

FILE NUMBER: Z223-268(LG) **DATE FILED:** May 3, 2023

LOCATION: Generally located along the southwest line of South Central Expressway, northwest of Pennsylvania Avenue, and east of Julius Schepps Freeway

COUNCIL DISTRICT: 7

SIZE OF REQUEST: Approx. 7.880 acres **CENSUS TRACT:** 48113020900

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

OWNER: Forest Theater, LLC; Forest Forward; Harold & Lois, LLC

APPLICANT: Forest Forward

REQUEST: An application for 1) a new subdistrict for FWMU-5 Walkable Urban Mixed Use Form Subdistrict uses on property zoned a D(A) Duplex Subdistrict, a CC Community Commercial Subdistrict, and a P(A) Parking Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District; 2) a Specific Use Permit for a commercial parking lot or garage on property zoned a CC Subdistrict and a D(A) Subdistrict within PD No. 595; and 3) a Specific Use Permit for a commercial parking lot or garage on property zoned a CC Subdistrict within PD No. 595.

SUMMARY: The purpose of the request is to allow modified development standards primarily related to permitted uses, setbacks, height, parking, landscaping, signs, and form district standards to allow a performing arts center. [Forest Theater]

STAFF RECOMMENDATION: 1) **Approval** of a new subdistrict for FWMU-5 Subdistrict uses, subject to a subarea map exhibit and staff's recommended conditions; 2) **approval** of a Specific Use Permit for a commercial parking lot or garage for a two-year period, subject to a site plan and conditions; and 3) **approval** of a Specific Use Permit for a commercial parking lot or garage for a two-year period, subject to a site plan and conditions.

PD No. 595: <https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=595>

Art. XIII: https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-93608

Art. XIII (Print): <https://dallascityhall.com/departments/sustainabledevelopment/planning/Pages/form-districts.aspx>

BACKGROUND INFORMATION:

- The applicant proposes a new subdistrict for FWMU-5 Walkable Urban Mixed Use Form Subdistrict uses within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District. Within this subdistrict, the applicant also proposes two separate Specific Use Permits (SUPs) for a commercial parking lot or garage.
- The portion of the request area bounded by Martin Luther King, Jr. Boulevard, Peabody Avenue, South Harwood Street, and South Central Expressway is currently developed with retail space and the Forest Theater, which is currently vacant. The applicant proposes to redevelop the site with a performing arts center, as defined in the proposed PD conditions. This is Item 1 of the request, as outlined on the first page of this report.
- The portion of the request area on the southwest line of South Central Expressway, between Pennsylvania Avenue and Peabody Avenue, is undeveloped land with vacant structures. The applicant proposes to develop a commercial parking lot or garage to facilitate the renovation of the Forest Theater. This is Item 2 of the request.
- The portion of the request area on the west corner of South Central Expressway and Martin Luther King, Jr. Boulevard is currently developed with a convenience store, which will remain. However, the applicant proposes a commercial parking lot or garage on the north and west of the convenience store to facilitate the renovation of the Forest Theater. This is Item 3 of the request.

Zoning History:

There have been four zoning cases in the area in the last five years.

1. **Z212-300:** On May 24, 2023, City Council approved an application for a Specific Use Permit for a public school other than an open-enrollment charter school on property zoned a D(A) Duplex Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District in an area bounded by Warren Avenue, Wendelkin Street, Julius Schepps Freeway, Pennsylvania Avenue, and South Harwood Street.
2. **Z212-306:** On May 10, 2023, City Council approved an application for an amendment to and an expansion of Planned Development District No. 597 on property zoned an NC Neighborhood Commercial Subdistrict and an MF-2(A) Multifamily Subdistrict with deed restrictions [Z078-207] within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the south corner of Pennsylvania Avenue and Holmes

Street.

3. **Z190-367:** On June 9, 2021, City Council approved an amendment to and an expansion of Planned Development District No. 597 on property zoned an FWMU-3 Walkable Urban Mixed Use Form Subdistrict with SH-3 Shop Front Overlay on a portion; an NC Neighborhood Commercial Subdistrict; and an MF-2(A) Multifamily Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, and Planned Development District No. 597 in an area generally bound by both sides of Peabody Avenue, Julius Schepps Freeway, Panama Place, and Holmes Street.
4. **Z190-234:** On September 9, 2020, City Council approved an application for a Specific Use Permit for a food or beverage store use on property zoned an FWMU-3 Walkable Urban Mixed Use Form Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, with an SH Shopfront Overlay on the west corner of South Ervay Street and South Boulevard.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing / Proposed ROW
Pennsylvania Avenue	Community Collector	60 ft.
South Central Expressway	At-grade Boulevard	-
Julius Schepps Freeway	Elevated Highway	-
Martin Luther King. Jr. Boulevard	Principal Arterial	120 ft. Bike Plan
South Harwood Street	Community Collector	70 ft.
Peabody Avenue	Local Street	60 ft.

Traffic:

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 outlining several goals and policies which can serve as a framework for assisting in

evaluating the applicant's request.

The applicant's request complies with the land use goals and policies of the Comprehensive Plan outlined below. Additionally, staff's recommendation complies with the additional goals and policies marked with an asterisk (*).

LAND USE ELEMENTS

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.1 Implement the Trinity River Corridor Plan.

Policy 1.1.2 Focus on Southern Sector development opportunities.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas. *

GOAL 1.4 COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT*

Policy 1.4.2 Develop a multi-modal transportation network. *

Policy 1.4.3 Embrace environmental sustainability. *

ECONOMIC ELEMENT

GOAL 2.1 PROMOTED BALANCED GROWTH

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

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

Policy 2.1.4 Support efforts to expand targeted business and industry development within the Southern Sector.

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor.

Policy 2.2.5 Focus on companies that represent the greatest potential for job growth and investment.

Policy 2.2.8 Target business recruitment to match industry with specific geographic areas.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESS AND ENTREPRENEURS*

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region. *

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

Policy 2.5.2 Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

TRANSPORTATION

GOAL 4.2 PROMOTE A VARIETY OF TRANSPORTATION OPTIONS

Policy 4.2.2 Promote a network of on-street and off-street walking and biking paths.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY, AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Policy 5.1.2 Define urban character in downtown and urban cores.

Policy 5.1.3 Encourage complementary building height, scale, design, and character.

Policy 5.1.4 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.

Policy 5.2.3 Ensure attractive gateways into the city.

Policy 5.2.4 Enhance retail, industrial and business operations.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

ENVIRONMENT ELEMENT*

GOAL 6.3 IMPROVE ENERGY EFFICIENCY AND AIR QUALITY*

Policy 6.3.1 Promote green building practices. *

Policy 6.3.3 Limit vehicle miles traveled. *

NEIGHBORHOOD PLUS PLAN

GOAL 4.1 Promote Dallas as a city of neighborhoods and publicize neighborhood assets and programs.

GOAL 5.1 Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences. *

Action 5.1.3 Conduct rezoning in target areas to remove barriers to more diverse and affordable single family homeownership options including small-lot single family, duplexes, townhomes, cottage homes, and courtyard homes. *

GOAL 5.2 Encourage infill development and existing home improvements in target neighborhoods to attract and retain homeowners. *

GOAL 6.1 Raise the quality of rental property through better design standards. *

GOAL 6.2 Expand affordable housing options and encourage its distribution throughout the city and region. *

Area Plans

South Dallas/Fair Park Economic Development Plan

The *South Dallas/Fair Park Economic Development Plan* was adopted by City Council in September 2001. The South Dallas/Fair Park Economic Development Plan focuses on providing economic development revitalization strategy recommendations for the Dallas/Fair Park commercial corridor. It provides an analysis of the current conditions of the area, including land use and demographics. Development plan studies of both the neighborhood and community commercial areas are also done to guide zoning and prevent potential negative impacts of mixed use development. Current revitalization initiatives in both the public and private sector were outlined and followed by these fundamental objectives guiding corridor revitalizations:

Objective One: Holistic Strategy

Objective Two: Improve Basic Attributes

Objective Three: Increase Resources

Objective Four: Financial Support and Technical Assistance

Objective Five: Encourage Corridor Reinvestment

The site is located within the Community Commercial Area corridor, which is characterized by a mix of office, retail and commercial service uses serving both nearby residential areas, as well as the broader community.

The applicant's request is consistent with the goals and policies of the *South Dallas/Fair Park Economic Development Plan*. The proposed development furthers objectives One, Two, and Five. The fundamental objectives listed above are overall intended to encourage revitalization and reinvestment within the existing framework. The proposed change furthers the goal to improve the basic attributes, among which are urban design, well-maintained buildings, and access to goods and services. The reactivation and continued maintenance of this underutilized space encourages the property-by-property revitalization called for by this plan.

It is also worth noting that under Objective Five, the plan states that businesses such as performance halls make a positive contribution in that their patrons generally support restaurants, bars, and retail before and after performance activities. All of these activities are intended to increase business opportunity and provide capacity for financial reinvestment by existing and new businesses in key corridors throughout the area.

Trinity River Corridor Comprehensive Land Use Study

The *Trinity River Corridor Comprehensive Land Use Study* was adopted by City Council in March 2005, and then revised in December 2009. The Trinity River Corridor is a unified

collection of diverse neighborhoods and business centers at the heart of a unified and thriving Dallas, connected by a ribbon of blue water and green spaces that is the Trinity River. Additionally, The Trinity River Corridor is the City's model for economic growth without physical, social or economic barriers, which attracts residents and visitors to live, learn, work, shop and play within a cosmopolitan urban core, and alongside the river's meandering environment.

Five objectives for future development in the Trinity Corridor add detail to the 2050 Vision Statement. They provide guidance that shapes this plan's recommendations for each part of this very large corridor. The five objectives are:

- Reconnect North and South Dallas
- Establish the role of economic development along the Trinity River
- Create a vibrant central city
- Establish the Trinity River floodplain as the front yard of the City
- Enhance the City's urban form to increase the appeal of urban life.

The request site is located within the North Trinity Forest District. New development in this area should benefit existing residents, in terms of job creation, business opportunity, retail availability, and enhanced neighborhood character. A neighborhood commercial corridor development along Martin Luther King, Jr. Boulevard would support adjacent higher density residential.

The applicant's request is consistent with the goals and policies of the *Trinity River Corridor Comprehensive Land Use Study*.

The 360 Plan

The *360 Plan* is a strategic document that sets a clear, cohesive vision for Downtown Dallas and its surrounding neighborhoods, guiding the City Center to continued, long-term success. The plan was adopted by City Council in April 2011 and updated in 2015, 2016, and 2017. The area of request is located within the South Dallas/Fair Park area of the plan.

The applicant's proposal to allow a mix of retail uses and staff's recommended conditions to permit a diversity of residential uses meet the 360 plan's strategy to Build Complete Neighborhoods through the following goals:

- 1 DIVERSIFY AND GROW HOUSING
- 3 GROW A DIVERSE MIX OF SERVICES AND RETAIL

The applicant's pedestrian oriented design standards and proposed retail uses contribute to a healthy mix of uses to build complete neighborhoods but would be best served by the allowance for residential uses to constitute a fully functioning mixed use district.

The applicant's inclusion of urban design standards meets the 360's strategy to Promote Great Placemaking through the following goals:

- 1 ENSURE EXCELLENT URBAN DESIGN TO ENHANCE QUALITY OF LIFE AND

ECONOMIC VALUE
2 ACTIVATE THE PUBLIC REALM

The project’s form based design standards and pedestrian amenities all contribute to the 360 plan’s placemaking and urban design goals.

Staff’s recommendation to include amended parking and walkable design standards meets the 360 Plan’s strategy to Advance Urban Mobility through the following goals:

- 1 ADOPT URBAN MOBILITY PRINCIPLES
- 6 REFORM THE APPROACH TO PARKING

The project’s pedestrian oriented design, DART access, and staff recommended dynamic parking standards advance both of these mobility goals of the 360 plan.

Land Use:

	Zoning	Land Use
Site	D(A) Duplex Subdistrict, CC Community Commercial Subdistrict, P(A) Parking Subdistrict within PD No. 595	Vacant structures
North	R-7.5(A) Single family Subdistrict and a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park special Purpose District	Single family, personal service
Northeast	R-5(A) Single family Subdistrict and a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park special Purpose District	Personal service, single family, undeveloped, general merchandise or food store greater than 3,500 sq. ft., restaurant without drive-in service, fire station
Southeast	D(A) Duplex Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.	Duplex, single family, school
Northwest	FWMU-3 Subdistrict with Shopfront Overlay within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.	Julius Schepps Freeway, church, undeveloped land, single family, multifamily, childcare facility
Southwest	Planned Development District No. 597	Julius Schepps Freeway, office building, general merchandise or food store less than 3500 sq. ft., undeveloped land

Land Use Compatibility:

The area of request is currently developed with a vacant office building, vacant single family houses, vacant commercial structures, and a vacant theater [Forest Theater]. The area of request currently abuts an existing public school and residential neighborhood zoned a D(A) Duplex Subdistrict within Planned Development District No. 595 to the south. To the west across Julius Schepps Freeway there is undeveloped land as well as church, single family, multifamily, child-care facility, office, and general merchandise or food store less than 3,500 square feet uses. To the northeast across South Central Expressway there are single family, personal service use, general merchandise or food store greater than 3,500 square feet, restaurant without drive-in service, and fire station uses. Staff finds the applicant's requested use to be compatible with existing uses in the surrounding area.

The applicant proposes to redevelop the site with a performing arts center under the standards of an FWMU-5 Walkable Urban Mixed Use Form Subdistrict within PD No. 595. The proposed subdistrict conditions define performing arts center as a use that operates as a theater, community service center, alcoholic beverage establishment, public or private school, commercial amusement (inside), restaurant without drive-in or drive-through service, and office as those uses are defined in Article IV of Chapter 51A of the Dallas Development Code.

Additionally, the applicant proposes two separate Specific Use Permits (SUPs) for a commercial parking lot or garage. These SUPs will be within Subarea B of the proposed subdistrict. (The extent of Subarea B is outlined on the subarea map, which will serve as Exhibit 595 C within PD No. 595.) The first SUP (Item 2 of the request) will be on Tracts II and III of Subarea B. The second SUP (Item 3 of the request) will be on Tract I of Subarea B. The stated purpose of the parking lots is to facilitate the redevelopment of the performing arts center while under construction. Therefore, the proposed time limit is two years with no eligibility for automatic renewal.

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.

Although staff has no objection to the applicant's requested land use, staff recommends including residential uses and no minimum parking requirements because the request is for a mixed use form subdistrict, and no parking minimum will contribute to this character by generating pedestrian traffic and allowing a more diverse mix of uses.

These subdistricts are intended to create walkable urban neighborhoods where higher-density mixed use housing types promote less dependence on the automobile. These subdistricts should be located in proximity to regional transportation such as rail, light rail, freeways, and major thoroughfares. Staff recommends the enhanced development standards of an FWMU-5 Subdistrict that emphasize walkability and a pedestrian friendly environment, which is appropriate for this denser, urban style neighborhood with proximity to transit services and the downtown employment center.

The area is served by high frequency transit routes that directly connect to MLK Jr. Station, J. B. Jackson Jr. Transit Center, and Downtown Dallas. Staff's recommended conditions allow flexibility with regards to required parking, which helps activate private space and generates pedestrian trips.

Overview of Form Districts

Form-based zoning differs from traditional zoning in that development standards focus primarily on the form of the building rather than its intended use. Under form-based zoning, the desired form of buildings is typically more urban in style. Buildings are constructed with multiple stories and are located at the front of the site, closer to the street. This, coupled with enhanced standards for transparency, building articulation, and pedestrian amenities, are intended to ensure an active streetscape.

