

FILE NUMBER: Z201-268(KC) **DATE FILED:** May 27, 2021
LOCATION: On the south line of Elm Street, west of North Akard Street
COUNCIL DISTRICT: 14 **MAPSCO:** 45 K
SIZE OF REQUEST: Approx. 0.687 acres **CENSUS TRACT:** 31.01

REPRESENTATIVE: Suzan Kedron, Jackson Walker, LLP

APPLICANT: Tanya Lillie, Outfront Media

OWNER: LICGF Dallas Lofts, Inc.

REQUEST: An application for the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs on property zoned Planned Development District No. 619.

SUMMARY: The purpose of the request is to continue the use of the existing videoboard signs.

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 currently developed with an 18-story building with ground floor retail and multi-family uses on the upper levels.
- The request site currently has the two attached projecting non-premise district activity videoboard signs located on the northeast corner of Main Street and Four Way Place and the southeast corner of Elm Street and Four Way Place.
- With this SUP renewal request, the applicant proposes to continue the use of the videoboard signs as shown on the existing site plan.
- The existing signs are in compliance with the renewal conditions of SEC. 51A-7.909. Attached Non-Premise District Activity Videoboard Signs of the Dallas Development Code.

Zoning History:

There have been seven zoning cases on six sites in the area in the past five years.

1. **Z167-130:** On June 28, 2017, City Council approved the new Historic Overlay establishing Historic Overlay No. 150 (One Main Place) on the northeast corner of Main Street and Griffin Street.
2. **Z167-398:** On January 24, 2018, City Council approved the renewal of Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service on the southwest corner of Main Street and Four Way Place for a three-year period.
3. **Z178-214:** On May 13, 2020, City Council approved Specific Use Permit No. 1959 for a bail bond office on the southeast corner of Elm Street and Field Street for a six-year period.
4. **Z189-340:** On January 08, 2020, City Council approved the renewal of Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service on the southwest corner of Main Street and Four Way Place for a five-year period.
5. **Z190-370:** On March 24, 2021, City Council approved the renewal of Specific Use Permit No. 2411 for an attached non-premise district activity videoboard sign near the intersection of Elm Street and South Akard Street for a six-year period.
6. **Z201-269:** An application for the renewal of Specific Use Permit No. 1788 for a videoboard sign on the southwest corner of Field Street and Commerce Street [Awaiting CPC Hearing on August 19, 2021].

7. **Z201-278:** An application for the renewal of Specific Use Permit No. 1791 for a videoboard on the southeast corner of Elm Street and North Akard Street [Under Review].

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Main Street	Two-way Street per CBD	80'
Elm Street	One-way Street per CBD	80'
Akard Street	Two-way Street per CBD	50'

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

The applicant submitted a traffic study conducted by an independent firm. The traffic analysis concluded that the proposed sign does 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.

Policy 2.3.1 Restore Downtown Dallas as the economic and cultural heart of North Central Texas.

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.

Videoboard Signs:**ACTIVE VIDEOBOARD SUP LIST (Updated 7/13/2021)**

No.	SUP No.	Location	Past Case No.	Approved	Expiration	ORD. #	Sign Installed (permit #)
1	1755*	1407 Main St (west & east façade)	Z145-276 (Renewal)	9/9/2015	9/9/2021	29849	0910095005
2							0910095006
3	1788	1321 Commerce (south façade)	Z145-277 (Renewal)	9/9/2015	9/9/2021	29850	0912305001
4	1791	1502/1509 Main St (West façade)	Z145-278 (Renewal)	9/9/2015	9/9/2021	29851	1104055002
5	1796	1530-1608 Main St (north façade)	Z189-298 (Renewal)	10/23/2019	10/23/2025	31367	1709191108
6	1957	1700 Pacific Ave (south façade)	Z178-123 (Renewal)	6/13/2018	6/13/2028	30881	1403311122
7	1958	1517 Main St (south façade)	Z178-124 (Renewal)	2/14/2018	2/14/2028	30781	1403311124
8	1959	1302 Elm St. (north façade)	Z178-214 (Amendment/Renewal)	6/27/2018	6/27/2024	30919	2003234008
9	2005	1015 Elm St (west façade)	Z189-165 (Renewal)	4/10/2019	4/10/2022	31172	2009161008
10	2006	1015 Elm St (south façade)	Z189-164 (Renewal)	4/10/2019	4/10/2022	31171	2009161012
11	2007	200 N Griffin St (south façade)	Z189-148 (renewal)	5/22/2019	5/22/2025	31228	1403311118
12	2008	1600 Commerce St (east façade)	Z189-147 (Renewal)	4/10/2019	4/10/2025	31165	1403311114

