

FILE NUMBER: Z223-141(MP) **DATE FILED:** November 23, 2022

LOCATION: An area bounded by Luther Lane, Westchester Drive, Berkshire Lane, and Douglas Avenue

COUNCIL DISTRICT: 13

SIZE OF REQUEST: 4.511 acres **CENSUS TRACT:** 48113007301

REPRESENTATIVE: Suzan Kedron, Jackson Walker LLP

OWNER/APPLICANT: Alpine Douglas, LP

REQUEST: An application for a new subarea on property zoned Tract III within Planned Development District No. 314, the Preston Center Special Purpose District.

SUMMARY: The purpose of the request is to allow for modified development standards primarily related to floor area ratio, height, design standards, and mixed income housing to develop the site with residential, retail, and office uses.

STAFF RECOMMENDATION: Approval, subject to a development plan and staff's recommended conditions.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions.

PD No. 314:

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=314>

PD No. 314 Tract Map:

<https://dallascityhall.com/departments/city-attorney/articles/Exhibits/314C.pdf>

BACKGROUND INFORMATION:

- On July 26, 1989, City Council approved Planned Development District No. 314, Preston Center Special Purpose District. The PD is comprised of approximately 68.534 acres. PD No. 314 is divided into seven tracts.
- The area of request is currently developed with a multilevel retail center with an associated parking garage, several restaurants without drive through, and a roughly 10 story office building with an associated parking garage. The applicant intends to replace the retail and office building on the southern part of the parcel in the near term. Since the area of request includes both the northern and southern halves of the parcel, the proposed conditions and analysis include consideration of potential redevelopment of the northern retail building.
- The development plan depicts an office tower and a multifamily tower with ground floor retail, located on the southern portion of the site.
- To build to the desired development plan, the applicant requests additional floor area ratio and height. To accomplish this, they are requesting a new subarea within Tract III with a mixed income housing development bonus tied to an increase in floor area ratio. Staff recommends the requirement for additional unit percentages of MIH rather than the applicant's request.
- The public realm will be enhanced by design standards that increase transparency, ensure safe and activated sidewalks, reduce driveway sizes, and hide or reduce parking.

Zoning History:

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

1. **Z190-238:** On October 28, 2020, the City Council approved an application for a new tract for mixed uses on property zoned Tract III and Tract IV within Planned Development District No. 314, the Preston Center Special Purpose District, located on the Southwest corner of Luther Lane and Westchester Drive Street.
2. **Z201-353:** On January 12, 2022, the City Council approved an application for a new subarea within Tract II of Planned Development District No. 314, the Preston Center Special Purpose District, located on the north line of Sherry Lane, west of Douglas Avenue.
3. **Z189-319:** On April 22, 2020, the City Council denied an application for a new subarea on property zoned Tract 3 within Planned Development District No. 314,

the Preston Center Special Purpose District, located on an area bounded by Berkshire Lane, Westchester Drive, Luther Lane and Douglas Avenue. [Subject site]

4. **Z178-358:** On April 22, 2020, the City Council approved Planned Development District No. 1025, on property zoned Planned Development District No. 314, the Preston Center Special Purpose District; an MF-1(A) Multifamily District; and an R-7.5(A) Single Family District with Specific Use Permit No. 1172, located on the north side of Colgate Avenue, between Lomo Alto Drive and Douglas Avenue.
5. **Z223-243:** On March 29, 2023, staff received an application for a new subarea on property zoned Tract IV within Planned Development District No. 314, the Preston Center Special Purpose District, on the north line of Colgate Avenue, between Westchester Drive and Preston Road. [Scheduled for the March 7, 2024 City Plan Commission meeting]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing / Proposed ROW
Douglas Avenue	Community Collector	100 feet / 100 feet Bike Plan
Luther Lane	Local Street	80 feet
Westchester Drive	Local Street	80 feet
Berkshire Lane	Local Street	80 feet

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 serve as a framework for assisting in evaluating the applicant’s request. The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

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 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

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

TRANSPORTATION ELEMENT

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.

Policy 4.2.3 Promote efficient, cost-effective and environmentally friendly movement of vehicles.

URBAN DESIGN ELEMENT

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 5.2.1 Maintain neighborhood scale and character.

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

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 Attract and Retain the Middle Class

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation, and safety.

Goal 6 Enhance Rental Housing Options

Policy 6.1 Raise the quality of rental property through better design standards, proactive and systematic code enforcement, and zero tolerance towards chronic offenders.

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

Comprehensive Environmental and Climate Action Plan (CECAP)

Goal 3: Dallas' communities have access to carbon-free, affordable, transportation options.

T10 Adopt a target corridor, district, or city-wide mode split goals to help reinforce policies aimed at reducing single-occupancy vehicle use

T14 Adopt a revised parking ordinance strategy that supports new mode split goals and land use strategy that minimizes available parking in transit-oriented districts.

T15 Implement green infrastructure programs that sets specific design and performance standards that treat the Right of way (ROW) as both a mobility and green infrastructure asset

The proposed conditions which include reduced minimum parking requirements and ROW design standards support the low carbon, district parking, and mode split goals of CECAP.

Area Plan:

Northwest Highway and Preston Road Area Plan

The Northwest Highway and Preston Road Area Plan was approved by Council on January 25, 2017. The community vision statement includes a reference to Preston Center as a renewed, walkable center that will serve as an urban core for the surrounding neighborhoods, with a balanced mixture of office, retail, residential, hospitality and entertainment facilities, making it possible to live, work and play without getting into your automobile.

The area of request is located within Zone 1 (Preston Center) of the Northwest Highway and Preston Road Area Plan.

“The Preferred Vision would encourage the development of multi-story buildings that feature retail space on the ground floor and residential and/or office uses on the upper floors, particularly on the sites that surround the parking garage. Recognizing that not all developments will be mixed use, the ultimate build out would undoubtedly include additional residential, retail, office and hospitality.”

The Plan was comprised of seven study areas and approximately 1,370 acres. The area of request is located within Zone 1, Preston Center. In Preston Center, the Plan envisions the core of Preston Center as a vibrant, mixed-use concept with retail space located on the ground floor and office or residential spaces located on the upper floors. The Plan recommends the City of Dallas support more density, building height, floor to area ratios (FAR) and other land use concessions through the zoning process to encourage Zone 1 property owners to develop residential projects where commercial office could be built by right. This should be done without compromising proximity slope protections for surrounding neighborhoods.

Furthermore, the Plan includes pedestrian recommendations for Zone 1, among them being:

- Provide publicly accessible open space areas integrated into development;
- Provide public realm enhancements including seating areas, small planting areas, etc.;
- Provide streetscape enhancements such as outdoor seating areas, landscape zones, street trees, shade structures and lighting;
- Provide bicycle parking and bicycle rack zones.

The proposed mixed use development introduces multifamily uses into an area that is generally only dominated by office and retail uses, which adds to the overall vitality of the area, while still maintaining a requirement for ground floor retail along the established retail core. This mix of uses supports a 24 hour urban environment in an area with the infrastructure to support it.

The proposed conditions and development plan meet the intent of the area plan by concentrating density within Preston Center while respecting limits such as residential proximity slope. The proposed Tract also includes requirements for publicly accessible open space, wide unobstructed sidewalks, pedestrian amenities, and streetscape enhancements, which further the transportation and urban design goals of the plan.

Land Use:

	Zoning	Land Use
Site	Tract III, PD No. 314	Office (high-rise), retail and personal service uses, structured parking facilities (2)
North	Tract III, PD No. 314	Retail and personal service uses, office uses
East	Tract III, PD No. 314	Structured parking facility
South	Subarea A Tract VIII, and Tract III, PD No. 314	Retail and personal service uses, office (high-rise)
West	Tract II, PD No. 314	Office (high-rise)

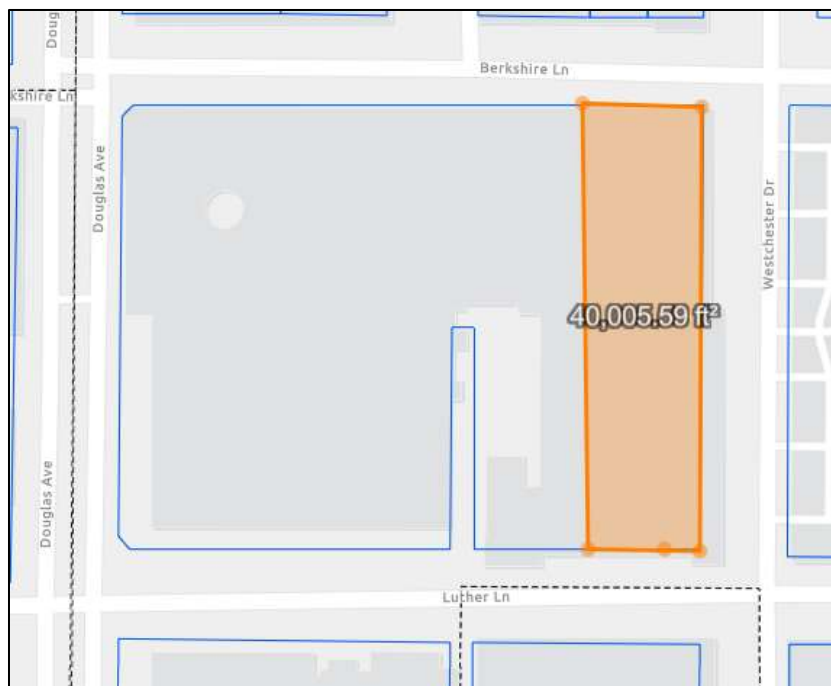
Land Use Compatibility:

The area of request is currently an entire block bounded by four city streets. The northern half of the property includes a multistory indoor retail complex and an associated

structured parking facility. The southeastern corner includes roughly 40,000 square feet of retail and personal service uses in a single-story structure. The southwestern corner of the site includes a 10 story office tower with an associated structured parking facility. The eastern street frontage on Westchester Drive includes head-in angled parking.

