
FILE NUMBER: Z178-250(AM) **DATE FILED:** April 30, 2018
LOCATION: East corner of Graham Avenue and Philip Avenue
COUNCIL DISTRICT: 2 **MAPSCO:** 46 H
SIZE OF REQUEST: ± .31 acres **CENSUS TRACT:** 24.00

REPRESENTATIVE: Robert Baldwin, Baldwin Associates

APPLICANT: Krishikesh Shinde

OWNER: The Texas Vedic Society, LLC

REQUEST: An application to amend Planned Development District No. 539 for CR Community Retail District uses and group residential use to allow for MU-1 Mixed Use District uses and group residential use with consideration given to a Specific Use Permit for group residential use in addition to the Planned Development District amendment.

SUMMARY: The applicant requests to 1) amend the current district regulations to allow for MU-1 Mixed Use District uses and permit the removal of off-street parking requirements for street-level office, and retail and personal service uses; and 2) obtain a Specific Use Permit for group residential use. The purpose of the request is to allow for the renovation of an existing four-story structure for mixed uses to include a group residential use on the top three floors with retail uses on the ground floor.

CPC RECOMMENDATION: Approval of amendments to Planned Development District No. 539, subject to a revised development plan, landscape plan, and conditions; and approval of a Specific Use Permit for group residential use for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions.

STAFF RECOMMENDATION: Approval of amendments to Planned Development District No. 539, subject to a revised development plan, landscape plan, and staff's recommended conditions; and approval of a Specific Use Permit for group residential use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- Planned Development District No. 539 was established by the Dallas City Council on March 24, 1999 by Ordinance No. 23825.
- The site is presently developed with a 4-story, approximately 21,000-square-foot building that is currently vacant. According to Building Inspections’ records, was previously occupied with a community service center and a group residential facility use under Specific Use Permit No. 1381 which was approved by City Council on March 24, 1999. SUP No. 1381 expired on May 24, 2011 when the permit was not renewed.
- The applicant is proposing to use the site as bakery, specialty retail store, and group residential use. The bakery will be primarily used to bake goods which will be sold off-site. The specialty retail store will sell clothing and associated religious goods. The group residential use is intended to serve visiting patrons of faith for short-term periods of time.

Zoning History: There has not been any zoning change requests in the vicinity in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
Graham Avenue	Community Collector	56 ft.	56 ft.
Philip Avenue	Community Collector	56 ft.	56 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request for a parking reduction and determined that it will not significantly impact the surrounding roadway system or parking availability. The applicant provided a parking study indicating the proposed square footage for specific uses that would be housed in the legacy building and the proposed parking required. The Engineering Division determined that the parking study was sufficient in allowing for the reduction in parking, so long as the uses proposed did not exceed the square footage offered in the Mixed-Use Development Parking Chart (Exhibit 539 C).

Parking:

The applicant has requested a reduction in the parking ratios for the following proposed uses found in the chart below. These uses are limited in size and scope, and since any other uses outside of these listed below will be required to meet Chapter 51A general parking standards, staff is supportive of the proposed parking reductions. Staff supports establishing floor area maximums, as the parking provided is based on the parking

demand as determined by the provided mixed-use development parking chart in Exhibit B.

Applying the proposed reduced parking ratios, a total of 13 off-street parking spaces will be required for the below uses [an overall reduction of 14 spaces from the current code requirements]. The applicant is proposing to provide 15 off-street parking spaces, as depicted on the proposed development plan.

A condition for an access easement agreement prior to obtaining a Certificate of Occupancy is proposed in order to allow for the internal circulation of the parking area to be accessible through the adjacent property. As the proposed development plan indicates access to the eastern property, staff recommends this condition, so the requirement of the access agreement be reflected in the conditions as it is shown on the proposed plans. The inclusion of this condition aligns with City policy requiring this form of agreement between property owners that intend to allow shared vehicle circulation through their developments.

Staff is supportive of the requested parking reduction as it is reflective of the provided parking study shown, as provided by the applicant, under Exhibit B (Mixed Use Development Parking Chart). The applicant would like to limit the maximum square footage permitted for commercial uses 21,000-square-feet and have this maximum floor area be able to be used interchangeably between the allowable uses so long as the maximum floor area is not exceeded. Staff disagrees with this as the applicant has requested a parking reduction based on the parking-to-floor-area-ratio as provided below. The applicant disagrees with staff's proposal for outlining the maximum number of square footage limited to each use in the conditions of the PD as requirements would be too restrictive should there be minor deviations in business requirements. Staff proposes the floor-area cap be instituted as deviation from the proposed floor area the parking requirements may change which may result in uses under-parked. With this consideration, staff believes the applicant should adhere to the proposed square footage as outlined in the following parking chart.

At its March 26, 2020 City Plan Commission briefing, the Commission voted to approve amendments to Planned Development District No. 539, subject to a revised development plan, landscape plan, and conditions; and approval of a Specific Use Permit for group residential use for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions.

Use	Proposed Size in Sq. Ft	51A Section	Spaces Required	Parking Requested	Spaces Provided
Catering Service	2,000	1:200	10	1:625	4
Restaurant (Bakery)	400	1:100	4	1:625	1
General Merchandise (Specialty Retail Store)	1,600	1:200	8	1:625	3
Office	200	1:200	1	1:400	1
Group Residential - Beds	16 units	.25 units:1	4	.25 units:1	4
Total Required			27		13

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:

Economic Element

Goal 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions

Urban Design Element

Goal 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance to each other

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No.539	Vacant 4-story building
North	PD No. 134 – Subarea A	Single Family
East	CR, CR-D	General Merchandise; Bar, Lounge, or Tavern
South	RR	General Merchandise, restaurant without drive-in service
West	PD No.134 – Subarea A	Monastery/Temple

Land Use Compatibility:

The subject site is developed with one four-story, approximately 21,000-square-foot building that is presently vacant. Surrounding land uses consist of general merchandise establishments to the northeast and east, a general merchandise and a restaurant without drive-in service to the south, a monastery/temple to the west, and single-family to the north.

The purpose of the request is to allow for the adaptive re-use of the existing building to accommodate a group residential facility¹ with up to 16 beds on the upper floors, and for approximately 4,000 square feet of commercial/retail uses on the ground-level floor of the building. The applicant is proposing the following uses: an approximately 400-square-foot bakery, a 2,000-square-foot catering service use, an approximately 1,600-square-foot specialty retail store, and a 200-square-foot office use. The group residential facility will require a Specific Use Permit which will allow the City to verify compliance with conditions at time of renewal.