Another key feature that lends itself to a more urban development form is a requirement that buildings fill a percentage of the width of the lot with the building façade. This street frontage requirement creates a streetscape that encourages and supports pedestrian activity and screens parking. Benefits to property owners include additional buildable area on the site; increased height, density, and floor area; and reduced parking requirements that encourage the use of multi-modal transportation.

The applicant's proposed subdistrict references the FWMU-5 Form Subdistrict within PD No. 595 for its base standards. The form subdistricts of PD No. 595 largely default to the standards of the form districts in Article XIII of Chapter 51A. The Article XIII equivalent of the FWMU-5

Form Subdistrict within PD No. 595 is the WMU-5 Form District.

The WMU-5 District is classified as low intensity among the several WMU Walkable Urban Mixed Use districts available in Article XIII. The WMU districts are intended to accommodate a mix of compatible uses in close proximity to one another in a pedestrian friendly environment. Although parcels of any size are eligible for a WMU district, Article XIII indicates these districts are intended for locations where a sufficient critical mass of dense, walkable urban mixed-use development exists or is definitely planned. This critical mass is present when:

- A. The surrounding area consists of at least 40 acres of existing or definitely planned WMU or WR zoning, high density multifamily zoning, multiple use zoning, or planned development zoning with equivalent characteristics.
- B. The surrounding area consists of at least 25 acres proposed by and is part of and adopted area plan pursuant to *forwardDallas!* for WMU or WR zoning, high density multifamily zoning, multiple use zoning, or planned development zoning with equivalent characteristics; or
- C. The applicant demonstrates that the surrounding area is at least 25 acres and is or will be a mix of dense residential, commercial, and other uses that will achieve the intent of this article for increased walkability, reduced vehicular trip generation, and reduced parking demand.

Article XIII also states that the WMU districts are appropriate for major job centers and concentrations of multifamily housing where an area plan pursuant to *forwardDallas!* has been adopted.

Staff finds the area of request to be appropriate for a WMU-5 District due to its proximity to an existing form district to the immediate northwest and west of Julius Schepps Freeway. Over 130 acres of WMU-3 zoning exists adjacent to the subject site, directly to the west. The establishment of a WMU district on the east side of Julius Schepps Freeway could assist in creating a linkage in neighborhood character between redevelopment on the west side of the freeway and the rest of the Martin Luther King, Jr. corridor to the northeast.

These F Form Subdistricts in PD No. 595 to the west are identical to the base WMU districts in regard to development standards, and all allow a variety of residential uses by right. The area is served by high frequency transit routes that directly connect to MLK Jr. Station, J. B. Jackson Jr. Transit Center, and Downtown Dallas. Existing high density multifamily districts also exist in the immediate vicinity that could be served by the diverse uses permitted in a WMU district.

Use Comparison

Comparison Between Existing Zoning & Article XIII

Form-based zoning in Article XIII achieves complementary urban form by regulating uses through several development types that allow different use categories. For example, the indoor recreation use category is allowed under the Mixed Use Shopfront (Mu) development type.

This development type is intended primarily for ground-story retail and upper-story residential or offices uses. Standards for the Mu development type further specify that ground-story spaces should be flexible enough to accommodate a variety of retail and office uses. Upper stories should be used for office or residential apartments. The building must be pulled up to the street. No on-site surface parking is permitted between the building and the street. On-site surface parking areas must be located to the rear of the building. Primary entrances must be prominent and street-facing. Large storefront windows must be provided to encourage interaction between the pedestrian and the ground-story space.

The applicant is also proposing an Open Space Lot (O) development type for a portion of Subarea A. This development type is intended to accommodate civic open space or natural area worthy of preservation. An open space lot is intended primarily to provide for public or private open space. Open space lots can also be used to accommodate commercial surface parking lots, although commercial surface parking lots may not be used to satisfy open space requirements. Under the O development type, the only permitted use categories are park or open space, plus utilities.

The applicant's proposed use of the site would fall primarily under the civic use categories within the Mu development type. However, a WMU-5 District would also allow other development types and use categories. Following is a comparison table showing differences in the permitted uses between the current D(A), CC, and P(A) subdistricts within PD No. 595 and a WMU-5 District in Article XIII. For brevity, uses shown in the WMU-5 column are limited to what is permitted under the Mu development type. Blank cells indicate a comparable land use is not specified for that district.

Use Comparison Chart – Existing Zoning vs. Art. XIII

Existing: D(A)	Existing: CC	Existing: P(A)	WMU-5 (Art. XIII) Mu Development Type
<u>Agricultural uses.</u> -- Crop production. -- Market garden. [SUP]	<u>Agricultural uses.</u> -- Crop production. -- Market garden. [SUP]		
<u>Commercial and business service uses.</u> -- None permitted.	<u>Commercial and business service uses.</u> -- Catering service. -- Custom business services. -- Electronics service center. -- Job or lithographic printing. [3,500 square feet or less.] -- Medical or scientific laboratory. [SUP]		
<u>Industrial uses.</u> -- Gas drilling and production. [SUP] -- Temporary concrete or asphalt batching plant. [SUP]	<u>Industrial uses.</u> -- None permitted.		
<u>Institutional and community service uses.</u> -- Adult day care facility. [SUP] -- Cemetery or mausoleum. [SUP] -- Child-care facility. [SUP] -- Church. -- College, university, or seminary. [SUP] -- Community service center. [SUP] -- Convent or mastery. [SUP] -- Foster home. [SUP] -- Library, art gallery, or museum. [SUP] -- Public or private school. [SUP]	<u>Institutional and community service uses.</u> -- Adult day care facility. -- Cemetery or mausoleum. [SUP] -- Child-care facility. -- Church. -- College, university, or seminary. [SUP] -- Community service center. [SUP] -- Convalescent and nursing homes, hospice care, and related institutions. [SUP] -- Convent or monastery. -- Library, art gallery, or museum. -- Public or private school. [SUP]		<u>Civic use categories.</u> -- Community service [SUP], museum, library; day care; educational; social service [SUP] <u>Place of worship use categories.</u> -- Place of worship
<u>Lodging uses.</u> -- None permitted.	<u>Lodging uses.</u> -- Hotel or motel. [SUP]		<u>Commerce use categories.</u> -- Upper stories only: Overnight lodging
<u>Miscellaneous uses.</u> -- Carnival or circus (temporary). [By special authorization of the building official.]	<u>Miscellaneous uses.</u> -- Temporary construction or sales office.		

Use Comparison Chart – Existing Zoning vs. Art. XIII

Existing: D(A)	Existing: CC	Existing: P(A)	WMU-5 (Art. XIII) Mu Development Type
<p>-- Temporary construction or sales office.</p>			
<p><u>Office uses.</u> None permitted.</p>	<p><u>Office uses.</u> -- Alternative financial establishment. [SUP] -- Financial institution without drive-in window. -- Financial institution with drive-in window. [DIR] -- Medical clinic or ambulatory surgical center. [SUP required for plasma or blood donation center.] -- Office.</p>		<p><u>Office use categories.</u> -- Medical, office</p>
<p><u>Recreation uses.</u> -- Country club with private membership. [SUP] -- Private recreation center, club, or area. [SUP] -- Public park, playground, or golf course.</p>	<p><u>Recreation uses.</u> -- Private recreation center, club, or area. [SUP] -- Public park, playground, or golf course.</p>		
<p><u>Residential uses.</u> -- Duplex. -- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).] -- Single family.</p>	<p><u>Residential uses.</u> -- Live-work unit. [Only one dwelling unit per lot.]</p>		<p><u>Residential use categories.</u> -- Upper stories: Single family living, Multifamily living, Group living</p>
<p><u>Retail and personal service uses.</u> -- None permitted.</p>	<p><u>Retail and personal service uses.</u> -- Alcoholic beverage establishments. [SUP] -- Ambulance service. [RAR] -- Animal shelter or clinic without outside run. [RAR] -- Auto service center. [SUP] -- Business school. -- Commercial amusement (inside). [SUP] -- Commercial parking lot or garage. [SUP] -- Dry cleaning or laundry store. -- Food or beverage store. [SUP if less than 5,000 square feet.] -- Furniture store. -- General merchandise store.</p>		<p><u>Retail uses categories.</u> -- Ground story only: Drive-thru facility [SUP], restaurant or bar, retail sales, vehicle sales</p> <p><u>Service and entertainment use categories.</u> -- Commercial amusement (inside) [SUP], indoor recreation, personal service, including animal care</p> <p><u>Commerce use categories.</u> -- Ground story only: commercial parking</p>

Use Comparison Chart – Existing Zoning vs. Art. XIII

Existing: D(A)	Existing: CC	Existing: P(A)	WMU-5 (Art. XIII) Mu Development Type
	<ul style="list-style-type: none"> -- Home improvement center; lumber, brick, or building materials sales yard. [DIR] -- Household equipment and appliance repair. -- Liquor store. [In CC(E) Enhanced only.] -- Mortuary, funeral home, or commercial wedding chapel. -- Motor vehicle fueling station. -- Nursery, garden shop, or plant sales. -- Personal service uses. [Massage establishment and tattoo or body piercing studio are prohibited.] -- Restaurant without drive-in or drive-through service. [RAR] -- Restaurant with drive-in or drive-through service. [DIR] -- Swap or buy shop. [SUP] -- Theater. -- Tobacco shop. [SUP] -- Vehicle display, sales, and service. [SUP] 		<ul style="list-style-type: none"> -- Upper story only: commercial parking, passenger terminal limited to a helistop [SUP]
<p><u>Transportation uses.</u></p> <ul style="list-style-type: none"> -- Private street or alley. [SUP] -- Transit passenger shelter. [see Section 51A-4.211.] -- Transit passenger station or transfer center. [SUP] 	<p><u>Transportation uses.</u></p> <ul style="list-style-type: none"> -- Transit passenger shelter. -- Transit passenger station or transfer center. [SUP or city council resolution.] 		<p><u>Civic use categories.</u></p> <ul style="list-style-type: none"> -- Transit station.
<p><u>Utility and public service uses.</u></p> <ul style="list-style-type: none"> -- Electrical substation. [SUP] -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).] -- Police or fire station. [SUP] -- Radio, television, or microwave tower. [SUP] 	<p><u>Utility and public service uses.</u></p> <ul style="list-style-type: none"> -- Electrical substation. [SUP] -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4), "Local utilities."] -- Police or fire station. -- Post office. -- Tower/antenna for cellular communication. [See Section 51A- 4.212(10.1), 		<p><u>Civic use categories.</u></p> <ul style="list-style-type: none"> -- Government service, except detention center, jail, or prison

Use Comparison Chart – Existing Zoning vs. Art. XIII

Existing: D(A)	Existing: CC	Existing: P(A)	WMU-5 (Art. XIII) Mu Development Type
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).] -- Utility or government installation other than listed. [SUP]	“Tower/antenna for cellular communication.” Permitted in this subdistrict subject to the same requirements as if located in the CR Community Retail district.]		
<u>Wholesale, distribution, and storage uses.</u> -- 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>Wholesale, distribution, and storage uses.</u> -- Mini-warehouse. [SUP] -- Recycling drop-off container. [SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.]		<u>Commerce use categories.</u> -- Upper stories only: Self-service storage

Comparison Between Article XIII & Form Subdistricts in PD No. 595

Because the proposed subdistrict will be nested within the regulations of PD No. 595, further comparison is necessary to determine the uses that will be permitted on the property. Per Sec. 51P-595.114.1(b)(1), the use regulations of the form subdistricts in PD No. 595 must be read together with the use categories in Article XIII. A use that is allowed for a particular development type in Article XIII is allowed in a form subdistrict only if it is also listed as a permitted use in PD No. 595. An SUP is required if it is required by either PD No. 595 or Article XIII.

In other words, a use is only permitted by right if both Article XIII *and* PD No. 595 say so. An SUP is required if Article XIII *or* PD No. 595 say so.

Following is a comparison table showing differences in the permitted uses between a WMU-5 Form District in Article XIII and an FWMU-5 Form Subdistrict in PD No. 595. The final column shows which uses are actually permitted on the property. For brevity, uses shown are limited to what is permitted under the Mu development type. An FWMU-5 Form Subdistrict would also allow other development types and uses. Blank cells indicate a comparable land use is not specified for that district.

Use Comparison Chart – Art. XIII vs. PD No. 595

WMU-5 (Art. XIII) Mu Development Type	FWMU-5 (PD No. 595) Mu Development Type	Permitted Uses
	<u>Agricultural uses.</u> -- Community garden. -- Market garden. [SUP]	
	<u>Commercial and business service uses.</u> -- Catering service. -- Custom business services. -- Electronics service center. -- Job or lithographic printing. [3,500 square feet or less.] -- Medical or scientific laboratory. [SUP]	
	<u>Industrial uses.</u> -- None permitted.	
<u>Civic use categories.</u> -- Community service [SUP], museum, library; day care; educational; social service [SUP] <u>Place of worship use categories.</u> -- Place of worship	<u>Institutional and community service uses.</u> -- Adult day care facility. -- Cemetery or mausoleum. [SUP] -- Child-care facility. -- Church. -- College, university, or seminary. [SUP] -- Community service center. [SUP] -- Convalescent and nursing homes, hospice care, and related institutions. [SUP] -- Convent or monastery. -- Library, art gallery, or museum. -- Public or private school. [SUP]	<u>Institutional and community service uses.</u> -- Adult day care facility. -- Child-care facility. -- Church. -- College, university, or seminary. [SUP] -- Community service center. [SUP] -- Convalescent and nursing homes, hospice care, and related institutions. [SUP, upper stories only] -- Convent or monastery. -- Library, art gallery, or museum. -- Public or private school. [SUP]
<u>Commerce use categories.</u> -- Upper stories only: Overnight lodging	<u>Lodging uses.</u> -- Hotel or motel. [SUP]	<u>Lodging only.</u> -- Hotel or motel. [SUP, upper stories only]
	<u>Miscellaneous uses.</u> -- Temporary construction or sales office.	
<u>Office use categories.</u> -- Medical, office	<u>Office uses.</u> -- Alternative financial establishment. [SUP] -- Financial institution without drive-in window. -- Financial institution with drive-in window. [DIR]	<u>Office uses.</u> -- Alternative financial establishment. [SUP] -- Financial institution without drive-in window. -- Financial institution with drive-in window. [DIR]

Use Comparison Chart – Art. XIII vs. PD No. 595

WMU-5 (Art. XIII) Mu Development Type	FWMU-5 (PD No. 595) Mu Development Type	Permitted Uses
	-- Medical clinic or ambulatory surgical center. [SUP required for plasma or blood donation center.] -- Office.	-- Medical clinic or ambulatory surgical center. [SUP required for plasma or blood donation center.] -- Office.
	<u>Recreation uses.</u> -- Private recreation center, club, or area. [SUP] -- Public park, playground, or golf course.	
<u>Residential use categories.</u> -- Upper stories: Single family living, Multifamily living, Group living	<u>Residential uses.</u> -- College dormitory, fraternity, or sorority house. -- Duplex. -- Group residential facility. [SUP required if spacing component of Section 51A-4.209(b)(3) is not met.] -- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.] -- Live-work unit. [Only one dwelling unit per lot.] -- Multifamily. -- Retirement housing. -- Single family.	<u>Residential uses.</u> -- College dormitory, fraternity, or sorority house. [Upper stories only] -- Duplex. [Upper stories only] -- Group residential facility. [SUP required if spacing component of Section 51A-4.209(b)(3) is not met, upper stories only.] -- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met, upper stories only.] -- Live-work unit. [Only one dwelling unit per lot, upper stories only.] -- Multifamily. [Upper stories only] -- Retirement housing. [Upper stories only] -- Single family. [Upper stories only]
<u>Retail uses categories.</u> -- Ground story only: Drive-thru facility [SUP], restaurant or bar, retail sales, vehicle sales <u>Service and entertainment use categories.</u> -- Commercial amusement (inside) [SUP], indoor recreation, personal	<u>Retail and personal service uses.</u> -- Alcoholic beverage establishments. [SUP] -- Ambulance service. [RAR] -- Animal shelter or clinic without outside runs. [RAR] -- Auto service center. [SUP] -- Business school. -- Commercial amusement (inside). [SUP]	<u>Retail and personal service uses.</u> -- Alcoholic beverage establishments. [SUP, ground story only] -- Animal shelter or clinic without outside runs. [RAR] -- Business school. -- Commercial amusement (inside). [SUP] -- Commercial parking lot or garage. [SUP]