No.	SUP No.	Location	Past Case No.	Approved	Expiration	ORD. #	Sign Installed (permit #)
13	2009	1600 Commerce St (north façade)	Z189-146 (Renewal)	4/10/2019	4/10/2025	31164	1403311109
14	2302	2201 Main St (west façade)	Z178-242 (new SUP)	9/26/2018	9/26/2024	31010	1912194010
15	2411	1511 Elm Street	Z190-370 (new SUP)	3/24/2021	3/24/2027	31812	-
*Includes 2 videoboard signs							

Under Consideration by Council on October 13 for Renewal

Under Review for Renewal

Land Use:

	Zoning	Land Use
Site	PD 619 (Subdistrict B), SUP 1755	Mixed-Use, Multi-Family
North	PD 619 (Subdistrict B)	Hotel, DART Station
East	PD 619 (Subdistrict B), SUP 1791	Mixed-Use
South	PD 619 (Subdistrict J), SUP 1788	Hotel, Mixed-Use
West	PD 619 (Subdistrict B), SUP 2127, SUP 1959	Mixed-Use

Land Use Compatibility:

The area of request is currently developed and occupied by an 18-story building with ground floor retail and multi-family uses on the upper levels. The areas to the east, south, and west are mixed use which includes a variety of uses such as restaurants, general merchandise or food stores, multi-family. North of the site is a hotel and a DART station.

The request is for the renewal of Specific Use Permit No. 1755 which allows for two attached projecting non-premise district activity videoboard signs. The videoboard signs currently exist and are 16' x 9', protruding 9' from the building and are 15' above the sidewalk.

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).

Staff supports this request after review of a traffic analysis of the videoboard signs from the past five years and because it complies with the requirements set forth in Section 51A-7.909(g). Generally, staff recommends a six-year time period for the videoboard signs in order to make sure all videoboards are consistently evaluated from a traffic safety standpoint. In order to remain consistent and assure the appropriate review takes place within adequate timeframes, staff recommends six years for this request.

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;
- 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

Landscaping:

The Dallas Development Code does not require any landscaping for videoboard signs in addition to the requirements applicable to the base use on the site.

Parking:

The Dallas Development Code does not require any parking spaces for videoboard signs in addition to the requirements applicable to the base use on the site.

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 (A through C) to orange, representing the weakest markets (G through I). The area of request is located an “E” MVA cluster. The areas to the north, east, and west are also located within an “E” MVA cluster.

List of Partners/Principals/Officers

Applicant Officers

Jeremy Male, CEO
Richard Sauer, Executive Vice President and General Counsel
Clive Punter, Executive Vice President
Jodi Senese, Chief Marketing Officer
Matthew Siegel CFO and Director
George Wood, Director
Zack Danielson, General Manger

Owner Officers

Meiner Franssen, Director
Gregory A. Jones, Vice President

CPC ACTION
August 19, 2021

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit 1755 for two attached projecting non-premise district activity videoboard signs for a six-year period, subject to staff's recommended conditions on property zoned Planned Development District No. 619, on the south line of Elm Street, west of North Akard Street.

Maker: Garcia
Second: MacGregor
Result: Carried: 11 to 0

For: 11 - MacGregor, Hampton, Stinson, Shidid,
Carpenter, Jackson, Jung, Suhler, Schwope,
Murphy, Garcia

Against: 0
Absent: 3 - Johnson, Blair, Rubin
Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 85
Replies: For: 0 Against: 0

Speakers: For: Luke Franz, 2323 Ross Ave., Dallas, TX, 75201
For (Did not speak): Zack Danielson, 1201 Main St., Dallas, TX, 75202
Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201
Against: None
Staff: Jason Pool, Sign Inspector, Sustainable
Development and Construction

CPC RECOMMENDED SUP CONDITIONS

USE: The only use authorized by this specific use permit is for two attached projecting non-premise district activity videoboard signs.

SITE PLAN: Use and development of the Property must comply with the attached site plan and elevations.

CPC Recommendation:

<u>TIME LIMIT</u>: This specific use permit expires on September 9, 2021 _____ [six-year period from the passage of this ordinance.
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Applicant's Request:

<u>TIME LIMIT</u>: This specific use permit expires on September 9, 2021 _____ [five-year period from the passage of this ordinance, but is eligible for automatic renewal for additional 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.)] [September 9, 2021].

DIMENSIONS: The maximum vertical length of the signs is 16 feet. The maximum horizontal width (projection) of the signs is nine feet. The lowest point of the signs must be at least 15 feet above the sidewalk. See the attached elevations.