There are retail and personal service uses and office uses to the north across Berkshire Lane. Across Westchester Drive to the east is developed as a structured parking facility. Property to the south of the site, across Luther Lane, includes retail and personal service uses and a high rise office building. There is a high rise office building across Douglas Avenue to the west. The proposed multifamily, office, and retail uses would be complimentary to the surrounding area.

The PD defines street activating uses as uses offering products or services to the general public, including but not limited to, uses in the retail and personal service use category and lodging use category. The conditions for the Subarea include a requirement that a minimum of 40,000 square feet of such uses must front and be directly accessed from Westchester Drive on the ground floor. With a 390 foot blockface on Westchester, this would require an average retail plate depth of approximately 100 feet. This provision is intended to preserve the established active retail pattern on the central square of Preston Center. The figure below shows the approximate floor area of 40,000 square feet of such uses, but the actual depth could vary if the use still fronts Westchester.



Overall, staff supports the applicant’s request because it will add an appropriately designed development while offering additional diversity of housing. The project will include design and streetscape standards that contribute to a more active pedestrian experience along existing walkable retail streets.

Development Standards

	Existing Tract III	Proposed Tract III Subarea A
Front yard	No min	No min
Side yard	MU-2 (No min) Tower spacing	MU-2 (No min) Tower spacing
Rear yard	MU-2 (No min) Tower spacing	MU-2 (No min) Tower spacing
Tower spacing	50 feet between the portion of building over 60 feet in height	50 feet between the portion of building over 60 feet in height
FAR	2.0	2.0 4.5 with MIH, Minimum Res 1.0 FAR
Height	85' RPS for portions over 26'	85' 225' with MIH RPS for portions over 26'
Lot coverage	100%	100%
Stories	6 (not including garages)	No maximum
DU Density	Base 50 DUAC Up to 100 DUAC for MUP	Base 50 DUAC Up to 100 DUAC for MUP

The primary requested changes from the existing zoning with regard to the yard, lot, and space are to floor area ratio and height.

Floor area ratio:

The minimum 1.0 residential FAR would equate to approximately 196,500 square feet of residential uses. 2.0 total FAR, the existing base, would equate to approximately 393,000 square feet of total uses, while 4.5 would equate to about 884,000 square feet of total uses. Staff assesses the requirement for a minimum residential component to achieve full FAR buildout as beneficial to activating the area with a diversity of uses and supporting nearby retail with additional customers.

Residential proximity slope:

Residential proximity slope would limit height on portions of the site to lower than the absolute maximum of 225 feet. As RPS on the site primarily originates from north to south, from properties north of Northwest Highway. On the northmost boundary of the property, height would be limited to 108 feet, increasing towards the south until it reaches 240 feet on the southmost part of the property. Within the southern half of the property, the RPS will reach the maximum height of 225 feet, at which point 225 feet, the more restrictive of the two, will be the governing height.

Design Standards

The proposed subarea includes design standards that are similar to or exceed those of 4.1107.

Note: PD No. 314 contains a number of underlying design standards, some of which must be included in the “special amenities zone”, which is what the PD defines as the area from three to six feet from back of curb.

- **Sidewalks**: Sidewalks must be a minimum of seven unobstructed feet, with an average width of 10 feet. Language has been added to clearly delineate and protect the sidewalk in proximity to on-site drive aisles or passenger loading areas. The applicant must install either bollards or landscaping with a minimum height of 36 inches between internal drive areas and the sidewalk. All sidewalks must have distinct crossings and must be continuous and level across driveway and curb cuts. They must also be located at least partially within the special amenities zone.
- **Parking**: Exterior surface parking is prohibited, aside from indented parking. Any parking structures must either be screened with 25 feet of an active use or have both similar architectural features to the main structure and 42 inches of minimum headlight screening. Should the applicant provide mixed income housing, the 4.1107 parking minimums would apply, which helps activate public and private space and generate pedestrian trips.
- **Open space**: 2,000 contiguous square feet of open space must be provided adjacent to public right of way, and it must have a minimum depth of 10 feet. This ensures open space is concentrated in a way that is practical to pedestrians and not spread out thinly throughout the site. The conditions also address quality standards for open space, including that sidewalks and driving areas may not be counted. Since the original posting the applicant amended their conditions to call for 4,000 square feet of total open space adjacent to right of way. 2,000 of this space must be contiguous and adjacent to Luther Lane. The remaining balance of the total 4,000 must be built out similarly along Berkshire Lane. The applicant also

proposed a requirement for an additional 30,000 square feet of landscape terrace to be located on site.

- Fencing: Fences above four feet are prohibited between facades and the property line. This further aids in visual interaction between the street and structure.
- Individual entries: Should the applicant put residential units on the ground floor, 60% would be required to have individual access to the sidewalk. This shortens walking distance for residents and activates the sidewalk evenly.
- Transparency: Transparency is required to be evenly spaced along the structure on each street facing facade. On the ground floor, 50% transparency is required on facades within 50 feet of the street. Blank walls longer than 30 feet are prohibited as well within 50 feet of the street. This helps activate the street with visual connection to the interior of the structure.
- Driveways: Driveway widths and numbers are limited, ensuring safer pedestrian passage around the site through the public realm. Where the driveways cross sidewalks, driveways are limited in their linear width on each frontage. Luther Lane is limited to 78 linear feet of driveway in total, with each no wider than 24 feet. Westchester Drive, in the east, is limited to 15 linear feet of drive aisle, and is also required to have service entrance only signage per SEC. 51P-314.108.(f)(8). Berkshire lane, in the north, is limited to 48 linear feet of driveway in total, with each no wider than 24 feet. Although driveways are not proposed in the development plan at this time for Berkshire, this provision provides for a safe pedestrian environment should it be redeveloped in the future. Douglas Avenue may have a driveway up to 35 feet, with a combined maximum width of 65 feet. Each of these limits is more restrictive than the Dallas Street Design Manual.
- Primary building entries: Entrances must be clearly visible from the street, encouraging close and convenient siting of access to buildings.
- Street furniture: A combination of two of the following street furniture types is required: bicycle rack, bench, and trash receptacle. These also coincide with the requirements of the PD for a special amenities zone.
- Pedestrian scale lighting: Pedestrian scale lighting must be provided and located in the special amenities zone. The existing PD provides for close spacing and lower heights for these features. Beyond just providing even and comfortable lighting, the lighting structures provide human scale definition at the street level.

- Landscape islands: Indented parking along Westchester Drive, which currently exists uninterrupted for over 350 feet, must now include the installation of landscaping islands for every 10 parking spaces.
- Street trees: The underlying PD requires street trees within the special amenities zone.
- Outdoor lighting: The proposed conditions also add significant limitations on outdoor lighting, stating they must be shielded, pointed downward, and less than 24 feet in height. In the existing PD, outdoor lighting may be up to 30 feet in height.

Mixed Income Housing:

The applicant is proposing to tie the increase in floor area ratio and height to the provision of mixed income housing. The applicant’s request is to increase the base FAR from 2.0:1 to 4.5:1 and maximum height from 85 feet to 225 feet, provided the applicant provides five percent of units available to households at 81 percent to 100 percent of Area Median Family Income (AMFI).

In a Type 2 bonus, the bonus provided and the base are specifically set by the PD ordinance. Despite this, it is advisable for these bonuses and bases to mirror the base code as best as possible. The closest analogue for PD 314’s Tract III, in terms of height, floor area ratio, and uses is an MU-2 Mixed Use District. However, the existing MIHDB program does not include floor area ratio or height bonuses for MU-2. As there are bonuses built into the MU-3 district, staff considered an MU-3 Mixed Use District as an approximate equivalent for purposes of comparison of bonuses.

Below is the schedule of bonuses for FAR in an MU-3 District and an “A” MVA area.

MVA "A"	Additional FAR
5% at 51%-60% AMI	1.0
5% at 51%-60% AMI; and 5% at 61%-80% AMI	2.0
5% at 51%-60% AMI; and 5% at 61%-80% AMI; and 5% at 81%-100% AMI	3.0

The third bonus in the table is most comparable to achieve the requested 2.5 additional FAR. The minimum 1.0 residential FAR would equate to approximately 196,500 square feet of residential uses. 2.0 total FAR, the existing base, would equate to approximately 393,000 square feet of total uses, while 4.5 would equate to about 884,000 square feet of total uses.