Use Comparison Chart – Art. XIII vs. PD No. 595

WMU-5 (Art. XIII) Mu Development Type	FWMU-5 (PD No. 595) Mu Development Type	Permitted Uses
<p>service, including animal care</p> <p><u>Commerce use categories.</u></p> <p>-- Ground story only: commercial parking</p> <p>-- Upper story only: commercial parking, passenger terminal limited to a helistop [SUP]</p>	<p>-- Commercial parking lot or garage. [SUP]</p> <p>-- Dry cleaning or laundry store.</p> <p>-- Food or beverage store. [SUP if less than 5,000 square feet.]</p> <p>-- Furniture store.</p> <p>-- General merchandise store.</p> <p>-- Home improvement center; lumber, brick, or building materials sales yard. [DIR]</p> <p>-- Household equipment and appliance repair.</p> <p>-- Mortuary, funeral home, or commercial wedding chapel.</p> <p>-- Motor vehicle fueling station.</p> <p>-- Nursery, garden shop, or plant sales.</p> <p>-- Personal service uses. [Massage establishment and tattoo or body piercing studio are prohibited.]</p> <p>-- Restaurant without drive-in or drive-through service. [RAR]</p> <p>-- Restaurant with drive-in or drive-through service. [DIR]</p> <p>-- Swap or buy shop. [SUP]</p> <p>-- Theater.</p> <p>-- Tobacco shop. [SUP]</p>	<p>-- Dry cleaning or laundry store. [SUP, ground story only]</p> <p>-- Food or beverage store. [SUP if less than 5,000 square feet, ground story only]</p> <p>-- Furniture store. [Ground story only]</p> <p>-- General merchandise store. [Ground story only]</p> <p>-- Home improvement center; lumber, brick, or building materials sales yard. [DIR, ground story only]</p> <p>-- Mortuary, funeral home, or commercial wedding chapel. [Ground story only]</p> <p>-- Motor vehicle fueling station.</p> <p>-- Personal service uses. [Massage establishment and tattoo or body piercing studio are prohibited.]</p> <p>-- Restaurant without drive-in or drive-through service. [SUP, RAR, ground story only]</p> <p>-- Restaurant with drive-in or drive-through service. [SUP, DIR]</p> <p>-- Swap or buy shop. [SUP, ground story only]</p> <p>-- Theater.</p> <p>-- Tobacco shop. [SUP]</p>
<p><u>Civic use categories.</u></p> <p>-- Transit station.</p>	<p><u>Transportation uses.</u></p> <p>-- Transit passenger shelter.</p> <p>-- Transit passenger station or transfer center. [SUP or city council resolution.]</p>	<p><u>Transportation uses.</u></p> <p>-- Transit passenger shelter.</p> <p>-- Transit passenger station or transfer center. [SUP or city council resolution.]</p>
<p><u>Civic use categories.</u></p> <p>-- Government service, except detention center, jail, or prison</p>	<p><u>Utility and public service uses.</u></p> <p>-- Electrical substation. [SUP]</p> <p>-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4), "Local utilities."]</p>	<p><u>Utility and public service uses.</u></p> <p>-- Police or fire station.</p> <p>-- Post office.</p>

Use Comparison Chart – Art. XIII vs. PD No. 595

WMU-5 (Art. XIII) Mu Development Type	FWMU-5 (PD No. 595) Mu Development Type	Permitted Uses
	-- Police or fire station. -- Post office. -- Tower/antenna for cellular communication. [See Section 51A- 4.212(10.1), “Tower/ antenna for cellular communication.” Permitted in this subdistrict subject to the same requirements as if located in the CR Community Retail district.]	
<u>Commerce use categories.</u> -- Upper stories only: Self-service storage	<u>Wholesale, distribution, and storage uses.</u> -- Mini-warehouse. [SUP] -- Recycling drop-off container. [SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.]	<u>Wholesale, distribution, and storage uses.</u> -- Mini-warehouse. [SUP, upper stories only]

Comparison Between Standard Form Subdistrict & Applicant’s Proposed Subdistrict

After determining the uses permitted under a standard FWMU-5 Form Subdistrict in PD No. 595 for a Mu development type, one final comparison is needed to show the uses permitted in the proposed subdistrict within PD No. 595. Due to the complex interplay of permitted uses between Article XIII and PD No. 595, the applicant proposes to hardcode the uses that comprise the custom performing arts center use into the PD subdistrict. This will ensure that regardless of varying interpretations of uses, use categories, or development types, the performing arts center use will still be permitted. Staff is supportive of this approach.

Following is a comparison table showing differences in the permitted uses between a standard FWMU-5 Form Subdistrict in PD No. 595 for an Mu development type and the applicant’s proposed subdistrict. Also included is staff’s recommendation to permit all residential uses within the subdistrict. The yellow highlighting indicates modifications to the base subdistrict where the applicant and staff agree; the green highlighting indicates modifications where the applicant and staff disagree.

Use Comparison Chart – Standard Form Subdistrict vs. Proposed Subdistrict

FWMU-5 (PD No. 595) Mu Development Type	Proposed Subdistrict (Applicant's Request)	Proposed Subdistrict (Staff's Recommendation)
<u>Agricultural uses.</u> -- None permitted.		
<u>Commercial and business service uses.</u> -- None permitted.		
<u>Industrial uses.</u> -- None permitted.		
<u>Institutional and community service uses.</u> -- Adult day care facility. -- Child-care facility. -- Church. -- College, university, or seminary. [SUP] -- Community service center. [SUP] -- Convalescent and nursing homes, hospice care, and related institutions. [SUP, upper stories only] -- Convent or monastery. -- Library, art gallery, or museum. -- Public or private school. [SUP]	<u>Institutional and community service uses.</u> -- Adult day care facility. -- Child-care facility. -- Church. -- College, university, or seminary. [SUP] -- Community service center. [SUP] [By right in Subarea A only] -- Convalescent and nursing homes, hospice care, and related institutions. [SUP, upper stories only] -- Convent or monastery. -- Library, art gallery, or museum. -- Public or private school. [SUP] [By right in Subarea A only]	<u>Institutional and community service uses.</u> -- Adult day care facility. -- Child-care facility. -- Church. -- College, university, or seminary. [SUP] -- Community service center. [SUP] [By right in Subarea A only] -- Convalescent and nursing homes, hospice care, and related institutions. [SUP, upper stories only] -- Convent or monastery. -- Library, art gallery, or museum. -- Public or private school. [SUP] [By right in Subarea A only]
<u>Lodging only.</u> -- Hotel or motel. [SUP, upper stories only]	<u>Lodging only.</u> -- Hotel or motel. [SUP, upper stories only]	<u>Lodging only.</u> -- Hotel or motel. [SUP, upper stories only]
<u>Miscellaneous uses.</u> -- None permitted.		
<u>Office uses.</u> -- Alternative financial establishment. [SUP] -- Financial institution without drive-in window. -- Financial institution with drive-in window. [DIR] -- Medical clinic or ambulatory surgical center. [SUP required for plasma or blood donation center.] -- Office.	<u>Office uses.</u> -- Alternative financial establishment. [SUP] -- Financial institution without drive-in window. -- Financial institution with drive-in window. [DIR] -- Medical clinic or ambulatory surgical center. [SUP required for plasma or blood donation center.] -- Office. [By right in Subarea A only]	<u>Office uses.</u> -- Alternative financial establishment. [SUP] -- Financial institution without drive-in window. -- Financial institution with drive-in window. [DIR] -- Medical clinic or ambulatory surgical center. [SUP required for plasma or blood donation center.] -- Office. [By right in Subarea A only]
<u>Recreation uses.</u> -- None permitted.		

Use Comparison Chart – Standard Form Subdistrict vs. Proposed Subdistrict

FWMU-5 (PD No. 595) Mu Development Type	Proposed Subdistrict (Applicant's Request)	Proposed Subdistrict (Staff's Recommendation)
<p><u>Residential uses.</u> -- College dormitory, fraternity, or sorority house. [Upper stories only] -- Duplex. [Upper stories only] -- Group residential facility. [SUP required if spacing component of Section 51A-4.209(b)(3) is not met, upper stories only.] -- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met, upper stories only.] -- Live-work unit. [Only one dwelling unit per lot, upper stories only.] -- Multifamily. [Upper stories only] -- Retirement housing. [Upper stories only] -- Single family. [Upper stories only]</p>	<p><u>Residential uses.</u> -- College dormitory, fraternity, or sorority house. [Prohibited in Subarea B only, upper stories only] -- Duplex. [Prohibited in Subarea B only, upper stories only] -- Group residential facility. [SUP required if spacing component of Section 51A-4.209(b)(3) is not met, prohibited in Subarea B only, upper stories only.] -- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met, prohibited in Subarea B only, upper stories only.] -- Live-work unit. [Prohibited in Subarea B only, only one dwelling unit per lot, upper stories only.] -- Multifamily. [Prohibited in Subarea B only, upper stories only] -- Retirement housing. [Prohibited in Subarea B only, upper stories only] -- Single family. [Prohibited in Subarea B only, upper stories only]</p>	<p><u>Residential uses.</u> -- College dormitory, fraternity, or sorority house. [Upper stories only] -- Duplex. [Upper stories only] -- Group residential facility. [SUP required if spacing component of Section 51A-4.209(b)(3) is not met, upper stories only.] -- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met, upper stories only.] -- Live-work unit. [Only one dwelling unit per lot, upper stories only.] -- Multifamily. [Upper stories only] -- Retirement housing. [Upper stories only] -- Single family. [Upper stories only]</p>
<p><u>Retail and personal service uses.</u> -- Alcoholic beverage establishments. [SUP, ground story only] -- Animal shelter or clinic without outside runs. [RAR] -- Business school. -- Commercial amusement (inside). [SUP] -- Commercial parking lot or garage. [SUP]</p>	<p><u>Retail and personal service uses.</u> -- Alcoholic beverage establishments. [SUP, By right in Subarea A only, ground story only] -- Animal shelter or clinic without outside runs. [RAR] -- Business school. -- Commercial amusement (inside). [SUP] [By right in Subarea A only] -- Commercial parking lot or garage. [SUP]</p>	<p><u>Retail and personal service uses.</u> -- Alcoholic beverage establishments. [SUP, By right in Subarea A only, ground story only] -- Animal shelter or clinic without outside runs. [RAR] -- Business school. -- Commercial amusement (inside). [SUP] [By right in Subarea A only] -- Commercial parking lot or garage. [SUP]</p>

Use Comparison Chart – Standard Form Subdistrict vs. Proposed Subdistrict

FWMU-5 (PD No. 595) Mu Development Type	Proposed Subdistrict (Applicant's Request)	Proposed Subdistrict (Staff's Recommendation)
<p>-- Dry cleaning or laundry store. [SUP, ground story only] -- Food or beverage store. [SUP if less than 5,000 square feet, ground story only] -- Furniture store. [Ground story only] -- General merchandise store. [Ground story only] -- Home improvement center; lumber, brick, or building materials sales yard. [DIR, ground story only] -- Mortuary, funeral home, or commercial wedding chapel. [Ground story only] -- Motor vehicle fueling station. -- Personal service uses. [Massage establishment and tattoo or body piercing studio are prohibited.] -- Restaurant without drive-in or drive-through service. [SUP, RAR, ground story only] -- Restaurant with drive-in or drive-through service. [SUP, DIR] -- Swap or buy shop. [SUP, ground story only] -- Theater. -- Tobacco shop. [SUP]</p>	<p>-- Dry cleaning or laundry store. [SUP, ground story only] -- Food or beverage store. [SUP if less than 5,000 square feet, ground story only] -- Furniture store. [Ground story only] -- General merchandise store. [Ground story only] -- Home improvement center; lumber, brick, or building materials sales yard. [DIR, ground story only] -- Mortuary, funeral home, or commercial wedding chapel. [Ground story only] -- Motor vehicle fueling station. -- Personal service uses. [Massage establishment and tattoo or body piercing studio are prohibited.] -- Restaurant without drive-in or drive-through service. [SUP, RAR, By right in Subarea A only, ground story only] -- Restaurant with drive-in or drive-through service. [SUP, DIR] -- Swap or buy shop. [SUP, ground story only] -- Theater. [By right in Subarea A only] -- Tobacco shop. [SUP]</p>	<p>-- Dry cleaning or laundry store. [SUP, ground story only] -- Food or beverage store. [SUP if less than 5,000 square feet, ground story only] -- Furniture store. [Ground story only] -- General merchandise store. [Ground story only] -- Home improvement center; lumber, brick, or building materials sales yard. [DIR, ground story only] -- Mortuary, funeral home, or commercial wedding chapel. [Ground story only] -- Motor vehicle fueling station. -- Personal service uses. [Massage establishment and tattoo or body piercing studio are prohibited.] -- Restaurant without drive-in or drive-through service. [SUP, RAR, By right in Subarea A only, ground story only] -- Restaurant with drive-in or drive-through service. [SUP, DIR] -- Swap or buy shop. [SUP, ground story only] -- Theater. [By right in Subarea A only] -- Tobacco shop. [SUP]</p>
<p><u>Transportation uses.</u> -- Transit passenger shelter. -- Transit passenger station or transfer center. [SUP or city council resolution.]</p>	<p><u>Transportation uses.</u> -- Transit passenger shelter. -- Transit passenger station or transfer center. [SUP or city council resolution.]</p>	<p><u>Transportation uses.</u> -- Transit passenger shelter. -- Transit passenger station or transfer center. [SUP or city council resolution.]</p>
<p><u>Utility and public service uses.</u></p>	<p><u>Utility and public service uses.</u> -- Police or fire station.</p>	<p><u>Utility and public service use595s.</u></p>

Use Comparison Chart – Standard Form Subdistrict vs. Proposed Subdistrict

FWMU-5 (PD No. 595) Mu Development Type	Proposed Subdistrict (Applicant’s Request)	Proposed Subdistrict (Staff’s Recommendation)
-- Police or fire station. -- Post office.	-- Post office.	-- Police or fire station. -- Post office.
<u>Wholesale, distribution, and storage uses.</u> -- Mini-warehouse. [SUP, upper stories only]	<u>Wholesale, distribution, and storage uses.</u> -- Mini-warehouse. [SUP, upper stories only]	<u>Wholesale, distribution, and storage uses.</u> -- Mini-warehouse. [SUP, upper stories only]

Development Standards

Beyond the regulation of uses through development types in Article XIII, each development type includes more traditional development standards (setbacks, density, height, etc.) in addition to enhanced development standards that contribute to a pedestrian friendly environment (street frontage, parking setbacks, transparency, etc.).

