

FILE NUMBER: Z190-370(ND) **DATE FILED:** September 30, 2020

LOCATION: Northwest side of Elm Street, east of Akard Street

COUNCIL DISTRICT: 14 **MAPSCO:** 45 K

SIZE OF REQUEST: Approx. 0.23 acre **CENSUS TRACT:** 31.01

REPRESENTATIVE: Suzan Kedron, Jackson Walker LLP

APPLICANT: Big Outdoor Texas, LLC.

OWNER: 1601 Elm Holdings LP.

REQUEST: An application for a Specific Use Permit for an attached non-premise district activity videoboard sign on property zoned Planned Development District No. 619.

SUMMARY: The purpose of the request is for a new attached projecting sign on the southern façade of an existing commercial building.

CPC RECOMMENDATION: Approval for a six-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a six-year period, subject to conditions.

BACKGROUND INFORMATION:

- The area of request is located in the Retail Subdistrict A within the Downtown Special Provision Sign District and is developed with parking garage, retail and restaurant uses.
- A request for a videoboard sign for the request site was denied by City Council on September 26, 2018.
- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for non-premise district activity videoboard signs in the Downtown Special Provision Sign District. In this ordinance, there was a limit of five videoboard signs allowed.
- Ordinance No. 28347 was adopted by City council on August 24, 2011. Among the amendments in this ordinance, was to increase the number of videoboard signs allowed in the Downtown SPSD to a total of 15 and increase the area in which the videoboard signs are allowed.
- Currently, 14 non-premise district activity videoboard signs have been approved in the Downtown Special Provision Sign District.

Zoning History: There have been two zoning requests in the vicinity in the past five years.

1. **Z178-124:** On February 14, 2018, the City Council approved the renewal of Specific Use Permit No. 1958 for an attached projecting non-premise district activity videoboard sign on property zoned Subdistrict A within Planned Development District No. 619, located on the north side of Main Street, east of North Akard Street.
2. **Z189-298:** On October 23, 2019, the City Council approved the renewal of Specific use Permit No. 1796 for an attached projecting non-premise district activity videoboard sign on the south line of Main Street, west of South Ervay Street.

Videoboard Signs:

Currently, there are 13 Specific Use Permits for a total of 14 videoboard signs. All 14 signs have been installed.

No.	SUP No.	Location	Case No.	Approved	Expiration
1	1755	1407 Main St (west & east façade)	Z145-276 (Renewal)	*9/9/2015	9/9/2021
2					
3	1788	1321 Commerce (south façade)	Z145-277 (Renewal)	9/9/2015	9/9/2021
4	1791	1502/1509 Main St (West façade)	Z145-278 (Renewal)	9/9/2015	9/9/2021
5	1796	1530-1608 Main St (north façade)	Z189-298 (Renewal)	10/23/2019	10/23/2025
6	1957	1700 Pacific Ave (south façade)	Z178-123 (Renewal)	6/13/2018	6/13/2028
7	1958	1517 Main St (south façade)	Z178-124 (Renewal)	2/14/2018	2/14/2028
8	1959	1302 Elm St. (north façade)	Z178-214 (Amendment/Renewal)	6/27/2018	6/27/2024
9	2005	1015 Elm St (west façade)	Z189-165 (Renewal)	4/10/2019	4/10/2022
10	2006	1015 Elm St (south façade)	Z189-164 (Renewal)	4/10/2019	4/10/2022
11	2007	200 N Griffin St (south façade)	Z189-148 (renewal)	5/22/2019	5/22/2025
12	2008	1600 Commerce St (east façade)	Z189-147 (Renewal)	4/10/2019	4/10/2025
13	2009	1600 Commerce St (north façade)	Z189-146 (Renewal)	4/10/2019	4/10/2025
14	2302	2201 Main St (west façade)	Z178-242 (new SUP)	9/26/2018	9/26/2024
15		1511 Elm Street	Z190-370 (this request)	Pending	

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
Elm Street	Collector	51 feet	80 feet
Akard Street	Minor Arterial	41 feet	50 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

The applicant submitted a traffic study conducted by an independent firm. The traffic analysis concluded that the proposed sign will not significantly interfere with the effectiveness of traffic control devices within 300 feet of the sign. Engineering staff had no objection to the study's findings.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas!* Comprehensive Plan was adopted by the City Council in June 2006. The *forwardDallas!* Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

ECONOMIC ELEMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN.