The introduction of MU-1 Mixed Use District uses is not foreseen to adversely impact the surrounding neighborhood as the property presently allows CR Community Retail District uses. Incorporating MU-1 uses would allow the building to be redeveloped in a way that will allow for more walk-to convenience and increased residential stock in the community. The block in which the building is found, bordered by S. Beacon Street, E. Grand Avenue, Graham Avenue, and Philip Avenue is entirely commercial in nature. Additional MU-1 uses would be complimentary in this area.

The proposed MU-1 District uses set forth in this request are appropriate in the context of the block and neighborhood the subject site is in. Introducing these uses would allow for the activation of a building that has been vacant since 2016, provide additional neighborhood services to the surrounding community, and create new residential stock.

The table below shows a comparison between the uses currently allowed and the uses allowed with the proposed zoning change:

	CR (Existing)	MU-1 (Proposed)
<u>Agricultural</u>	--Crop production.	-- Crop production.
<u>Commercial and business service</u>	-- Building repair and maintenance shop. [RAR -- Catering service. -- Custom business services. -- Electronics service center.	-- Catering service. -- Custom business services. -- Electronics service center. -- Labor hall. [SUP]

¹ The Dallas Development Code defines *group residential facility* as an interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a "family" as the term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. This use does not include: a) facilities that negotiate sleeping arrangements on a daily basis; b) dwelling units occupied exclusively by families; or c) any other use specifically defined in this chapter [Section 51A-4.209(b)(3)]

	CR (Existing)	MU-1 (Proposed)
	-- Medical or scientific laboratory. [SUP] -- Tool equipment rental	-- Medical or scientific laboratory. [SUP]
<u>Industrial</u>	--Gas drilling and production. [SUP] --Temporary concrete or asphalt batching plant. [By special authorization of the building official.]	-- Gas drilling and production. [SUP] -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]
<u>Institutional and community service</u>	--Adult day care facility. --Cemetery or mausoleum. [SUP] --Child-care facility. --Church. --College, university, or seminary. --Community service center. [SUP] --Convent or monastery. -- Hospital. [SUP] --Library, art gallery, or museum. --Open-enrollment charter school or private school. [SUP] --Public school other than an open-enrollment charter school. [RAR]	-- Adult day care facility. -- Cemetery or mausoleum. [SUP] -- Child-care facility. -- Church. -- College, university or seminary. -- Community service center. [SUP] -- Convalescent and nursing homes, hospice care, and related institutions. [RAR] -- Convent or monastery. -- Foster home. -- Hospital. [SUP] -- Library, art gallery, or museum. -- Open-enrollment charter school or private school. [SUP] -- Public school other than an open-enrollment charter school. [RAR]
<u>Lodging</u>	-- Hotel and motel. [SUP] -- Lodging or boarding house. [SUP] -- Overnight general purpose shelter. [See Section 51A-4.205 (2.1)]	-- Extended stay hotel or motel. [SUP] -- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205 (1).]
<u>Miscellaneous</u>	--Attached non-premise sign. [SUP] --Carnival or circus (temporary). [By special authorization of the building official.] --Temporary construction or sales office.	-- Attached non-premise sign. [SUP] -- Carnival or circus (temporary). [By special authorization of the building official.] -- Temporary construction or sales office.
<u>Office</u>	-- Alternative financial establishment. [SUP] -- Financial institution without drive-in window. -- Financial institution with drive-in window. [DIR] --Medical clinic or ambulatory surgical center. --Office	-- Financial institution without drive-in window. -- Financial institution with drive-in window. [DIR] -- Medical clinic or ambulatory surgical center. -- Office.

	CR (Existing)	MU-1 (Proposed)
<u>Recreation</u>	<ul style="list-style-type: none"> --Country club with private membership. --Private recreation center, club, or area. --Public park, playground, or golf course. 	<ul style="list-style-type: none"> -- Country club with private membership. -- Private recreation center, club, or area. -- Public park, playground, or golf course.
<u>Residential</u>	<ul style="list-style-type: none"> --College dormitory, fraternity or sorority house. 	<ul style="list-style-type: none"> -- College dormitory, fraternity, or sorority house. -- Duplex. -- Group residential facility. [See Section 51A-4.209(3).] -- Handicapped group dwelling unit. [See Section 51A-4.209 (3.1).] -- Multifamily. -- Residential hotel. -- Retirement housing. -- Single family.
<u>Retail and personal service</u>	<ul style="list-style-type: none"> -- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).] -- Ambulance service. [RAR] -- Animal shelter or clinic without outside runs. [RAR] -- Auto service center. [RAR] -- Business school. -- Carwash. [DIR] -- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210 (b)(7)(B).] 	<ul style="list-style-type: none"> -- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).] -- Animal shelter or clinic without outside runs. [RAR] -- Auto service center. [RAR] -- Business school. -- Car wash. [RAR] -- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B)
<u>Utility and public service</u>	<ul style="list-style-type: none"> -- Commercial radio and television transmitting station. -- Electrical substation. --Local utilities. [SUP or RAR may be required.] --Police or fire station. --Post office. [SUP] --Radio, television, or microwave tower. [SUP] --Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).] --Utility or government installation other than listed. [SUP] 	<ul style="list-style-type: none"> -- Commercial radio or television transmitting station. -- Electrical substation. -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).] -- Police or fire station. -- Post office. -- Radio, television, or microwave tower. [SUP] -- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).] -- Utility or government installation other than listed. [SUP]

	CR (Existing)	MU-1 (Proposed)
<u>Wholesale, distribution, and storage</u>	<ul style="list-style-type: none"> -- Mini-warehouse. [SUP] -- Recycling buy-back center [See Section 51A-4.213 (11).] -- Recycling collection center. [See Section 51A-4.213 (11.1).] -- Recycling drop-off container. [See Section 51A-4.213 (11.2).] -- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).] 	<ul style="list-style-type: none"> -- Mini-warehouse. [SUP] -- Recycling buy-back center [See Section 51A-4.213 (11).] -- Recycling collection center. [See Section 51A-4.213 (11.1).] -- Recycling drop-off container. [See Section 51A-4.213 (11.2).] -- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]
<u>Accessory</u>	<ul style="list-style-type: none"> -- Accessory community center (private). -- Home occupation. -- Private Stable. -- Accessory helistop. [SUP] -- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(3.1).] -- Commercial amusement (outside). [SUP] -- Commercial parking lot or garage. [RAR] -- Convenience store with drive-through. [SUP] -- Dry cleaning or laundry store. -- Furniture store. -- General merchandise or food store 3,500 square feet or less. -- General merchandise or food store greater than 3,500 square feet. -- General merchandise or food store 100,000 square feet or more. [SUP] -- Home improvement center, lumber, brick or building materials sales yard. [DIR] -- Household equipment and appliance repair. -- Liquor store. -- Mortuary, funeral home, or commercial wedding chapel. -- Motor vehicle fueling station. -- Nursery, garden shop, or plant sales. 	<ul style="list-style-type: none"> -- Accessory helistop. [SUP] -- Accessory medical/ infectious waste incinerator. [See Section 51A-4.217(3.1).] -- Commercial amusement (outside). [SUP] -- Commercial parking lot or garage. [RAR] -- Dry cleaning or laundry store. -- Furniture store. -- General merchandise or food store 3,500 square feet or less. -- General merchandise or food store greater than 3,500 square feet. -- General merchandise or food store 100,000 square feet or more. [SUP] -- Mortuary, funeral home, or commercial wedding chapel. -- Motor vehicle fueling station. -- Nursery, garden shop, or plant sales. -- Paraphernalia shop. [SUP] -- Personal service uses. -- Restaurant without drive-in or drive-through service. [RAR] -- Restaurant with drive-in or drive-through service. [DIR] -- Swap or buy shop. [SUP] -- Temporary retail use. -- Theater.