Based on the largest bonus in the base MIHDB within MU-3, an MVA Category “A” calls for 5% at 51%-60% AMI; 5% at 61%-80% AMI; and 5% at 81%-100% AMI. Staff’s recommendation reflects this.

Landscaping:

The proposed subarea requires that landscaping and tree preservation be provided in accordance with both Article X and the landscaping requirements of PD No. 314. The PD includes modified landscaping from Article X, which requires additional amenities for smaller setback properties. Seating areas and open spaces are incentivized by the existing points system, particularly in low setback properties. Additional mandatory elements are described in SEC. 51P-314.112(e), and as the conditions obligate their provision in the proposed Subarea, these are described above among the design standards.

Parking:

In general, the parking requirements in the proposed subarea and PD 314 default to Chapter 51A.

Beyond that, the underlying PD 314 Tract III also allows reductions in parking if public parking is provided at the nearby City owned garage on City Block 5623, which is across Westchester from the subject site. The base parking requirement for multifamily is one space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. Office uses require one space per 333 square feet of floor area. If the applicant meets the requirement for the inclusion of mixed income housing, they may provide minimum parking in accordance with 51A.4.1107, which is one-half space per unit. 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 transit rich, mixed use areas, is a goal supported by CECAP, as mentioned above, and implemented as policy citywide under the mixed income development housing bonus.

The conditions include provisions that encourage sharing between the office use and retail and personal service uses. They propose to accomplish this by making their office parking area open to retail visitors as well as valet use after 5:00 PM and on weekends. According to the applicant, their estimated provided parking total for the office uses would be 1,051 spaces and 315 spaces for the residential uses. These 1,000 spaces would be

available to retail users after office hours, and function similar to a mixed use sharing factor.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is located with an “A” MVA category.

List of Officers

Alpine Douglas, LP

Robert Dozier	President
Matthew McMahan	Vice President
Adam Robinson	Vice President

**CPC Action
May 2, 2024**

Motion: It was moved to recommend **approval** of a new subarea on property zoned Tract III within Planned Development District No. 314, subject to a development plan and the applicant's requested conditions, as briefed; with the following change: delete section 51P-314.108(c)(6)(B)(ii) at the Preston Center Special Purpose District, in an area bounded by Luther Lane, Westchester Drive, Berkshire Lane, and Douglas Avenue.

Maker: Hall
Second: Herbert
Result: Carried: 14 to 1

For: 14 - Chernock, Hampton, Herbert, Forsyth, Shidid, Carpenter, Wheeler-Reagan, Blair, Sleeper, Housewright, Eppler, Hall, Kingston, Rubin

Against: 1 - Carpenter
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 63
Replies: For: 15 Against: 1

Speakers: For: Robert Dozier, 4550 Travis St., Suite 250, Dallas, TX, 75205
Suzanne Kedron, 2323 Ross Ave., Dallas, TX, 75201
For (Did not speak): Owen Mcrory, 350 N. Saint Paul St., #100, Dallas, TX, 75201
Victoria Morris, 2323 Ross Ave., Dallas, TX, 75201
Against: William Tovell, 4112 Caruth Blvd., Dallas, TX, 75225
Against (Did not speak): Darryl Baker, 6306 Elder Grove, Dallas, TX, 75232

March 21, 2024

Motion: In considering an application for a new subarea on property zoned Tract III within Planned Development District No. 314, the Preston Center Special Purpose District, in an area bounded by Luther Lane, Westchester Drive, Berkshire Lane, and Douglas Avenue, it was moved to **hold** this case under advisement until May 2, 2024.

Maker: Hall
Second: Herbert
Result: Carried: 12 to 0

Z223-141(MP)

For: 12 - Chernock, Hampton, Herbert, Forsyth, Shidid,
Carpenter, Blair, Sleeper, Housewright, Hall,
Kingston, Rubin

Against: 0
Absent: 2 - Wheeler-Reagan, Haqq
Vacancy: 1 - District 11

Notices: Area: 500 Mailed: 63
Replies: For: 27 Against: 0

Speakers: For: Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201
For (Did not speak): Victoria Morris, 2323 Ross Ave., Dallas, TX, 75201
Against: None

March 7, 2024

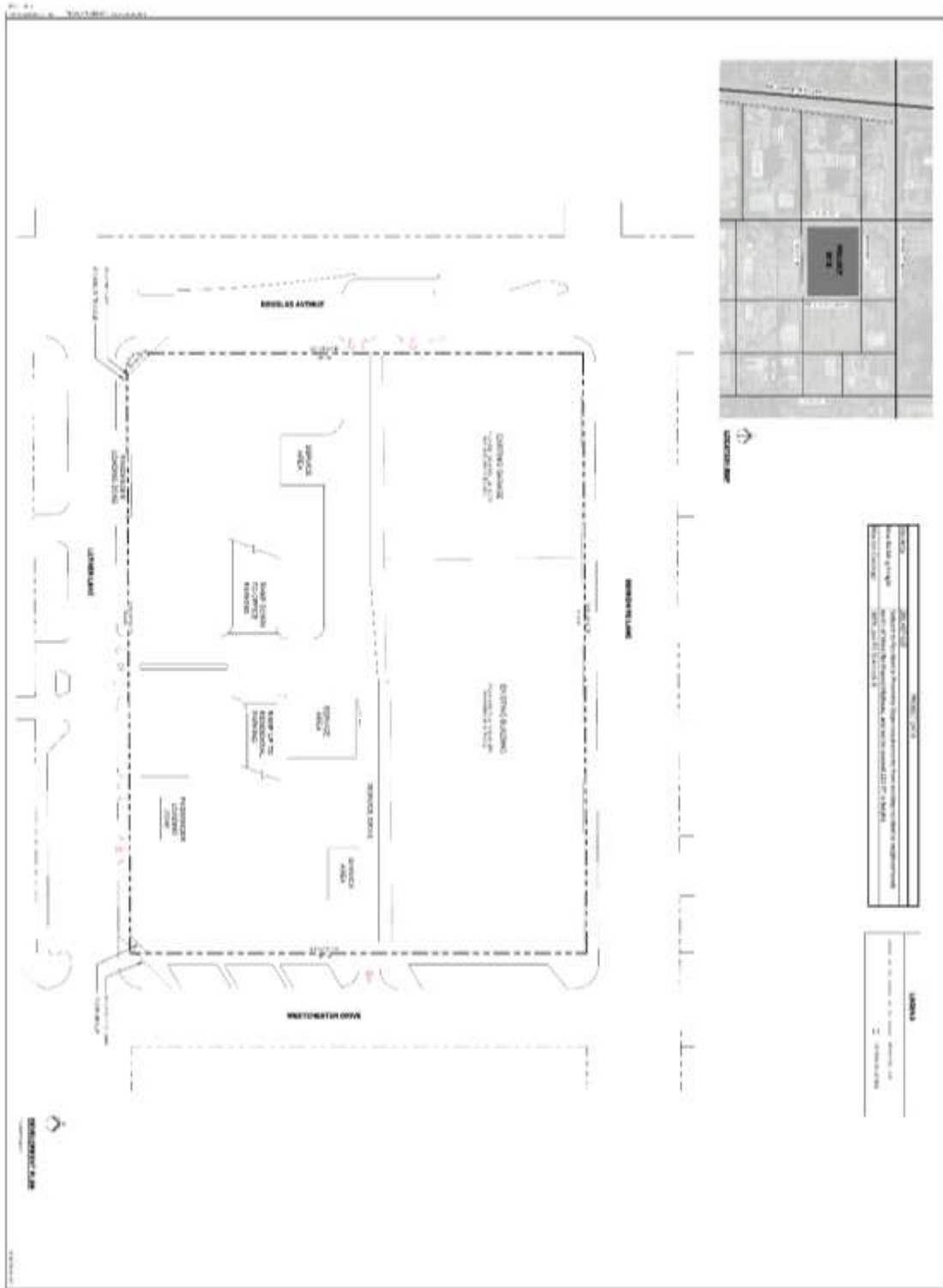
An application for a new subarea on property zoned Tract III within Planned Development District No. 317, the Preston Center Special Purpose District, in an area bounded by Luther Lane, Westchester Drive, Berkshire Lane, and Douglas Avenue.

No action was taken on this item.

