. Badly deteriorated paint should be removed in accordance with Department of Interior standards prior to refinishing. All exposed wood shall be painted, stained or otherwise protected. Resurfacing with vinyl or aluminum siding will not be allowed.
- 2.6 Existing historic finish materials should be uncovered and restored wherever practicable.
- 2.7 Color of original materials shall be preserved and maintained whenever practicable. Paint and other color schemes for non-masonry elements should be based upon any available documentation as to original conditions and shall be reviewed through the Certificate of Appropriateness process.
- 2.8 Although not original to the historic structure, for reasons of practicality and to minimize the possibility of damage to the masonry, the existing paint on the brick may be maintained in renovation, restoration and maintenance work. Color is subject to review and approval through the Certificate of Appropriateness process.

Embellishments and Detailing:

- 2.9 Existing porches and arcades and their associated metal handrails and detailing shall be preserved and maintained. This does not preclude the approval of removal of such detailing in an attempt to restore the building to a more original form provided the change is clearly documented as consistent with the original building. Such a proposal is subject to review and approval through the Certificate of Appropriateness process.

Penetrations and Openings

- 2.10 Existing door and window openings shall remain intact and be preserved and renovated as much as practicable. Where replacement is proposed, doors and windows shall express mullion size and lite configuration to match those found in the original historic construction. Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended.
- 2.11 New door and window openings are permitted where there is evidence that original, historic openings have been infilled with other material.

2.12 Glass and glazing shall match original, historic materials as much as practicable. Tinted or reflective glazing will not be allowed.

3. Roof

3.1 The slope, massing, configuration and materials of the roof shall be preserved and maintained. Existing parapets, cornices and copings shall be retained and repaired or replaced with material matching them in size, finish, module and color.

3.2 Although a relatively recent addition, the existing roof is consistent with the original roof in form and shall be protected under these Criteria. Replacement of the existing roof with one more nearly matching the original sloped roof and cupola may be considered and accepted by the Landmark Commission.

3.3 No new vertical extensions will be allowed except those approved through the provisions of 3.2. No rooftop mechanical units will be accepted.

3.4 Non-rooftop mechanical equipment shall be screened from view. Equipment screen material and methods shall be compatible with the existing building as determined through the Certificate of Appropriateness process.

4. Signage

4.1 All signs shall be designed to be compatible with the architectural qualities of the original structure and shall be approved by the Landmark Commission and conform to appropriate City Codes prior to the issuance of a sign permit.

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WOODALL RODGERS FREEWAY

76 STREET

1900

76 N. AKARD

76

356

519

BLOCK 520

2443

11.503 155.22
155.03 DEEL

157.25
157.6

148

49.52

152.63

187.75

185.51
185.51
185.51

R=85
4328

13.47

12.43

470

R=464
752

8.78
6705

R=400
10

2304

1700

342.65

1700

202.25

MUNGER AVE. 40

PD no 145

Z878-251/8625-N

SPY (2) no 193