	CR (Existing)	MU-1 (Proposed)
<u>Accessory</u>	-- Paraphernalia shop. [SUP] -- Pawn shop. --Personal service uses. --Restaurant without drive-in or drive-through service. [RAR] -- Restaurant with drive-in or drive-through service. [DIR] -- Swap or buy shop. [SUP] -- Temporary retail use. -- Theater.	
<u>Transportation</u>	--Transit passenger shelter. --Transit passenger station or transfer center. [By SUP or council resolution.]	-- Transit passenger shelter. -- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

The applicant has included in the request, a Specific Use Permit for a group residential facility use in conjunction with the Planned Development District amendment. Initially, the use was being proposed to be allowed by right as part of the PD amendment; however, after the case was scheduled and advertised for the October 17, 2019 CPC hearing, the applicant indicated the intent to maintain the SUP requirement for this use in the PD regulations.

To prevent the SUP application being subject to the two-year limitation established in the development code after the approval of the PD amendment, the applicant requested that the SUP be considered as part of this application and submitted proposed SUP conditions for the group residential facility.

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 request does not appear to have an adverse impact on the surrounding zoning and land uses.

Staff supports the request for a SUP for a group residential facility because the use previously existed at the subject site and was regulated by similar conditions as those

being proposed with this application. The proposed use is not foreseen to have a negative impact in the surrounding uses.

Development Standards

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Existing PDD 539 CR Community Retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR Overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office
Proposed PDD 539 MU-1 Mixed Use-1	As shown on the development plan		Maximum floor area for all uses combined = 21,000 sf	54' 4 stories	As shown on the development plan	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail and personal service, lodging & residential
Reference MU-1 Mixed Use-1	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	90' 7 stories 120' 9 stories w/ retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail and personal service, lodging & residential

The existing PD conditions include certain yard, lot, and space regulations to be provided per the development plan. Standards include a maximum number of four stories, height of 54-feet, and maximum floor area of 21,000-square-feet; therefore, the additional height, density, and lot coverage usually allowed in an MU-1 District will not apply in this case. MU-1 uses are different from CR uses in that the MU-1 district allows the inclusion of a residential component to commercial uses. The conditions proposed as part of the zoning change would limit any additional uses to the ones specified per the conditions, being group residential use, and excludes any residential uses such as multifamily.

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 not within an identifiable MVA Category; however, it is directly south of a 'G' MVA Cluster to the north across Philip Avenue.

Landscaping: Landscaping will be provided as shown on the landscape plan (Exhibit B).

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List of Members

The Texas Vedic Society

Mike Meyer – Sole Member

Z178-250(AM)

CPC Action
March 26, 2020

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Motion: It was moved to recommend **approval** of amendments to Planned Development District No. 539, subject to a revised development plan and subject to a landscape plan and applicant's recommended conditions, for CR Community Retail District uses and **approval** of a Special Use Permit for group residential use to allow for MU-1 Mixed Use District uses and group residential use for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions on the east corner of Graham Avenue and Philip Avenue with consideration given to a Specific Use Permit for group residential use in addition to the Planned Development District amendment.

Maker: Hampton
Second: Carpenter
Result: Carried: 14 to 0

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

Against: 0
Absent: 1 - Housewright
Vacancy: 0

Notices: Area: 500 Mailed: 91
Replies: For: 19 Against: 9

Speakers: For: None
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

ARTICLE 539.

PD 539.

SEC. 51P-539.101. LEGISLATIVE HISTORY.

PD 539 was established by Ordinance No. 23825, passed by the Dallas City Council on March 24, 1999. Ordinance No. 23825 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 23825; 25163)

SEC. 51P-539.102. PROPERTY LOCATION AND SIZE.

PD 539 is established on property generally located on the east corner of Graham Avenue and Philip Avenue. The size of PD 539 is approximately 0.31 acres. (Ord. Nos. 23825; 25163)

SEC. 51P-539.103. DEFINITIONS AND INTERPRETATIONS.

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

(1) BAKERY OR CONFECTIONERY SHOP means a facility for preparing, cooking, baking, and the retail sale of candy, baked goods, or other sweets.

(2) LEGACY BUILDING means the existing four story building built prior to 1951 as identified on the development plan (Exhibit ___ A).

(3) SPECIALTY RETAIL STORE means a facility for the retail sales of clothing and devotional goods.

(b) Unless otherwise stated, all code references are to Chapter 51A.

(c) This district is considered to be a nonresidential zoning district. (Ord. Nos. 23825; 25163)

SEC. 51P-539.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit ___A: Development plan.
- (2) Exhibit ___B: Landscape Plan
- (3) Exhibit C: Mixed Use Development Parking Chart.

SEC. 51P-539.104. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit 539A). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control. The development plan will serve as the SUP site plan for a group residential use. (Ord. Nos. 23825; 25163)

SEC. 51P-539.105. MAIN USES PERMITTED.

- (a) Group residential facility. [SUP]
- (b) Bakery or confectionery shop.
- (c) Specialty retail store.

(b) Except as provided above, the uses permitted in this district are all uses permitted in the ~~CR Community Retail District~~ MU-1 Mixed Use District, as amended, subject to the same conditions applicable in the ~~CR Community Retail District~~ MU-1 Mixed Use District as set out in the Dallas Development Code, as amended. For example, a use permitted in the ~~CR Community Retail District~~ MU-1 Mixed Use District by Specific Use Permit (SUP) only is permitted in this planned development district by SUP. A use subject to development impact review (DIR) in the ~~CR Community Retail District~~ MU-1 Mixed Use District is subject to DIR in this planned development district, etc. (Ord. Nos. 23825; 25163)

SEC. 51P-539.106. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

- (b) The following accessory uses are not permitted in this district:
 - Accessory community center (private).
 - Home occupation.
 - Private stable.

