

4-28-97

ORDINANCE NO. 23111

An ordinance amending CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by establishing Historic Overlay District No. 82 (the Mitchell Building) comprised of the following described property ("the Property"), to wit:

BEING tract of land in City Blocks 3/817 and 2/819 located northeast of Commerce Street between East Side Avenue and Willow Street, and containing 68,490 square feet or 1.57 acres of land,

providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the Property; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

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

CHECKED BY

JCK

SECTION 1. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by establishing Historic Overlay District No. 82 comprised of the following described property ("the Property"), to wit:

BEING part of Lot 1 and all of Lots 2, 3, and 4 and an abandoned portion of Pacific Avenue in City Block 3/817, and being all of Lots 3 and 4 and an abandoned alley in City Block 2/819 in the City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the southeast line of East Side Avenue (70-foot right-of-way) and the southwest line of Pacific Avenue (50-foot right-of-way);

THENCE South $73^{\circ}00'00''$ East along the southwest line of Pacific Avenue, a distance of 267.00 feet to a point for corner on the southeast line of Benson Street;

THENCE North $17^{\circ}00'00''$ East along the northeastward prolongation of the southeast line of Benson Street to a point for corner on the northwest line of Pacific Avenue;

THENCE South $73^{\circ}00'00''$ East along the northwest line of Pacific Avenue, a distance of 200.00 feet to a point for corner on the northwest line of Willow Street;

THENCE South $17^{\circ}00'00''$ West along the northwest line of Willow Street, a distance of 167.50 feet to a point for corner;

THENCE North $73^{\circ}00'00''$ West, a distance of 79.50 feet to a point for corner;

THENCE South $17^{\circ}00'00''$ West, a distance of 99.50 feet to a point for corner on the northeast line of Commerce Street (80 foot right-of-way);

THENCE North $73^{\circ}00'00''$ West along the northeast line of Commerce Street, a distance of 120.50 feet to a point for corner on the southeast line of Benson Street;

THENCE North $17^{\circ}00'00''$ East along the southeast line of Benson Street, a distance of 100.00 feet to a point for corner;

THENCE North $73^{\circ}00'00''$ West, a distance of 267.00 feet to a point for corner on the southeast line of East Side Avenue;

THENCE North 17°00'00" East along the southeast line of East Side Avenue, a distance of 116.00 feet to a point on the southwest line of Pacific Avenue, the POINT OF BEGINNING, and containing 68,490 square feet or 1.57 acres of land.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations contained in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, or remove any structure on 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 4. 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 5. That the director of planning and development shall correct Zoning District Map No. J-8 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 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. 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.

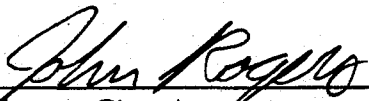
SECTION 7. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

By 
Assistant City Attorney

Passed MAY 14 1997

Exhibit A
PRESERVATION CRITERIA
The Mitchell Building
3800 Commerce Street

1. GENERAL

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations contained in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended. In the event of a conflict, these preservation criteria control.
- 1.3 A person may not alter a historic district site, or any portion of the exterior of a structure on the site, or place, construct, maintain, expand, remove, or demolish any structure in the historic district without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and the provisions of this ordinance. A person who violates this provision is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.
- 1.4 The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
- 1.5 Preservation and restoration materials and methods used must comply with the Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.
- 1.6 The Landmark Commission may approve a certificate of appropriateness for work that does not strictly comply with these preservation criteria upon a finding that:
 - a. the proposed work is historically accurate and is consistent with the spirit and intent of these preservation criteria; and

- b. the proposed work will not adversely affect the historic character of the property or the integrity of the historic district.