Following is a comparison table showing differences between the development standards of the current D(A), CC, and P(A) subdistricts within PD No. 595; a base FWMU-5 Form Subdistrict in PD No. 595 with an Mu development type; and the proposed subdistrict for FWMU-5 Form Subdistrict uses. Development standards have been consolidated to indicate what is applicable to the context of this particular site. Blank cells indicate a requirement is not specified for that development standard.

Standard	Existing: CC	Existing: D(A)	Existing: P(A)	Base: FWMU-5 (Mu)	Proposed: FWMU-5
Front setback area	None ^{1,2}	25'		Primary street: 5' min / 15' max Side street: 5' min / 15' max	Primary streets ³ -- MLK: None ⁴ -- SCE: No min / 19' max Side streets ⁵ -- SHS: No min / 27' max Open space lot: 10' ⁶
Required street frontage				Primary street: 90% min Side street: 40% min	Primary streets: -- MLK: None -- SCE: 85% Side streets: -- SHS: 45% ⁷ Open space lot: 84%
Parking setback				Primary street: 30' min Side street: 5' min Abutting nonres: 5' min	No change from standard FWMU-5 (Mu)
Side Setback	15' adj to res Other: No min ⁸	SF: 5' Duplex: 5' Other: 10'		Abutting nonres: 0' or 5' min	No change from standard FWMU-5 (Mu)
Rear Setback	15' adj to res Other: No min ⁸	SF: 5' Duplex: 10' Other: 10'		Abutting nonres: 5' min	No change from standard FWMU-5 (Mu)
Density	0.75 FAR office 0.5 FAR retail 0.75 FAR overall	1 du/3,000 sf Min lot 6,000 sf			No change from standard FWMU-5 (Mu)
Height	54' 4 stories	36' No max stories		1 story min 5 stories / 80' max	No change from standard FWMU-5 (Mu)
Story height				Ground story: 15' min / 30' max Upper story: 10' min / 15' max	Ground story: None Upper story: None
Lot coverage	60%	60% res 25% nonres		100%	No change from standard FWMU-5 (Mu)
Ground story transparency				Primary street façade: 50% Side street façade: 25%	Primary street façade: -- MLK: 35% -- SCE: 18% Side street façade: 15%

Standard	Existing: CC	Existing: D(A)	Existing: P(A)	Base: FWMU-5 (Mu)	Proposed: FWMU-5
					Open space lot: 45%
Upper story transparency				Primary street façade: 20% Side street façade: 20%	Primary street façade: None Side street façade: None
Entrance				Required on primary street Entrance spacing: 100' Allowed on side street	No change from standard FWMU-5 (Mu)
Blank wall area				Primary street: 20' max Side street: None	Primary street: None
Special standards	Proximity Slope			Proximity slope	No change from standard FWMU-5 (Mu)

¹ If a front yard is provided, it must be a minimum of 15 feet with landscaping provided in accordance with Sec. 51P-595.118

² A front yard of up to five feet may be provided to the extent needed to accommodate a wider than standard sidewalk for any portion of the wider sidewalk that cannot be placed in the right-of-way

³ Martin Luther King, Jr. Boulevard (MLK) and South Central Expressway (SCE) are designated as primary streets

⁴ No minimum or maximum front setback area provided there is either legacy on-street parking or publicly accessible open space adjacent to the street

⁵ South Harwood Street (SHS) and Peabody Avenue are designated as side streets

⁶ Except for the area containing the three handicapped parking spaces, the required front setback is 10 feet

⁷ No street frontage is required where there is publicly accessible open space adjacent to the street. Forty-five percent of the street frontage must be setback between zero and 15 feet.

⁸ If a setback is provided, it must be at least five feet

Landscaping:

Except as provided, landscaping will be provided in accordance with the landscaping requirements in Article X, as amended. The applicant requests to be exempt from Article X requirements for the portion of the district that fronts on Martin Luther King, Jr. Boulevard and South Central Expressway, and when the existing built conditions do not allow for conformance. All required trees within Subarea A must be no closer than 2.5 feet from pavement.

This mirrors the base requirement of Article X, but prescribes that this standard may not be varied from under the provisions of SEC. 51P- .111.(a)(2) and ensures required trees still maintain required planting distance. Except for the portion of the district fronting Martin Luther King, Jr. Boulevard, new commercial parking lots approved with an SUP must comply only with the street buffer set forth in Article X. This is to accommodate the

temporary nature of these surface parking lots, such that parking lot trees are not planted only to be removed in two years.

Parking:

Under a standard FWMU-5 Form Subdistrict in PD No. 595, the site must comply with the parking requirements for indoor recreation uses in Article XIII. This requirement is 1 space per 150 square feet. The applicant proposes the requirement of 150 spaces, based on previous permit plans for the site.

Staff recommends reducing the requirement for the proposed subdistrict to zero spaces required. As with any minimum required parking, these ratios only reflect the minimum amount required. The developer may provide additional parking beyond these. Reducing overparking, especially in walkable and transit rich areas, helps achieve the urban design and environmental goals of the comprehensive plan. Removing required minimums allow the applicant to provide parking flexibly and through agreements with other property owners, should they so choose. Removing required minimums assists the owner in acquiring agreements for parking, as they would not need to be recorded through deed with the city.

Additionally, the applicant requested conditions propose to modify the provisions of typical parking agreements under Chapter 51A-4.328. Removing required minimums eliminates the need for modifications to this section of code. This contributes to the long term vitality of the area by not necessitating amendment of these agreements to lease to retail tenants, allowing housing with flexible parking, and tying up less land in the neighborhood with surface parking.

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 currently within an "I" MVA area. To the northeast is an "G" MVA area, and to the southeast is an "H" MVA area.

List of Officers

Forest Theater, LLC

CitySquare Arts Opportunity Center, LLC (Forest Theater)

Forest Forward, Sole Member

Elizabeth Wattley, Sole Member, President

Harold & Lois, LLC

CitySquare Arts Opportunity Center, LLC (Forest Theater)

Forest Forward, Sole Member

Elizabeth Wattley, Sole Member, President

PROPOSED PD CONDITIONS

ARTICLE 595.

PD 595.

**SOUTH DALLAS/FAIR PARK
SPECIAL PURPOSE DISTRICT**

SEC. 51P-595.101. LEGISLATIVE HISTORY.

PD 595 was established by Ordinance No. 24726, passed by the Dallas City Council on September 26, 2001. (Ord. 24726)

SEC. 51P-595.102. PROPERTY LOCATION AND SIZE.

PD 595 is established on property generally bounded by the Union Pacific (DART) Railroad, the Southern Pacific Railroad, C.F. Hawn Freeway, the D.P.&L. Company easement, Central Expressway (S.M. Wright Freeway), the Southern Pacific Railroad, the Santa Fe Railroad, R.L. Thornton Freeway, Second Avenue, Parry Avenue, Robert B. Cullum Boulevard, Fitzhugh Avenue, Gaisford Street, and the common line between City Blocks 1820 and D/1821. PD 595 excludes the following planned development districts: 276, 320, 331, 354, 363, 477, 489, 513, 552, 557, 597, 660, 716, 729, 730, 746, 747, 764, 793, 806, 813, 849, 853, 856, 871, 892, 908, 911, 936, 1023, 1038, 1062, 1089, and 1090 and the form-base districts WMU-5 and WR-5 established in the area generally bounded by Elihu Street, Park Row Avenue, J.B. Jackson Boulevard, and Trunk Avenue. The size of PD 595 is approximately 3,337.428 acres. (Ord. Nos. 24726; 25351; 26034; 26037; 26351; 26365; 26875; 27252; 27518; 27580; 27612; 27635; 27679; 28208; 28223; 28269; 28288; 28328; 28697; 29052; 29316; 29319; 29335; 29664; 29677; 31101; 31386; 31664; 32256; 32272, 32458)

SEC. 51P-595.103. CREATION OF SUBDISTRICTS.

This district is divided into the following residential and nonresidential subdistricts:

- (1) Residential subdistricts.
 - (A) R-7.5(A) Single Family Subdistrict.
 - (B) R-5(A) Single Family Subdistrict.
 - (C) R-3.8(A) Single Family Subdistrict.
 - (D) D(A) Duplex Subdistrict.
 - (E) TH(1)(A) Townhouse Subdistrict.
 - (F) TH(2)(A) Townhouse Subdistrict.
 - (G) TH(3)(A) Townhouse Subdistrict.
 - (H) MF-1(A) Multifamily Subdistrict.

(I) MF-2(A) Multifamily Subdistrict.

(2) Nonresidential subdistricts.

(A) NC Neighborhood Commercial Subdistrict. The NC Neighborhood Commercial Subdistrict is characterized by small institutional and community service, office, and retail and personal service uses primarily serving nearby residential areas. The scale, intensity, and design of structures is similar to surrounding residential areas so as to minimize the impact on surrounding neighborhoods. Some uses are allowed only in the NC(E) Neighborhood Commercial Enhanced Subdistrict.

(B) CC Community Commercial Subdistrict. The CC Community Commercial Subdistrict is characterized by a mix of commercial and business service, institutional and community service, office, and retail and personal service uses serving both nearby residential areas and the broader South Dallas/Fair Park community. This subdistrict includes single-story and multi-story office development, large footprint buildings, and both surface parking and parking structures. Some uses are allowed only in the CC(E) Community Commercial Enhanced Subdistrict.

(C) RS-MU Regional Service Mixed Use Subdistrict. The RS-MU Regional Service Mixed Use Subdistrict is characterized by regional serving mixed use developments serving South Dallas/Fair Park and the surrounding region. This subdistrict should be located in proximity to regional transportation such as rail, light rail, freeways, and major thoroughfares. Some uses are allowed only in the RS-MU(E) Regional Service Mixed Use Enhanced Subdistrict.

(D) F Form Subdistricts. The F Form Subdistricts are characterized by mixed use developments that comply with Article XIII, "Form Districts." These subdistricts are intended to create walkable urban neighborhoods where higher-density mixed use housing types promote less dependence on the automobile. These subdistricts should be located in proximity to regional transportation such as rail, light rail, freeways, and major thoroughfares.

(E) RS-C Regional Service Commercial Subdistrict. The RS-C Regional Service Commercial Subdistrict is characterized by commercial developments providing goods and services to other businesses in South Dallas/Fair Park and the surrounding region. This subdistrict should be located in proximity to regional transportation such as rail, light rail, freeways, and major thoroughfares.

(F) RS-I Regional Service Industrial Subdistrict. The RS-I Regional Service Industrial Subdistrict is characterized by industrial developments serving South Dallas/Fair Park and the surrounding region. This subdistrict should be located in proximity to regional transportation such as rail, light rail, freeways, and major thoroughfares.

(G) P(A) Parking Subdistrict.

(H) Subdistrict 1.

SEC. 51P-595.103.1.

EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 595A: land use chart.

(2) Exhibit 595B: development standards summary chart. (Ord. 28860)

(3) Exhibit 595C: Subdistrict 1 subarea map.

SEC. 51P-595.104. DEFINITIONS.

Unless otherwise stated, the definitions contained in Chapter 51A apply to this article. In this district:

(1) **BODY PIERCING** means piercing of body parts, other than ears, to allow the insertion of jewelry.

(2) **CATERING SERVICE** means a facility for the preparation and storage of food and food utensils for off-premise consumption and service. No meals may be served on the premises of a catering service.

(3) **DISTRICT** means the entire planned development district (the South Dallas/Fair Park Special Purpose District) created by this article.

(4) **FOOD OR BEVERAGE STORE** means a retail store for the sale of food and beverages. The term "food or beverage store" includes a grocery, delicatessen, convenience store, and specialty foods store. This use does not include other uses in this article that are specifically listed.

(5) **GENERAL MERCHANDISE STORE** means a retail store for the sale of general merchandise. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. This use does not include other uses in this article that are specifically listed.

(6) **LIVE-WORK UNIT** means an interior space with street-level access that combines residential with office or retail and personal service uses. For purposes of spacing or proximity regulations, a live-work unit is considered a non-residential use.

(7) **MARKET GARDEN** means an area used for the raising or harvesting of agricultural crops such as vegetables, fruit, trees, grain, field forage, and other plant crops intended to provide food or fiber; or aquaponics facilities that include crop and fish production.

(8) **MASSAGE ESTABLISHMENT** and **MASSAGE** mean a massage establishment or massage as defined by Texas Occupation Code Chapter 455, as amended.

(9) **MIXED USE PROJECT** means a development on one building site with a combination of office, residential, and retail and personal service uses.

(10) **PERFORMING ARTS CENTER** means a use that operates as a theater, community service center, alcoholic beverage establishment, public or private school, commercial amusement (inside), restaurant without drive-thru and office as those uses are defined in Article IV of Chapter 51A of the Dallas Development Code.

(10) **PUBLIC OR PRIVATE SCHOOL** means a public or private school as defined in Section 51A-4.204(17), as amended. A recreational or athletic facility owned or operated by a school for use by students is considered a public or private school.

(11) **SUBDISTRICT** means one of the subdistricts referred to in Section 51P-595.103

of this article.

(12) TATTOO OR BODY PIERCING STUDIO means a business in which tattooing or body piercing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(13) TOBACCO SHOP means a retail store principally for the sale of cigars, cigarettes, pipes, tobacco, and other related items. (Ord. Nos. 24726; 28860)

SEC. 51P-595.105. INTERPRETATIONS.

(a) Unless otherwise stated, all references to articles, divisions, or sections in this article are references to articles, divisions, or sections in Chapter 51A.

(b) The provisions of Section 51A-4.702, “Planned Development (PD) District Regulations,” relating to site plans, conceptual plans, development plans, development schedules, and landscape plans do not apply to this district.

(c) Section 51A-2.101, “Interpretations,” applies to this article.

(d) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A-4.218, “Limited Uses.”)

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only. [“SUP” means “specific use permit.” For more information regarding specific use permits, see Section 51A-4.219, “Specific Use Permit (SUP).”]

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803, “Site Plan Review.” (“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800, “Development Impact Review.”)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, “Site Plan Review,” a site plan must be submitted and approved in accordance with the requirements of that section. (“RAR” means “residential adjacency review.” For more information regarding residential adjacency review generally, see Division 51A-4.800, “Development Impact Review.”)

(e) If there is a conflict, the text of this article controls over the charts or any other graphic display attached to this ordinance. (Ord. 24726)

[Editor’s Note: Exhibit C (Land Use Chart) and Exhibit D (Development Standards Summary Charts) of Ordinance No. 24726 are labelled Exhibits 595A and 595B, respectively, and are included at the completion of the text of this article. Exhibit A of Ordinance No. 24726 and Exhibit B of Ordinance No. 24881 are not included as part of this article. For a graphic depiction and property descriptions of the district and its subdistricts at the time of its creation,

see Ordinance Nos. 24726 and 24881. For a current graphic depiction of the subdistricts of PD 595, see Zoning Map Nos. J-8, J-9, K-7, K-8, K-9, L-8, and L- 9.]

SEC. 51P-595.106. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE R-7.5(A) SINGLE FAMILY SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.107. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE R-5(A) SINGLE FAMILY SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.107.1. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE R-3.8(A) SINGLE FAMILY SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.108. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE D(A) DUPLEX SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.109. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE TH(1)(A), TH(2)(A), AND TH(3)(A) TOWNHOUSE SUBDISTRICTS.

OMITTED FOR BREVITY.

SEC. 51P-595.110. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE MF-1(A) MULTIFAMILY SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.111. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE MF-2(A) MULTIFAMILY SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.112. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE NC NEIGHBORHOOD COMMERCIAL SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.113. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE CC COMMUNITY COMMERCIAL SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.114. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE RS-MU REGIONAL SERVICE MIXED USE SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.114.1. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE F FORM SUBDISTRICTS.

(a) In general.