HOURS OF OPERATION: The signs may only operate between 7:00 a.m. and 1:00 a.m. (the next day), Monday through Friday; and between 8:00 a.m. and 2:00 a.m. (the next day), Saturday and Sunday. The signs must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and between 2:00 a.m. and 8:00 a.m., Saturday and Sunday.

OPERATIONAL REQUIREMENTS: The signs must comply with the operational and maintenance requirements in Section 51A-7.910 of the Dallas City Code.

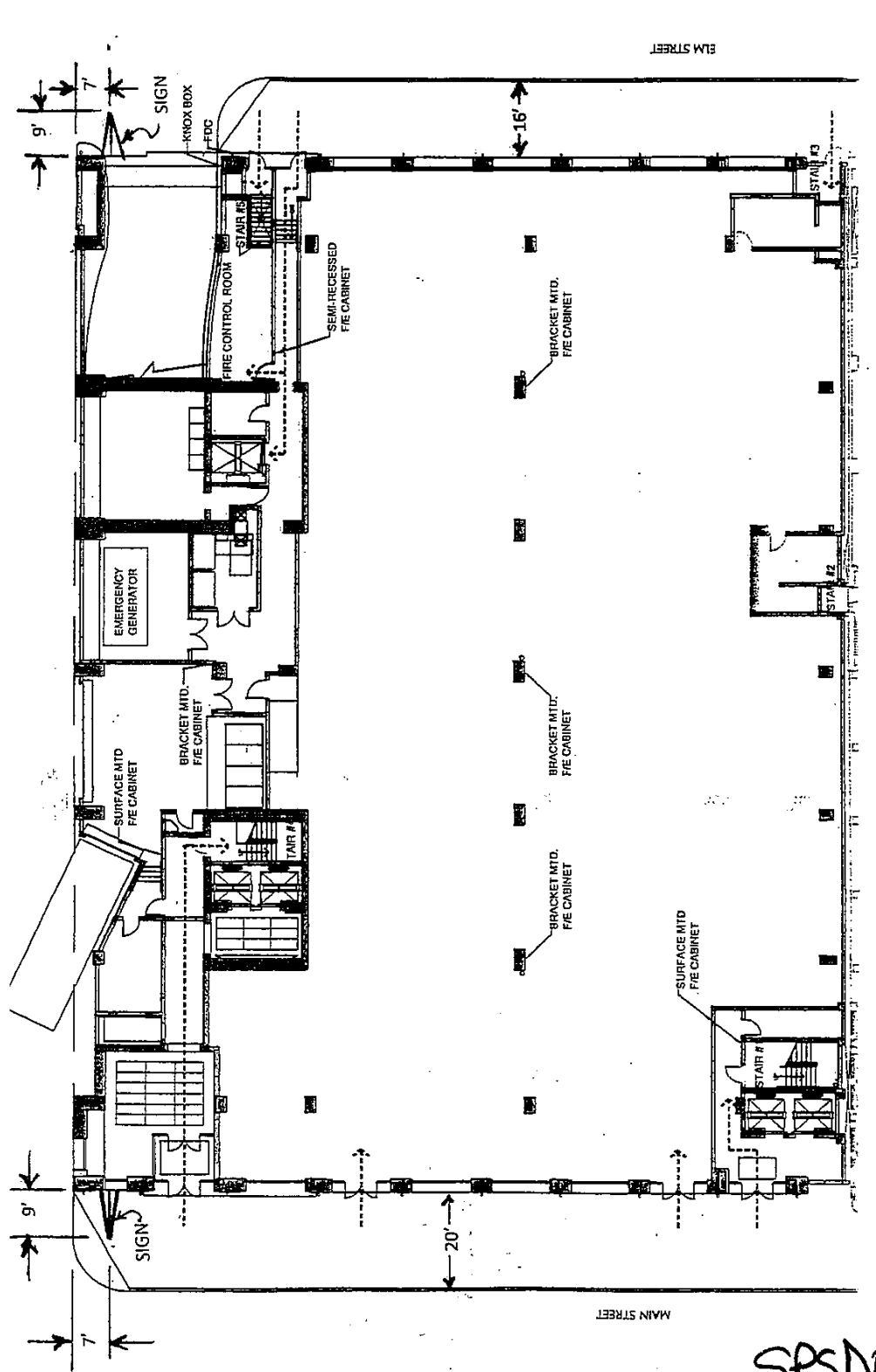
SEPARATION FROM RESIDENTIAL: The signs must have a minimum of one floor separation from the highest point of the sign and residential uses of the building.

SIZE: The signs may have a maximum effective area of 144 square feet as shown on the attached elevations.

MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

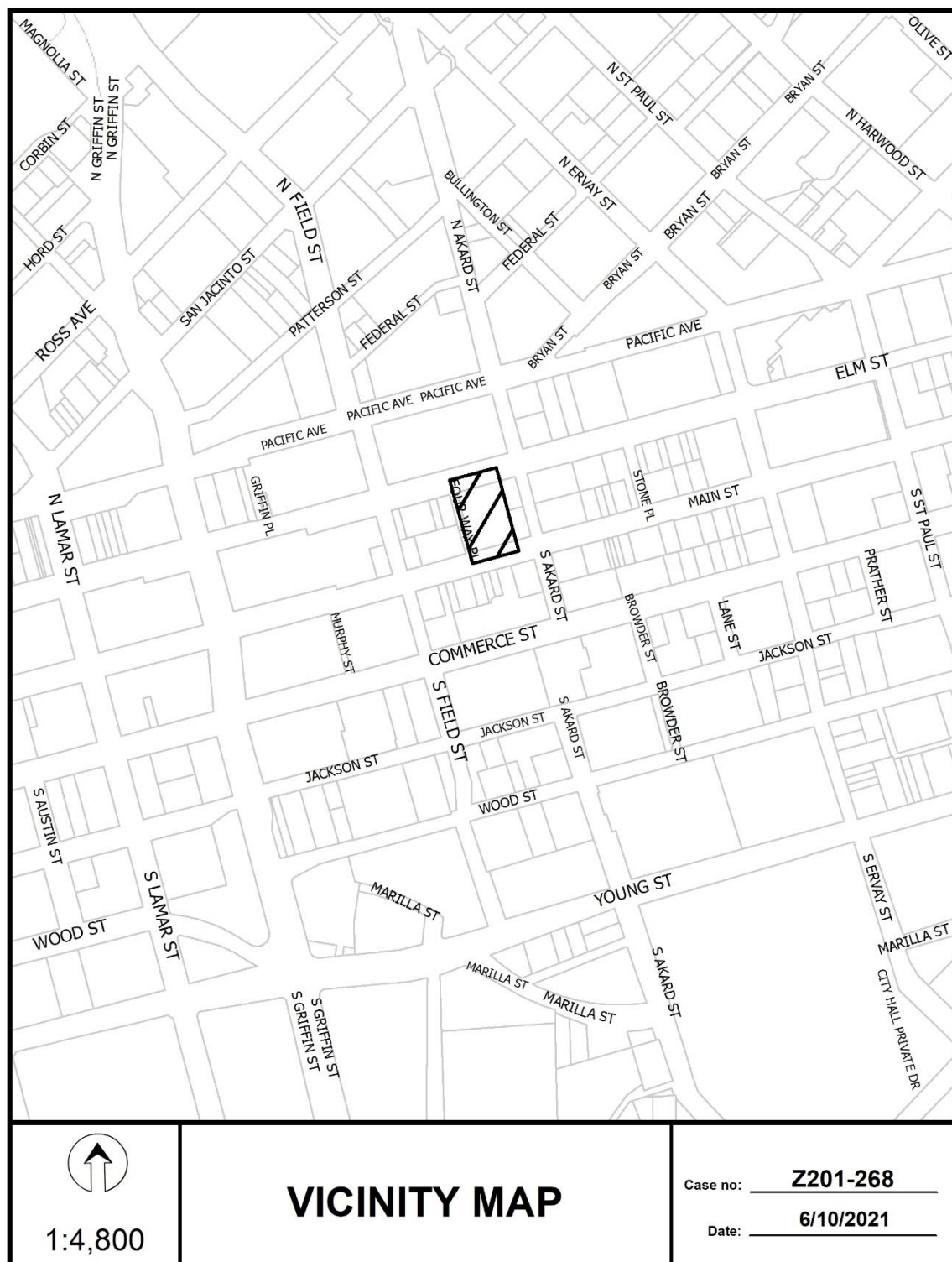
GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SITE PLAN (No Changes)