Notices: Area: 500 Mailed: 63
Replies: For: 23 Against: 0

Speakers: For: None
For (Did not speak): Victoria Morris, 2323 Ross Ave., Dallas, TX, 75201
Against: None

CPC RECOMMENDED DEVELOPMENT PLAN

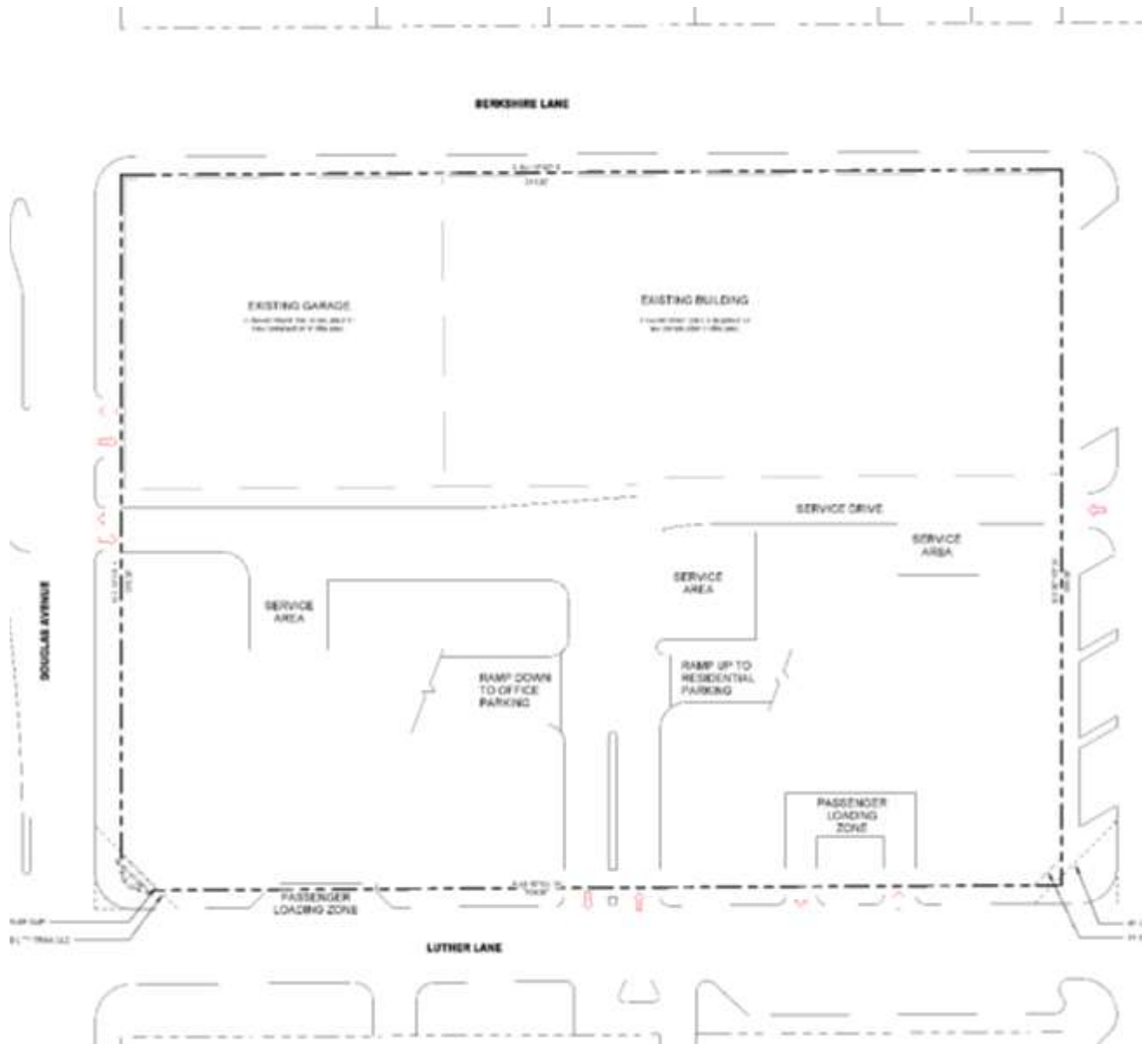


PD
 PRELIMINARY DEVELOPMENT PLAN
 SCALE: AS SHOWN
 DATE: 02/10/2014
 PROJECT: 8300 DOUGLAS
 SHEET: 1 OF 1

8300 DOUGLAS

HKS
 ARCHITECTS
 10000 WEST 104TH STREET, SUITE 100
 WESTMINSTER, CO 80062
 TEL: 303.440.4000
 FAX: 303.440.4001
 WWW.HKS.COM

CPC RECOMMENDED DEVELOPMENT PLAN (ENLARGED)



CPC RECOMMENDED CONDITIONS

ARTICLE 314.

PD 314.

**Preston Center Special Purpose
District**

SEC. 51P-314.101. LEGISLATIVE HISTORY.

PD 314 was established by Ordinance No. 20397, passed by the Dallas City Council on July 26, 1989. Ordinance No. 20397 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20397 was amended by Ordinance No. 20619, passed by the Dallas City Council on May 9, 1990; Ordinance No. 22689, passed by the Dallas City Council on February 28, 1996; and Ordinance No. 23277, passed by the Dallas City Council on September 24, 1997. (Ord. Nos. 10962; 19455; 20397; 20619; 22689; 23277; 24914)

SEC. 51P-314.102. PROPERTY LOCATION AND SIZE.

PD 314 is established on property generally bounded by Northwest Highway on the north, Preston Road on the east, Colgate Avenue on the south, and the Dallas North Tollway on the west. The size of PD 314 is approximately 66.884 acres. (Ord. Nos. 20397; 24914; 27859; 31519)

SEC. 51P-314.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless the context clearly indicates otherwise, in this article:

(1) **BAR, LOUNGE, OR TAVERN USE** means the "bar, lounge, or tavern" use defined in Section 51A-4.210.

(2) **BLANK WALL** means a ground floor portion of the exterior of a building that fronts on and is within 50 feet of a street that does not include a material change, windows, doors, or columns, pilaster, or other articulation greater than 12 inches in depth. Blank wall area is measured horizontally.

(3) **DIR** means development impact review pursuant to Division 51A-4.800.

(4) **FORMER PLANNED DEVELOPMENT DISTRICT NO. 6** means the planned development district established and governed by Ordinance No. 7059, passed by the Dallas City Council on September 10, 1956, as amended by Ordinance Nos. 14320 and 19221, passed by the Dallas City Council on November 5, 1973, and July 16, 1986, respectively. Copies of Ordinance Nos. 7059, 14320, and 19221 are included in this article as Exhibit 314A.

(5) LANDSCAPE TERRACE is an outdoor occupiable space lying upon a portion of the building's roof, that contains landscaping, vegetated pots, or plantings. The landscape terrace may contain decks, pavers, furniture, pool, shade structures or pool amenities, and associated structures or fixtures.

(6) NEARBY INTERSECTIONS means those street intersections within a one-quarter (1/4) mile radius of the building site.

(7) NEW DEVELOPMENT means any work that increases the total floor area on a building site.

(8) OFFICE USES means those uses defined in Section 51A-4.207.

(9) OWNER means the owner or owners, from time to time, of property in this district.

(10) PARAGRAPH means the first division of a subsection. Paragraphs are designated by Arabic numerals in parentheses, e.g. "(1)."

(11) PRIMARY BUILDING ENTRIES means entrance to a building primarily for pedestrian use from public or private sidewalks.

(12) PRIVATE PROPERTY means any property not dedicated to public use, except that "private property" does not include the following:

(A) A private street or alley.

(B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.

(C) A railroad right-of-way.

(D) A cemetery or mausoleum

(13) RAR means residential adjacency review pursuant to Division 51A-4.800.

(14) REMOTE COMMUNITY CENTER means a multi-functional facility sponsored or operated by a church as an accessory use to the church use where a combination of social, recreational, or educational activities are provided to church members and their families.

(15) RESIDENTIAL PROXIMITY SLOPE means the "residential proximity slope" defined in Section 51A-4.412.

(16) RETAIL AND PERSONAL SERVICE USES means those uses defined in Section 51A-4.210.

(17) SECTION means a section of this article.

(18) STREET ACTIVATING USES means uses offering products or services to the general public, including but not limited to, uses in the retail and personal service use category and lodging use category.

(19) SUBAREA A means Subarea A in Tract I, Subarea A in Tract II, Subarea A in Tract III, Subarea A in Tract IV, or Subarea A in Tract VIII.

(20) SUBAREA B means Subarea B in Tract II or Subarea B in Tract VIII.

(21) SUBPARAGRAPH means a division of a paragraph. Subparagraphs are designated by capital letters in parentheses, e.g. "(A)." A division of a subparagraph is also referred to as a subparagraph.

(22) SUBSECTION means the first division of a section. Subsections are designated by lower case letters in parentheses, e.g. "(a)".

(23) SUP means specific use permit.

(24) THIS DISTRICT means the entire planned development district created by Ordinance No. 20397, as amended.

(25) TRACT means one of the tracts referred to in Section 51P-314.105 of this article.

(26) TRANSPARENCY means the total area of windows and door openings or other openings, expressed as a percentage of a specified facade area, excluding facade openings for garage entrances and service area access, by street frontage.

(27) UNACCEPTABLE LEVEL-OF-SERVICE means a level-of-service "E" or "F" as defined in the Highway Capacity Manual, Transportation Research Board of the National Research Council, Washington, D.C.