2. DEFINITIONS

- 2.1 Unless defined below, the definitions contained in CHAPTER 51A "PART II OF THE DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of the historic district, and consistent with these preservation criteria.
- 2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 COMMISSION means the Landmark Commission of the City of Dallas.
- 2.5 CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to a historic district.
- 2.6 DIRECTOR means the director of the Department of Planning and Development or the Director's representative.
- 2.7 DISTRICT means Historic Overlay District No. 82, the Mitchell Building Historic Overlay District. This district contains the property described in Section 1 of this ordinance.
- 2.8 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.9 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.10 MAIN BUILDING means the Mitchell Building at 3800 Commerce Street, as shown in Exhibit B.
- 2.11 NO-BUILD ZONE means that part of the district in which no new construction may take place.
- 2.12 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.

2.13 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

3. BUILDING SITE AND LANDSCAPING

3.1 New construction is prohibited in the no-build zone shown on Exhibit B except:

- a. one story carports that are open on three sides and located behind the main building.
- b. exterior patios.
- c. fences at exterior patios.
- d. exterior ramps and steps.

3.2 The main building is protected.

3.3 New driveways, sidewalks, steps, and walkways must be constructed of brick, brush finish or scored concrete with inlaid steel rails, stone, or other appropriate material. Artificial grass, artificially-colored concrete, exposed aggregate, and outdoor carpet are not permitted.

3.4 Carports are permitted only behind the main building in the no build zone, and at the north and south facades on the noncontributing building.

3.5 Outdoor lighting must be appropriate and enhance the structure.

3.6 Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.

3.7 It is recommended that landscaping reflect the historic landscape design.

3.8 Existing trees are protected, except that unhealthy or damaged trees may be removed.

3.9 Any new mechanical equipment must be erected in the rear yard, must be screened, and must not be visible from a public right-of-way.

3.10 Fence location.

- a. Fences are not permitted in the front yard.

- b. Fences in side yards must be located a minimum of 10 feet back from the front facade of the structure.

3.11 Fences may not exceed eight feet in height.

3.12 Fences must be constructed of metal, brick, cast stone, iron, a combination of these materials, or other appropriate materials.

3.13 Dumpsters must be screened by landscaping or fencing.

4. FACADES

4.1 Protected facades.

- a. The facades shown on Exhibit B are protected except as noted in 5.1.
- b. Reconstruction, renovation, repair or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
- c. Historic solid-to-void ratios of protected facades must be maintained, except as noted in 5.1.
- d. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.
- e. Brick, cast stone and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.
- f. Areas of exterior brick that have been previously painted and then cleaned for testing purposes, may be repainted to match adjacent painted areas. In these areas, the mortar must remain unpainted.

4.2 Nonprotected facades.

- a. Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.

4.3 Metal trim, cast stone trim and detailing must be restored wherever practical.

- 4.4 Historic materials must be repaired if possible; they may be replaced only when necessary.
- 4.5 Paint must be removed in accordance with the Department of Interior standards prior to refinishing.
- 4.6 Aluminum siding, stucco, and vinyl cladding are not permitted.
- 4.7 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.
- 4.8 Exposing and restoring historic finish materials is recommended.
- 4.9 Cleaning of the exterior of a structure must be in accordance with Department of Interior standards. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

5. FENESTRATION AND OPENINGS

- 5.1 Historic doors and windows must remain intact except:
 - a. when replacement is necessary due to damage or deterioration.
 - b. modification to the exterior window configuration at patio enclosures to allow doors and additional windows at the north and east facades.
 - c. modification to the existing entrance at the south and west facades to allow new metal storefronts.
 - d. modification to the west facade to remove the existing dumpster enclosure.
 - e. modification to the exterior facade to allow an egress door at the north facade.
- 5.2 Replacement of doors and windows which have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacement doors and windows must express muntin and mullion size, light configuration, and material to match the historic.

