

FILE NUMBER: Z201-342(KC) **DATE FILED:** September 13, 2021

LOCATION: North line of West 12th Street, east of South Windomere Avenue

COUNCIL DISTRICT: 1 **MAPSCO:** 54 E

SIZE OF REQUEST: Approx. 0.56 acres **CENSUS TRACT:** 52.00

REPRESENTATIVE: Jackson Walker LLP (Jonathan Vinson)

APPLICANT/OWNER: Nostalgic Habitats, LLC

REQUEST: An application for the renewal of Specific Use Permit No. 2210 for an instructional arts studio and theatre use on property zoned Planned Development District No. 87, Tract 1(a) with H/15 Winnetka Heights Historic Overlay District.

SUMMARY: The purpose of the request is to allow for the continuation of the instructional arts studio and theatre use on the site.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period, subject to staff's recommended conditions.

BACKGROUND INFORMATION:

- The site is currently developed with a structure used by Arts Mission Oak Cliff, a nonprofit organization.
- On December 15, 1975, City Council approved Planned Development District No. 87.
- Specific Use Permit 2210 to allow for instructional arts studio and theatre uses was approved by City Council on September 14, 2016 with a five-year time limit.
- This proposal includes adding eligibility for automatic renewal, removing the condition that prohibits the use before 9 am on school days, allowing outside amplification between 12 pm and 9 pm, and increasing the number of seats in the theatre from 120 to 150.
- The Dallas Development Code defines a theatre use as a facility for showing motion pictures or staging theatrical performances to an audience inside an enclosed structure.
- Per PD 87, on Tract I(a), an instructional arts studio and theatre are allowed by specific use permit only.
- During the last meeting, the City Planning Commission recommended approval of the request and incorporated the outside amplification beginning Thursday as opposed to staff's recommendation of Friday. In addition, the time frame was approved for a five year period with eligibility for automatic renewal for additional five-year periods instead of staff's recommendation of three years.

Zoning History:

There has not been any zoning cases in the area in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
West 12 th St.	Community Collector	60'
South Windomere Avenue	Local Street	52'

Traffic:

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

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

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

Land Use:

	Zoning	Land Use
Site	PD No. 87	Theater and instructional arts studio
North	PD No. 87	Single-Family Residential
East	PD No. 87	Office, Single-Family Residential

South	PD No. 87	Middle School
West	PD No. 87	Single-Family Residential

Land Use Compatibility:

The site is currently developed by the Arts Mission Oak Cliff. The site was previously a church and has been renovated to operate as a theatre and instructional arts studio. The surrounding properties to the west and north are all single-family residential. Directly to the east is an office surrounded by more single-family residential. South of the site is a middle school surrounded by more single-family residential.

Planned Development District 87 states that on Tract I(a), an instructional arts studio and theatre are allowed by specific use permit only.

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.

The applicant has shared that they have seen a lot of success in their shows and they have requested that the conditions be updated to allow them to seat a maximum of 150 instead of the 120 that was previously approved. The square footage of the total area has not increased. They have also informed staff that following the opening of the facility, the site did not have any issues with their traffic interfering with the school drop-off traffic. Therefore, they have requested that the condition prohibiting this use from operating before 9:00 am on school days is removed. In addition, they are requesting that the conditions be updated to include that the outside amplification is only prohibited between 9:00 pm and 12:00 noon. This would allow them to use the parking area or the garden area on the southern side of the property for outdoor events. The amplification will be abiding by the Dallas Development Code's Noise Regulations. Due to the close proximity to the single-family uses, staff is recommending to limit the hours of the outside amplification to be only on Friday and Saturday.

Staff believes the use is compatible with the surrounding neighborhood. The studios are used being local artists and several of the nearby residents are attending the sessions provided. The site's parking is accessible from Windomere Avenue. Although it is not an issue at this time, if any additional overflow parking is needed in the future, PD 87 allows for this use to utilize shared parking or remote parking agreements to meet the parking requirements. Staff supports the renewal of the SUP and updated conditions, however, does not support the requested timeframe. Due to the changes in the conditions, staff would like to revisit the request at the end of the recommended timeframe of three years to assure that the changes did not have a negative impact on the surrounding residents.