(28) USE CATEGORY means the group of uses defined in any one of the following sections: Sections 51A-4.201 through 51A-4.217. The name of the use category corresponds to the section title. For example, "Retail and Personal Service" is a use category consisting of those uses defined in Section 51A-4.210, which is entitled "Retail and Personal Service Uses."

(b) Unless otherwise stated, the definitions contained in CHAPTER 51A apply to this article. In the event of a conflict, this section controls.

(c) Unless otherwise stated, all references to code sections in this article refer to sections in CHAPTER 51A.

(d) The interpretations in CHAPTER 51A, including Section 51A-2.101, "Interpretations," apply to this article.

(e) The phrase "the only uses permitted are those permitted in the ... district" means that the uses indicated are permitted in this district under precisely the same conditions (e.g. SUP, DIR, RAR, etc.) as permitted in the referenced district.

(f) In the event of a conflict between this article and Ordinance No. 7059, passed by the Dallas City Council on September 10, 1956, as amended by Ordinance Nos. 14320 and 19221, passed by the Dallas City Council on November 5, 1973, and July 16, 1986, respectively (see Exhibit 314A), this article controls.

(g) For purposes of determining the applicability of regulations in this article and in Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800, this district and each tract within this district is considered to be a "nonresidential zoning district." (Ord. Nos. 20397; 23277; 24914; 26807; 27859; 28089; 28788; 31684)

SEC. 51P-314.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 314A: copies of Ordinance Nos 7059, 14320, and 19221.
- (2) Exhibit 314B: Preston Center Special Purpose District tract boundary descriptions.
- (3) Exhibit 314C: tract map.
- (4) Exhibit 314D: Tract V development plan.
- (5) Exhibit 314E: Tract I, Subarea B development plan.
- (6) Exhibit 314F: Tract I, Subarea B landscape plan.
- (7) Exhibit 314G: Tract 1, Subarea C development plan.
- (8) Exhibit 314H: Tract I, Subarea C landscape plan.
- (9) Exhibit 314I: Tract VIII development plan.
- (10) Exhibit 314J: Tract VIII landscape plan. (Ord. Nos. 28068; 28788; 30814; 31684)
- (11) Exhibit 314K: Tract III, Subarea A development plan.

SEC. 51P-314.103.2. DEVELOPMENT PLANS.

(a) In general. Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, and development schedule do not apply.

(b) Tract I, Subarea B. Development and use of the Property must comply with the Tract I, Subarea B development plan (Exhibit 314E). If there is a conflict between the text of this article and the Tract I, Subarea B development plan, the text of this article controls.

(b) Tract III, Subarea A. Development and use of the Property must comply with the Tract III, Subarea A development plan (Exhibit 314K). If there is a conflict between the text of this article and the Tract III, Subarea A development plan, the text of this article controls.

(c) Tract V. Development and use of the Property must comply with the Tract V development plan (Exhibit 314D). If there is a conflict between the text of this article and the Tract V development plan, the text of the article controls.

(d) Tract VIII. Development and use of the Property must comply with the Tract VIII development plan (Exhibit 314I). If there is a conflict between the text of this article and the Tract VIII development plan, the text of the article controls. (Ord. Nos. 28788; 31684)

SEC. 51P-314.104. ZONING CLASSIFICATION CHANGE AND DISTRICT NAME.

PD 314 is to be known as the Preston Center Special Purpose District. The boundaries of this district are described in Exhibit A of Ordinance No. 20397. (Ord. Nos. 20397; 24914)

SEC. 51P-314.105. CREATION OF SEPARATE TRACTS.

This district is divided into eight tracts: Tracts I, II, III, IV, V, VI, VII, and VIII. In addition, Tract I contains a designated "Subarea A," a designated "Subarea B," and a designated "Subarea C," Tract II contains a designated "Subarea A," a designated "Subarea B," a designated "Subarea C," and a designated "Subarea D," Tract III contains a designated "Subarea A," Tract IV contains a designated "Subarea A," and Tract VIII contains a designated "Subarea A," and a designated "Subarea B," which may be developed independently of each other without affecting the development rights of the other. The boundaries of all tracts, including Subareas A in Tracts I, II, III, IV, and VIII, Subareas B in Tracts I, II, and VIII, Subareas C in Tracts I and II, and Subarea D of Tract II, are verbally described in Exhibit 314B. A map showing the boundaries of the various tracts, including Subareas A in Tracts I, II, III, IV, and VIII, Subareas B in Tracts I, II, and VIII, Subareas C in Tracts I and II, and Subarea D in Tract II, is labeled Exhibit 314C. If there is a conflict, the verbal descriptions in Exhibit 314B control over the graphic description in Exhibit 314C. (Ord. Nos. 23277; 24914; 27859; 28089; 28788; 30698; 30814; 31684; 32101)

SEC. 51P-314.106. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR TRACTS I AND V.

(a) Use regulations. The following use regulations apply in Tracts I and V (including Subareas A, B, and C):

(1) Except as otherwise provided in Paragraph (2), the only uses permitted are:

(A) those permitted in the NO(A) district;

(B) in Subareas A and C of Tract I and Tract V only, financial institution with drive in windows [*SUP*];

(C) in Subarea B of Tract I only, fire station (permitted by right); and

(D) in Tract V only, multifamily.

(b) Yard, lot, and space regulations. The following yard, lot, and space regulations apply in Tracts I and V (including Subareas A and B):

(1) Front, side, and rear yards.

(A) Except as provided in this paragraph, minimum front, side, and rear yards are the same as those for the NO(A) district.

(B) In Subarea B of Tract I, no minimum front yard is required on Douglas Avenue or Berkshire Lane and no minimum side yard or rear yard are required.

(C) In Tract V, no side yard is required.

(2) Density. In Tract V, maximum number of dwelling units is 115.

(3) Floor area. In Tract V, maximum floor area is 200,000 square feet.

(4) Floor area ratio.

(A) Tract I.

(i) Except as provided in this subparagraph, maximum floor area

ratio is 0.5.

(ii) In Subarea B, maximum floor area ratio is 1.19.

(B) Tract V. Maximum floor area ratio is 1.94.

(5) Height.

(A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is as follows:

- (i) 30 feet in Tract I.
- (ii) 119 feet in Tract V.

(6) Lot coverage.

(A) Tract I.

(i) Except as provided in this subparagraph, maximum lot coverage is 50 percent.

(ii) For Subarea B, maximum lot coverage is 85 percent.

(B) Tract V. Maximum lot coverage is 60 percent.

(C) Parking. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(7) Stories.

(A) Tract I. Maximum number of stories above grade is two. Parking garages are exempt from this requirement, but must comply with the height regulations in Paragraph (5).

(B) Tract V. Maximum number stories above grade is nine. The top story may only be used for mechanical equipment. Parking garages are exempt from this requirement, but must comply with the height regulations in Paragraph (5).

(c) Required off-street parking.

(1) Except as provided in this subsection, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(2) For office uses in Tract V, one space per 410 square feet of floor area is required.

(d) Tract V environmental performance standards.

(1) In general. Except as provided in this section, see Article VI.

(2) LEED certification.

(A) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004 (or more current), must be submitted with an application for a building permit for development, indicating how the development will comply with a LEED compliance designation. A LEED accredited professional designated by the department must affirm that development plans submitted for a building permit are LEED compliant. The building official must determine that the project is consistent with the standards and criteria for a LEED certified designation before a building permit may be issued.

(B) If during development, the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(C) All supporting documentation and templates related to the points previously approved by the city for the LEED level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department affirms that the building complies with the LEED certified designation.

(e) Landscape regulations.

(1) Tract I.

(A) Except as provided in this paragraph, landscaping must be provided in accordance with Article X.

(B) In Subarea B, landscaping must be provided as shown on the Tract I, Subarea B landscape plan (Exhibit 314F). If there is a conflict between the text of this article and the Tract I, Subarea B landscape plan, the text of this article controls.

(C) In Subarea C, landscaping must be provided as shown on the Tract I, Subarea C landscape plan (Exhibit 314H). If there is a conflict between the text of this article and the Tract I, Subarea C landscape plan, the text of this article controls.

(2) Tract V.

(A) Landscaping must be provided in accordance with Section 51P-314.112.

(B) Except as provided in this paragraph, tree preservation, removal, and replacement must comply with Article X.

(C) Replacement trees must be planted in the right-of-way adjacent to the lot where the protected trees were removed or injured.

(f) Development impact review in Tracts I and V (including Subareas A and B). A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation. (Ord. Nos. 22689; 24914; 26807; 28068; 28788; 30814)

SEC. 51P-314.107. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR TRACT II.

(a) Use regulations. The following use regulations apply in Tract II (including Subareas A, B, C, and D):

(1) Except as otherwise provided in Paragraph (2), the only uses permitted are:

(A) those permitted in the GO(A) and MF-4(A) districts; and

(B) retirement housing (permitted by right).

(2) The "bar, lounge, or tavern" use is prohibited.

(3) When a special events permit has been issued under Chapter 42A of the Dallas City Code, outside sales and display of merchandise in conjunction with that special event may occur in any area authorized by the permit. Otherwise:

(A) the "outside sales" main and accessory uses are prohibited; and

(B) accessory outside display of merchandise is subject to the following restrictions:

(i) All merchandise displayed must be located within 10 feet of a building facade of the business making the display.