(1) Property within the F Form Subdistricts must be identified as Walkable Urban Mixed Use (WMU-3,-5,-8,-12,-20,-40), Walkable Urban Residential (WR-3,-5,-8,-12,-20,-40), Residential Transition (RTN). Property within the F Form Subdistricts may also be subject to the Shopfront Overlay (-SH), Height Map Overlay (-HM), or Parking Management Overlay (-PM).

(2) Except as provided in this section, see Article XIII, "Form Districts," for use regulations and development standards.

(3) If there is a conflict between the provision of this section and Article XIII, this section controls.

(b) Main uses permitted.

(1) The use regulations in this section must be read together with use categories in Section 51A-13.306. A use that is allowed for a particular development type in Section 51A-13.306 is allowed in this district only if it is also listed in this subsection. A specific use permit is required if it is required by either this subsection or Section 51A-13.306.

(2) Except as provided in this subsection, the following are the only main uses permitted in the F Form Subdistricts.

(1) Agricultural uses.

- Community garden.
- Market garden. *[SUP]*

(2) Commercial and business service uses.

- Catering service.

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- Custom business services.
 - Electronics service center.
 - Job or lithographic printing. *[3,500 square feet or less.]*
 - Medical or scientific laboratory. *[SUP]*
- (3) Industrial uses.
- None permitted.
- (4) Institutional and community service uses.
- Adult day care facility.
 - Cemetery or mausoleum. *[SUP]*
 - Child-care facility.
 - Church.
 - College, university, or seminary. *[SUP]*
 - Community service center. *[SUP]*
 - Convalescent and nursing homes, hospice care, and related institutions. *[SUP]*
 - Convent or monastery.
 - Library, art gallery, or museum.
 - Public or private school. *[SUP]*
- (5) Lodging uses.
- Hotel or motel. *[SUP]*
- (6) Miscellaneous uses.
- Temporary construction or sales office.
- (7) Office uses.
- Alternative financial establishment. *[SUP]*
 - Financial institution without drive-in window.
 - Financial institution with drive-in window. *[SUP]*
 - Medical clinic or ambulatory surgical center. *[SUP required for plasma or blood donation center.]*
 - Office.
- (8) Recreation uses.
- Private recreation center, club, or area. *[SUP]*
 - Public park, playground, or golf course.
- (9) Residential uses.
- College dormitory, fraternity, or sorority house.
 - Duplex.
 - Group residential facility. *[SUP required if spacing component of Section 51A-4.209(b)(3) is not met.]*
 - Handicapped group dwelling unit. *[SUP required if spacing component of Section*

51A-4.209(b)(3.1) is not met.]

- Live-work unit. *[Only one dwelling unit per lot.]*
- Multifamily.
- Retirement housing.
- Single family.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[SUP]*
- Ambulance service. *[RAR]*
- Animal shelter or clinic without outside runs. *[RAR]*
- Auto service center. *[SUP]*
- Business school.
- Commercial amusement (inside). *[SUP]*
- Commercial parking lot or garage. *[SUP]*
- Dry cleaning or laundry store.
- Food or beverage store *[SUP if less than 5,000 square feet.]*
- Furniture store.
- General merchandise store.
- Home improvement center; lumber, brick, or building materials sales yard. *[DIR]*
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses. *[Massage establishment and tattoo or body piercing studio are prohibited.]*
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[SUP]*
- Swap or buy shop. *[SUP]*
- Theater.
- Tobacco shop. *[SUP]*

(11) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP or city council resolution.]*

(12) Utility and public service uses.

- Electrical substation. *[SUP]*
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4), "Local utilities."]*
- Police or fire station.
- Post office.
- Tower/antenna for cellular communication. *[See Section 51A- 4.212(10.1), "Tower/antenna for cellular communication." Permitted in this subdistrict subject to the same requirements as if located in the CR Community Retail district.]*

(13) Wholesale, distribution, and storage uses.

- Mini-warehouse. [SUP]
- Recycling drop-off container. [SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.]

(c) Alternative site plan.

(1) The alternative site plan process allows flexibility as necessary to meet the contingencies of development by allowing limited alteration to the building placement requirements of the form districts.

(2) Except as provided in this subsection, the provision of Section 51A-13.703 apply.

(3) Only the building setback requirements and parking setback requirements of the building placement provisions of the form districts may be altered by an alternative site plan.

(4) An application, on a form provided for that purpose, must be made to the director with a fee equal to the fee for an amendment to a specific use permit. The process for consideration and approval of an alternative site plan is the same as the process for amending a specific use permit.

(5) The city council shall approve an alternative site plan if the city council finds that the alternative site plan will:

(A) locate all proposed buildings as close as reasonably possible to the building placement requirements of the form districts, given the unique requirements of a development due to multiple street frontages, the size and depth of the lot, or the parking requirements of the proposed uses;

(B) contribute to, enhance, or promote walkable urban neighborhoods and pedestrian safety;

(C) compliment or be compatible with the surrounding development and community facilities; and

(D) not be detrimental to public health, safety or general welfare. (Ord. 28860)

SEC. 51P-595.114.2. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 1.

(a) Subarea A.

(1) Main uses permitted. Except as provided in this paragraph, the only main uses permitted are those main uses permitted in the FWMU-5 Form Subdistrict, subject to the same conditions applicable in the FWMU-5 Form Subdistrict, as set out in Section 51P-595.114.1. For example, a use permitted in the FWMU-5 Form Subdistrict only by specific use permit (SUP) is permitted in Subarea A only by SUP; a use subject to development impact review (DIR) in the FWMU-5 Form Subdistrict is subject to DIR in this district; etc.

(A) The following additional main uses are permitted in this subdistrict:

- Performing arts center.
- Community service center.
- Public or private school.
- Alcoholic beverage establishment.
- Theater.
- Commercial amusement (inside).
- Restaurant without drive-in or drive-through service.
- Office.

(2) Yard, lot, and space regulations. In general, the yard, lot, and space regulations for the FWMU-5 Subdistrict apply.

(A) For a performing arts center in Subarea A:

(i) Development type. A performing arts center is considered a Mixed Use Shopfront development type.

(ii) Street designations.

(1) South Central Expressway and Martin Luther King, Jr. Boulevard are designated as primary streets.

(2) South Harwood Street and Peabody Avenue are designated as side streets.

(iii) Except as provided in this section, the yard, lot, and space regulations for the FWMU-5 Form Subdistrict apply to a Mixed Use Shopfront.

(1) Front setback area.

(a) Martin Luther King, Jr. Boulevard: If there is either legacy on-street parking or publicly accessible open space adjacent to Martin Luther King, Jr. Boulevard, no minimum or maximum front setback is required.

(b) South Central Expressway: No minimum setback. Maximum front setback is 19 feet.

(c) South Harwood Street: No minimum setback. Maximum front setback is 27 feet.

(2) Required street frontage.

(a) Martin Luther King, Jr. Boulevard: No required street frontage.

(b) South Central Expressway: The required street frontage is 85 percent.

(c) South Harwood Street: No maximum street frontage is required where there is publicly accessible open space adjacent to the street.

(d) Open Space Lot: The required street frontage for the development that shares an artificial lot line with an Open Space Lot is 84 percent.

(3) Ground story transparency.

(a) Martin Luther King, Jr. Boulevard: The required ground story transparency is 35 percent.

(b) South Central Expressway: The required ground story transparency is 18 percent.

(c) South Harwood Street: The required ground story transparency is 15 percent.

(d) Open Space Lot: The ground story transparency requirement for the development that shares an artificial lot line with an Open Space Lot is 45 percent.

(4) Upper story transparency. No upper story transparency is required.

(5) Story height.

(a) No minimum or maximum ground story height.

(b) No minimum or maximum upper story height.

(c) No horizontal façade articulation required.

(6) Blank wall area. No maximum blank wall area on Martin Luther King, Jr. Boulevard or South Central Expressway.

(iv) Except as provided in this section, the yard, lot, and space regulations for the FWMU-5 Form Subdistrict apply to an Open Space Lot.

(1) Front setback area.

(a) South Harwood Street and Peabody Avenue: Except for the area containing the three handicapped parking spaces, the required front setback is 10 feet.

(b) Subarea B.

(1) Main uses permitted. Except as provided in this paragraph, the only main uses permitted are those main uses permitted in the FWMU-5 Form Subdistrict, subject to the same conditions applicable in the FWMU-5 Form Subdistrict, as set out in Section 51P-595.114.1. For example, a use permitted in the FWMU-5 Form Subdistrict only by specific use permit (SUP) is permitted in Subarea B only by SUP; a use subject to development impact review (DIR) in the FWMU-5 Form Subdistrict is subject to DIR in this district; etc.

(A) The following additional main uses are permitted in this subdistrict:

-- Commercial parking lot or garage. *[SUP]*

Staff's Recommendation

(B) — The following additional main uses are prohibited in this subdistrict:
-- Residential uses.

Applicant's Request

(B) The following additional main uses are prohibited in this subdistrict:
-- Residential uses.

(2) Yard, lot, and space regulations. The yard, lot and space regulations for the FWMU-5 Form Subdistrict apply.

Staff's Recommendation

(c) Off-street parking and loading. No parking is required.

Applicant's Request

(c) Off-street parking and loading.
(1) In general. Except as provided in this subsection, off-street parking must comply with Section 51A-13.400.
(A) For purposes of calculating parking, the Property shall be considered one site.
(B) For Subarea A, 150 spaces are required for a performing arts center, and all other uses must park as provided in Section 51A-13.400.
(C) All required parking for Subarea A may be remote parking.
(2) On-street parking.
(A) Parking and loading along Martin Luther King, Jr. Boulevard and South Harwood Street may maneuver within the right-of-way.
(B) Except as provided in this paragraph, any on-street parking spaces that abut the building site may be counted as a reduction in the off-street parking requirement of the use adjacent to the on-street parking space. On-street parking must be striped in accordance with standard city specifications.
(i) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement for a mixed-use development.
(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that is available. For

example, a parking space that is available to the public only eight hours per day will be counted as one-third of the parking space ($8 / 24 = 1/3$). The total number of the limited-availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(3) Remote parking.

(A) Remote parking may be located on a separate lot that is within 800 feet of the use served by the remote parking.

(B) All valet parking operations must comply with the standards set forth in the Dallas City Code.

(C) The walking distance for remote parking may be extended by license as set out in Division 51-4.320.

(D) Section 51A-4.328(a) does not apply in this district. An agreement authorizing remote parking for a use may be based on a lease of the remote parking spaces only if the lease:

(i) is in writing on a form obtained from the building official;

(ii) contains legal descriptions of the properties affected;

(iii) set forth adequate consideration between the parties;

(iv) specifies the special parking being provided and the hours of operation of any use involved;

(v) state that all parties agree to defend, indemnify, and hold harmless the city of Dallas from and against all claims or liabilities arising out of or in connection with the agreement;

(vi) is governed by the laws of the State of Texas;

(vii) be approved by the building official and the city attorney as to form;

(viii) is signed by all owners of the properties affected;

(ix) signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;

(x) is for a minimum term of three years; and

(xi) provides that both the owner of the lot occupied by the use benefitting from the parking and the owner of the remote parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

(E) The remote parking provisions in this subparagraph or Division 51A-4.320 shall not affect or cause the reduction of delta credits.

(4) Loading. Loading for the theater use may occur on South Harwood Street. No other loading spaces are required for a performing arts center.

(5) Construction and maintenance provisions for off-street parking.

(A) The surface of a parking space, maneuvering area, or driveway that connects to a street or alley must consist of:

(i) concrete paving;

(ii) hot mix asphalt paving which consists of a binder and surface course;

(iii) a material of similar characteristics that is approved by the building official; or

(iv) permeable material including but not limited to decomposed granite. Permeable material may be used for unenclosed parking spaces, non-fire lane maneuvering areas for parking, and non-fire lane driveways.

(B) All fire lanes and handicapped parking spaces must be constructed of concrete or asphalt.

(d) Environmental performance standards. See Article VI.

(e) Landscaping.

(1) Except as provided in this subsection, see Article X, except as modified by Section 51P-595.118, "Landscaping."

(A) All required trees within Subarea A must be no closer than 2.5 feet from the pavement.

(B) The director has the authority to waive Article X requirements when the existing built conditions do not allow for conformance with Article X.

(C) The portion of the district that fronts on Martin Luther King, Jr. Boulevard and South Central Expressway are exempted from Article X requirements.

(2) Plant materials must be maintained in a healthy, growing condition.

(3) New surface parking lots approved with a Specific Use Permit must comply only with the street buffer set forth in Article X, except for the portion of the district fronting Martin Luther King, Jr. Blvd.

(f) Signs. Except as provided in this subsection, signs must comply with the provisions for business zoning districts contained in Article VII, "Sign Regulations."

(1) The existing marquee sign in Subarea A is permitted and does not count towards the calculation for attached signage.

(2) The existing pylon sign located on the east side of City Block 7/1144 in Subarea B is allowed to be replaced as needed, but cannot exceed existing height, area, or configuration.

(g) Additional provisions.

Staff's Recommendation

(1) Pedestrian amenities. The following pedestrian amenities are required along the street frontages, except for Martin Luther King, Jr. Boulevard and South Central Expressway.

Applicant's Request

(1) Pedestrian amenities. The following pedestrian amenities are required along the street frontages, except for Martin Luther King, Jr. Boulevard and South Central Expressway.

(A) Two benches.

(B) Two trash cans.

(C) Pedestrian-scale lighting.

(D) One bicycle rack for at least five bicycles. This bicycle rack may count towards the minimum bicycle parking requirements.

(2) Minimum six-foot unobstructed sidewalks are required on public streets except for along Martin Luther King, Jr. Blvd. where only five-foot sidewalks are required.

SEC. 51P-595.115. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE RS-C REGIONAL SERVICE COMMERCIAL SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.116. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE RS-I REGIONAL SERVICE INDUSTRIAL SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.117. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE P(A) PARKING SUBDISTRICT.

OMITTED FOR BREVITY.

SEC. 51P-595.118. LANDSCAPING.

(a) In general. The regulations in this section must be read together with the regulations contained in Article X, "Landscape and Tree Preservation Regulations." In the event of a conflict between this section and Article X, this section controls.

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(b) Front yard landscaping. If a 15-foot front yard is provided in the NC Neighborhood Commercial Subdistrict or the CC Community Commercial Subdistrict, it must be landscaped as follows:

(1) At least 40 percent of the front yard must be landscaped with trees, shrubs, or a combination of trees and shrubs that have the potential to attain a minimum height of 30 inches within a three-year time period.

(2) One tree having a caliper of at least three and one-half inches, or two trees each having a caliper of at least one and one-half inches, must be provided in the front yard for each 30 feet of lot frontage, exclusive of driveways, visibility triangles, and points of ingress or egress.

(3) No more than 60 percent of the front yard may be landscaped with walkways, plazas, courtyards, or other non-plant decorative landscape features.

(4) An underground irrigation system must be provided in the front yard. (Ord. 24726)

SEC. 51P-595.119. SIGNS.

(a) Signs within the residential subdistricts must comply with the provisions for non-business zoning districts contained in Article VII, “Sign Regulations.”

(b) Signs within the nonresidential subdistricts must comply with the provisions for business zoning districts contained in Article VII, “Sign Regulations.” (Ord. 24726)

(c) Subdistrict 1. See section 51P-595.114.2(f).

SEC. 51P-595.120. ADDITIONAL PROVISIONS.

(a) Property within the district must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of property within the district must comply with all applicable federal and state laws and regulations, and with all applicable ordinance, rules, and regulations of the city.