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

Land Use:

	Zoning	Land Use
Site	PD No. 619	Commercial parking garage, retail, restaurant
North	CA-1(A), H/126	DART rail line, multifamily, restaurant
East	PD No. 619	Multifamily, restaurant
South	PD No. 619, SUP No. 1791	Multifamily, restaurant, retail
West	PD No. 619	Multifamily, restaurant

Land Use Compatibility:

The area of request is zoned Planned Development District No. 619 and is developed with a parking garage, retail, and restaurant uses. The site is also within Subdistrict Retail A within the Downtown Special Provision Sign District.

Uses surrounding the area of request include multifamily and restaurant uses to the east and west. Across Elm Street is a mix of restaurant, parking garage, and retail. The DART rail line is to the north of the site with multifamily and restaurant uses on the north side of the rail line.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Section 51A-7.909(g) regulates the occupancy of buildings upon which videoboards may be attached. Videoboard signs are “only permitted on buildings with retail and personal service uses (other than commercial parking lot) or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. Non-premise district activity videoboard signs are not allowed on a lot containing a commercial surface parking lot use. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy

requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more.” The applicant submitted an affidavit indicating the ground floor meets the requirements of Section 51A-7.909(g).

The applicant’s request, subject to a site plan and recommended conditions, complies with the general provisions for consideration of an SUP.

Development Standards:

A maximum of 15 non-premise district activity videoboard signs are permitted within the Downtown SPSP and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.

A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have maximum a of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP.

Projecting non-premise activity videoboard signs:

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio;
- may project a maximum of 12 feet into the right-of-way;
- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk; and
- must have video displays on both sides of the sign.

All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction;
- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
 - the ambient light level measure in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then
 - the dimming level, multiplied by .0039 equal the brightness level; then
 - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits;

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- must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and
- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades; and
- must be able to display a high-quality image with a minimum resolution equivalent to 19mm maximum pixel size.

Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds;
- Changes of message must be accomplished within two seconds;
- Changes of message must occur simultaneously on the entire sign face; and
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is within "E" MVA Category; it also has close proximity to "A" MVA Category to the north.

LIST OF OFFICERS

Big Outdoor Texas, LLC (Applicant)

- Brad Berkley, CEO
- Erin Watkins, Secretary

1601 Elm Holdings, LP (Property Owner)

- William Prewitt, EVP
- Jonas Woods, Partner

CPC Action
February 4, 2021

Motion: It was moved to recommend **approval** of a Specific Use Permit for an attached non-premise district activity videoboard sign for a six-year period, subject to conditions on property zoned Planned Development District No. 619, on the northwest side of Elm Street, east of Akard Street.

Maker: Garcia
Second: MacGregor
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung,
Suhler, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 10