- (c) The following accessory use is permitted by SUP only:
 - Accessory helistop.

- (d) In this district, an SUP may be required for the following accessory use:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(3.1).]

(Ord. Nos. 23825; 25163)

SEC. 51P-539.107. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front, side, and rear yard. Minimum front, side, and rear yards are as shown on the development plan.

(b) Floor area. Maximum permitted floor area is 21,000 square feet.

***Staff Recommendation** [Applicant does not agree on the basis that any deviation from the square footage would necessitate a PD Amendment and would prove to be onerously inflexible in the reactivation of the building; CPC voted to move forward without this requirement]*

1)	Maximum permitted floor area for a catering service use is 2,000 square feet.
2)	Maximum permitted floor area for a bakery or confectionery shop use is 400 square feet.
3)	Maximum permitted floor area for a specialty retail store use is 1,600 square feet.
4)	Maximum permitted floor area for a group residential facility office use is 200 square feet.

(c) Height. Maximum structure height is 54 feet.

(d) Lot coverage. Maximum lot coverage is as shown on the development plan.

(e) Lot size. No minimum lot size.

(f) Stories. Maximum number of stories above grade is four. (Ord. Nos. 23825; 25163)

SEC. 51P-539.108. OFF-STREET PARKING AND LOADING.

(a) Except as provided ~~in Subsection (b) below~~, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off street parking and loading generally.

(b) Off-street parking and loading for a development in a legacy building containing any combination of group residential facility, catering service, bakery, specialty retail store, and a community service center must be provided and located as shown on the development plan. The off-street parking must be provided at the following ratios. Parking must be shared using the Mixed Use Development Parking Chart (Exhibit 539C).

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- (1) Catering service. One space per 625 square feet of floor area.
- (2) Bakery or confectionery shop. One space per 625 square feet of floor area.
- (3) Specialty retail store. One space per 625 square feet of floor area.
- (4) Group residential facility. 0.25 spaces per bed and one space per 400 square feet of accessory office floor area.
- (5) One small loading space is required.

SEC. 51P-539.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 23825; 25163)

SEC. 51P-539.110. LANDSCAPING.

(a) Landscaping must be provided as shown on the development and landscape plan (Exhibit B). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(b) Plant materials must be maintained in a healthy, growing condition. (Ord. Nos. 23825; 25163)

SEC. 51P-539.111. SIGNS.

Signs must comply with the provisions for business zoning districts contained in Article VII.(Ord. Nos. 23825; 25163)

SEC. 51P-539.112. NUMBER OF RESIDENTS.

Maximum number of residents permitted in a group residential facility is 16. (Ord. Nos. 23825; 25163)

SEC. 51P-539.113. ADDITIONAL PROVISIONS.

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 23825; 25163; 26102)

(c) The Property must obtain an access easement agreement for ingress and egress from the adjacent property owner prior to receiving a Certificate of Occupancy.

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SEC. 51P-539.114. 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 a 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. 23825; 25163; 26102)