- 5.4 Interior storm doors and windows are permitted if they are appropriate and match the existing doors and windows in width, height, proportion, glazing material, and color.
- 5.5 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 5.6 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass.
- 5.7 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled, as specified in 5.1, or as may be required by health-safety codes.
- 5.8 At the new patios on the west facade, the glass in the upper half of the windows must remain clear. Opaque glass (wire or frosted glass) is permitted in the lower two rows of the windows.
- 5.9 New awnings on the portion of the south facade adjacent to Commerce Street are permitted. These awnings must be similar in style and design to the historic awnings.
- 5.10 The Secretary of the Interior's Standards for Rehabilitation should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

6. ROOFS

- 6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained.
- 6.2 The following roofing materials are allowed on the main building: built-up and single-ply membrane. Asphalt shingles are allowed on the adjacent non-contributing building.
- 6.3 Historic coping, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module and color.
- 6.4 Mechanical equipment, skylights, decking and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

- 6.5 A roof deck is allowed and must be set back 5 feet from the parapet wall. The railing around the perimeter of the deck and/or parapet must be industrial in design. The railing must be set back from the parapet a minimum of five feet. Height of railings shall be limited to 42" above the roof.

7. DOCKS AND CANOPIES

- 7.1 The dock at the northwest corner and the east facade of the L of the building are protected.
- 7.2 Docks may not be enclosed.
- 7.3 All handrails (for loading docks and handicap ramps) must be made of metal and be industrial in design.
- 7.4 Dock floors must be concrete. Concrete dock floors may not be covered with carpet or paint. A clear sealant is acceptable on dock floors.
- 7.5 A handicap ramp at the north face of the loading dock is allowed.
- 7.6 Existing metal canopies above the docks are protected.
- 7.7 A new metal canopy is allowed at the existing entrance at the west facade. The canopy must be industrial in design.

8. EMBELLISHMENTS AND DETAILING

- 8.1 The following architectural elements are considered important features and are protected:
- a. metal casement windows.
 - b. fenestration rhythm.
 - c. recessed down spouts.
 - d. loading docks.
 - e. exterior brick.
 - f. cast stone decorative elements.
 - g. sills and coping.