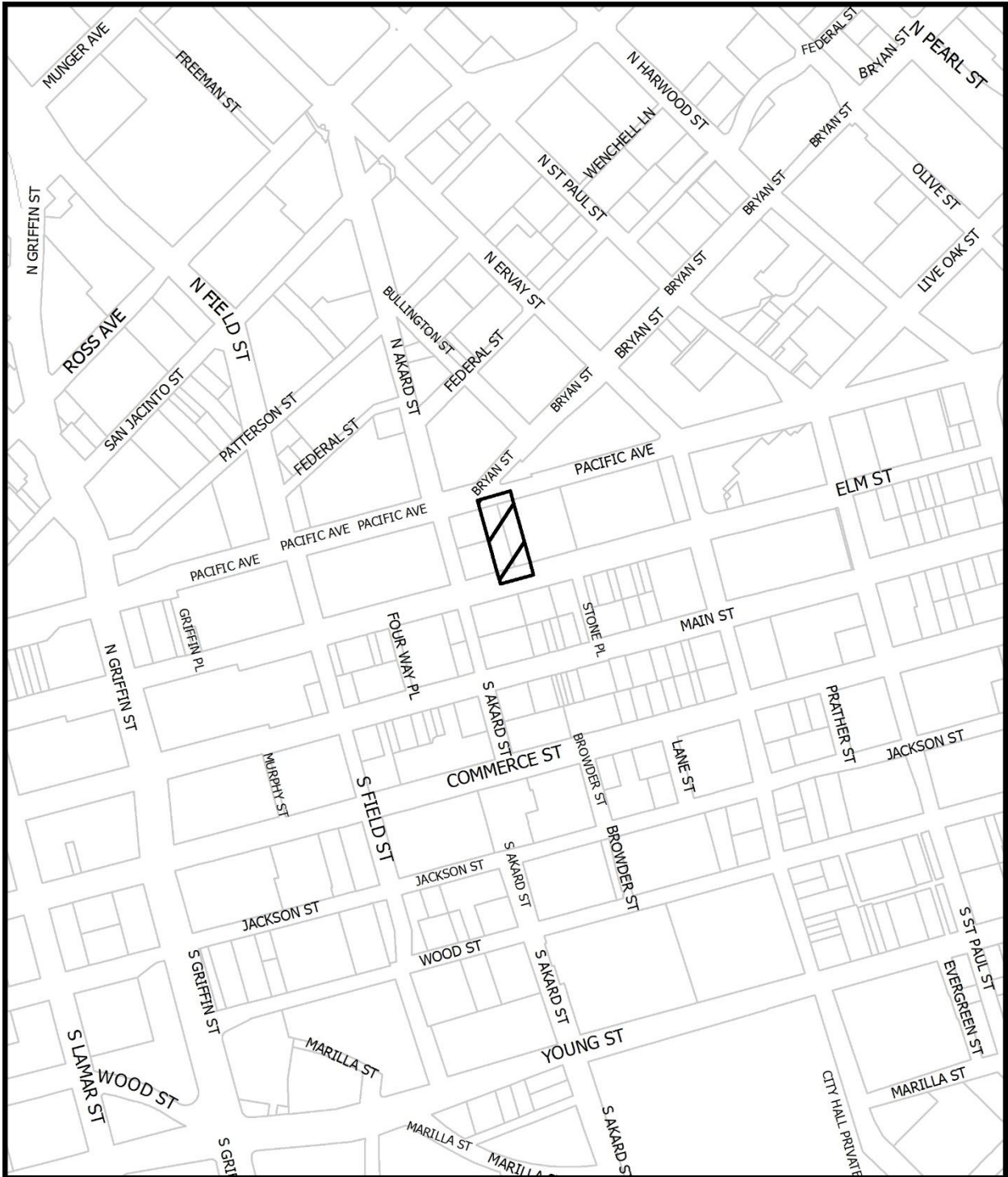
Notices: Area: 200 Mailed: 82
Replies: For: 1 Against: 0

Speakers: For: Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201
Erin Watkins, 1528 Slocum St., Dallas, TX, 75207
Against: None

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.
3. TIME LIMIT: This specific use permit automatically terminates on _____ (six years after the passage of this ordinance).
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules and regulations of the City of Dallas.