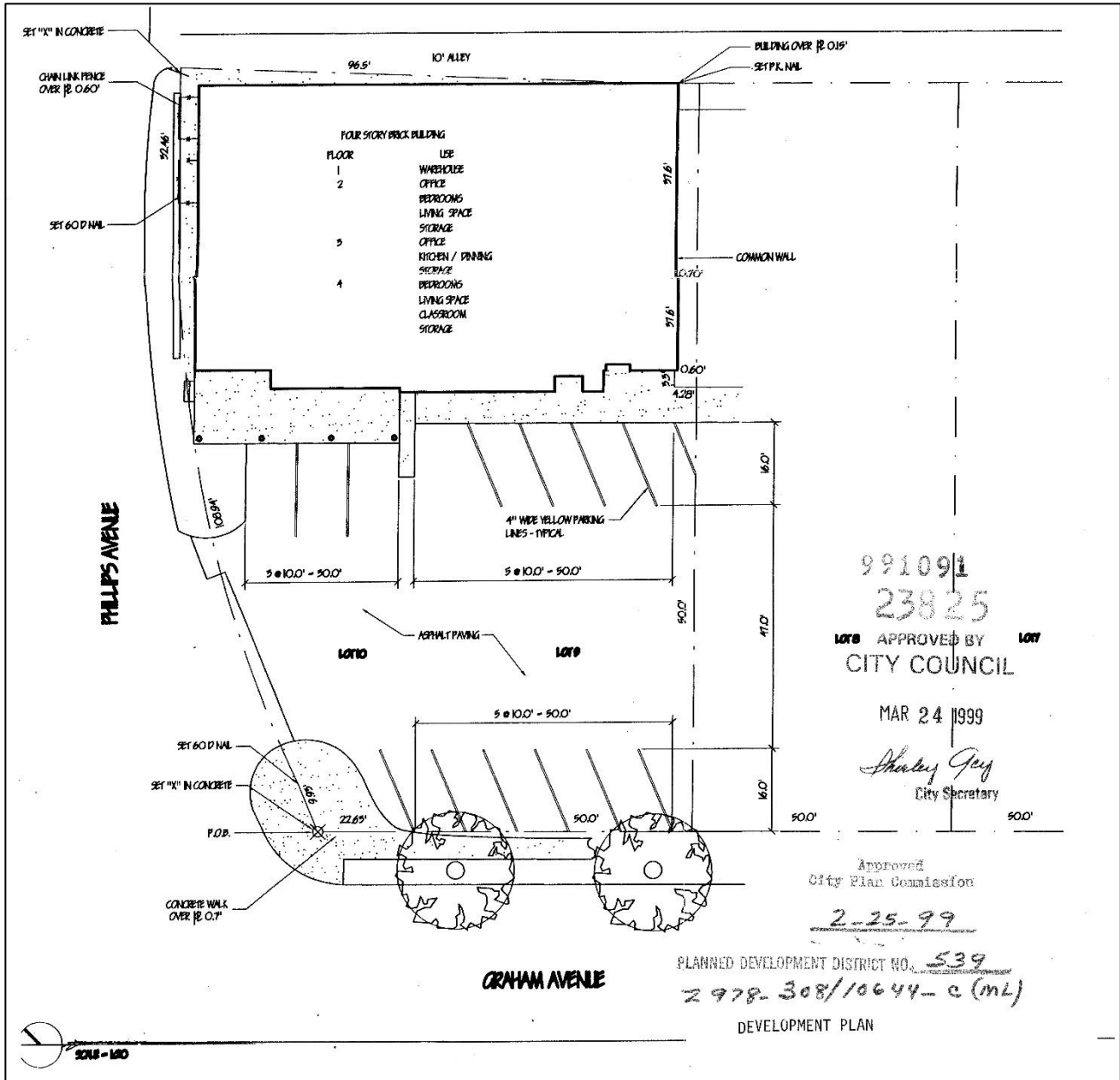
~~SEC. 51P-539.115. ZONING MAP.~~

~~PD 539 is located on Zoning Map No. J-8. (Ord. Nos. 23825; 25163)~~

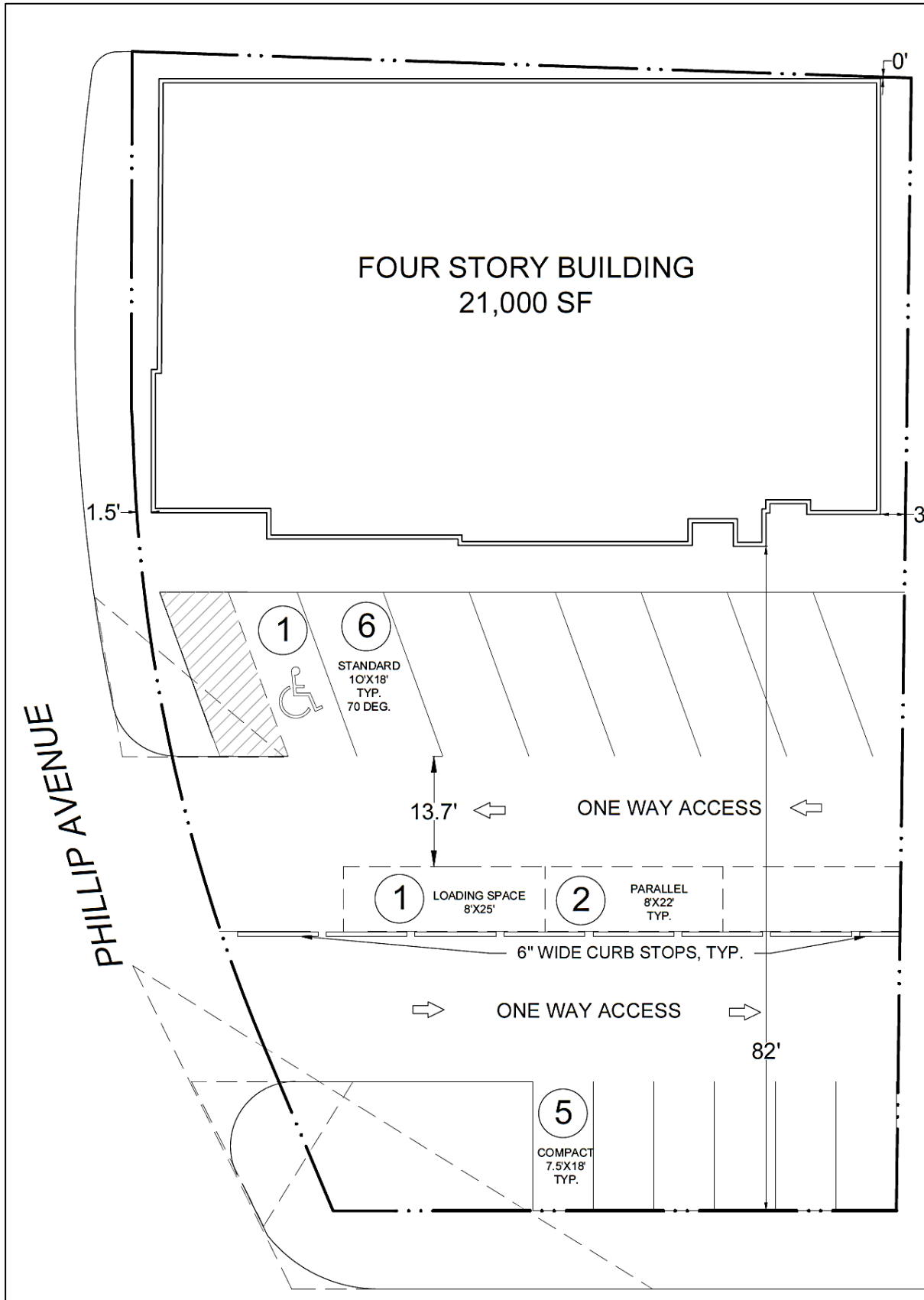
Proposed SUP Conditions

1. USE: The only use authorized by this Specific Use Permit is a group residential facility.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ____ (two-year period from the passage of this ordinance) [**staff recommendation is five-year period from the passage of this ordinance**], but is eligible for automatic renewal for additional two-year periods [**staff recommendation is five-year periods**] pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
6. PARKING: Parking must be provided in accordance with Planned Development District No. 539 and located as shown on the attached development plan.
7. RESIDENTS. Maximum number of residents is 16.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. 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.