9. NEW CONSTRUCTION AND ADDITIONS

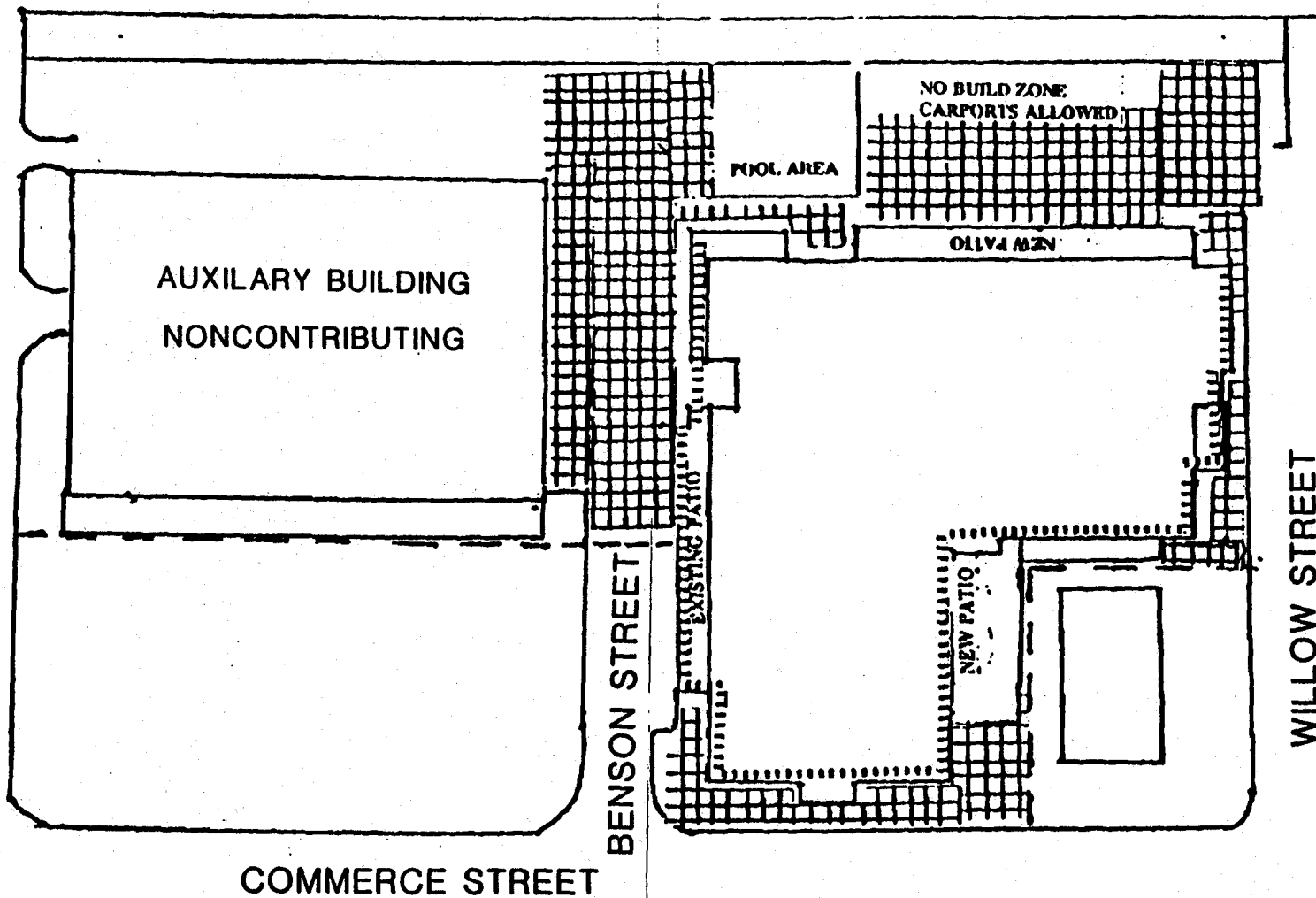
- 9.1 Stand-alone new construction is permitted only in the areas shown on Exhibit B.
- 9.2 Horizontal additions to the main building:
 - a. Patio enclosures are the only horizontal additions permitted to the main building. These are allowed at the east and north facades as shown on Exhibits B and C.
 - b. Patio enclosure fences may not exceed 8 feet in height.
- 9.3 Vertical additions at the roof of the main building must be located so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way and may not exceed 12 feet in height.
- 9.4 The color, details, form, materials, and general appearance of new construction and additions must be compatible with the main building.
- 9.5 New construction and additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solids-to-voids ratios.
- 9.6 Except as provided in 9.3, the height of new construction and additions must not exceed the height of the main building.
- 9.7 Aluminum siding, stucco, and vinyl cladding are not permitted.
- 9.8 Carports are only permitted behind the rear facade of the main building, in the no build zone. These shall be one story, open on three sides, and must be of one or more of the following materials: steel, brick, cast stone and metal.
- 9.9 Carports are permitted at the north and south facades of the non-contributing building. These must be one story, open on three sides, and must be made of one or more of the following materials: steel, brick, cast stone and metal.
- 9.10 A covered walkway is permitted between the main building and the non-contributing building at the existing west entrance of the main building. The covered walkway must be:
 - a. set back a minimum five feet from the existing west facade,

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- b. open on two sides and not exceed 12 feet in height and 10 feet in width, and
 - c. constructed of one or more of the following materials: steel, brick, cast stone and metal.
- 9.11 New construction and additions must be designed so that connections between new construction or additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.



10. SIGNS

- 10.1 Temporary political campaign signs as defined in Chapter 15A of the Dallas City Code, as amended, and real estate signs may be erected without a certificate of appropriateness.
- 10.2 Signs may be erected if appropriate.
- 10.3 All signs must comply with the provisions of the Dallas City Code, as amended



