
FILE NUMBER: Z189-298(AM) **DATE FILED:** June 28, 2019
LOCATION: South line of Main Street, west of South Ervay Street
COUNCIL DISTRICT: 14 **MAPSCO:** 7 J
SIZE OF REQUEST: ± 0.65 acres **CENSUS TRACT:** 31.01

OWNER: 1530 Main LP

APPLICANT: Radiant Outdoor, LLC

REPRESENTATIVE: Suzan Kedron; Jackson Walker, LLP

REQUEST: An application for the renewal of Specific Use Permit No. 1796 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2025 for a personal service use limited to a spa.

SUMMARY: The applicant proposes to continue the display of an existing attached projecting sign on the northern 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 request site is currently developed with retail, personal service, and restaurant uses on the first floor as well as ramps to the parking garage on the upper floors.
- On February 24, 2010, City Council granted Specific Use Permit No. 1796 for an attached projecting non-premise district activity videoboard sign for a six-year time period with an expiry date of February 24, 2016.
- On August 14, 2013, City Council granted an amendment to and renewal of Specific Use Permit No. 1796 to relocate the videoboard sign with an expiry date of August 14, 2019.
- 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.
- Ordinance No. 28347 was adopted by City Council on August 24, 2011. One of the amendments in this ordinance was to increase the number of videoboard signs in the Downtown SPSD to a total of 15 and increase the area in which the videoboard signs are allowed.
- The videoboard sign was erected in 2010. In 2013, the City Council approved Ordinance No. 29083, allowing for an amendment for the relocation of the videoboard sign to its present location. The sign has been at its present position since 2013. The applicant seeks to continue the use of the videoboard sign with no changes to functionality or location.

Zoning History:

There have been 8 zoning cases within proximity of the subject site within a five year time period.

1. **Z189-146:** On April 10, 2019, City Council approved the renewal of Specific Use Permit No. 2009 for an attached projecting non-premise district activity videoboard sign on property generally bound by Commerce Street, South Ervay Street, Jackson Street, and Lane Street.
2. **Z178-243:** On September 26, 2018, City Council denied an application for a new Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property generally located on the south line of Pacific Avenue, east of North Akard Street.
3. **Z178-214:** On June 27, 2018, City Council approved the renewal of Specific Use Permit No. 1959 for an attached projecting non-premise district activity videoboard sign on property located on the southeast corner of Elm Street and North Field Street.

4. **Z178-124:** On February 14, 2018, City Council approved the renewal of Specific Use Permit No. 1958 for an attached projecting non-premise district activity videoboard sign on property generally located on the north side of Main Street, east of North Akard Street.
5. **Z178-123:** On June 13, 2018, City Council approved the renewal of Specific Use Permit No. 1957 for an attached projecting non-premise activity videoboard sign on property generally located on the northwest corner of North St. Paul and Elm Street.
6. **Z145-278:** On September 9, 2015, City Council approved the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity video board sign generally bound by Elm Street, North Akard Street, and Main Street.
7. **Z145-277:** On September 9, 2015, City Council approved the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity video board sign generally bound by Main Street, South Akard Street, Commerce Street, and South Field Street.
8. **Z145-276:** On September 9, 2015, City Council approved the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity video board sign generally bound by Elm Street, Exchange Place, and Main Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Right-of-Way
Main Street	Two Way	80 feet

Land Use:

Area	Zoning	Land Use
Site	PD No. 619 ; SUP No. 1796; SUP No. 2025	Attached non-premise district activity videoboard sign ; Personal service use limited to a spa
North	PD No. 619	Retail
East	PD No. 619	Retail
South	PD No. 619	Office ; Commercial parking
West	PD No. 619	Restaurant

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 applicants 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

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

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 4.1.4 Enhance visual enjoyment of public space

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

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

STAFF ANALYSIS

Land Use Compatibility:

The request seeks a renewal of SUP No. 1796. The 144-square-foot attached projecting non-premise district activity videoboard sign is installed on a building within the Downtown Special Provision Sign District since 2010 and has been at its present location since 2013. The videoboard sign has not adversely impacted the surrounding land uses in a negative fashion since its introduction to its location on Main Street. The SUP is appropriate in the context of an area surrounded by restaurant, office, retail, and residential use which receives heavy pedestrian traffic. The sign is presently located on the building façade of the retail store known as TRAFFIC Los Angeles.