Existing Development Plan



Proposed Development Plan



Proposed Landscape Plan

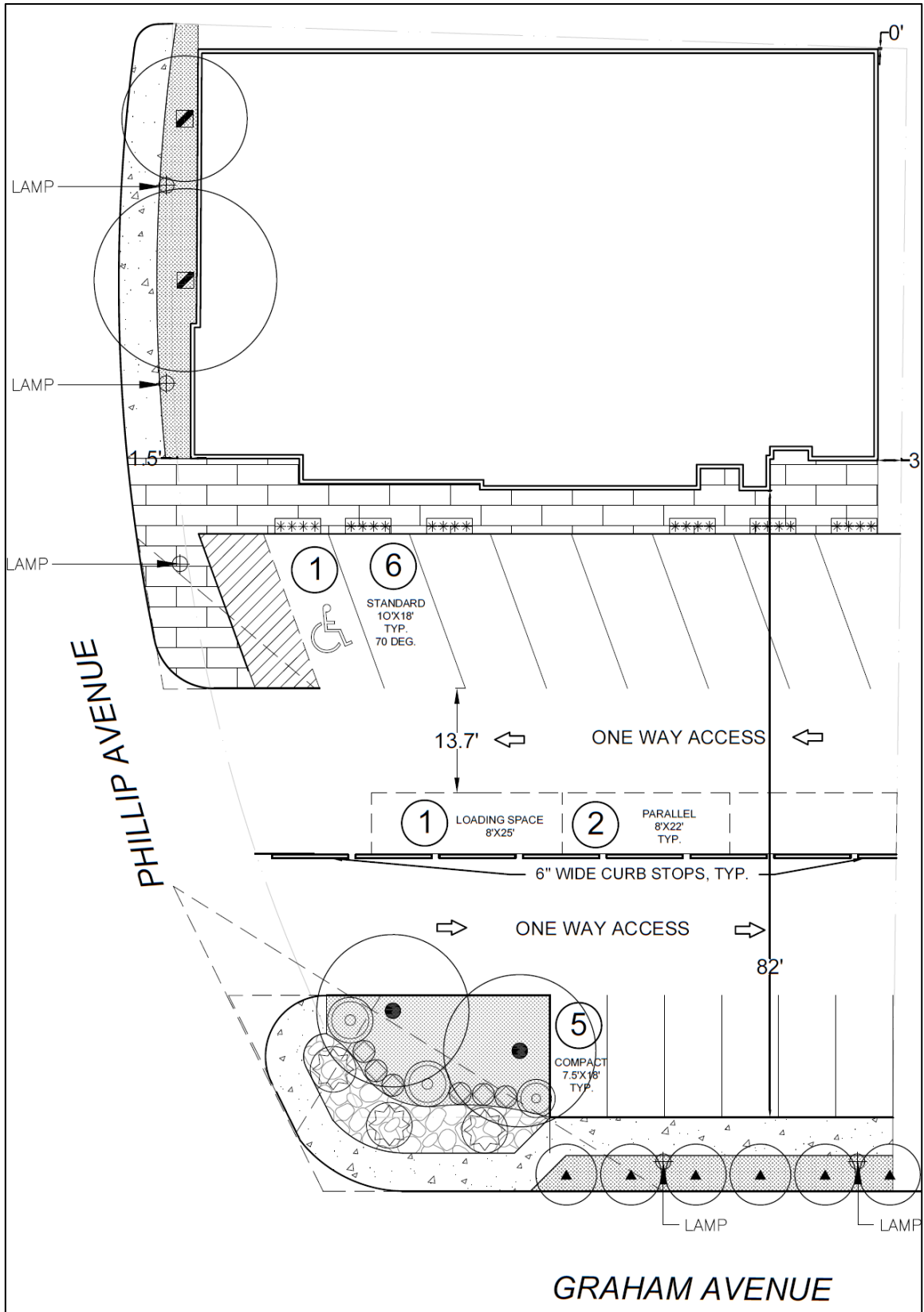
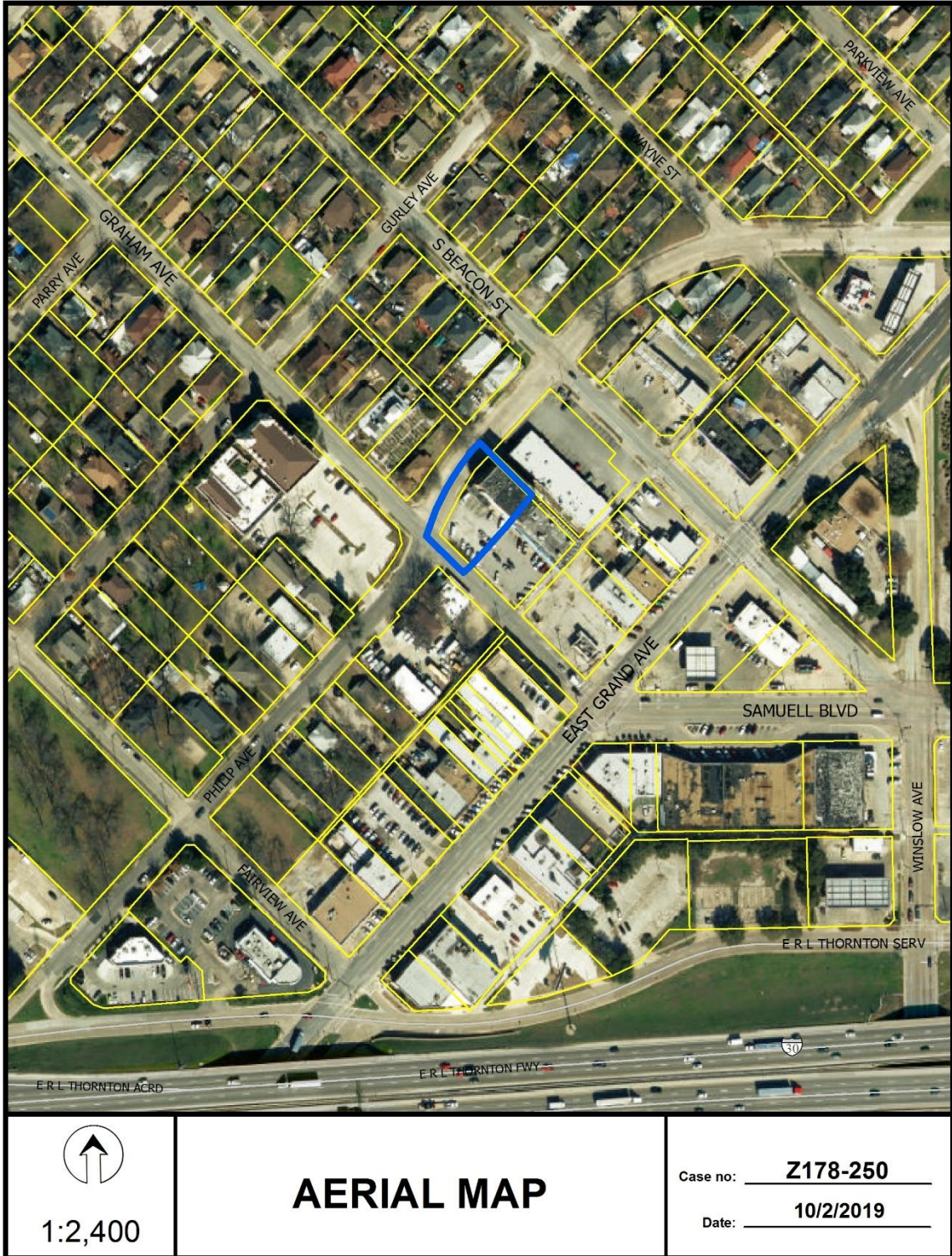