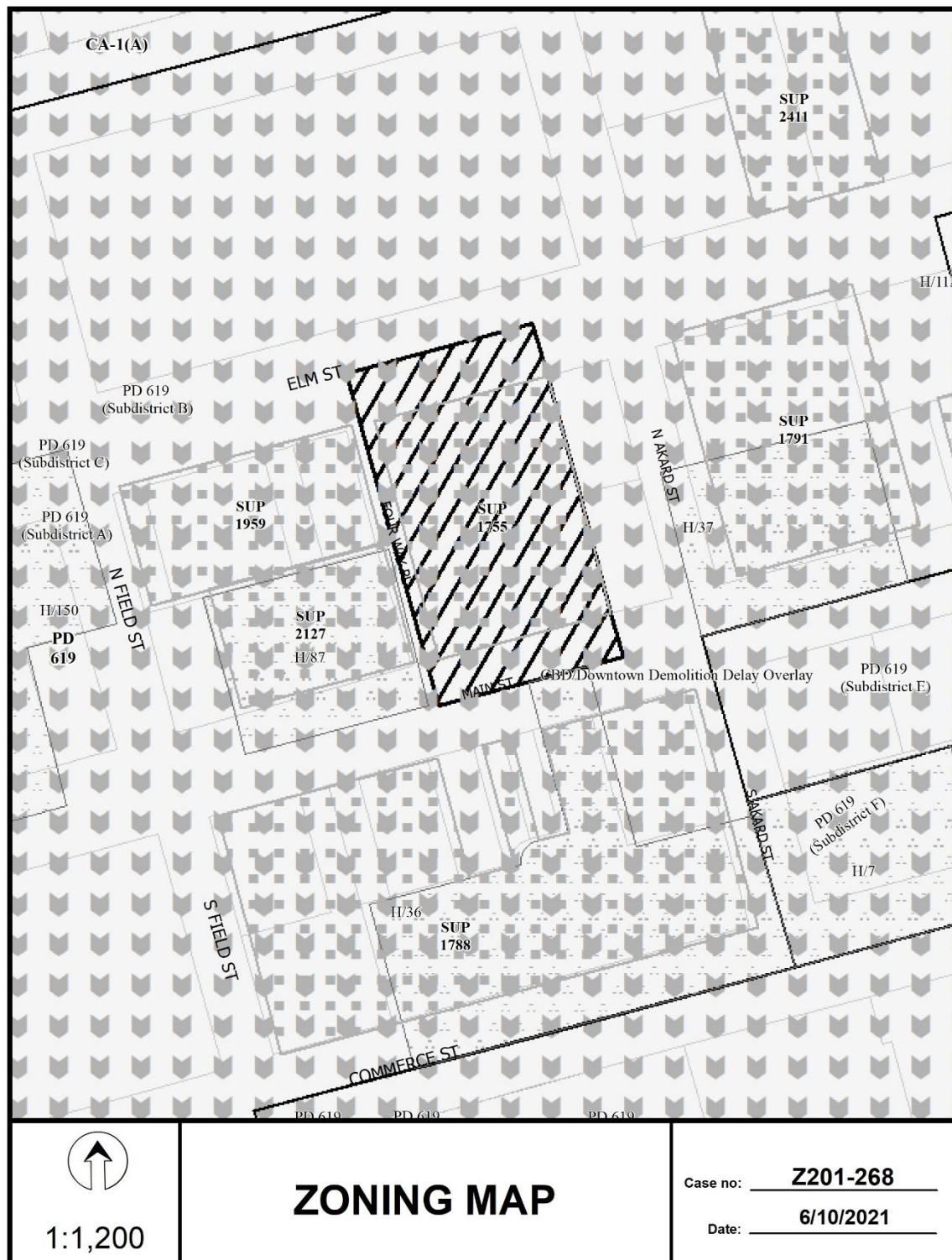


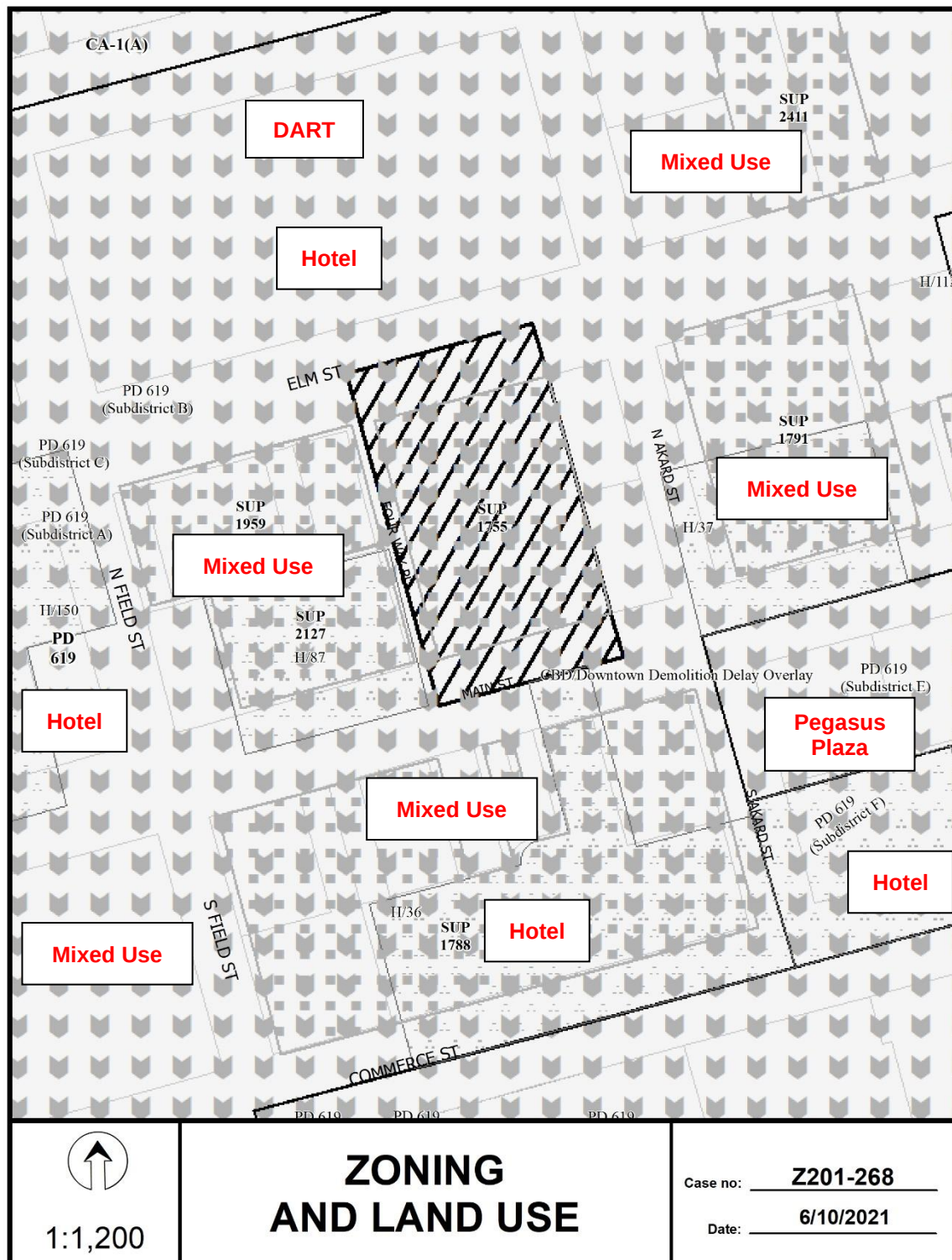