(c) Outside storage areas must be screened from the public right-of-way. See Section 51A- 4.602(b), “Required Screening.” (Ord. Nos. 24726; 26102)

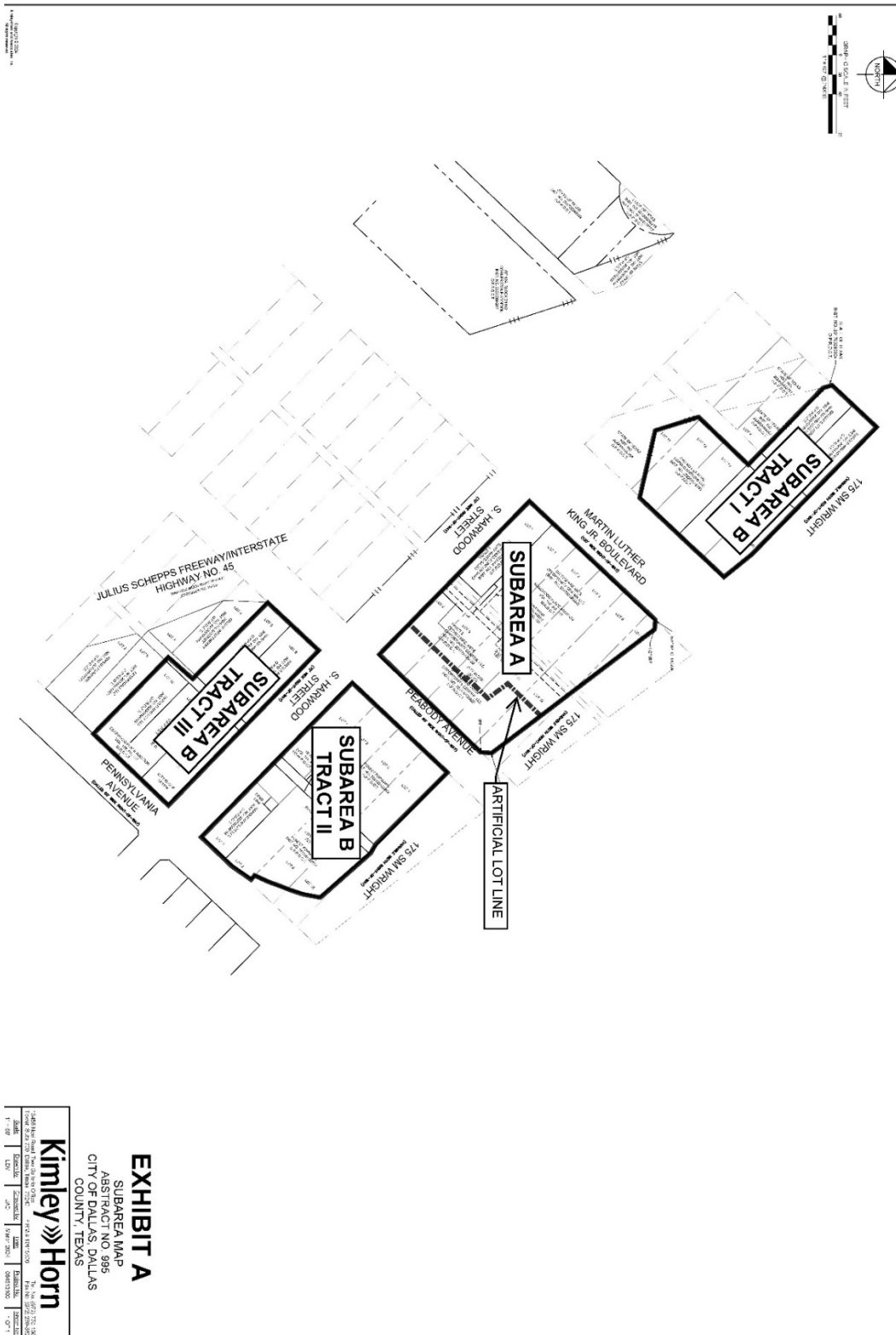
(d) Subdistrict 1. See 51P-595.114.2(g).

SEC. 51P-595.121. 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 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. 24726; 26102)

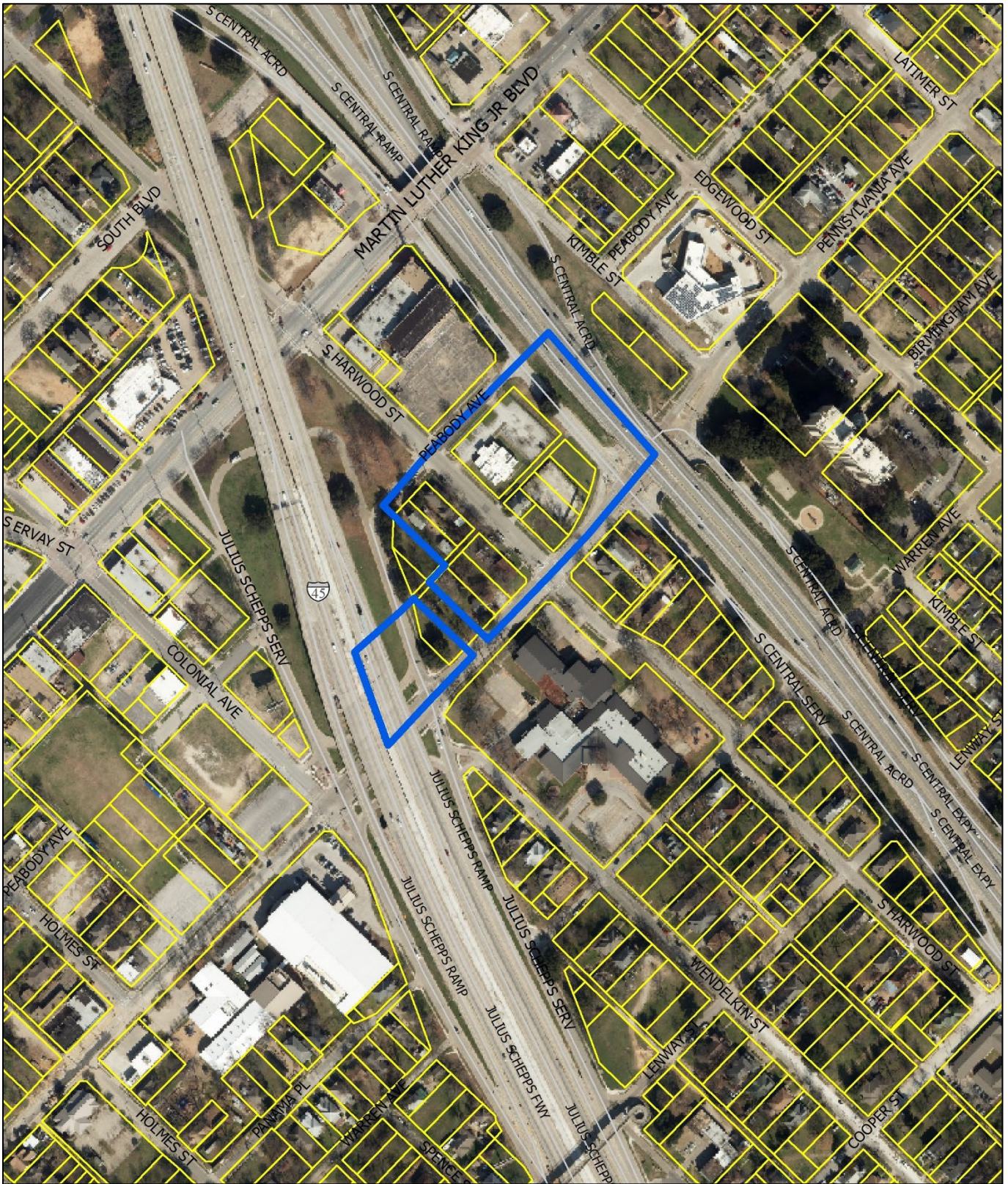
PROPOSED SUBDISTRICT 1 SUBAREA MAP (EXHIBIT 595C)



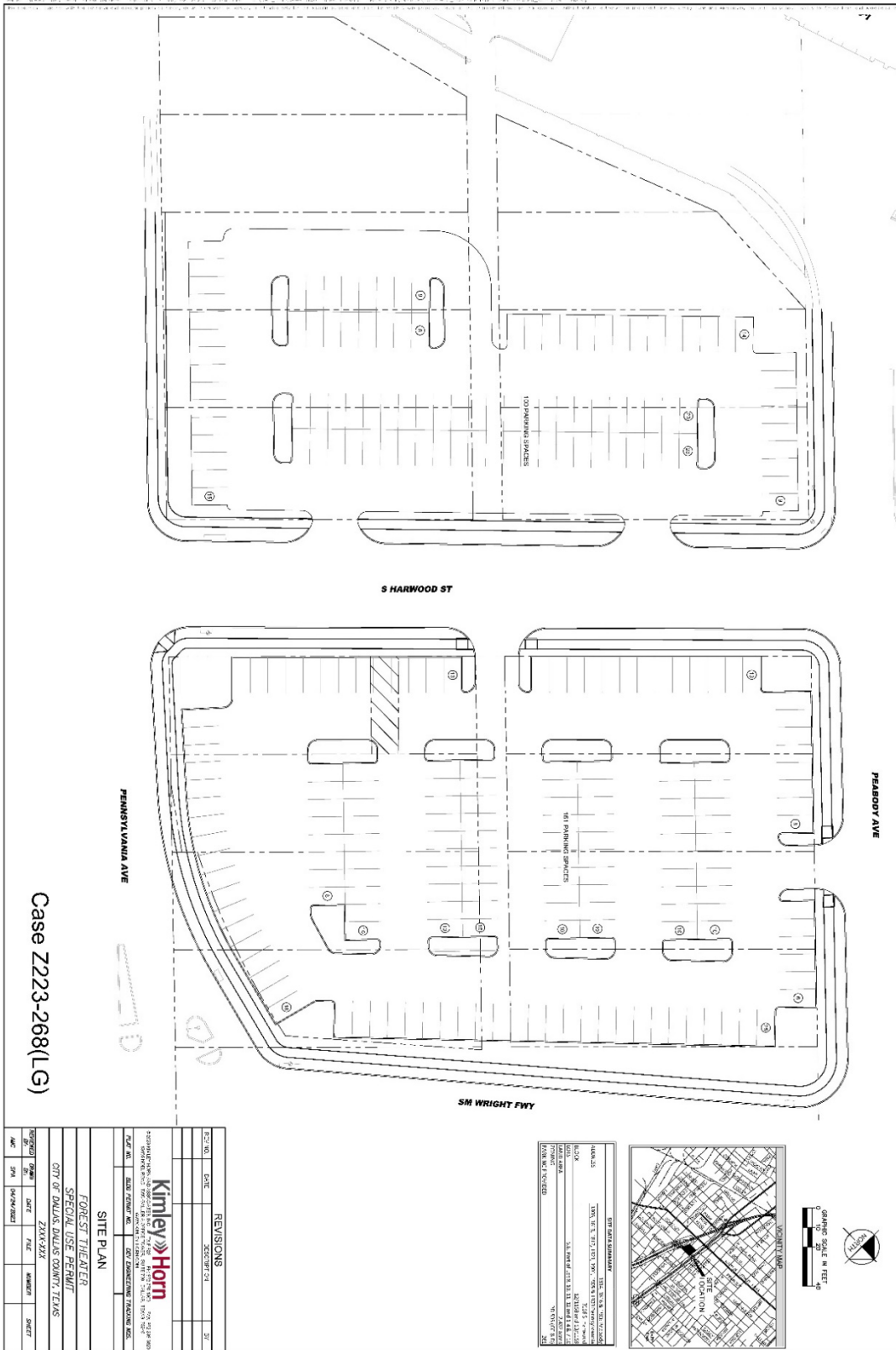
**PROPOSED SUP CONDITIONS
(Same for both SUP requests)**

1. USE: The only use authorized by this specific use permit is a commercial parking lot or garage.
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 years from the passage of the ordinance).
4. PARKING: Parking must be provided per the site plan.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. 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.