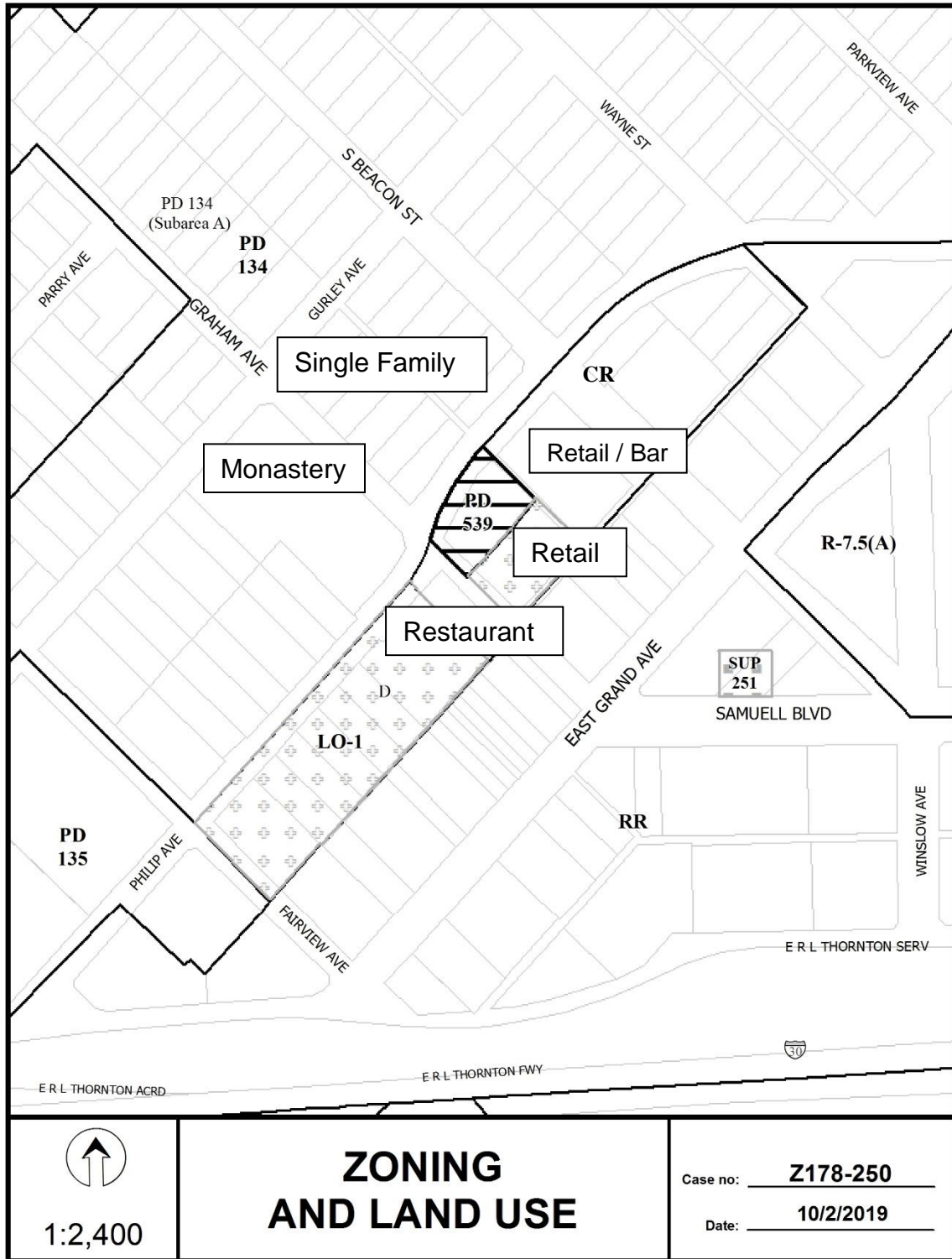
Exhibit 539 C: Mixed Use Development Parking Chart

Use	Use Categories	Total SF (including vacancies)	Parking Ratio	Standard Parking Requirement	Parking Adjustment by Time of Day (Weekday)									
					Morning		Noon		Afternoon		Late Afternoon		Evening	
	Multifamily # Units or Bedrooms (whichever is greater)	0	1	0.00	80%	-	60%	-	60%	-	70%	-	100%	-
	Group Home	42	0.25	10.50	80%	8.40	60%	6.30	60%	6.30	70%	7.35	100%	10.50
	Group Home Office	200	400	0.50	100%	0.50	80%	0.40	100%	0.50	85%	0.43	35%	0.18
	Office Uses*		333	0.00	100%	-	80%	-	100%	-	85%	-	35%	-
	Retail Uses*	0	200	0.00	60%	-	75%	-	70%	-	65%	-	70%	-
	Specialty Retail	1,600	625	2.56	60%	1.54	75%	1.92	70%	1.79	65%	1.66	70%	1.79
	Retail 10,000+ SF		200	0.00	60%	-	75%	-	70%	-	65%	-	70%	-
	Retail 40,000+ SF	0	250	0.00	60%	-	75%	-	70%	-	65%	-	70%	-
	Retail 100,000+ SF	0	300	0.00	60%	-	75%	-	70%	-	65%	-	70%	-
	Bar, Restaurant, & Commercial Amusement (inside)		100	0.00	20%	-	100%	-	30%	-	30%	-	100%	-
	Bakery	400	625	0.64	75%	0.48	100%	0.64	75%	0.48	50%	0.32	25%	0.16
	Catering	2,000	625	3.20	75%	2.40	100%	3.20	75%	2.40	50%	1.60	25%	0.80
	Health Studio	0	200	0.00	45%	-	70%	-	55%	-	80%	-	100%	-
	Game Court Center	0	n/a		45%	-	70%	-	55%	-	80%	-	100%	-
	Theater (1/28 seating)	0	28	0.00	0%	-	40%	-	60%	-	80%	-	100%	-
	Any other use	0	300	0	100%	-	100%	-	100%	-	100%	-	100%	-
Total SF (- residential & theater):		4,000		17		13		12		11		11		13

Z178-250(AM)









MVA Cluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 10/2/2019

CPC Responses



<u>91</u>	Property Owners Notified (100 parcels)
<u>19</u>	Replies in Favor (23 parcels)
<u>9</u>	Replies in Opposition (10 parcels)
<u>500'</u>	Area of Notification
<u>3/26/2020</u>	Date