JOHN E. MITCHELL BUILDING

3800 COMMERCE STREET

-  NO BUILD ZONE
-  PROTECTED FACADE

23111

071578

EXHIBIT B

EXHIBIT C 1 OF 2

3809 COMMERCE
MITCHELL
LOFT APARTMENTS

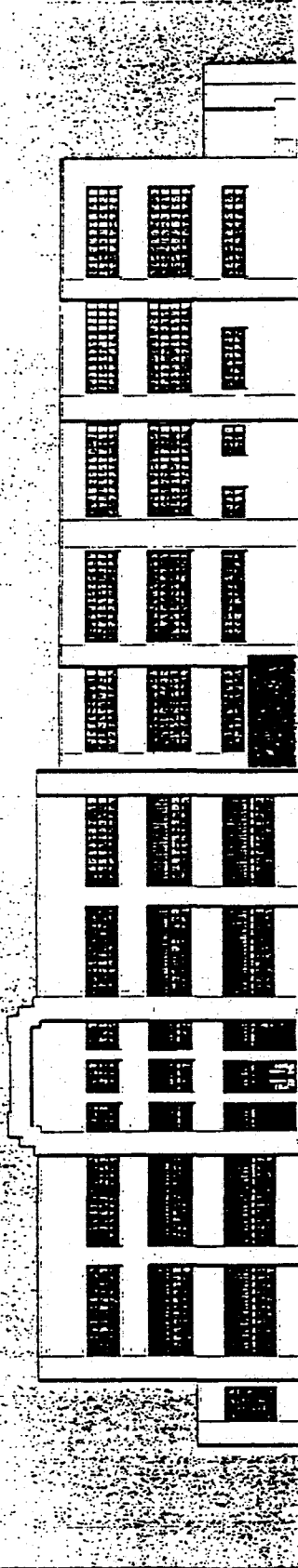
PanAmerican
Capital Corp.
Real Estate Development
& Investments
3700 Main Street, Suite 1.3
Dallas, Texas 75226

OGLESBY • GREENE
Architecture
Planning
Design

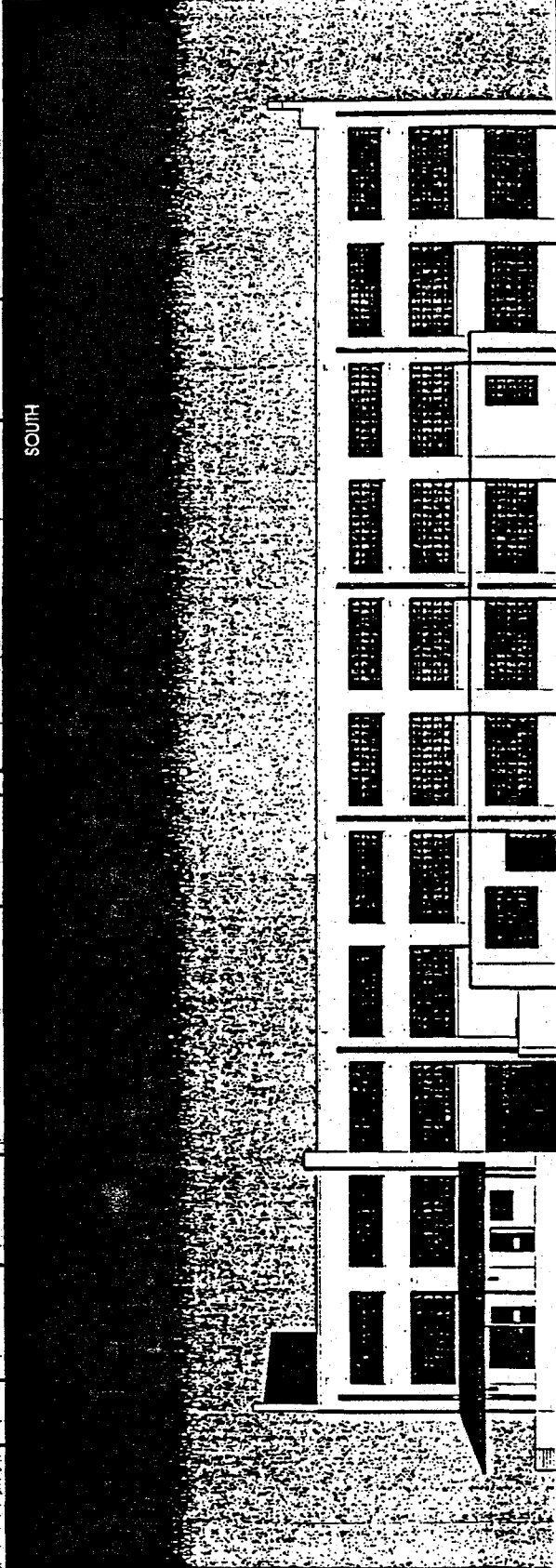
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SEPTEMBER 5, 1996
ELEVATIONS