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1:4,800

VICINITY MAP

Case no: Z190-370

Date: 12/30/2020

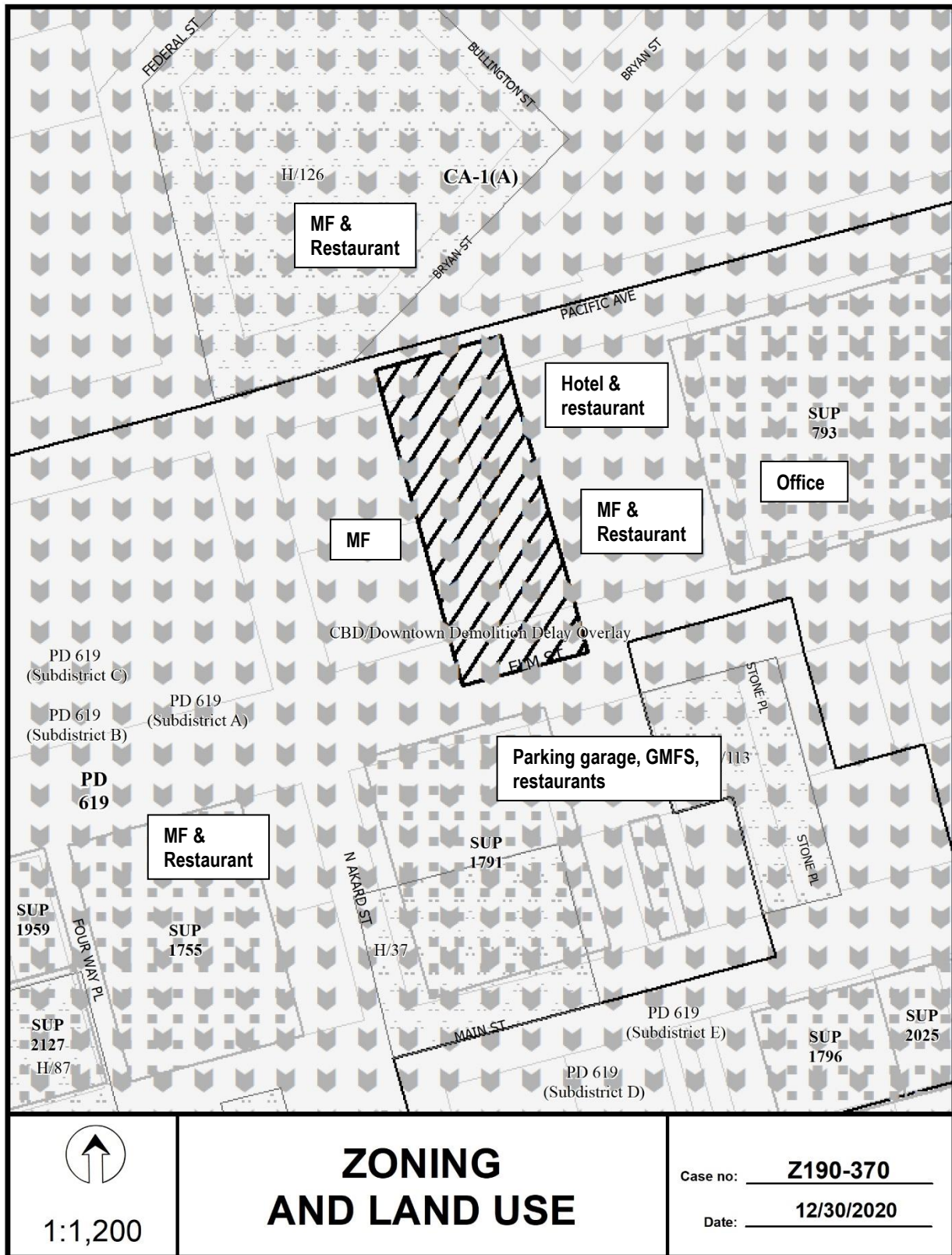


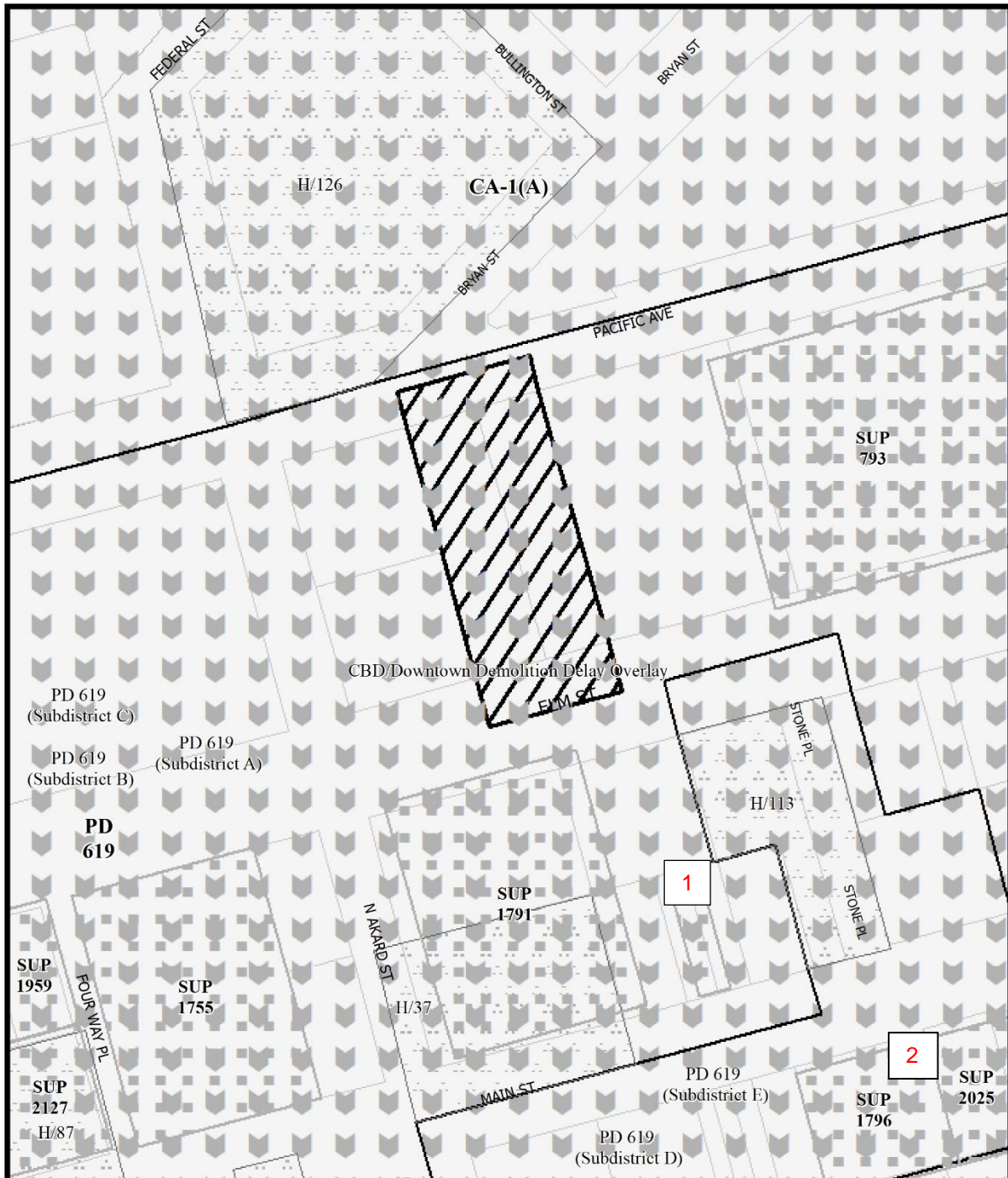
1:1,200

AERIAL MAP

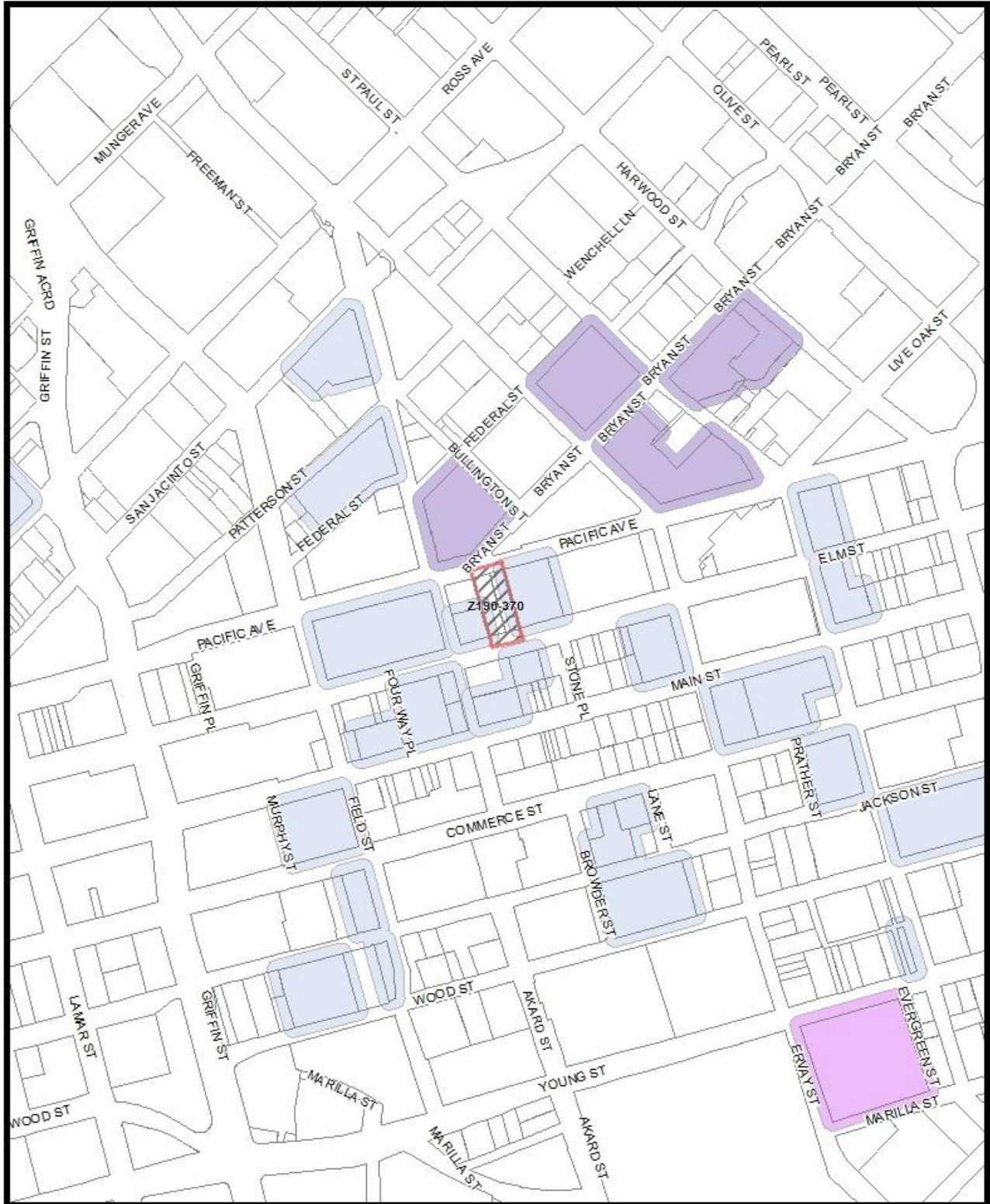
Case no: Z190-370

Date: 12/30/2020





 1:1,200	<h2>ZONING HISTORY</h2>	Case no: <u> Z190-370 </u> Date: <u> 12/30/2020 </u>
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Market Value Analysis A B C D E F G H I NA



Market Value Analysis

Printed Date: 12/30/2020

CPC RESPONSES



<u>82</u>	Property Owners Notified (21 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>2/4/2021</u>	Date