SPCN

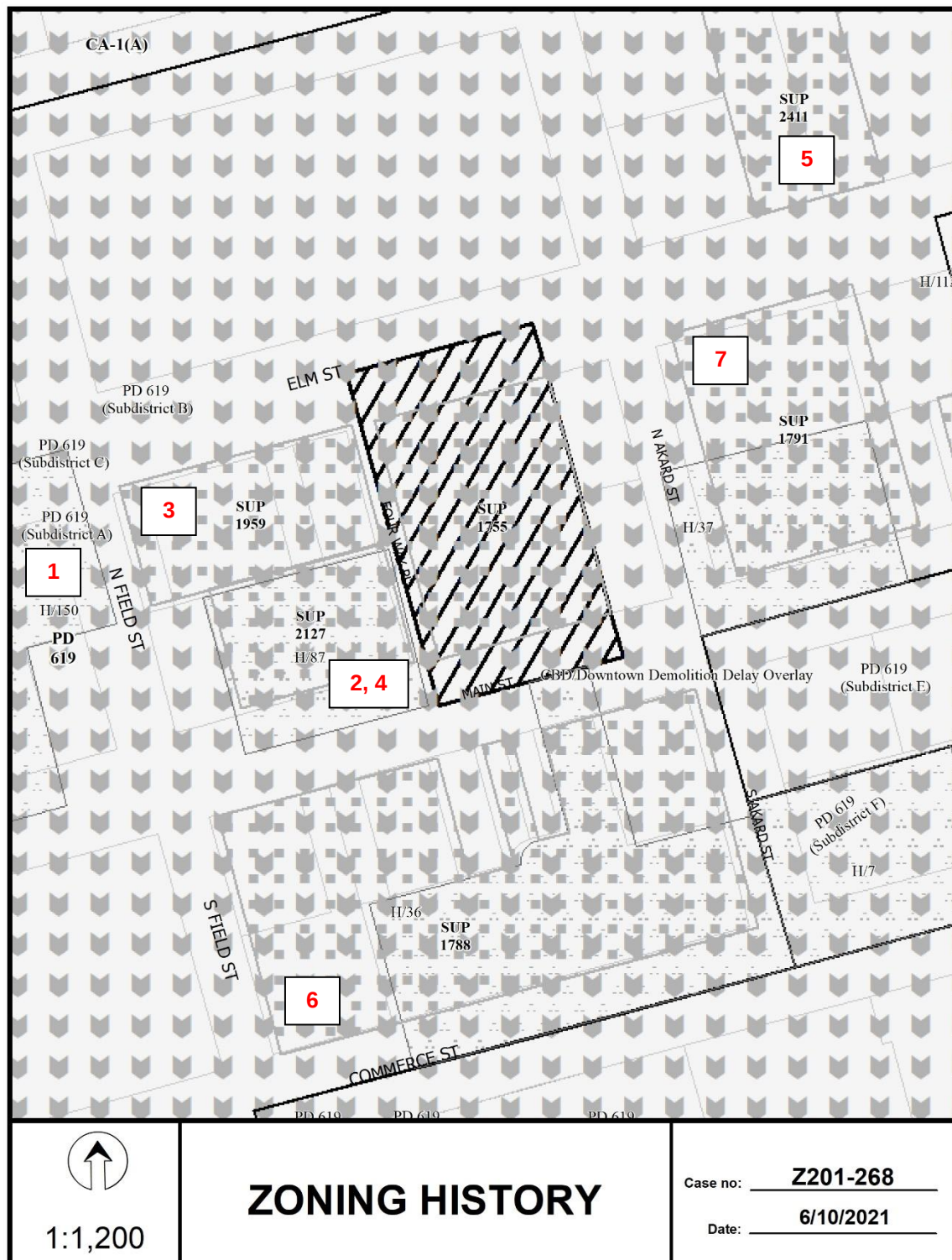
Z201-268(KC)