SOUTH



WEST

EXHIBIT C 2 OF 2

3800 COMMERCE
MITCHELL
LOFT APARTMENTS

PanAmerican
Capital Corp.
Real Estate Development
& Investments
3700 Main Street, Suite 113
Dallas, Texas 75226

OGLESBY • GREENE
Architectural
Planning
Design

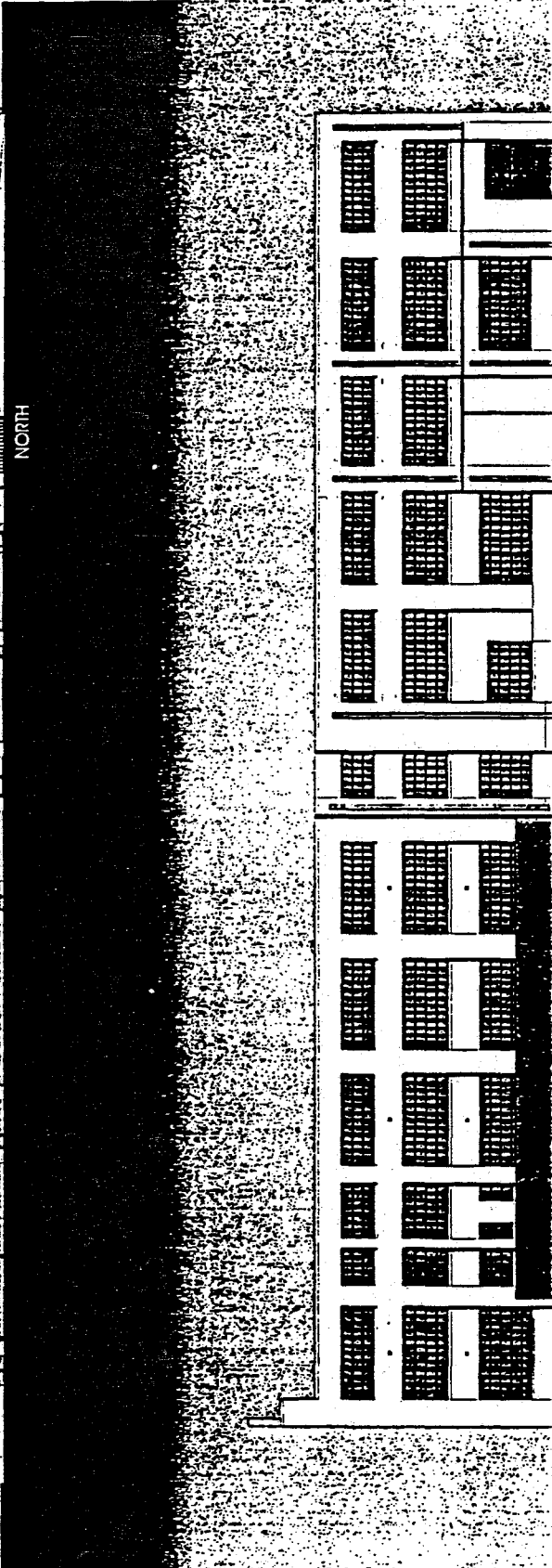