A maximum of 15 non-premise district activity videoboard signs are permitted 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 a maximum of 150-square-feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP and must meet the following development requirements:

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
- Must have videos play 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 measures 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 am and 7:00 am Monday through Friday and 2:00 am and 8:00 am on Saturday and Sunday
- May no not display light of such intensity or brilliance so as to cause glare, impair the vision of an ordinary driver, or constitute a nuisance

Non-premise district activity videoboard signs:

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- Must have a full color display able to display a minimum of 281 trillion color shades
- Must be able to display a high quality image with a minimum resolution equivalent to 19 mm 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
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message

In addition:

The general provisions for a Specific Use Permit in §51A-4.219 of the Dallas Development Code 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 zoning regulations and standards

Staff is supportive of granting the request to renew SUP No. 1796 as it has complied with the conditions set forth from its granting, continued operations in good standing, and has followed the standards set for Videoboard Signs and Specific Use Permits.

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

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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 area of request is not within an identifiable MVA Category; however, it is in proximity to an “E” MVA Cluster to the northeast.

Landscaping:

Landscaping will be provided per Article X of the Dallas Development Code, as amended.

**CPC Action
September 5, 2019**

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1796 for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to conditions on property zoned Planned Development District No. 619 with Specific Use Permit No. 2025 for a personal service use limited to a spa, generally located on the south line of Main Street, west of South Ervay Street.

Maker: Ridley
Second: Murphy
Result: Carried: 12 to 0

For: 12 - MacGregor, Schulte, Johnson, Shidid,
Carpenter, Brinson, Jung, Housewright,
Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Criss
Vacancy: 2 - District 8, District 12

Notices: Area: 200 Mailed: 30
Replies: For: 1 Against: 0

Speakers: None

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List of Owners

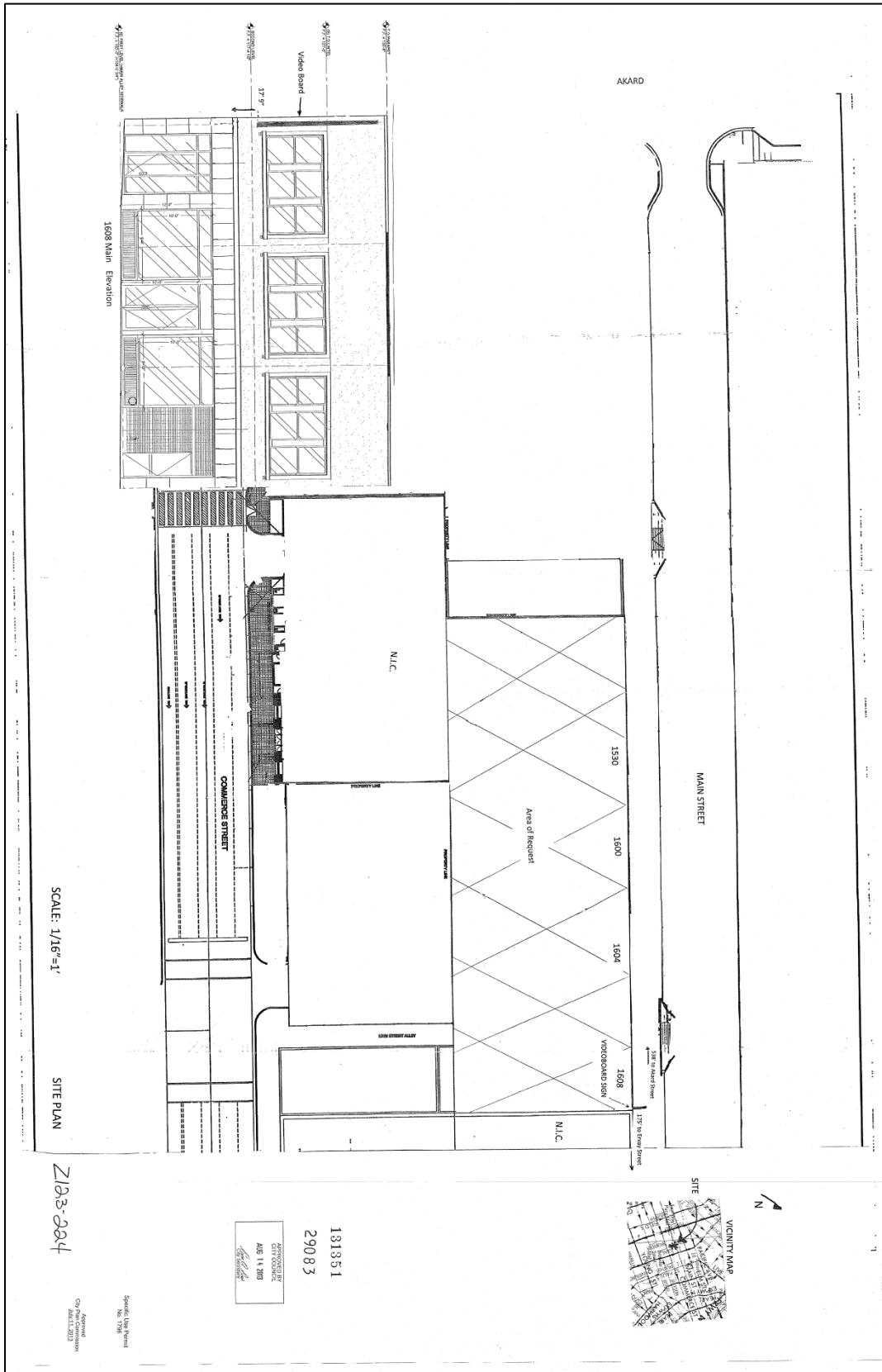
1530 MAIN, L.P.