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CPC



1:1,200

02/03/2021

Reply List of Property Owners**Z190-370****82 Property Owners Notified****1 Property Owners in Favor****0 Property Owners Opposed**

Reply	Label #	Address	Owner
	1	1511 ELM ST	1601 ELM HOLDINGS LP
	2	1401 ELM ST	MT PENTELICUS DEVCO LLC
	3	208 N AKARD ST	208NAKARD LLC
	4	1521 MAIN ST	SJC RC
	5	1519 MAIN ST	1519 MAIN PROPERTY LP
	6	1515 MAIN ST	LEGAL AID OF NORTHWEST TE
	7	1604 ELM ST	ELM AT STONEPLACE HOLDINGS LLC
	8	1401 PACIFIC AVE	DALLAS AREA RAPID TRANSIT
	9	1627 PACIFIC AVE	THANKSGIVING SQUARE FDN
	10	1502 ELM ST	KIRBY APARTMENTS LP THE
	11	1520 ELM ST	ELM AT STONEPLACE HOLDINGS LLC
O	12	1514 ELM ST	MID ELM LP
	13	1414 ELM ST	LICGF DALLAS LOFTS INC
	14	318 N AKARD ST	WW MOSAIC DALLAS LLC
	15	1517 MAIN ST	Taxpayer at
	16	1505 ELM ST	CHRISTIAN LARRY &
	17	1505 ELM ST	DUCOTEY WARREN 2002 TR
	18	1505 ELM ST	MOSBACHER DIANE B &
	19	1505 ELM ST	KEY SEAN
	20	1505 ELM ST	BUTLER KELLY A LIVING TRUST
	21	1505 ELM ST	DELEON JOSE & ALMA FLORES
	22	1505 ELM ST	NORRIS SONJA
	23	1505 ELM ST	SWAIM STEPHANIE R
	24	1505 ELM ST	SHIM MINGI T & SHELLEY S
	25	1505 ELM ST	MENDEZPEREZ JAIME & FANNY
	26	1505 ELM ST	BRAINARD SYDNEY