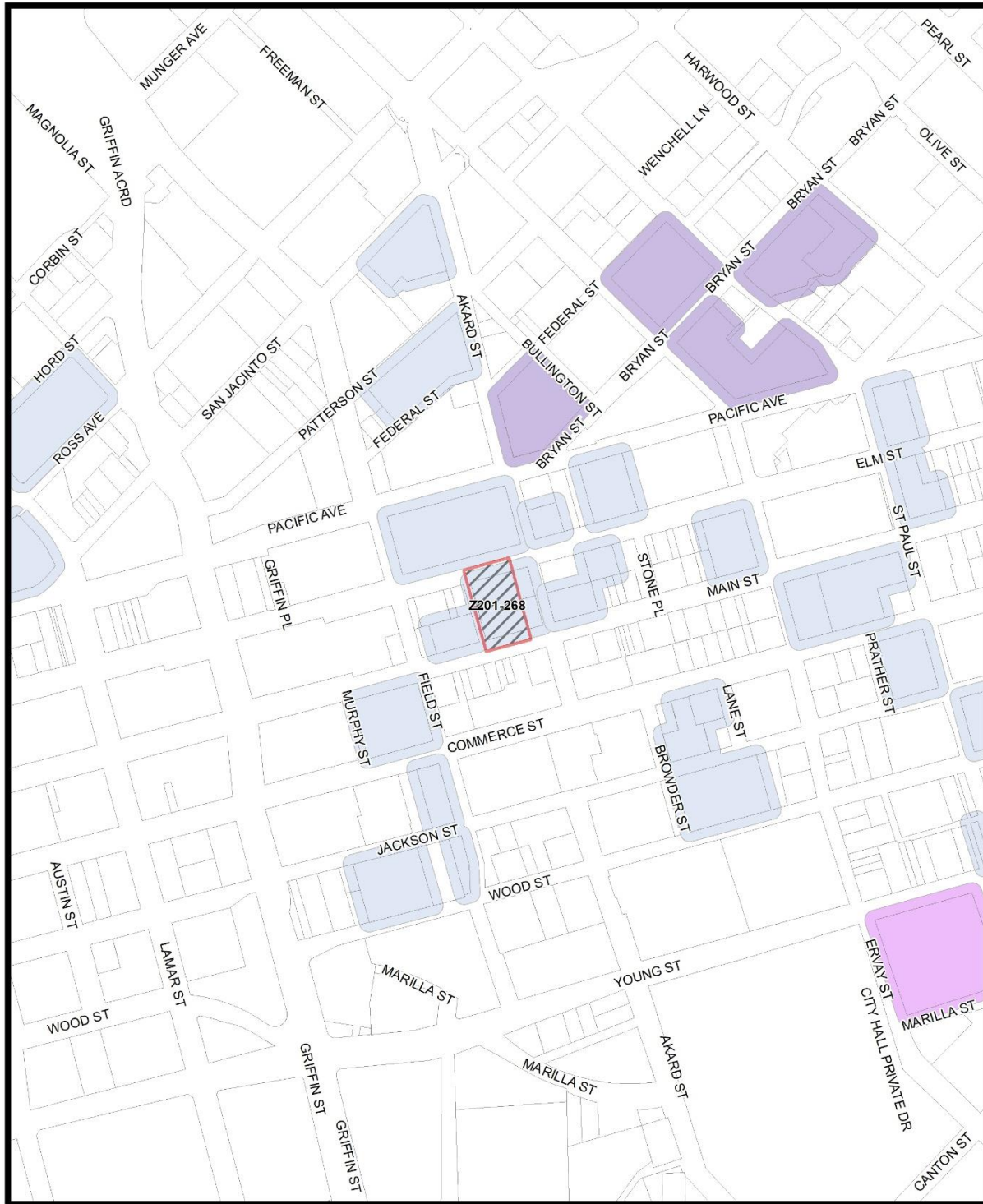












Market Value Analysis

A B C D E F G H I NA



1:4,800

Market Value Analysis

Printed Date: 6/10/2021



08/19/2021

08/18/2021

Reply List of Property Owners***Z201-268******85 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1407 MAIN ST	LICGF DALLAS LOFTS INC
	2	1407 MAIN ST	DRED PROPERTIES LTD
	3	1407 MAIN ST	DCAR PROPERTIES LTD
	4	1401 ELM ST MT	PENTELICUS DEVCO LLC
	5	1302 ELM ST	Taxpayer at
	6	1302 ELM ST	ROBERTS GEORGE N ET AL
	7	1301 MAIN ST	TANGO PROPERTIES LLC
	8	1309 MAIN ST	DAVIS 1309 MAIN LLC
	9	1400 MAIN ST	RBP ADOLPHUS LLC
	10	1404 MAIN ST	APAL CO LLC
	11	208 N AKARD ST	208NAKARD LLC
	12	1401 COMMERCE ST	HOLTZE MAGNOLIA LLLP
	13	1300 ELM ST	Taxpayer at
	14	1412 MAIN ST	1412 MAIN STREET LLC
	15	1300 MAIN ST	RBP ADOLPHUS LLC
	16	1402 MAIN ST	APAL LLC
	17	1306 MAIN ST	RBP ADOLPHUS LLC
	18	1315 COMMERCE ST	RBP ADOLPHUS LLC
	19	1502 ELM ST KIRBY	APARTMENTS LP THE
	20	1414 ELM ST	LICGF DALLAS LOFTS INC
	21	1306 ELM ST	Taxpayer at
	22	1505 ELM ST	CHRISTIAN LARRY &
	23	1505 ELM ST	DUCOTEY WARREN 2002 TR
	24	1505 ELM ST	MOSBACHER DIANE B &
	25	1505 ELM ST	KEY SEAN