Michael Tregoning, President

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~~ expires on ~~August 14, 2019~~ [six-years from the passage of this ordinance].
4. CLEARANCE: The attached projecting non-premise district activity videoboard sign must have a minimum clearance of 17 feet 9 inches above the sidewalk.
5. GUEST ROOM SEPARATION: A one-story separation must be provided between the highest point of the attached projecting non-premise district activity videoboard sign and any guest room.
6. DIMENSIONS: The attached projecting non-premise district activity videoboard sign may not exceed a vertical length of 16 feet as shown on the attached site plan and elevation.
7. SIZE: The attached projecting non-premise district activity videoboard sign is limited to a maximum effective area of 144 square feet as shown on the attached site plan and elevation.
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. The sign must comply with Sections 51A-7.909 and 51A-7.910 of the Dallas Development Code.

Existing SUP Site Plan (No Changes)



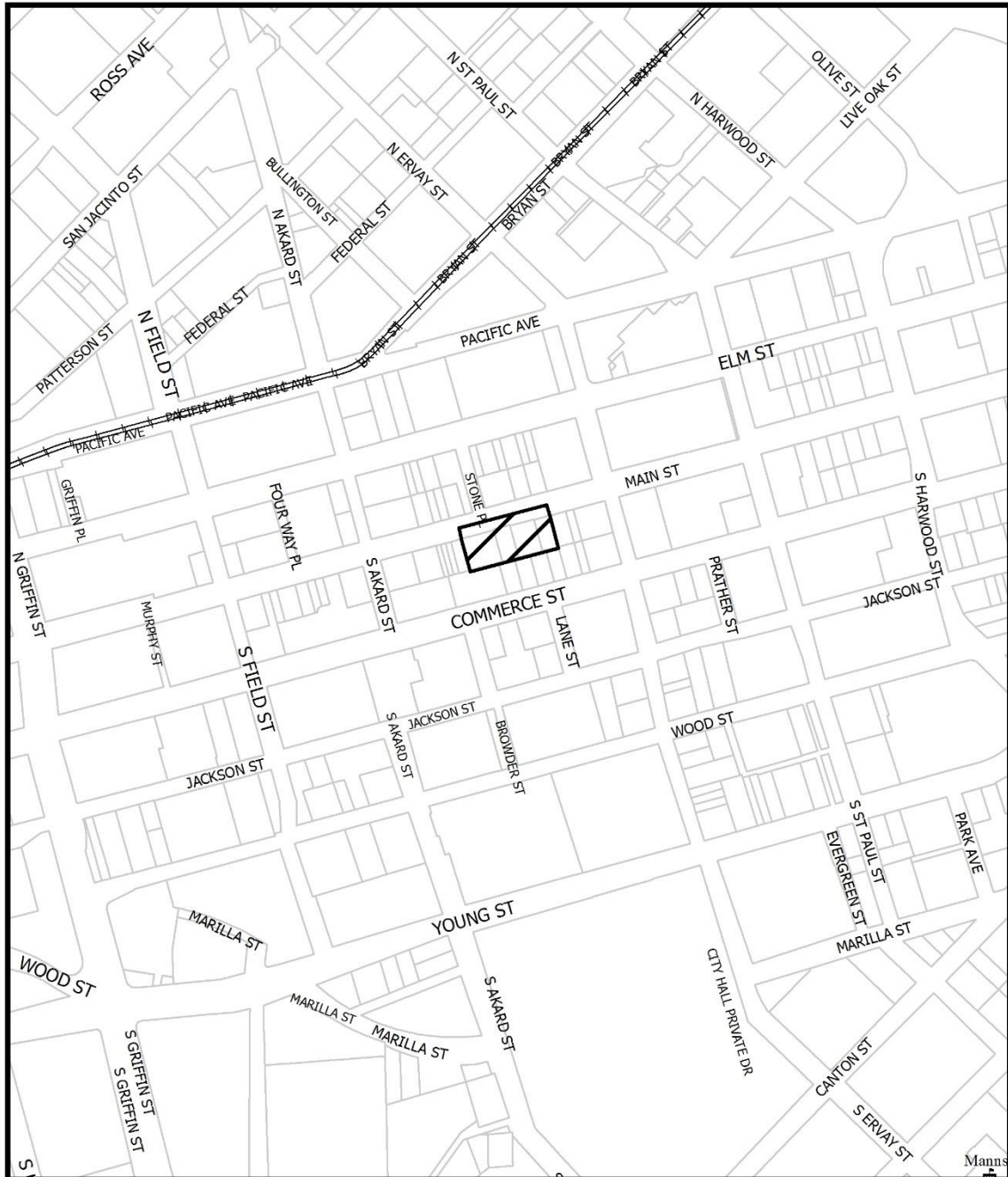
SCALE: 1/16" = 1'

SITE PLAN

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181351
29083
CITY OF DENVER
APR 11 2008