Landscaping:

Landscaping will be provided in compliance with Sec. 51P-87.111. Preservation Criteria for Tracts I and I(a) of Planned Development District 87. This request is not triggering any additional landscaping requirements.

Parking:

Parking will be provided in compliance with the Dallas Development Code, as amended. The theatre use requires one space per 28 square feet of seating area. This site has 840 square feet of seating area requiring 30 parking spaces. The site plan shows 30 parking spaces within the site. The instructional arts studio requires one space per 200 square feet. In Tract I(a), an instructional arts studio and a theater may share onsite parking with compatibly overlapping hours without a special parking agreement. No changes have been proposed to the previously approved site plan

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 not in an MVA cluster. The surrounding areas with the exception of the property to the south of the site is an "D" MVA cluster.

Z201-342(KC)

List of Officers

Nostalgic Habitats, LLC

Todd R. Lott, Manager and President

Laila F. Lott, Manager.

**CPC ACTION
DECEMBER 2, 2021**

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2210 for an instructional arts studio and theatre use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and applicant's recommended conditions with outdoor amplification from 12:00 p.m. to 9:00 p.m., limited to Thursday, Friday and Saturday on property zoned Planned Development District No. 87, Tract 1(a) with H/15 Winnetka Heights Historic Overlay District, on the north line of West 12th Street, east of South Windomere Avenue.

Maker: Popken
Second: Stanard
Result: Carried: 8 to 4

For: 8 - Popken, Shidid, Jackson, Suhler, Haqq,
Stanard, Kingston, Rubin

Against: 4 - Hampton, Carpenter, Blair, Jung
Absent: 1 - Anderson
Vacancy: 2 - District 3, District 10

Notices: Area: 200 Mailed: 23
Replies: For: 1 Against: 1

Speakers: For: Jonathan Vinson, 2323 Ross Ave, Dallas, TX, 75201
Todd Lott, 6722 Lakewood Blvd., Dallas, Texas 75214
Against: None

CPC RECOMMENDED SUP CONDITIONS

1. USES: The only uses authorized by this specific use permit are an instructional arts studio and theater.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

3. TIME LIMIT: This specific use permit expires on ~~September 14, 2021~~ten 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.).

Staff Recommendation:

3. TIME LIMIT: This specific use permit expires on ~~September 14, 2021~~three-year period from the passage of this ordinance,.

Applicant's Request:

4. TIME LIMIT: This specific use permit expires on ~~September 14, 2021~~ten-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.).

5. HOURS OF OPERATION: The instructional arts studio and theater may only operate between 7:00 a.m. and 10:00 p.m., Monday through Thursday; 7:00 a.m. and 11:00 p.m., Friday through Saturday; and 9:00 a.m. and 5:00 p.m., Sunday. ~~On school days, the use may not operate before 9:00 a.m.~~
6. LIGHTING. Detached light fixtures are limited to 20 feet in height and must be shielded and directed away from surrounding properties.

CPC Recommendation:

7. OUTSIDE AMPLIFICATION. Outside amplification is may only occur between 12:00 p.m. and 9:00 p.m., Friday and Thursday through Saturday.

Staff Recommendation:

8. OUTSIDE AMPLIFICATION. Outside amplification is may only occur between 12:00 p.m. and 9:00 p.m., Friday and Saturday.

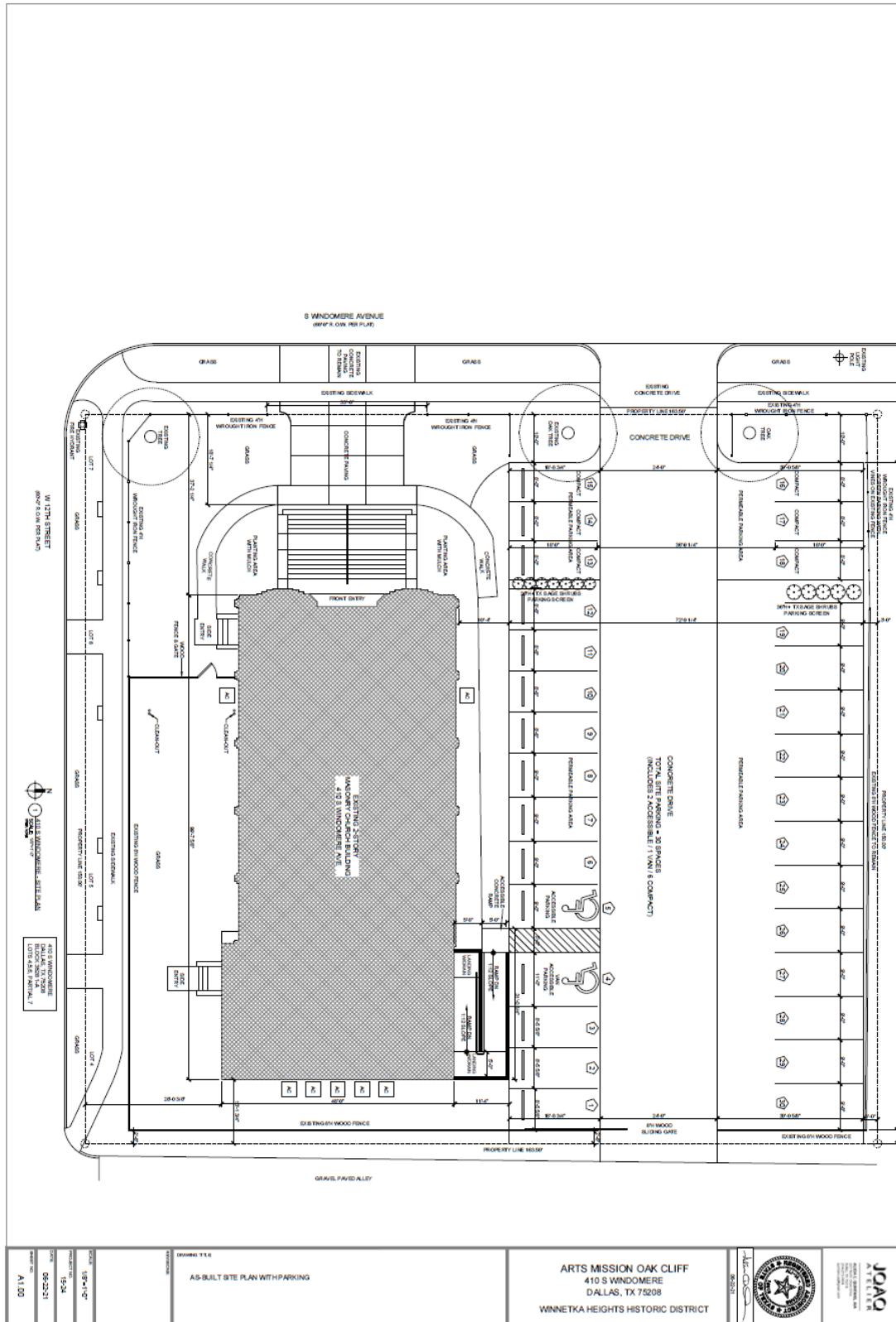
Applicant's Request:

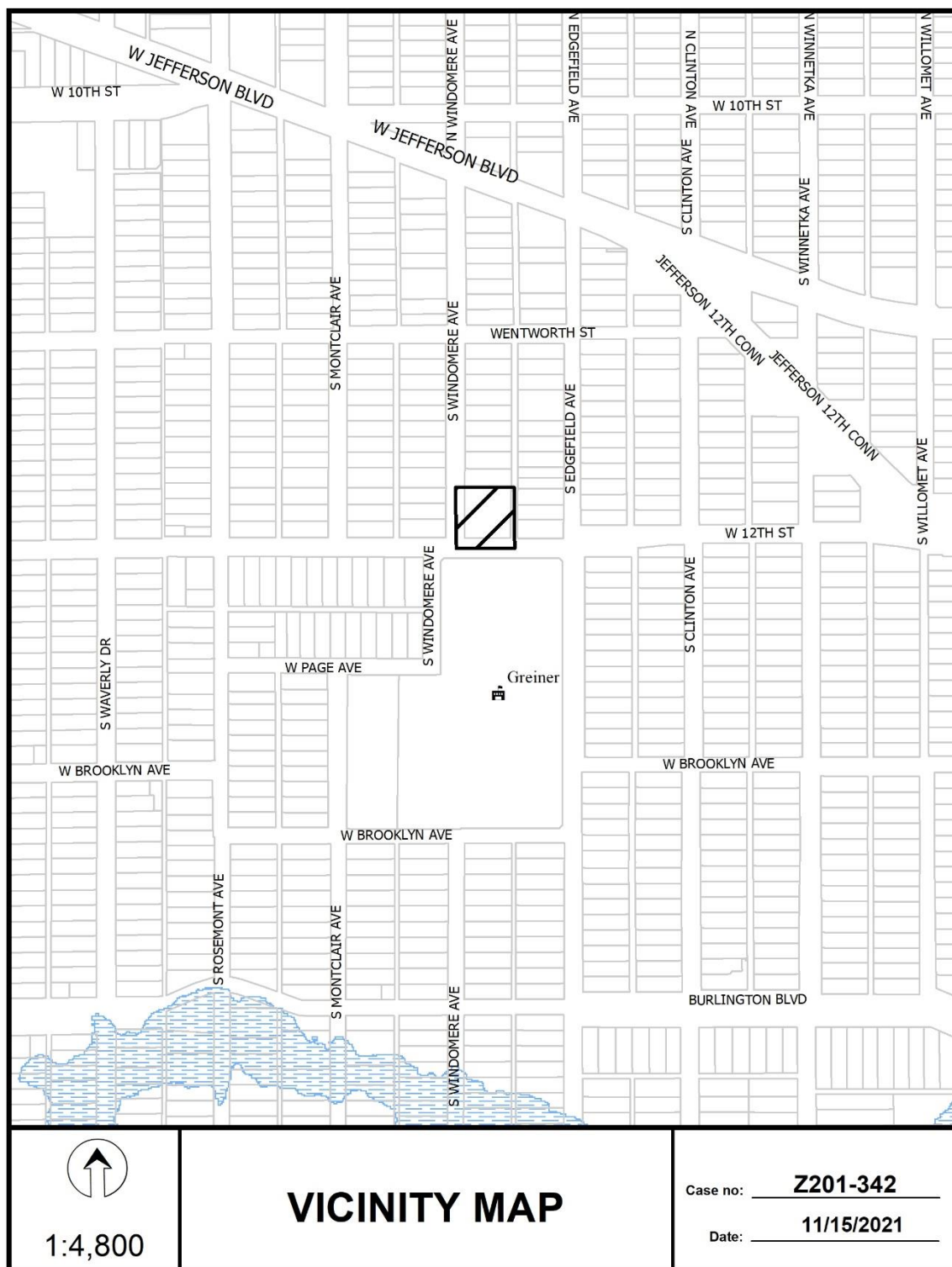
6. OUTSIDE AMPLIFICATION. Outside amplification is prohibited between 9:00 p.m. and 12:00 p.m.

7. QUEUING. Queuing is only permitted inside the Property. Drop-off and pick-up are not permitted within the city rights-of-way.
8. SEATING:
 - a. The maximum number of fixed seating for a theater is 120150 seats.
 - b. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of Paragraph (A).
 - c. If portions of seating areas in the theater are not equipped with fixed seats, benches, or pews, the maximum seating area is 840 square feet. The maximum 840 square foot seating area may be located in different areas of the building and in varying configurations.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