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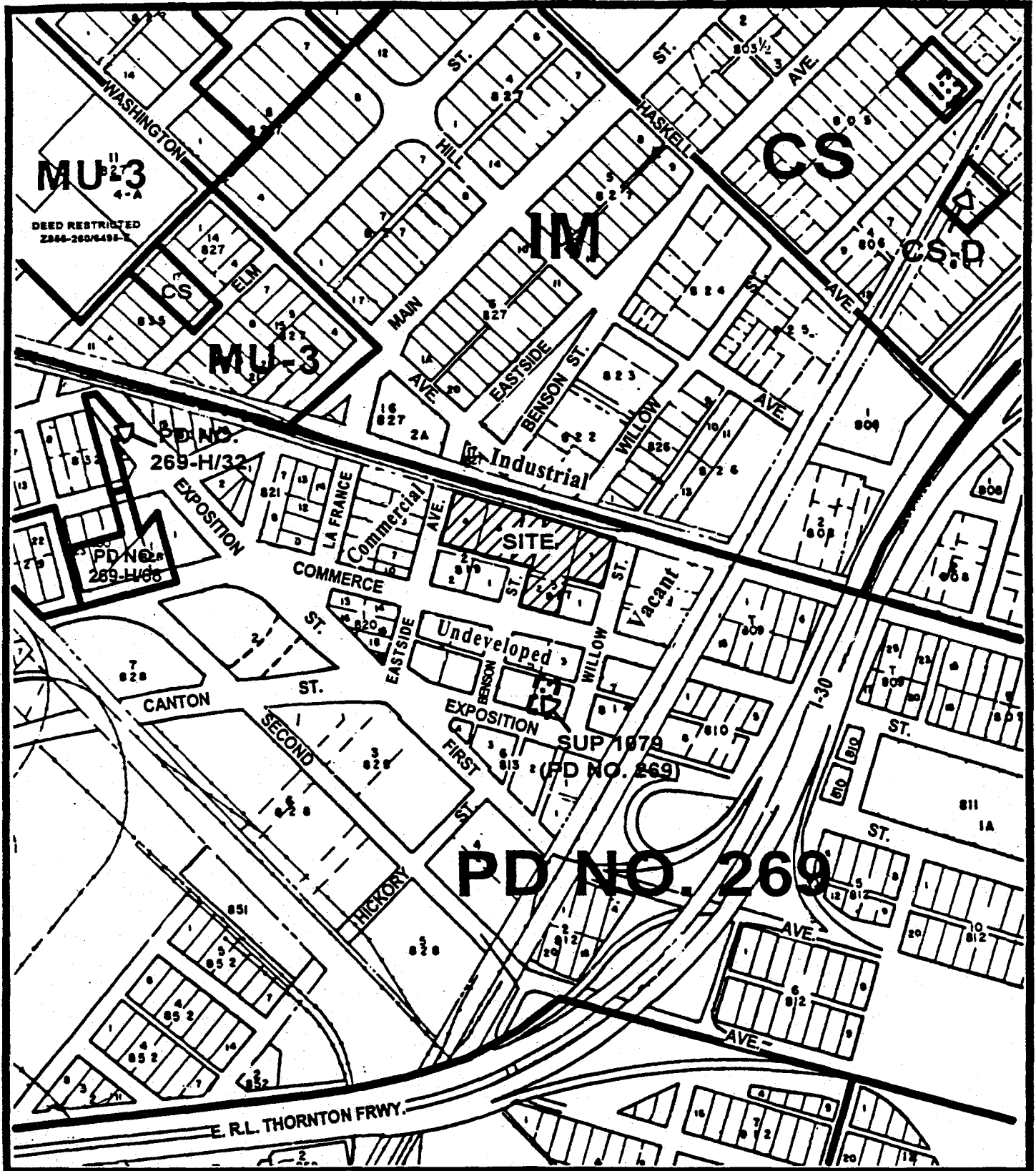
SEPTEMBER 5, 1996
ELEVATIONS



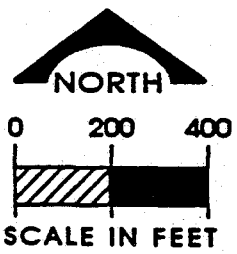
NORTH



EAST



PD NO. 269



ZONING AND LAND USE

MAP NO. J-8
CASE NO. Z967-184/6377-C(TT)