	26	1505 ELM ST	BUTLER KELLY A LIVING TRUST

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

Z201-268(KC)

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	1505 ELM ST	DEMARKIS BRIAN CHRISTOPHER
	59	1505 ELM ST	MCKNIGHT BILLY REA
	60	1505 ELM ST	DILENA R J
	61	1505 ELM ST	FREIFELD MARK & RAYNA HANDELMAN
	62	1505 ELM ST	HOLLOWAY MICHAEL S &
	63	1505 ELM ST	VANCE BARBARA A
	64	1505 ELM ST	DANE EUGENE
	65	1505 ELM ST	BEAIRD FLORENCE
	66	1505 ELM ST	HORN JEFFIE J JR
	67	1505 ELM ST	LEE EUNJO JULIE &
	68	1505 ELM ST	ABENDSCHEIN FREDERICK
	69	1505 ELM ST	ROBERTSON RON & DONNA
	70	1505 ELM ST	EDWARDS GARY DON & JANIE FAY
	71	1505 ELM ST	GLEASON SCOTT & KAREN
	72	1505 ELM ST	NIENDORFF CARL A IV
	73	1505 ELM ST	HALL MICHAEL D
	74	1505 ELM ST	PATTERSON J R JR & BILLIE JO PUD
	75	1505 ELM ST	HARVEY BARBARA ANN
	76	1505 ELM ST	AKIN FAMILY TRUST
	77	1505 ELM ST	SPIEGEL ROSS ADAM
	78	1505 ELM ST	BOLDEN PAUL &
	79	1505 ELM ST	ROBERTS FINES OLIVER
	80	1505 ELM ST	MORALES JACQUILINE
	81	1505 ELM ST	MASON LISA
	82	1505 ELM ST	WIEDEMANN CYNTHIA
	83	1505 ELM ST	WILSON ADDISON G IV
	84	1505 ELM ST	ELDREDGE WENDY PAIGE & SCOTT
	85	1505 ELM ST	DAVIS BRADLEY S &