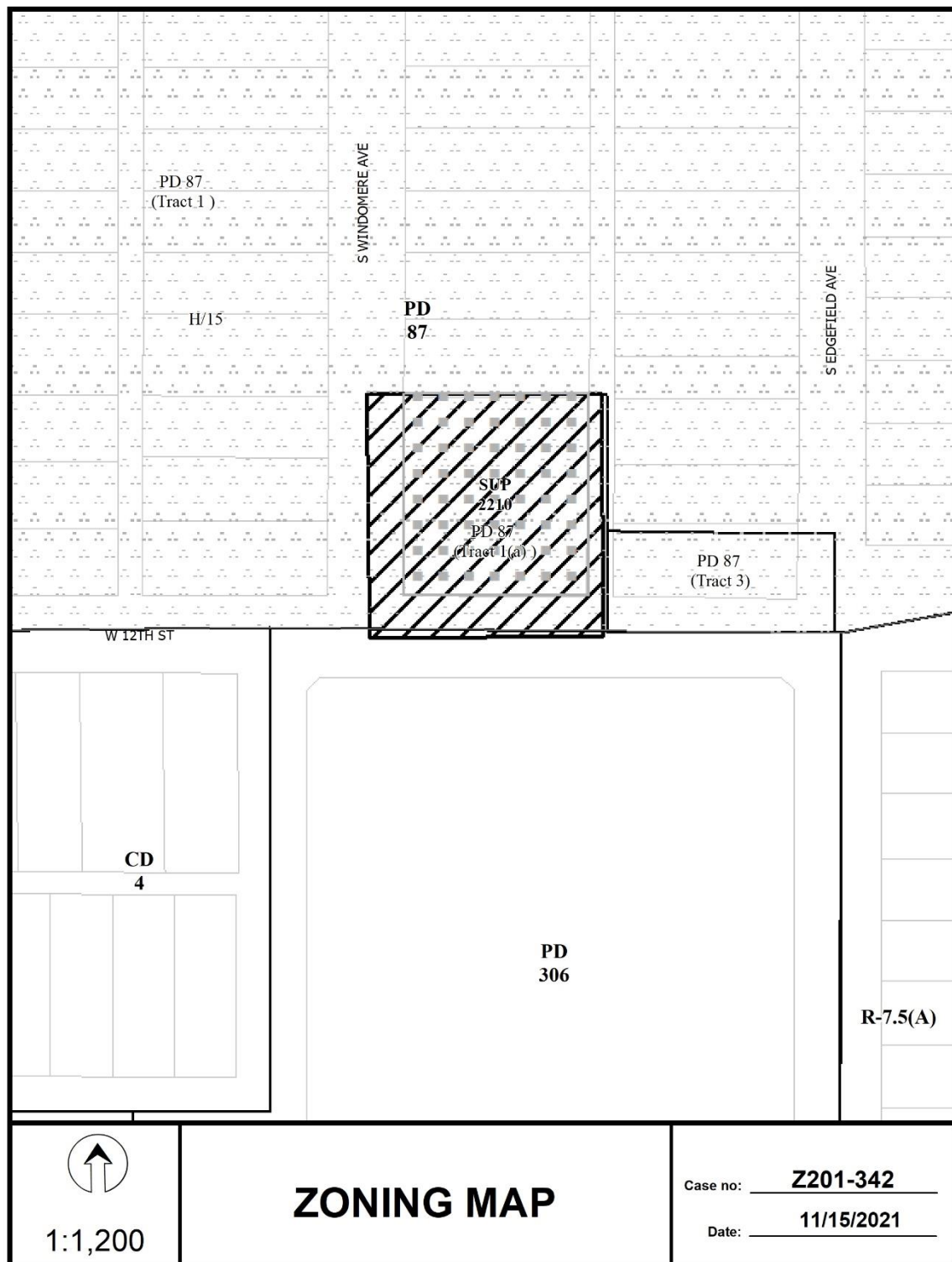
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