Z178-250
CPC



1:2,400

03/25/2020

Reply List of Property Owners***Z178-250******91 Property Owners Notified******19 Property Owners in Favor******9 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	1106 GRAHAM AVE	TEXAS VEDIC SOCIETY LLC THE
	2	5443 EAST GRAND AVE	BALLAS VICTOR
	3	5439 EAST GRAND AVE	JEANETTE INV III LTD
	4	5437 EAST GRAND AVE	SUSAN ROSHAN DDS PLLC
	5	5433 EAST GRAND AVE	BUENA NOCHE I LLC
	6	5433 EAST GRAND AVE	ALCANTARA MA FLORA
	7	5435 EAST GRAND AVE	BENITEZ JOSE &
	8	5431 EAST GRAND AVE	EASTGRANDE LLC
	9	5429 EAST GRAND AVE	MORGAN PARK LTD &
X	10	5423 EAST GRAND AVE	JEANETTE INV III LTD
	11	5415 EAST GRAND AVE	MORGAN PARK LTD &
	12	5409 EAST GRAND AVE	LEVIN MARVIN L
	13	5401 EAST GRAND AVE	BENITEZ JOSE & MARIA DOLRES
O	14	5426 PHILIP AVE	SANCHEZ ANDRES & JAIME
O	15	5420 PHILIP AVE	SANCHEZ JAIME &
	16	5416 PHILIP AVE	BUENA NOCHE I LLC &
	17	5412 PHILIP AVE	PATEL KAPIL & KALINDI
O	18	5410 PHILIP AVE	JASSO SIMON
O	19	5404 PHILIP AVE	KARBUN PARTNERS LLC
O	20	5431 PHILIP AVE	NIKAM SHEKHAR D &
	21	5427 PHILIP AVE	TKG ACADEMY INC
O	22	5426 GURLEY AVE	TEXAS KRISHNAS INC
O	23	5422 GURLEY AVE	THE TEXAS KRISHNAS, INC
O	24	5416 GURLEY AVE	TEXAS KRISHNAS INC THE
O	25	5408 GURLEY AVE	BROWN THEODORE JR &
	26	5425 PHILIP AVE	BURGESS CAPITAL LLC

03/25/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	27	5409 PHILIP AVE	MEYER JAMES M &
	28	915 GRAHAM AVE	IYENGAR DWARAKA &
	29	5435 GURLEY AVE	BEARDEN DANIEL K &
	30	919 GRAHAM AVE	BEARDEN DANIEL K JR
	31	5429 GURLEY AVE	KLOSS MICHAEL J &
	32	5427 GURLEY AVE	WILLISMOUJAN SILVIA
	33	5423 GURLEY AVE	TREVINO ROLANDO
X	34	5509 EAST GRAND AVE	5511-5523 EAST GRAND LTD
X	35	5513 EAST GRAND AVE	5511-5523 EAST GRAND LTD
	37	5523 EAST GRAND AVE	5511-5523 EAST GRAND LTD
	38	5523 EAST GRAND AVE	5511 5523 EAST GRAND LTD
	39	1022 GRAHAM AVE	DAMARIA INVESTMENTS LLC
O	40	1018 GRAHAM AVE	TEXAS KRISHNAS THE
	41	1014 GRAHAM AVE	PENATE RICARDO &
	42	1010 GRAHAM AVE	NAIDU DEO
	43	1004 GRAHAM AVE	RIOS JOHN
O	44	1000 GRAHAM AVE	THE TEXAS KRISHNAS INC
	45	1101 S BEACON ST	MLM ROSS LLC
	46	1023 S BEACON ST	BINFIELD KENT
	47	1017 S BEACON ST	CAMPUZANO MARIA
	48	1015 S BEACON ST	MARTINEZ CAMILO & MARIA
	49	1011 S BEACON ST	MARTINEZ MARIA GUADALUPE
O	50	1007 S BEACON ST	SANCHEZ ANDERS C &
	51	1001 S BEACON ST	CERVANTES JOSE & GRACIELA
	53	1100 S BEACON ST	FURMAGA LLC
	54	1022 S BEACON ST	HURTADO ISIDORO
	55	1018 S BEACON ST	HERRERA MANUEL
	56	1014 S BEACON ST	GONZALES SOPHIA
	57	1010 S BEACON ST	MENDEZ FRANCISCO &
	58	1006 S BEACON ST	RUIZ ALEJO & SILVIA
	59	1004 S BEACON ST	GALVAN RAMIRO & MARIA R

03/25/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	60	1115 WAYNE ST	SIMMS HOLDINGS LLC
	61	1111 WAYNE ST	IBARRA JUAN & SANJUANA
	62	1107 WAYNE ST	CAUDILLO TONY
	63	1023 WAYNE ST	JAMES MARIANNE B
	64	1019 WAYNE ST	ZHU BEN
	65	1015 WAYNE ST	RAMIREZ AURELIO BASIO &
	66	1011 WAYNE ST	RAMIREZ IGNACIO &
	67	1007 WAYNE ST	TORRES RAYMUNDO &
	68	1003 WAYNE ST	LOPEZ SALVADOR & LISA
O	69	924 GRAHAM AVE	VAZQUEZ JOSE L
	70	916 GRAHAM AVE	SANCHEZ GUILLERMO
O	71	914 GRAHAM AVE	VENKATASUBBAREDDY ANJANADRI &
	72	921 S BEACON ST	YOUNG CHARLES S &
	73	919 S BEACON ST	MEYER NARAYANA
	74	913 S BEACON ST	SANTANA JOSE LUIS & CASTA
	75	922 S BEACON ST	FRANCIS MARIA L
	76	918 S BEACON ST	COLSON TIMOTHY P
	77	5432 EAST GRAND AVE	BIXEL DAVID W JR ETAL
X	78	5438 EAST GRAND AVE	SCHWARTZ HYMAN TRUST &
	79	5440 EAST GRAND AVE	SANCHEZ GUILLERMO &
	80	2706 SAMUEL BLVD	SANCHEZ GUILLERMO &
	81	2710 SAMUEL BLVD	NAYEB FAMILY LP
	82	1111 S BEACON ST	THONG HONG
	83	5550 EAST GRAND AVE	SEJ ASSET MGMT & INVESTMENT COMPANY
	84	5560 EAST GRAND AVE	HWANG SEUNG YUB
O	85	5434 PHILIP AVE	SANCHEZ JAIME &
O	86	1006 FAIRVIEW AVE	KRISHNAS TEXAS INC
O	87	5430 GURLEY AVE	TEXAS KRISHNAS INC
	88	1108 GRAHAM AVE	NVN LLC
	89	1106 S BEACON ST	GARNER BRIAN S
	90	5421 E R L THORNTON FWY	FINANCIAL OPERATING INC

Z178-250(AM)

03/25/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	91	5416 EAST GRAND AVE	RSR HOLDINGS LLC &
X	A1	5611 EAST GRAND AVE	FORE DOWN INC
X	A2	5619 EAST GRAND AVE	FORE DOWN INC
X	A3	5617 EAST GRAND AVE	FORE DOWN INC
X	A4	5605 EAST GRAND AVE	BALLAS VICTOR
X	A5	5519 EAST GRAND AVE	5511 -5523 EAST GRAND LTD