(ii) No merchandise may be displayed in that portion of a street or alley improved, designed, or ordinarily used for vehicular travel, or on a parking space located on a public street or alley.

(iii) If merchandise is placed on a sidewalk, the sidewalk must have a minimum unobstructed width of five feet at all times.

(b) Yard, lot, and space regulations. The following yard, lot, and space regulations apply in Tract II (including Subareas A, B, C, and D):

(1) Front yard.

(A) Except as otherwise provided in Subparagraph (B), the minimum front yard is:

(i) 15 feet where adjacent to Lomo Alto Drive; and

(ii) no minimum in all other cases.

(B) An additional 20-foot "urban form" front yard setback is required for a building exceeding 45 feet in height if the building is on a lot whose front yard is adjacent to Lomo Alto Drive. The additional setback is only required for that portion of the building exceeding 45 feet in height.

(2) Side and rear yards. Minimum side and rear yards are the same as those for the GO(A) district.

(3) Floor area ratio. Maximum floor area ratio is 4.0.

(4) Dwelling unit density. No maximum dwelling unit density.

(5) Height.

(A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exceptions:

(i) Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. In Subarea C, railings, parapet walls, trellises, and architectural features such as wind barriers, wing walls, and patio dividing walls may project through the slope to a height not to exceed the maximum structure height, or eight feet above the slope, whichever is less.

(ii) For purposes of calculating the maximum permitted height of a structure located in Subareas A and B of Tract II only, if the structure has no openings above 36 feet in height facing the residential neighborhood directly across the Dallas North Tollway, those sites of origination located west of the Dallas North Tollway are considered to project residential proximity slopes as follows:

<u>ZONING CATEGORY</u>	<u>ANGLE OF PROJECTION</u>	<u>EXTENT</u>
R, R(A), D, D(A), TH, and TH(A)	21.3°	Infinite; (1 to 2.56 slope)

otherwise, the standard residential proximity slope (1 to 3 slope), as defined in Section 51A-4.412, applies. For purposes of this subparagraph, the term "opening" means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is 180 feet.

(6) Lot coverage. Maximum lot coverage is 100 percent.

(7) Stories. Maximum number of stories above grade is 14. Parking garages are exempt from this requirement, but must comply with the height regulations in Paragraph (5).

(c) Required off-street parking. Required off-street parking in Tract II (including Subareas A, B, and C) must be provided for each use in accordance with Chapter 51A.

(d) Landscaping regulations. Landscaping in Tract II (including Subareas A, B, and C) must be provided on all property in accordance with Article X of Chapter 51A or Section 51P-314.112 of this article.

(e) Development impact review in Tract II (including Subareas A, B, C, and D). A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(f) Attached signage in Subarea B. In addition to the attached signage allowed in non-business zoning districts in Article VII of Chapter 51A, one attached sign may be placed on both the northern and southern facades of any building, in accordance with the following standards:

(1) Additional attached signs must be located within the area of the 5th and 6th stories above ground level.

(2) The additional attached signs may contain a maximum of five words each, with letters and symbols no taller than six feet in height.

(3) The maximum effective area of each additional attached sign permitted under this subsection is 125 square feet.

(g) Attached signage in Subarea D. In addition to the attached signage allowed in nonbusiness zoning districts in Article VII of Chapter 51A, one attached non-illuminated sign may be placed on the southern facade of any building, in accordance with the following standards:

(1) Additional attached signs must be located within the area above the top story windows.

(2) The additional attached signs may contain a maximum of five words each, with letters and symbols no taller than nine feet in height.

(3) The maximum effective area of each additional attached sign permitted under this subsection is 520 square feet.

(4) No other signs larger than 40 square feet in area may be allowed on the southern facade of any building. (Ord. Nos. 20397; 20619; 24914; 28089; 30698; 32101)

SEC. 51P-314.108. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR TRACT III.

(a) Use regulations. The following use regulations apply in Tract III:

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(1) Except as otherwise provided in Paragraph (2), the only uses permitted are those permitted in the MU-2 district.

(2) The "bar, lounge, or tavern" use is prohibited.

(3) That portion of City Block 5623 bounded by Berkshire Lane on the north, Kate Street on the east, Luther Lane on the south, and Westchester Drive on the west is limited to parking uses only.

(4) When a special events permit has been issued under Chapter 42A of the Dallas City Code, outside sales and display of merchandise in conjunction with that special event may occur in any area authorized by the permit. Otherwise:

(A) the "outside sales" main and accessory uses are prohibited; and

(B) accessory outside display of merchandise is subject to the following

restrictions:

(i) All merchandise displayed must be located within 10 feet of a building facade of the business making the display.

(ii) No merchandise may be displayed in that portion of a street or alley improved, designed, or ordinarily used for vehicular travel, or on a parking space located on a public street or alley.

(iii) If merchandise is placed on a sidewalk, the sidewalk must have a minimum unobstructed width of five feet at all times.

(5) In Subarea A, a minimum of 40,000 square feet of ground floor building area must be reserved for street activating uses facing a public right-of-way. Any ground floor building area facing Westchester Drive must be reserved for street activating uses. Main uses located on the ground floor must have direct access from the sidewalk or pavement immediately adjacent to the sidewalk.

(b) Yard, lot, and space regulations. The following yard, lot, and space regulations apply in Tract III:

(1) Front yard.

front
yard is:

(A) Except as otherwise provided in Subparagraph (B), the minimum

and

(i) 15 feet where adjacent to Northwest Highway or Preston Road;

(ii) no minimum in all other cases.

(B) An additional 20-foot "urban form" front yard setback is required for a building exceeding 45 feet in height if the building is on a lot whose front yard is adjacent to Northwest Highway or Preston Road. The additional setback is only required for that portion of the building exceeding 45 feet in height.

(2) Side and rear yards. Minimum side and rear yards are the same as those for the MU-2 district.

(3) Floor area ratio. Except as provided below, maximum floor area ratio is 2.0.

(A) In Subarea A, if the provisions of Section 51P-314.112.2 are met, the maximum floor area ratio is 4.5, with a minimum residential floor area ratio of 1.0.

(4) Height.

(A) Residential proximity slope. Except as provided below, if any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope.

(i) Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(ii) In Subarea A, the following structures may project a maximum of 12 feet above the maximum structure height:

(X) Elevator penthouse or bulkhead.

(X) Mechanical equipment room.

(X) Cooling tower.

(X) Tank designed to hold liquids.

(X) Visual screens which surround roof mounted mechanical equipment.

(X) Chimney and vent stacks.

(X) Tower antenna for cellular communications.

(X) Parapet wall, limited to a height of four feet.

(X) Open air trellises and handrails

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is:

(i) 40 feet on Lots 7, 8, and 9 in City Block 5623 and on that portion of City Block 5623 bounded by Berkshire Lane on the north, Kate Street on the east, Luther Lane on the south, and Westchester Drive on the west; and

(ii) In Subarea A, if the provisions of Section 51P-314.112.2. are met, the maximum structure height is 225 feet.

(iii) 85 feet on all other property.

(5) Lot coverage. Maximum lot coverage is 100 percent.

(6) Stories.

(A) Maximum number of stories above grade is:

(i) three on Lots 7, 8, and 9 in City Block 5623;

(ii) no maximum in Subarea A; and

(iii) six on all other property.

(B) Parking garages are exempt from the requirements of Subparagraph (A), but must comply with the height regulations in Paragraph (4).

(c) Required off-street parking. The following off-street parking regulations apply in Tract

III:

(1) Except as otherwise provided in this subsection, required off-street parking must be provided for each use in accordance with Chapter 51A.

(2) If at least 800 off-street parking spaces are available for use by the general public as part of an improved parking facility located on that portion of City Block 5623 bounded by Berkshire Lane on the north, Kate Street on the east, Luther Lane on the south, and Westchester Drive on the west, the number of off-street parking spaces required for each use shall be a percentage of the number of parking spaces required for that use in Division 51A-4.200, "Use Regulations," of the Dallas Development Code, as amended, as follows:

<u>USE CATEGORY</u>	<u>PERCENT OF DIVISION 51A-4.200 REQUIREMENT</u>
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Retail and personal service	60 percent
All other use categories	75 percent

Delta credits, if any, shall not be taken into account when making the above calculation. Such credits, if any, shall be applied after the above calculation is made. (Consult Section 51A-4.704 for more information regarding the delta theory generally.)

(3) Remote parking for a use in Tract III may be located anywhere within Tract III regardless of the walking distance between the parking and the use served.

(4) In February, 1993, and every five years thereafter, the department of public works and transportation shall:

(A) evaluate the off-street parking needs of all uses in Tract III; and

(B) if necessary, recommend that appropriate changes be made to the off- street parking requirements of this subsection.

(5) All parking studies required under Paragraph (4) must be made available for public inspection upon their completion. The director of planning and development shall maintain a list of all persons requesting early notification of zoning matters affecting this district and notify those persons whenever a parking study required under Paragraph (4) has been completed.