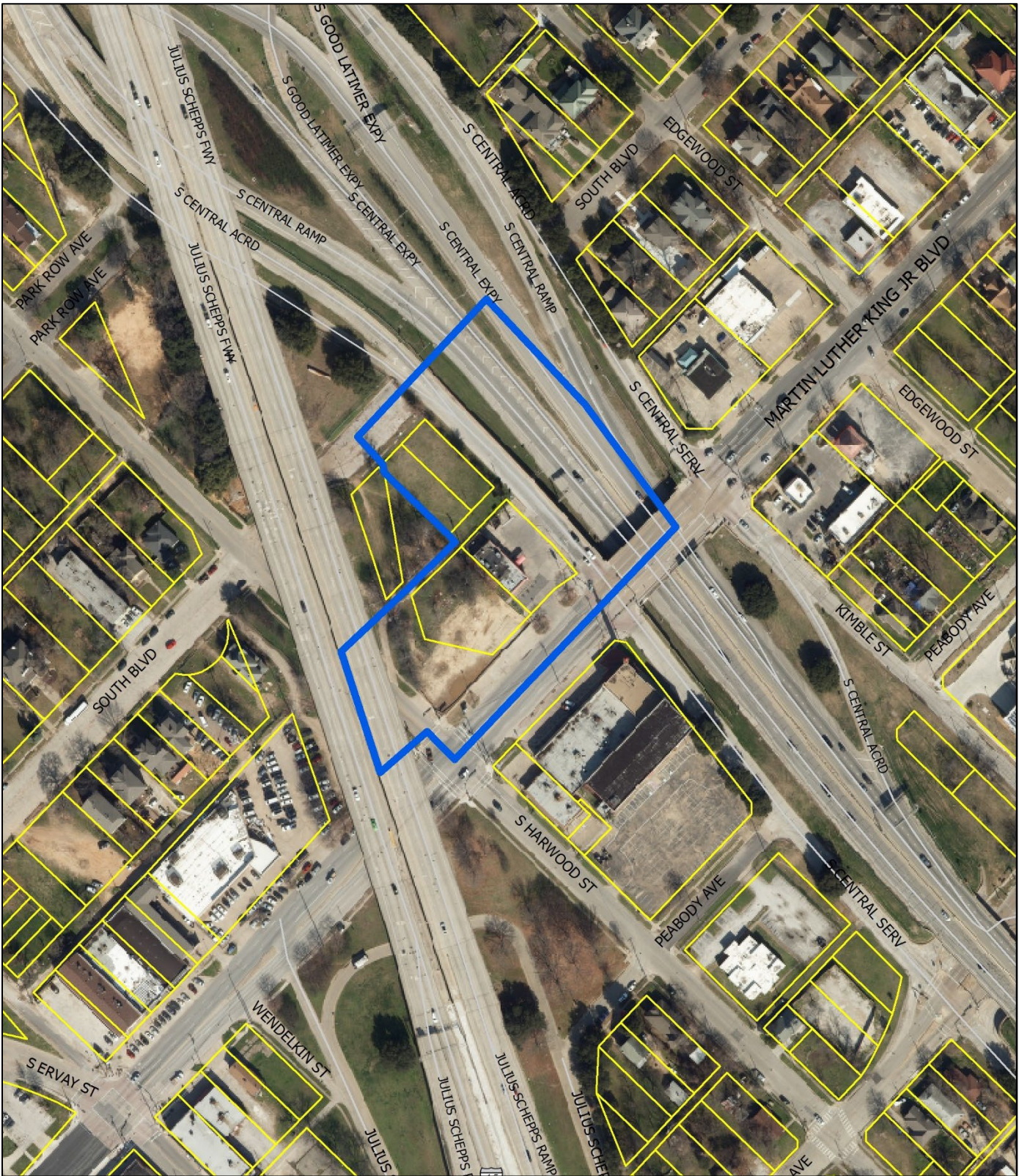
AREA OF REQUEST – SUP #1



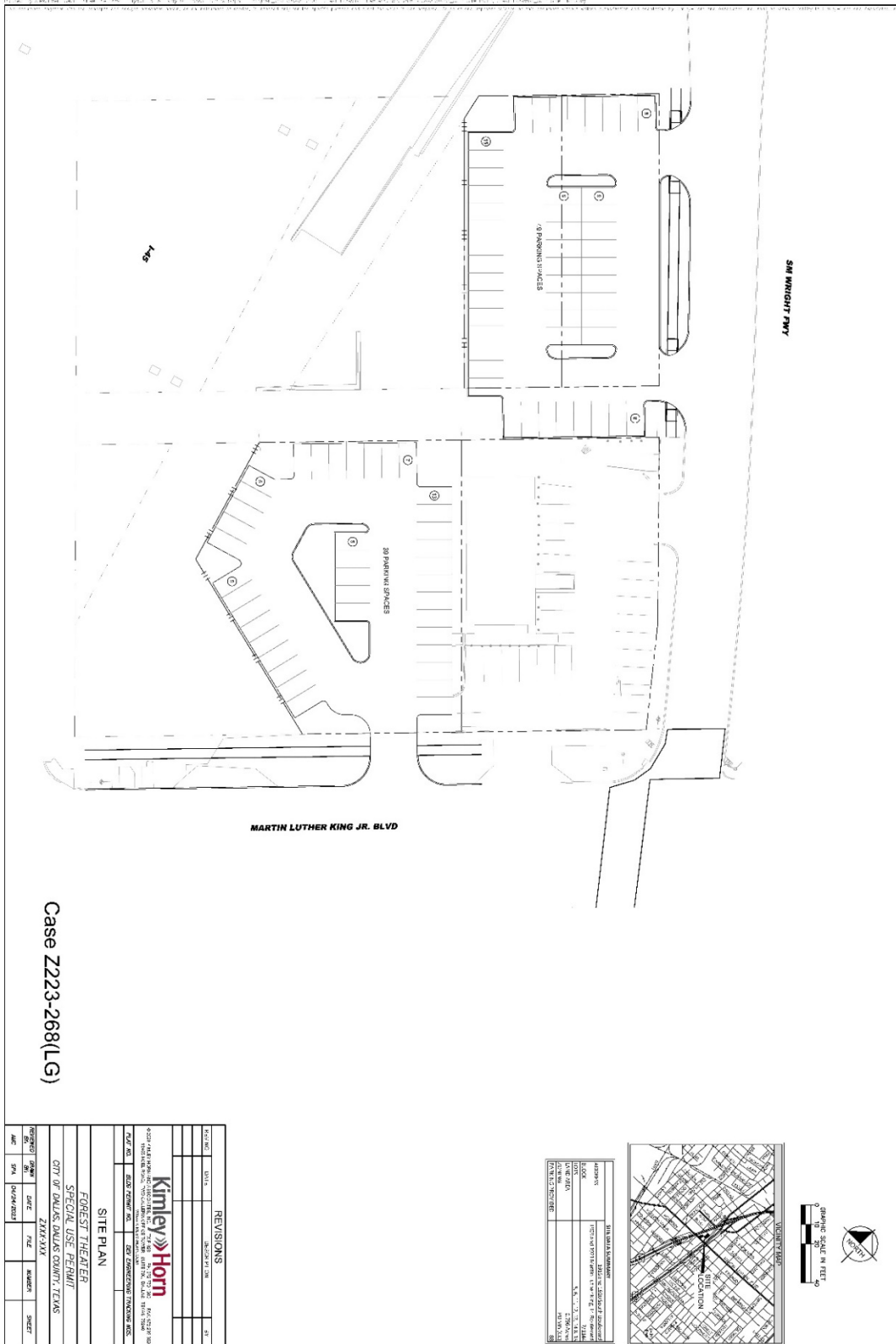
PROPOSED SITE PLAN – SUP #1

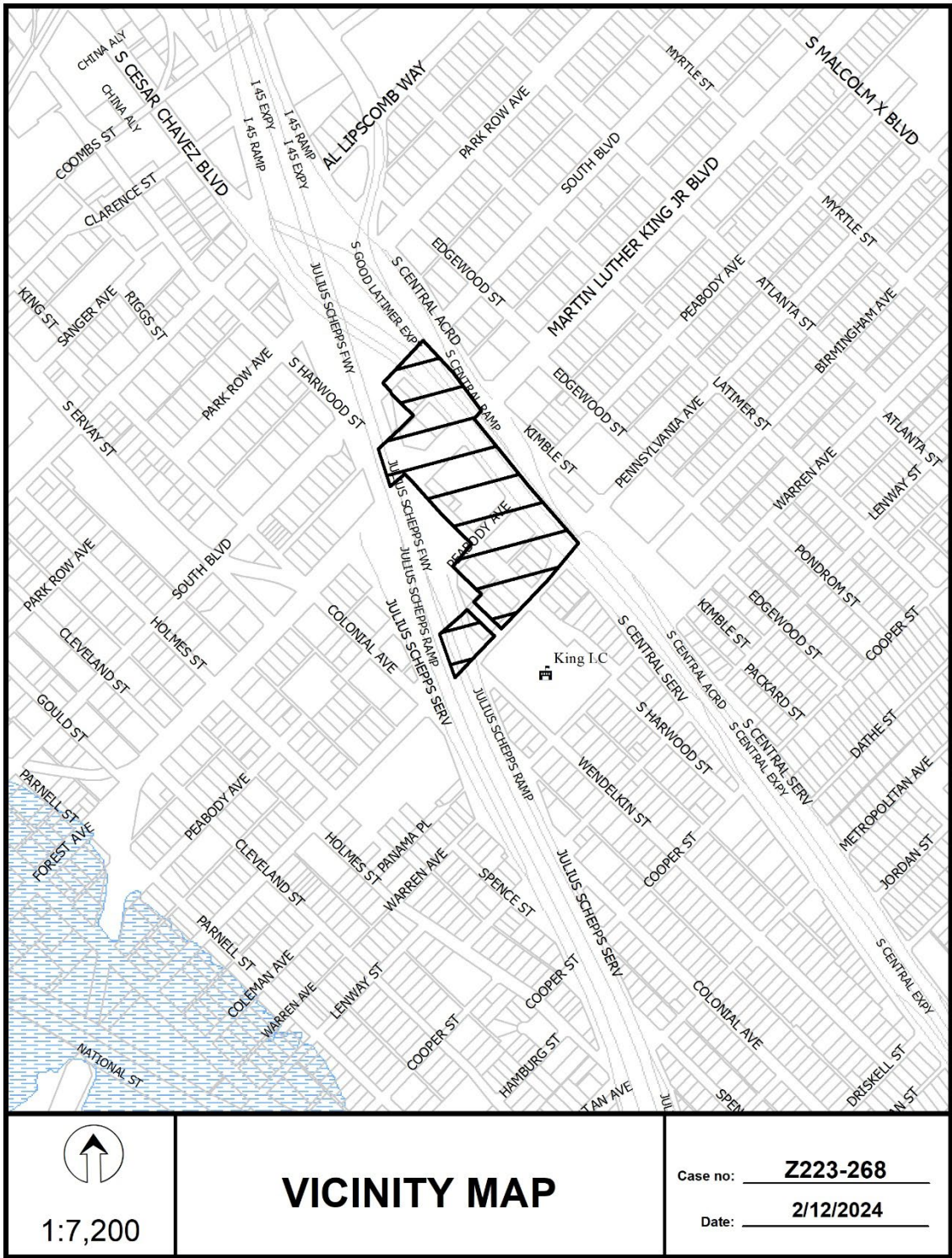


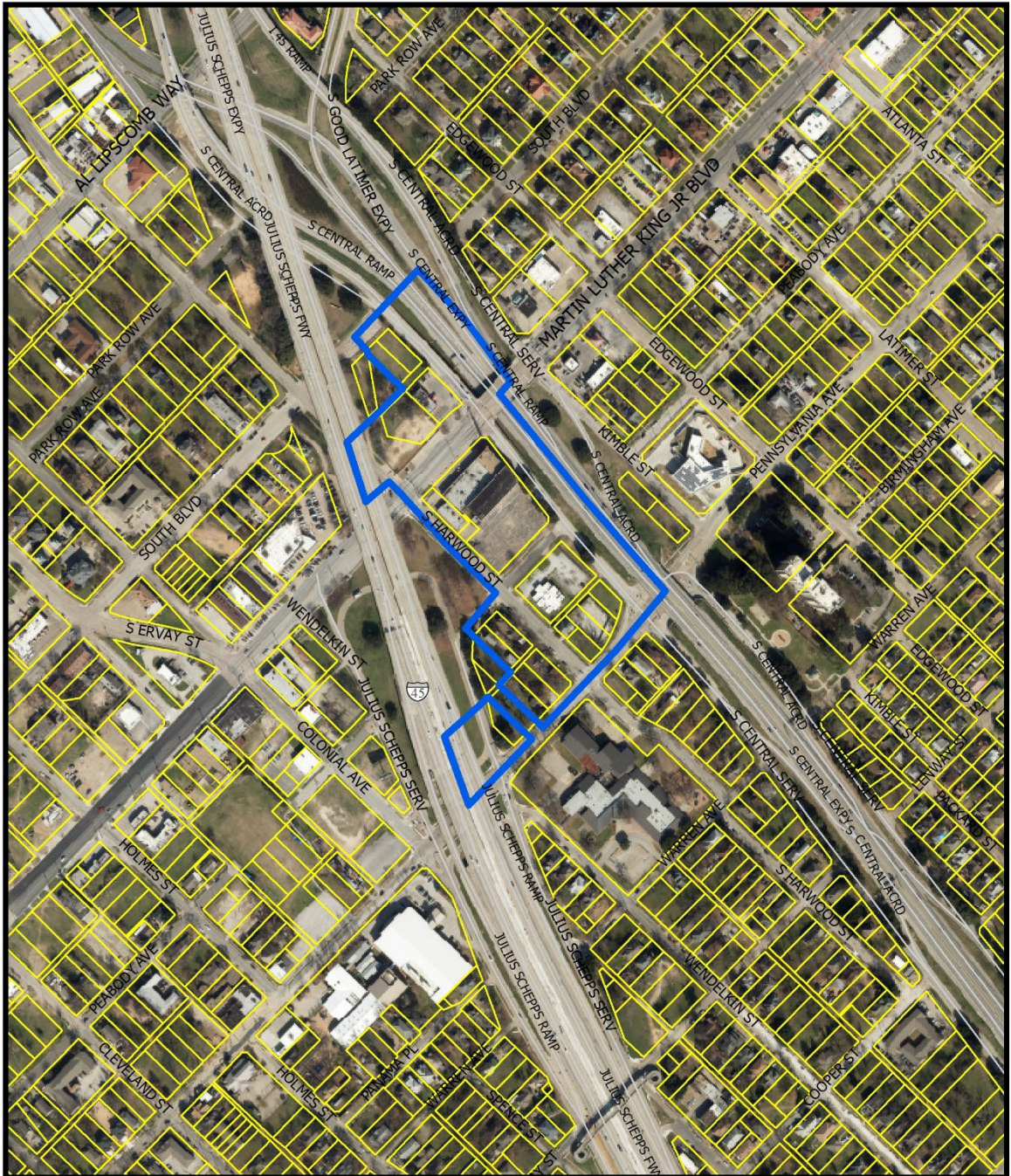
AREA OF REQUEST – SUP #2



PROPOSED SITE PLAN – SUP #2







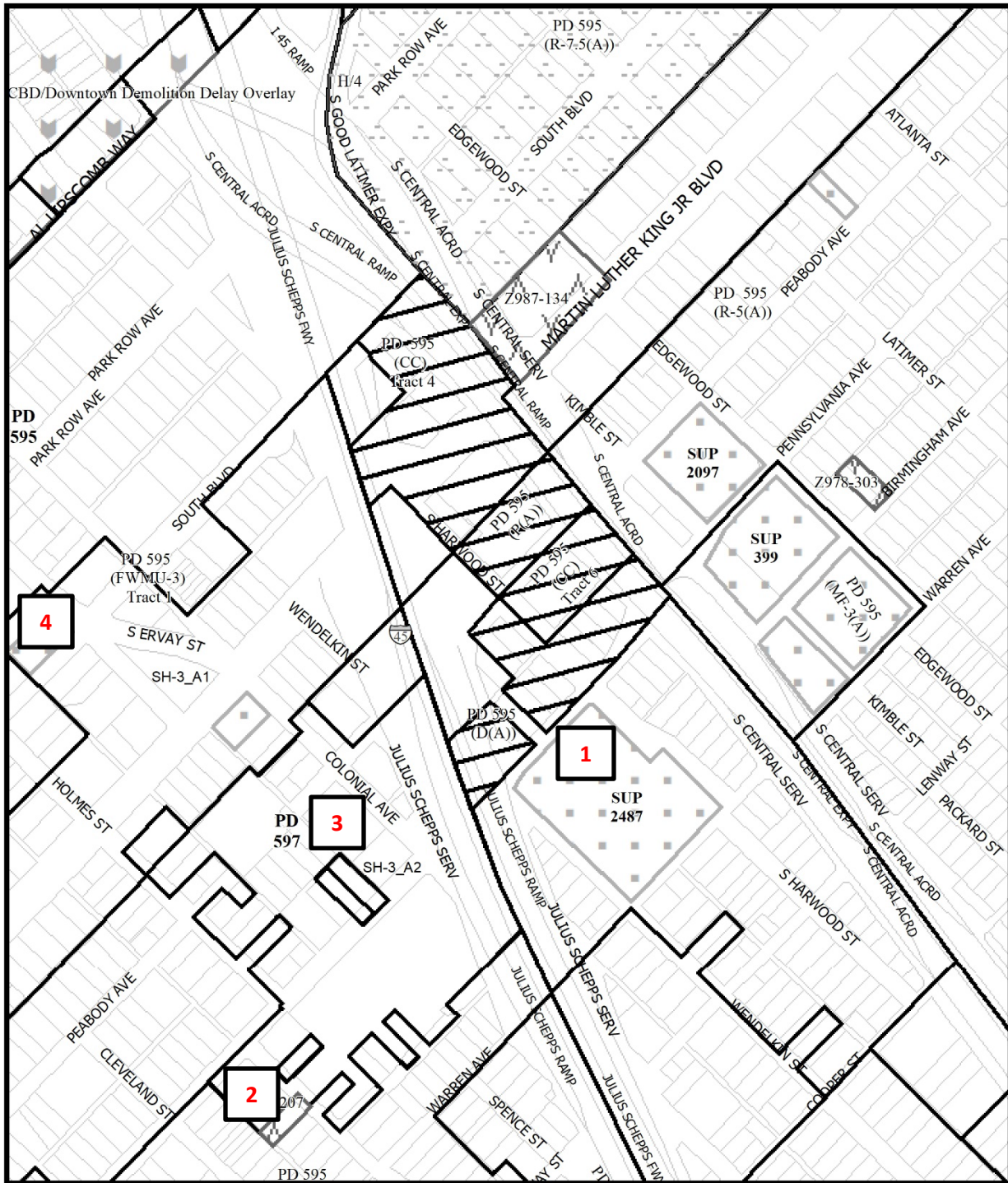
1:4,800

AERIAL MAP

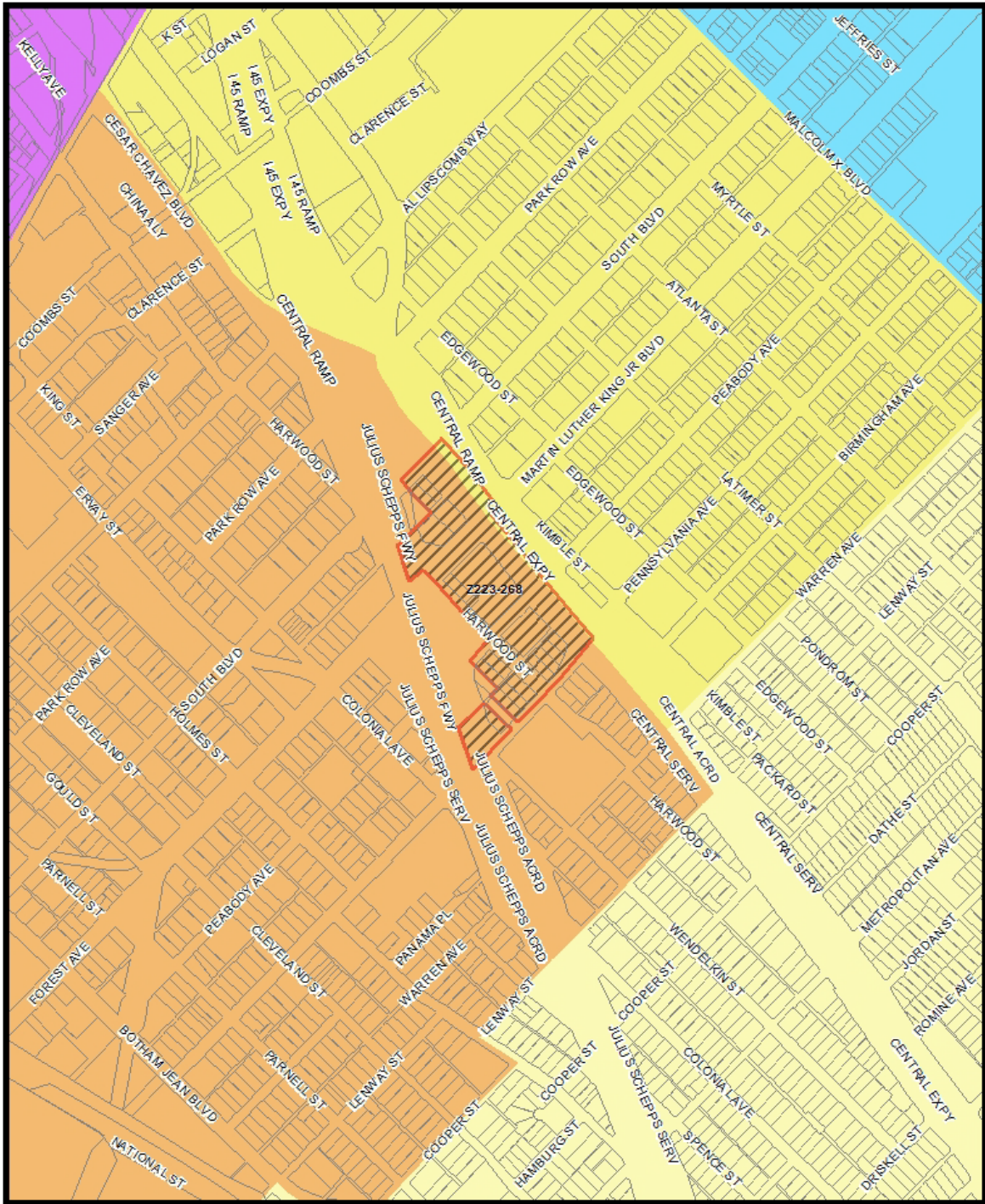
Case no: Z223-268

Date: 2/12/2024





 1:4,800	<h2 style="text-align: center;">ZONING HISTORY</h2>	Case no: <u> Z223-268 </u> Date: <u> 2/12/2024 </u>
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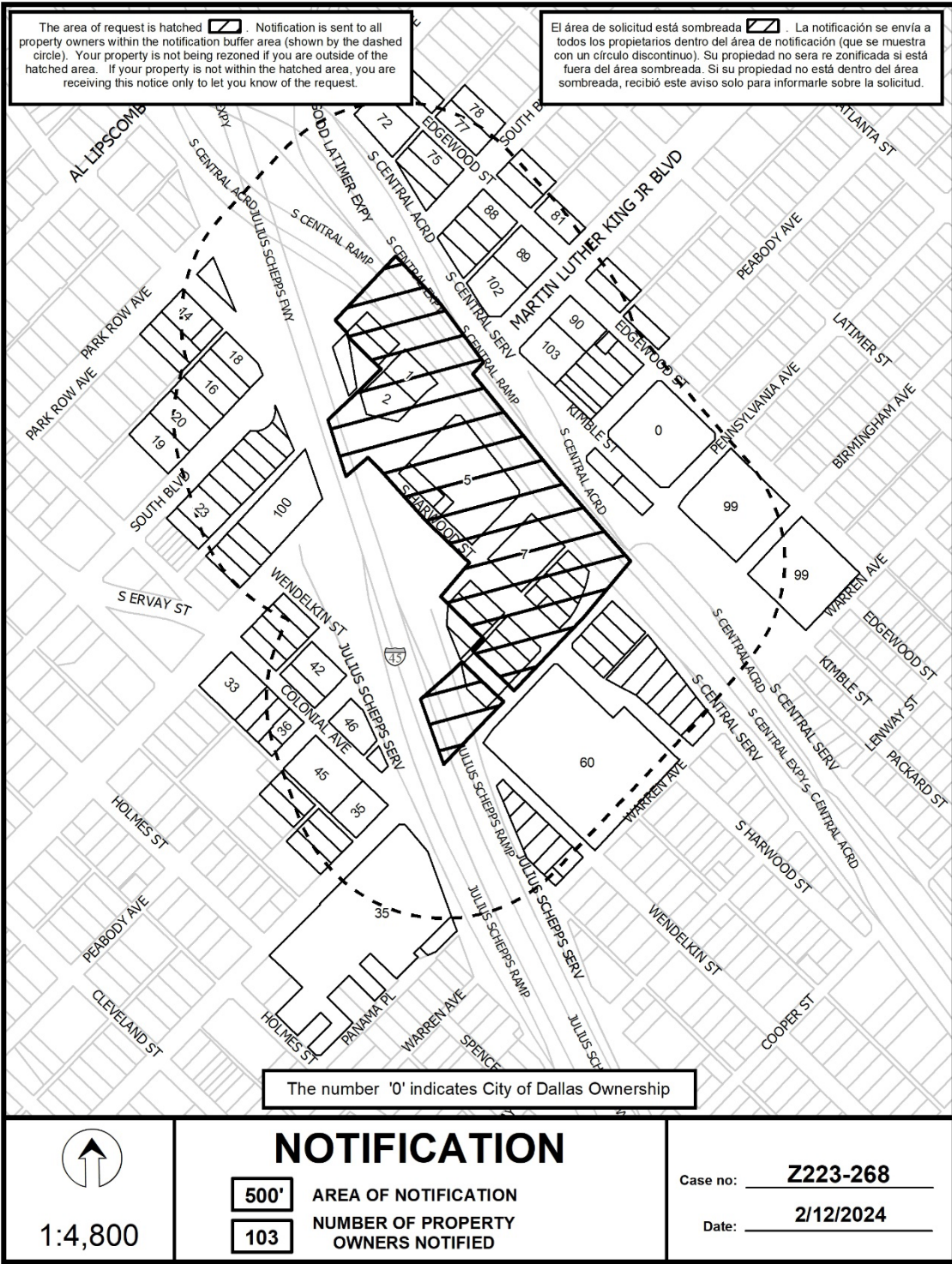


Market Value Analysis A B C D E F G H I NA

1:7,200

Market Value Analysis

Printed Date: 2/12/2024



02/12/2024

Notification List of Property Owners***Z223-268******103 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1916 SOUTH BLVD	HAROLD & LOIS LLC
2	1909 MARTIN LUTHER KING JR BLVD	HAROLD AND LOIS LLC
3	1902 MARTIN LUTHER KING JR BLVD	FOREST THEATER LLC
4	3000 S HARWOOD ST	FOREST THEATER LLC
5	1904 MARTIN LUTHER KING JR BLVD	FOREST THEATER LLC
6	1805 PENNSYLVANIA AVE	FOREST FORWARD
7	1906 PEABODY AVE	FOREST THEATER LLC
8	1901 PENNSYLVANIA AVE	HAROLD & LOIS LLC
9	3116 S HARWOOD ST	FOREST FORWARD
10	1905 PENNSYLVANIA AVE	FOREST FORWARD
11	1909 PENNSYLVANIA AVE	FOREST FORWARD
12	1909 PENNSYLVANIA AVE	FOREST FORWARD
13	1834 PARK ROW AVE	BLACK FIRE FIGHTERS ASSN
14	1836 PARK ROW AVE	SNEED T A
15	2811 S HARWOOD ST	BARAJAS FAMILY INVESTMENTS LLC
16	1833 SOUTH BLVD	PEREZ ROBERTO &
17	1837 SOUTH BLVD	TRIGG ELLEN D
18	1841 SOUTH BLVD	Taxpayer at
19	1821 SOUTH BLVD	CARTER BARBARA BRASHEAR
20	1825 SOUTH BLVD	CORNERSTONE BAPTIST
21	1829 SOUTH BLVD	CORNERSTONE COMMUNITY
22	1810 SOUTH BLVD	REDEEMED CHRISTIAN CHURCH OF GOD
23	1814 SOUTH BLVD	Taxpayer at
24	1709 MARTIN LUTHER KING JR BLVD	REDEEMED CHRISTIAN CHURCH OF GOD
25	1717 MARTIN LUTHER KING JR BLVD	WINWAY CORP OF DALLAS LLC
26	1828 SOUTH BLVD	Taxpayer at

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1832 SOUTH BLVD	Taxpayer at
28	1836 SOUTH BLVD	Taxpayer at
29	1840 SOUTH BLVD	BOOZER DEBRA YVONNE &
30	1844 SOUTH BLVD	BOOZER DEBRA YVONNE &
31	1824 SOUTH BLVD	Taxpayer at
32	1912 SOUTH BLVD	ELLER MEDIA COMPANY
33	1632 MARTIN LUTHER KING JR BLVD	1632 MLK LLC
34	3013 COLONIAL AVE	JEANETTE INVESTMENTS II
35	3015 COLONIAL AVE	ST PHILIPS SCHOOL & COMMUNITY CENTER
36	3021 COLONIAL AVE	ST PHILIPS SCHOOL AND COMMUNITY CENTER
37	1702 MARTIN LUTHER KING JR BLVD	Taxpayer at
38	1706 MARTIN LUTHER KING JR BLVD	WASHINGTON SAMUEL
39	1708 MARTIN LUTHER KING JR BLVD	RESOURCES ASSISTANTS CORP
40	1714 MARTIN LUTHER KING JR BLVD	COOPER DON