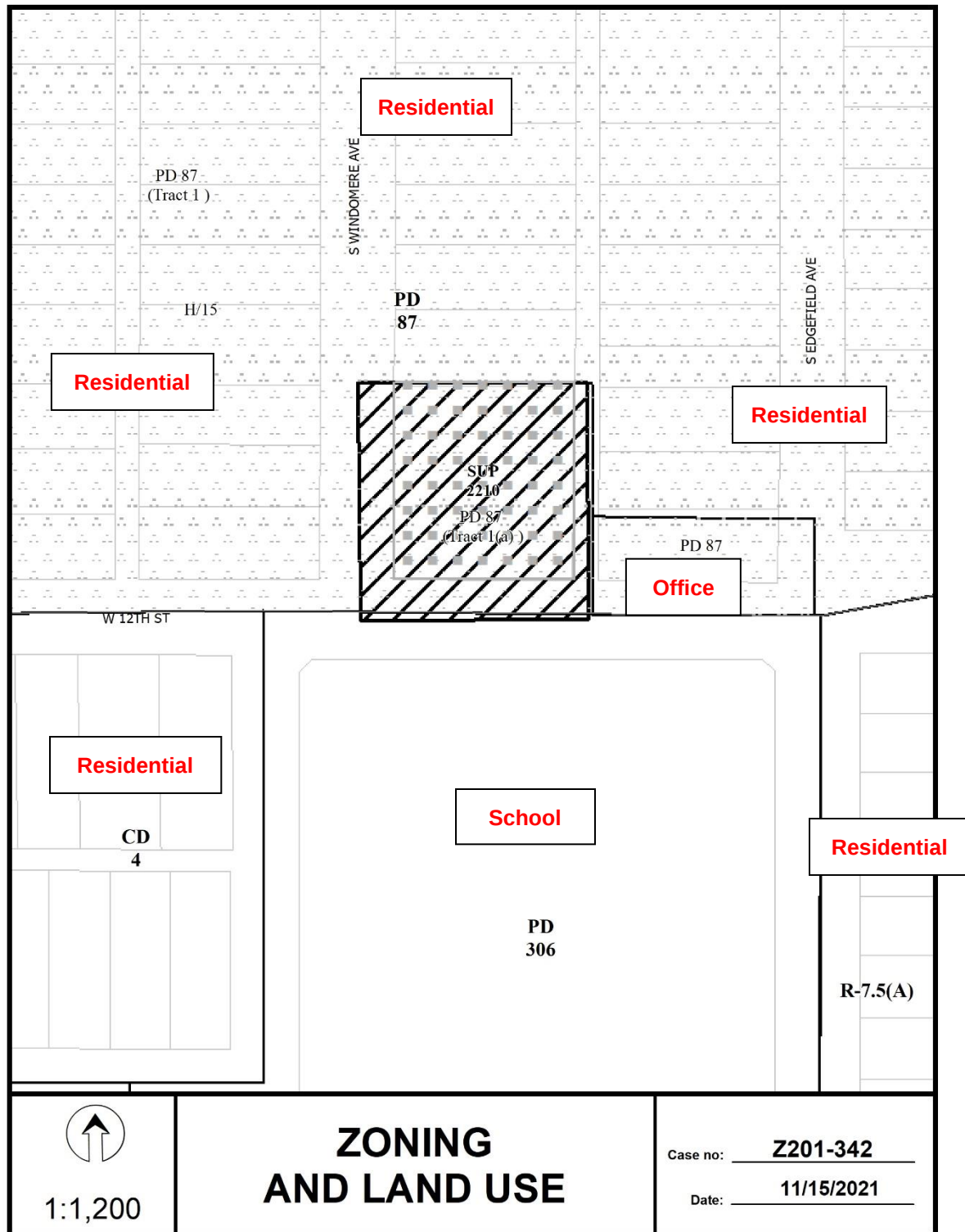
EXISTING SITE PLAN (NO CHANGES)