City of Denver
Department of Planning and Economic Development
1700
No. 1700

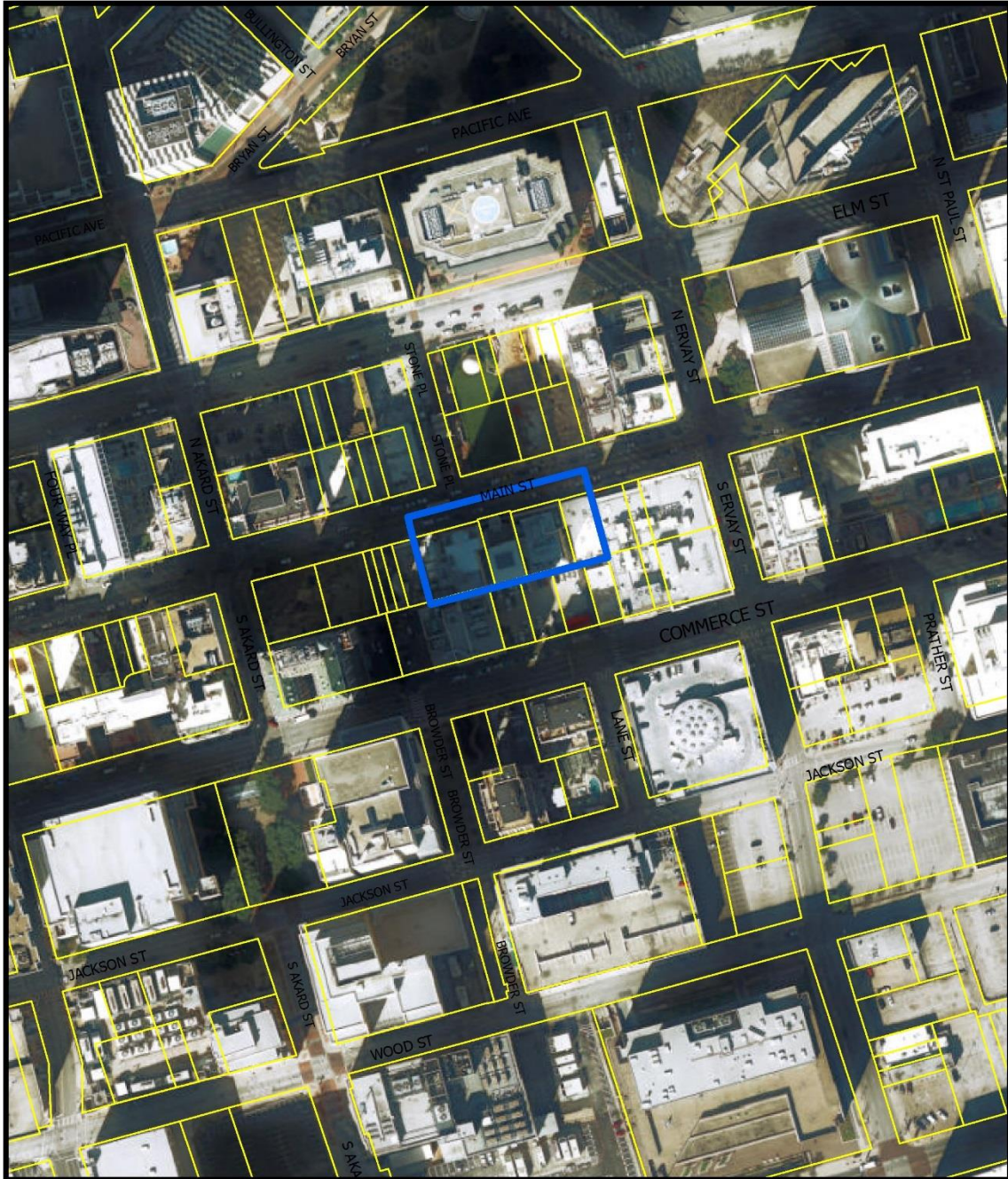


1:4,800

VICINITY MAP

Case no: Z189-298

Date: 7/9/2019

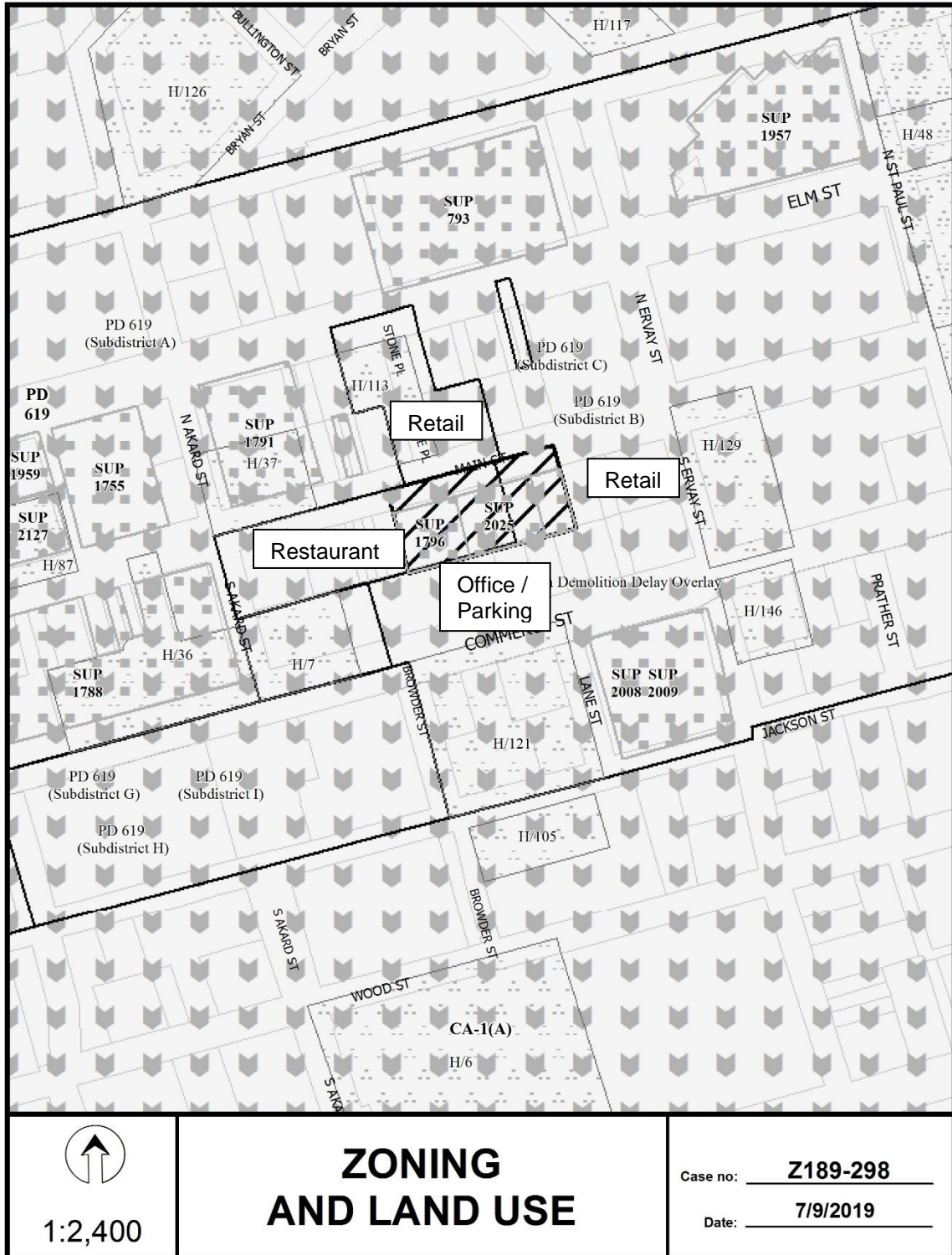


1:2,400

AERIAL MAP

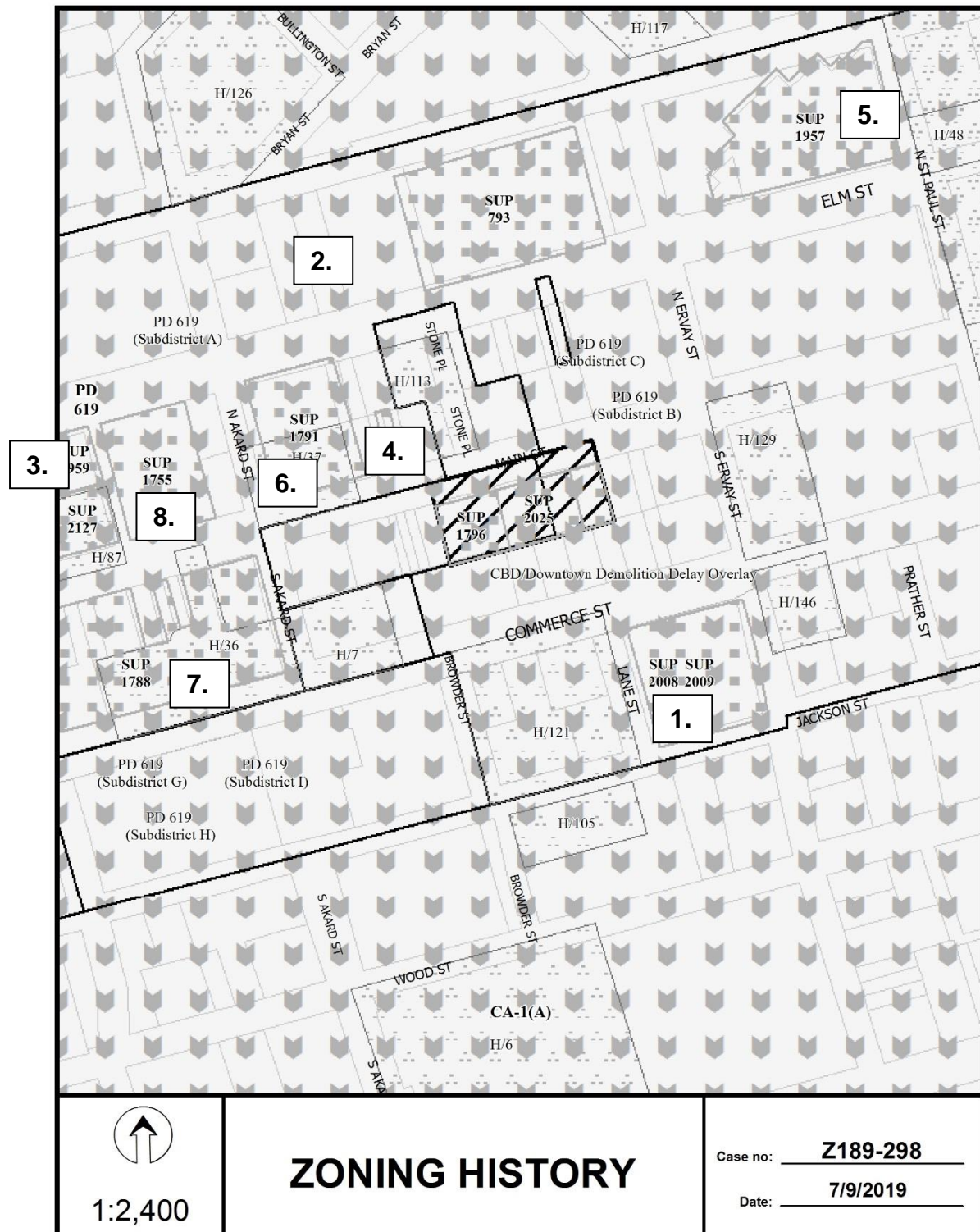
Case no: Z189-298

Date: 7/9/2019



ZONING AND LAND USE

Case no: Z189-298
Date: 7/9/2019

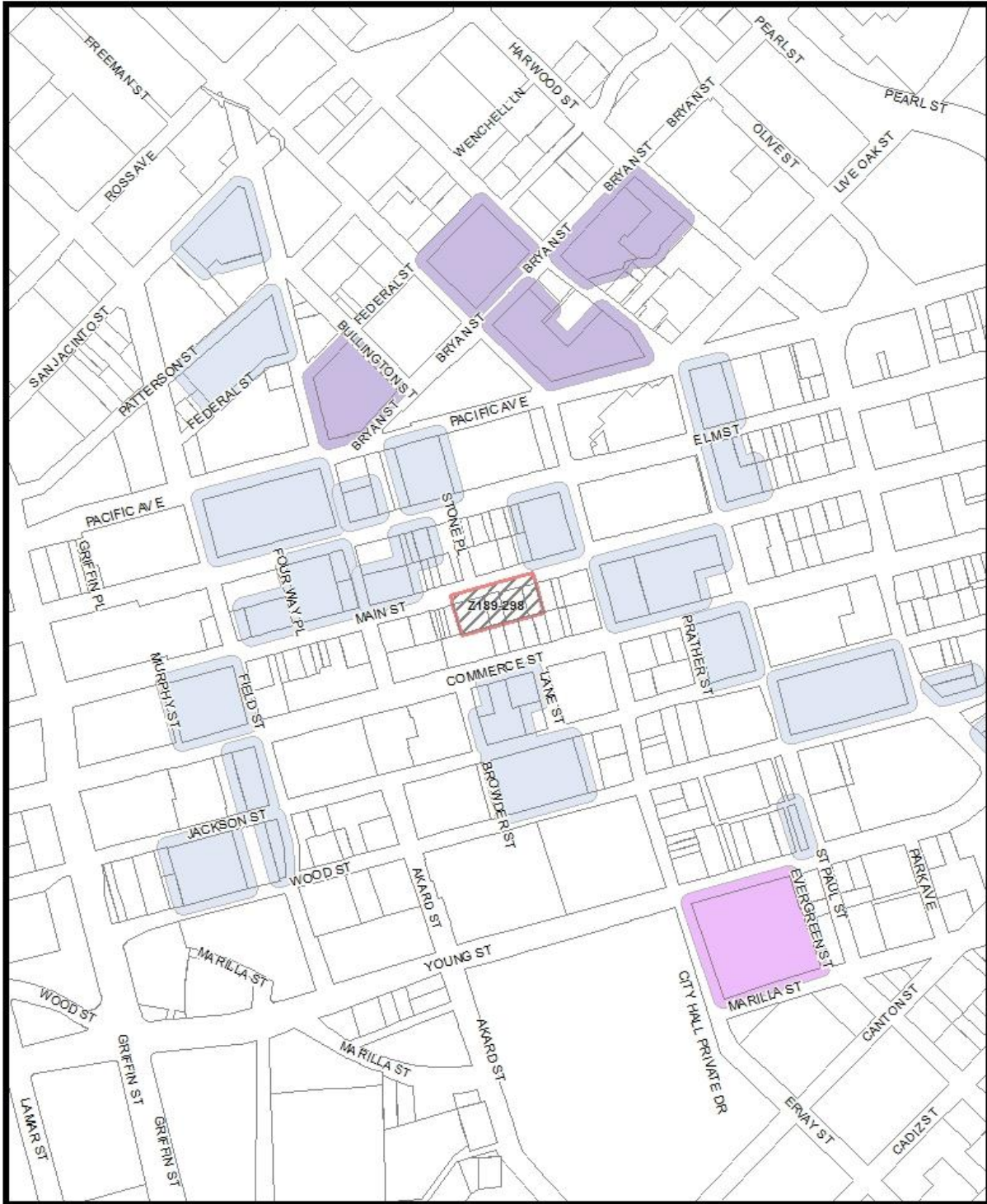