(6) Subarea A. In addition to the provisions of this subsection, the following regulations apply to Tract III, Subarea A:

(A) The parking reductions in SEC. 51P-314.108.(c)(2) do not apply.

(B) Shared parking factors: If the following parking provisions are met, a shared parking reduction is permitted. When calculating total parking for a development, the number of off-street parking spaces required for each use shall be a percentage of the number of parking spaces required for that use in Division 51A-4.200, "Use Regulations," of the Dallas Development Code, as amended, as follows:

<u>USE CATEGORY</u>	<u>PERCENT OF DIVISION 51A-4.200 REQUIREMENT</u>
<u>Retail and personal service</u>	<u>60 percent</u>
<u>All other use categories</u>	<u>75 percent</u>

(i) Shared parking. The required off-street parking for office and retail and personal service uses must be shared between 5:00 p.m. and 11:00 p.m., Monday through Friday, and 24 hours per day on Saturday, Sunday, and national holidays.

(ii) valet parking is provided and operates between 5:00 p.m. and 11:00 p.m., Monday through Sunday, subject to approval by the director.

(C) Structured parking. Required off-street parking located in a parking structure may be available as free parking, contract parking, or parking on an hourly or daily fee basis.

(d) Landscaping regulations. Landscaping in Tract III must be provided on all property in accordance with Article X of Chapter 51A or Section 51P-314.112 of this article.

(e) Development impact review in Tract III. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation. (Ord. Nos. 20397; 20619; 24914)

(f) Supplemental design standards. In Subarea A, the supplemental design standards set forth in Section 51P-314.110.1(g) apply, except as follows:

(1) Above-ground structured parking, internal at-grade parking, and below-grade parking are permitted. Any above ground parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 48 inches from the floor level within the parking structure to screen vehicles and vehicle headlights. Except for head-in or indented parking, surface parking is prohibited between the street-facing façade and the property line.

(2) A minimum total of 4,000 square feet of open space, with a minimum depth of 10 feet from the property line, must be directly accessible from public right-of-way, of which:

(A) A minimum of 2,000 square feet of contiguous open space shall be required for any new development with frontage on Luther Lane;

(B) Any new development with frontage on Berkshire Lane shall be required to provide, at a minimum, any remaining open space in a contiguous manner;

(C) A minimum of fifteen percent (15%) of the contiguous open space must be landscaped;

(D) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement; and

(E) Operation or parking of vehicles within on-site open space is prohibited. Emergency and grounds maintenance vehicles are exempt.

(3) Subject to approval by the director, surface parking along Westchester Drive shall be required to provide a minimum of one landscape island for every 10 parking spaces.

(4) Except for required screening and required handrails, a maximum four-foot-high fence is allowed between the façade and property line.

(5) If provided, a minimum of 60 percent of the street-level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the open-space fronting dwelling units in each building must have individual entries that access the open space.

(6) A minimum of 30,000 square feet of building roof area must be landscape terrace.

(7) Driveway maximums.

(A) Along Luther Lane, where an ingress or egress driveway crosses a sidewalk, maximum width of each driveway shall be 24 feet, with a maximum combined width of 78 feet of all ingress and egress driveways across the entire frontage.

(B) Along Westchester Drive, where an ingress or egress driveway crosses a sidewalk, maximum width of each driveway shall be 15 feet, with a maximum combined width of 15 feet of all ingress and egress driveways across the entire frontage.

(C) Along Berkshire Lane, where an ingress or egress driveway crosses a sidewalk, maximum width of each driveway shall be 24 feet, with a maximum combined width of 48 feet of all ingress and egress driveways across the entire frontage.

(D) Along Douglas Avenue, where an ingress or egress driveway crosses a sidewalk, maximum width of each driveway shall be 35 feet, with a maximum combined width of 65 feet of all ingress and egress driveways across the entire frontage.

(E) The maximum combined width of all ingress and egress driveways does not include passenger loading zones or median areas that divide a driveway.

(8) Driveway signage. Any driveway with frontage on Westchester Drive must include private signage with the following requirements:

(A) The text "Service entrance only. No public access".

(B) This signage must be located within 10 feet of the property line on private property and must be visible from public right of way.

SEC. 51P-314.109. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR TRACTS IV AND VII.

(a) Use regulations. The following use regulations apply in Tracts IV and VII:

(1) Except as provided in this subsection, the only uses permitted are those permitted in the MU-2 district.

(2) The "bar, lounge, or tavern" use is prohibited.

(3) When a special events permit has been issued under Chapter 42A of the Dallas City Code, outside sales and display of merchandise in conjunction with that special event may occur in any area authorized by the permit. Otherwise:

(A) the “outside sales” main and accessory uses are prohibited; and

(B) accessory outside display of merchandise is subject to the following

restrictions:

(i) All merchandise displayed must be located within 10 feet of a building facade of the business making the display.

(ii) No merchandise may be displayed in that portion of a street or alley improved, designed, or ordinarily used for vehicular travel, or on a parking space located on a public street or alley.

(iii) If merchandise is placed on a sidewalk, the sidewalk must have a minimum unobstructed width of five feet at all times.

(4) A remote community center is allowed in Tract VII. A remote community center is not required to be located on the same lot as the church, but the lot containing a remote community center must be within 100 feet of the lot containing the church.

(b) Yard, lot, and space regulations. The following yard, lot, and space regulations apply in Tracts IV and VII:

(1) Front yard. Minimum front yard is:

(A) 15 feet where adjacent to Preston Road, Douglas Avenue, or Weldon

Howell Parkway; and

(B) no minimum in all other cases.

(2) Side and rear yards.

(A) In Tract IV, minimum side and rear yards are the same as those for the

MU-2 district.

(B) In Tract VII, minimum side and rear yards are five feet.

(3) Floor area ratio.

(A) In Tract IV, maximum floor area ratio is 2.0.

(B) In Tract VII, maximum floor area ratio is 1.0.

(4) Height.

(A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope.

(B) Preston Road slope. If any portion of a structure is over 45 feet in height, that portion may not be located above the plane projecting upward and outward from Preston Road at an angle of 26.5° (1 to 2 slope) through the line formed by the intersection of:

(i) the vertical plane extending through the Preston Road front yard setback line; and

(ii) the horizontal plane 45 feet above grade.

(C) Exception to slope restrictions. Structures listed in Section 51A-4.408(a)(2) may project through the slopes described in Subparagraphs (A) and (B) to a height not to exceed the maximum structure height, or 12 feet above the slopes, whichever is less.

(D) Maximum structure height.

(i) Unless further restricted under Subparagraphs (A) and (B), in Subdistrict IV, maximum structure height is 120 feet.

(ii) In Tract VII, maximum structure height is 45 feet.

(5) Lot coverage.

(A) In Tract IV, maximum lot coverage is 100 percent.

(B) In Tract VII, maximum lot coverage is 80 percent.

(6) Stories. Maximum number of stories above grade is nine. Parking garages are exempt from this requirement, but must comply with the height regulations in Paragraph (4).

(7) Floor area.

(A) In Tract IV, subarea A may not have more than 30,000 square feet of retail and personal service uses.

(B) In Tract VII, maximum floor area is 42,000 square feet.

(c) Required off-street parking. The following off-street parking regulations apply in Tracts IV and VII:

(1) Except as otherwise provided in this subsection, required off-street parking must be provided for each use in accordance with Chapter 51A.

(2) In Subarea A, the off-street parking requirement is 1,306 spaces. Subsection (e), "Off-Street Parking Reduction Option," of Section 51P-314.111 of this article does not apply to property located in Subarea A.

(3) No parking spaces are required for a remote community center.

(4) Tract VII is considered one lot for parking purposes.

(5) Required off-street parking for a church may be provided on an adjacent lot within Subdistricts IV or VII.

(d) Landscaping regulations. Landscaping in Tracts IV and VII must be provided on all property in accordance with Article X of Chapter 51A or Section 51P-314.112 of this article.

(e) Development impact review in Tracts IV and VII. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation. (Ord. Nos. 20397; 20619; 23277; 24914; 26708; 27859)

SEC. 51P-314.110. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR TRACT VI.

(a) Use regulations. The following use regulations apply in Tract VI:

(1) Except as otherwise provided in Paragraph (2), the only uses permitted are those permitted in the CR district.

(2) The "bar, lounge, or tavern" use is prohibited.

(3) When a special events permit has been issued under Chapter 42A of the Dallas City Code, outside sales and display of merchandise in conjunction with that special event may occur in any area authorized by the permit. Otherwise:

(A) the "outside sales" main and accessory uses are prohibited; and

(B) accessory outside display of merchandise is subject to the following

restrictions:

(i) All merchandise displayed must be located within 10 feet of a building facade of the business making the display.

(ii) No merchandise may be displayed in that portion of a street or alley improved, designed, or ordinarily used for vehicular travel, or on a parking space located on a public street or alley.

(iii) If merchandise is placed on a sidewalk, the sidewalk must have a minimum unobstructed width of five feet at all times.