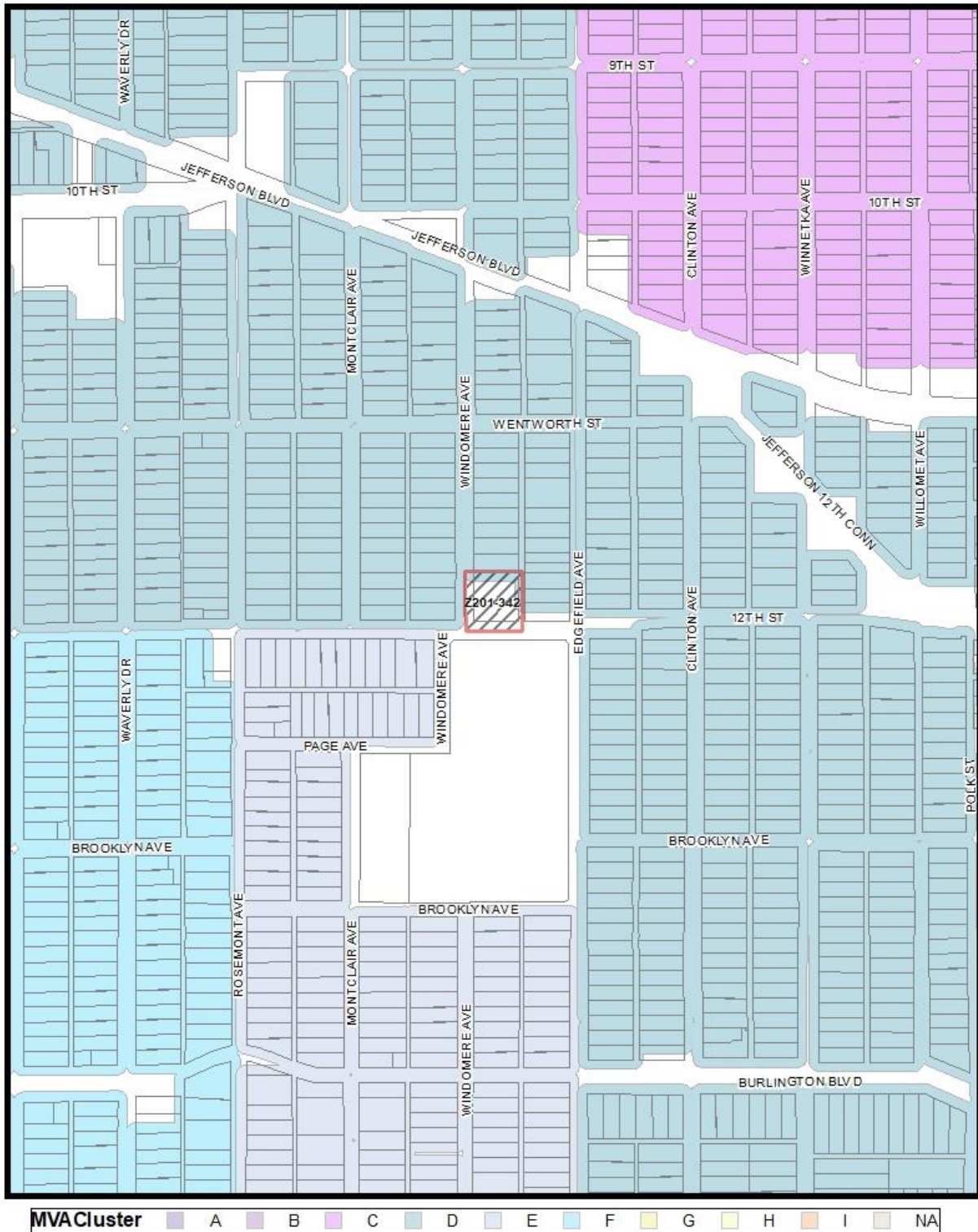






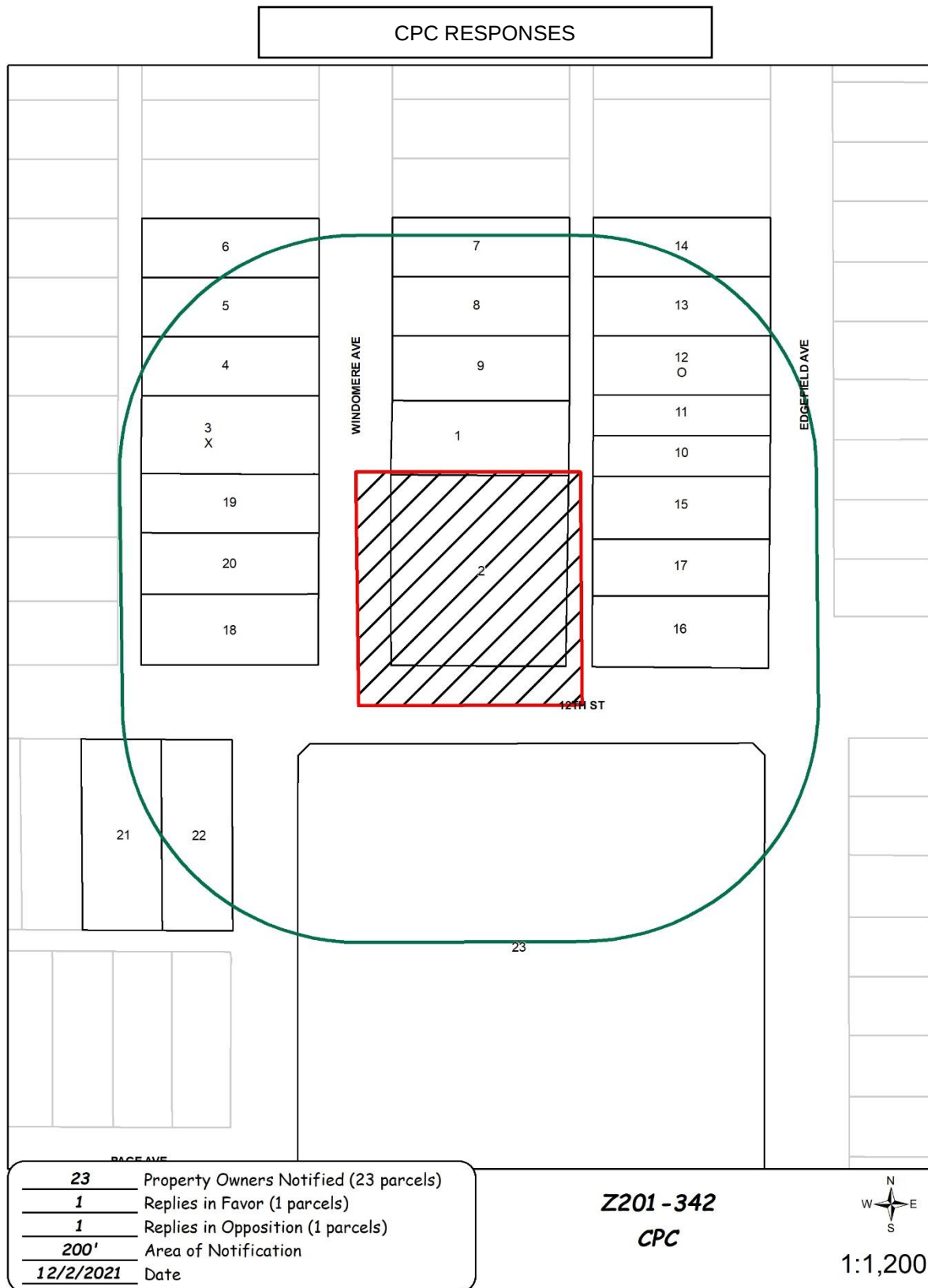






Market Value Analysis

Printed Date: 11/16/2021



12/01/2021

Reply List of Property Owners***Z201-342******23 Property Owners Notified******1 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	332 S WINDOMERE AVE	DELAMETTER JACK II
	2	410 S WINDOMERE AVE	NOSTALGIC HABITATS LLC
X	3	335 S WINDOMERE AVE	MITCHAM BRANDON &
	4	331 S WINDOMERE AVE	HOGAN KATHERINE B & COLIN R
	5	327 S WINDOMERE AVE	SEABOLT JOHN PAUL
	6	323 S WINDOMERE AVE	MORALES GERARDO &
	7	322 S WINDOMERE AVE	ADAMS VICTOR
	8	326 S WINDOMERE AVE	JONES TURNER
	9	330 S WINDOMERE AVE	VELASCO WILLIAM M II
	10	335 S EDGEFIELD AVE	HEARN ERIN M
	11	333 S EDGEFIELD AVE	WARD DERRICK R &
O	12	329 S EDGEFIELD AVE	VOIGT BRIAN & CHRISTINE
	13	327 S EDGEFIELD AVE	SIKRI SUNIT &
	14	321 S EDGEFIELD AVE	SANCHEZ JUAN &
	15	337 S EDGEFIELD AVE	ACCENTUALITY INVESTMENTS LLC
	16	345 S EDGEFIELD AVE	LULAC NATL EDUCATION
	17	341 S EDGEFIELD AVE	BARKER AMANDA &
	18	411 S WINDOMERE AVE	LARA IGNACIO H &
	19	401 S WINDOMERE AVE	PHELPS TIMOTHY NICHOLAS & VICTORIA GUERRA
	20	407 S WINDOMERE AVE	WINDOMERE PROPERTIES LLC
	21	1504 W 12TH ST	PEREZ ALEJANDRO ESPINOSA &
	22	1500 W 12TH ST	MIMS LINDA A
	23	501 S EDGEFIELD AVE	Dallas ISD