41	3016 COLONIAL AVE	Taxpayer at
42	1709 PEABODY AVE	Taxpayer at
43	1625 PENNSYLVANIA AVE	Taxpayer at
44	1629 PENNSYLVANIA AVE	JAMES R BROWN REVOCABLE TRUST
45	3103 COLONIAL AVE	Taxpayer at
46	1700 PEABODY AVE	Taxpayer at
47	3112 COLONIAL AVE	ST PHILLIPS SCHOOL &
48	1808 PEABODY AVE	CONRAD ELEANOR
49	1812 PEABODY AVE	DALLAS CITY OF COUNTY OF
50	1809 PENNSYLVANIA AVE	IMPERIUM GLOBAL MANAGEMENT
51	3307 COLONIAL AVE	Taxpayer at
52	3213 WENDELKIN ST	HAROLD & LOTS LLC
53	3217 WENDELKIN ST	RAMIREZ JORGE &
54	3221 WENDELKIN ST	BENIGNO ZAMUDIO
55	3303 WENDELKIN ST	SUCASA PARAISO INC
56	3305 WENDELKIN ST	ROBERTS ALFRELYNN
57	3309 WENDELKIN ST	WALLACE GENEVA B

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	1715 WARREN AVE	LOPEZ KIMBERLY
59	3317 WENDELKIN ST	ASHIOFU STEPHANIE
60	1817 WARREN AVE	Dallas ISD
61	3214 S HARWOOD ST	ACOSTA BERNABE J &
62	3216 S HARWOOD ST	Taxpayer at
63	1900 PENNSYLVANIA AVE	Taxpayer at
64	1902 PENNSYLVANIA AVE	APARICIO BLANCA V
65	1906 PENNSYLVANIA AVE	WORKS G W JR
66	1914 PENNSYLVANIA AVE	Taxpayer at
67	3302 S HARWOOD ST	MARSH ROSIE LEE EST OF
68	3304 S HARWOOD ST	MORNING ALLEAN
69	3308 S HARWOOD ST	Taxpayer at
70	3312 S HARWOOD ST	SALALHUDDIN ARDUR
71	3316 S HARWOOD ST	Taxpayer at
72	2316 PARK ROW AVE	SNEED T A & ELSIE
73	2313 SOUTH BLVD	GULLEY STEVONNE M
74	2317 SOUTH BLVD	WHITAKER EDWARD B
75	2323 SOUTH BLVD	JOHSAM INC
76	2402 PARK ROW AVE	LAWSON HENRY T &
77	2401 SOUTH BLVD	DEERING STEVEN LIVING TRUST
78	2409 SOUTH BLVD	VIOLAS HOUSE INC
79	2402 SOUTH BLVD	WEST HEATHER RENEE &
80	2406 SOUTH BLVD	REYNOLDS CARRIE LOUISE
81	2403 MARTIN LUTHER KING JR BLVD	CHRISTIAN BARBARA A
82	2400 MARTIN LUTHER KING JR BLVD	MYAP TRUST
83	2404 MARTIN LUTHER KING JR BLVD	MYAP TRUST
84	2401 PEABODY AVE	MYAP TRUST
85	2308 SOUTH BLVD	THOMPSON JASMINE
86	2310 SOUTH BLVD	OVERTON SHERIA CHANEY &
87	2314 SOUTH BLVD	FELLOWS NICHOLAS D & FERRELL
88	2320 SOUTH BLVD	SMITH RICK & JENNIFER

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	2321 MARTIN LUTHER KING JR BLVD	ASLAM PROPERTIES INC
90	2320 MARTIN LUTHER KING JR BLVD	Z & H 1 REALTY LLC
91	3014 KIMBLE ST	VILLA GABRIEL & REBECCA
92	2305 PEABODY AVE	LOPEZ DIEGO
93	2311 PEABODY AVE	FB DEVELOPERS LLC
94	2313 PEABODY AVE	MUHAMMAD MOSQUE NO 48
95	3015 EDGEWOOD ST	PHILLIPS BROOKE MARIE
96	2317 PEABODY AVE	BUGGS ESTHER L
97	2204 PEABODY AVE	CLAYTON LUCINDA VENTURE
98	2209 PENNSYLVANIA AVE	ALI INVESTMENTS & CONSULTING
99	3333 EDGEWOOD ST	DALLAS HOUSING AUTHORITY
100	1819 MARTIN LUTHER KING JR BLVD	CORNERSTONE BAPTIST
101	1624 PEABODY AVE	1600 PENNSYLVANIA
102	2311 MARTIN LUTHER KING JR BLVD	AUTO DEVELOPMENT LLC
103	2310 MARTIN LUTHER KING JR BLVD	CNB REAL ESTATE LLC