02/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1505 ELM ST	BECKMAN JAMIE W
	28	1505 ELM ST	SYMPHONY PROPERTIES LLC
	29	1505 ELM ST	HIRSCHHEIMER JOSHUA DAVID
	30	1505 ELM ST	KILANOWSKI KATHLEEN
	31	1505 ELM ST	CARTER JAMES & PAULA
	32	1505 ELM ST	HAGGARD SCOTT JR
	33	1505 ELM ST	VO LAWRENCE
	34	1505 ELM ST	PATEL JAYSHREE & SANJAY
	35	1505 ELM ST	DENNEY JESSE A III & ROBERTA J
	36	1505 ELM ST	BASSAMPOUR FATEMAH &
	37	1505 ELM ST	SCAGLIONE HEATHER L
	38	1505 ELM ST	BRAIR GHASSAN B
	39	1505 ELM ST	OWENS JENNIFER
	40	1505 ELM ST	MENDENHALL MYLES E & KATHERINE M
	41	1505 ELM ST	HIGHT STEPHANIE D
	42	1505 ELM ST	QUINN KAILIE CHRISTINE
	43	1505 ELM ST	KENDRICK KATHY J
	44	1505 ELM ST	SCHMIDT MICHAEL L
	45	1505 ELM ST	ACT EAGLE 1505 PROPERTIES LLC
	46	1505 ELM ST	REDBURN SANDRA KAY
	47	1505 ELM ST	JAQUA DAVID ARLEIGH &
	48	1505 ELM ST	MCKNIGHT BILLY REA &
	49	1505 ELM ST	LENNZ HOLDINGS LLC
	50	1505 ELM ST	SMITH VALERIE RUSSO
	51	1505 ELM ST	ANTERHAUS ROBERT &
	52	1505 ELM ST	DEMARKIS BRIAN CHRISTOPHER
	53	1505 ELM ST	MCKNIGHT BILLY REA
	54	1505 ELM ST	DILENA R J
	55	1505 ELM ST	FREIFELD MARK & RAYNA HANDELMAN
	56	1505 ELM ST	HOLLOWAY MICHAEL S &
	57	1505 ELM ST	VANCE BARBARA A

02/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	1505 ELM ST	DANE EUGENE
	59	1505 ELM ST	BEAIRD FLORENCE
	60	1505 ELM ST	HORN JEFFIE J JR
	61	1505 ELM ST	LEE EUNJOO JULIE &
	62	1505 ELM ST	ABENDSCHEIN FREDERICK
	63	1505 ELM ST	ROBERTSON RON & DONNA
	64	1505 ELM ST	EDWARDS GARY DON & JANIE FAY
	65	1505 ELM ST	GLEASON SCOTT & KAREN
	66	1505 ELM ST	NIENDORFF CARL A IV
	67	1505 ELM ST	HALL MICHAEL D
	68	1505 ELM ST	PATTERSON J R JR & BILLIE JO PUD
	69	1505 ELM ST	HARVEY BARBARA ANN
	70	1505 ELM ST	AKIN FAMILY TRUST
	71	1505 ELM ST	SPIEGEL ROSS ADAM
	72	1505 ELM ST	BOLDEN PAUL &
	73	1505 ELM ST	ROBERTS FINES OLIVER
	74	1505 ELM ST	MORALES JACQULINE
	75	1505 ELM ST	MASON LISA
	76	1505 ELM ST	WIEDEMANN CYNTHIA
	77	1505 ELM ST	WILSON ADDISON G IV
	78	1505 ELM ST	ELDREDGE WENDY PAIGE & SCOTT
	79	1505 ELM ST	DAVIS BRADLEY S &
	80	1600 PACIFIC AVE	1600 PACIFIC LANDLORD LLC
	81	1555 ELM ST	RBHRIP DALLAS MULTIFAMILY LLC
	82	1601 ELM ST	1601 ELM HOLDINGS LP