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ZONING HISTORY

Case no: Z189-298

Date: 7/9/2019



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

 1:4,800

Market Value Analysis

Printed Date: 7/9/2019

CPC Responses



<u>30</u>	Property Owners Notified (47 parcels)
<u>1</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/5/2019</u>	Date

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CPC



1:2,400

09/04/2019

Reply List of Property Owners***Z189-298******30 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1513 COMMERCE ST	1530 MAIN LP
	2	1525 COMMERCE ST	POLLOCK ROBERT ETAL
	3	1501 COMMERCE ST	1600 MAIN STREET HOLDINGS LP
	4	1530 MAIN ST	DUNHILL 1530 MAIN LP
	5	1517 MAIN ST	FONBERG PETER D TR ET AL
O	6	1514 ELM ST	MID ELM LP
	7	1521 MAIN ST	ROMAN CATHOLIC DIOCESE DALLAS
	8	1519 MAIN ST	1519 MAIN PROPERTY LP
	9	1515 MAIN ST	LEGAL AID OF NORTHWEST TE
	10	1604 ELM ST	ELM AT STONEPLACE HOLDINGS LLC
	11	1606 ELM ST	ELM AT STONEPLACE HOLDINGS LLC
	12	1607 MAIN ST	ELM AT STONEPLACE HOLDINGS LLC
	13	1623 MAIN ST	FC WP BUILDING LLC
	14	1612 ELM ST	ELM AT STONEPLACE HOLDINGS LLC
	15	1608 ELM ST	ELM AT STONEPLACE HOLDINGS LLC
	16	1603 COMMERCE ST	NEIMAN MARCUS CO
	17	1622 MAIN ST	NEIMAN MARCUS CO LESSEE
	18	1618 MAIN ST	THE NEIMAN MARCUS GROUP INC
	19	1520 MAIN ST	MAIN STREET INVESTORS JV
	20	1401 COMMERCE ST	HOLTZE MAGNOLIA LLLP
	21	1603 COMMERCE ST	KEATING PROPERTIES LLC
	22	1607 COMMERCE ST	ROGERS WILLIAM SLAUGHTER &
	23	1609 COMMERCE ST	NEIMAN MARCUS GROUP INC
	24	1616 MAIN ST	DALLAS FOUNDATION
	25	208 S AKARD ST	IEP DALLAS LLC
	26	1512 COMMERCE ST	DPL LOAN HOLDINGS LLC

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1600 COMMERCE ST	DALPARK LAND LEASE LTD
	28	1500 COMMERCE ST	DPL LAND LLC
	29	1502 ELM ST	KIRBY APARTMENTS LP THE
	30	1520 ELM ST	STONE PLACE MALL INV1 LTD