(b) Yard, lot, and space regulations. The following yard, lot, and space regulations apply in Tract VI:

(1) Front, side, and rear yards. Minimum front, side, and rear yards are the same as those for the CR district.

(2) Floor area ratio. Maximum floor area ratio is 0.75.

(3) Height.

(A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is 54 feet.

(4) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(5) Stories. Maximum number of stories above grade is four. Parking garages are exempt from this requirement, but must comply with the height regulations in Paragraph (3).

(c) Required off-street parking. Required off-street parking in Tract VI must be provided for new development in accordance with Chapter 51A. Off-street parking for existing development must be provided as was required under former Planned Development District No. 6. (See Exhibit 314A)

(d) Traffic impact study required.

(1) Except as otherwise provided in this subsection, no building permit in Tract VI may be issued to authorize development at an FAR in excess of that permitted in former Planned Development District No. 6 unless and until the director of public works and transportation determines that such development will not result in an unacceptable level-of-service at nearby intersections.

(2) An applicant for a permit to authorize development at an FAR in excess of that permitted in former Planned Development District No. 6 shall submit a traffic impact study to the building official for review and approval by the director of public works and transportation. The director may reject a traffic impact study submitted if, in the opinion of the director, it does not contain sufficient information.

(3) Within 30 calendar days of the date the traffic impact study is accepted, the director of public works and transportation shall determine whether the development will result in an unacceptable level-of-service at nearby intersections. The applicant may appeal the decision of the director to the board of adjustment.

(4) The property owner assumes the risk that the provisions of this subsection have been complied with. Any permit issued in violation of this subsection is void.

(e) Landscaping regulations. Landscaping in Tract VI must be provided on all property in accordance with Article X of Chapter 51A.

(f) Development impact review in Tract VI. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation. (Ord. Nos. 20397; 20619; 24914)

SEC. 51P-314.110.1. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR TRACT VIII.

(a) Use regulations. The following use regulations apply in Tract VIII.

(1) Except as provided in this subsection, the only uses permitted are those permitted in the MU-2 District.

(2) When a special events permit has been issued under Chapter 42A of the Dallas City Code, outside sales and display of merchandise in conjunction with that special event may occur in any area authorized by the permit. Otherwise:

(A) the "outside sales" main and accessory uses are prohibited; and

(B) accessory outside display of merchandise is subject to the following

restrictions:

(i) All merchandise displayed must be located within 10 feet of a building facade of the business making the display.

(ii) No merchandise may be displayed in that portion of a street or alley improved, designed, or ordinarily used for vehicular travel, or on a parking space located on a public street or alley.

(iii) If merchandise is placed on a sidewalk, the sidewalk must have a minimum unobstructed width of five feet at all times.

(3) In Subarea A. A minimum of 4,000 square feet of ground floor building area must be reserved for street activating uses. Main uses located on the ground floor and

fronting Luther Lane must have direct access from the sidewalk or a pavement immediately adjacent to the sidewalk.

(b) Yard, lot, and space regulations. The following yard, lot, and space regulations apply in Tract VIII:

(1) Front yard.

(A) Subarea A. No minimum front yard.

(B) Subarea B. Minimum front yard is 25 feet.

(2) Side yard

(A) Subarea A. No minimum side yard.

(B) Subarea B. Minimum side yard is five feet.

(3) Rear yard. No minimum rear yard.

(4) Density.

(A) Subarea A. Maximum number of dwelling units is 96.

(B) Subarea B.

(i) Except as provided in this subparagraph, maximum number of dwelling units is 255.

(ii) If a building site qualifies for a height bonus pursuant to Section 51P-314.110.1(b)(7)(B)(ii), maximum number of dwelling units is 339.

(5) Floor area. In Subarea A, a hotel use may occupy no more than 65 percent of the total floor area.

(6) Tower spacing.

(A) Subarea A. No portion of a building above 60 feet in height may be located closer than 50 feet from the area identified on the development plan as greater than 60 feet in height in Subarea B.

(B) Subarea B. No portion of a building above 60 feet in height may be located closer than 50 feet from the area designated on the development plan as greater than 60 feet in height in Subarea A.

(7) Height.

(A) Subarea A.

(i) Except as provided in this subparagraph, maximum structure height is 268 feet at the northern boundary of Subarea A and may increase to a maximum building height of 305 feet as shown on the development plan.

(ii) If any portion of a structure is over 26 feet in height, that portion of a structure may not be located above a residential proximity slope. Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height or 12 feet above slope, whichever is less.

(B) Subarea B.

(i) Except as provided in this subparagraph, maximum structure height is 270 feet.

(ii) Except as provided in this paragraph, maximum structure height may be increased to 350 feet if five percent of the total number of dwelling units are reserved for certain households as follows:

(aa) two and one-half percent of the total number of dwelling units are available to households earning between 61 percent to 80 percent of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114; and

(bb) two and one-half percent of the total number of dwelling units are available to households earning between 81 percent and 100 percent of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114.

(iii) If any portion of a structure is over 26 feet in height, that portion of a structure may not be located above a residential proximity slope. Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height or 12 feet above slope, whichever is less.

(C) Residential proximity slope. Except as provided in this paragraph, the residential proximity slope in Section 51A-4.412 applies to Tract VIII in accordance with points of origin emanating from outside of this district. The point of origin for the residential proximity slope emanating from the south may originate from the boundary of private property in single family districts south of Colgate Avenue in the City of Dallas if multifamily units are set aside for mixed income housing in accordance with Section 51P-314.110.1(b)(7)(B)(ii).

(8) Lot coverage.

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(A) For portions of a structure 60 feet in height or less, maximum lot coverage is 85 percent.

(B) Except as provided in this paragraph, for structures above 60 feet in height, maximum lot coverage is 60 percent.

(C) Maximum lot coverage above 60 feet in height may be increased to 65 percent for a residential rental development in Subarea A if five percent of the total residential rental units are reserved for certain households as follows:

(aa) two and one-half percent of the total number of residential rental dwelling units are available to households earning between 61 percent and 80 percent of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 5IP-314.114; and

(bb) two and one-half percent of the total number of residential rental dwelling units are available to households earning between 81 percent and 100 percent of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 5IP-314.114.

(D) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(9) Lot size. No minimum lot size.

(10) Stories. No maximum number of stories.

(c) Required off-street parking. The following off-street parking regulations apply in Tract

VIII:

(1) Except as provided in this subsection, required off-street parking must be provided for each use in accordance with Chapter 51A.

(2) For a hotel and motel use, 0.5 space per guest room is required. No additional parking is required for accessory uses such as restaurants, retail, and meeting rooms.

(3) For the property located on Subarea A, if at least 800 off-street parking spaces are available for use by the general public as part of an improved parking facility located on that portion of City Block 5623 bounded by Berkshire Lane on the north, Kate Street on the east, Luther Lane on the south, and Westchester Drive on the west, the number of off-street parking spaces required for each use shall be a percentage of the number of parking spaces required for that use in Division 51A-4.200, "Use Regulations," of the Dallas Development Code, as amended, as follows:

<u>USE CATEGORY</u>	<u>PERCENT OF DIVISION</u> <u>51A-4.200 REQUIREMENT</u>
Retail and personal service	50 percent
All other uses	100 percent

Delta credits, if any, shall not be taken into account when making the above calculation. Such credits, if any, shall be applied after the above calculation is made. (Consult Section 51A-4.704 for more information regarding the delta theory generally.)

(4) The property owner may provide up to 20 percent of the required parking to be available to the general public.

(5) In Subarea A, two off-street loading spaces must be provided as shown on the development plan. Maneuvering in and out of loading spaces may be from the alley right-of-way as shown on the Tract VIII development plan.

(f) Landscaping regulations. Landscaping must be provided as shown on the Tract VIII landscape plan (Exhibit 314J). If there is a conflict between the text of this article and the Tract VIII landscape plan, the text of this article controls.

(g) Supplemental design standards. The following supplemental design standards apply in Tract VIII:

(1) A minimum of two of the following elements must be provided for each subarea and either located on the lot or within the special amenities zone defined in Section 51P-314.113:

- (A) Bench;
- (B) Bicycle rack;
- (C) Trash receptacle.

(2) A bench provided pursuant to this section may also be counted as seating for purposes of Section 51P-314.113. A bicycle rack provided pursuant to this section may be counted as bicycle parking for purposes of Chapter 51A.

(3) Except as otherwise provided in this article, above-ground structured parking is prohibited. Internal at-grade and below-grade structured parking are allowed.

(4) Transparency must be provided for not less than 50 percent of the total area of each portion of a building exterior that faces a street, is located under 14 feet in height, and is within 50 feet of a public street exclusive of openings for garage entrances and service area access.

- (5) Primary building entries facing a street must be clearly visible from the street.
- (6) A minimum of 15 percent of building roof area must be landscape terrace.
- (7) Blank walls longer than 30 feet in length and within 50 feet of a street are

prohibited.

(8) A minimum of 2,000 square feet of contiguous open space must be directly accessible from public right-of-way. A minimum of 15 percent of the contiguous open space must be landscaped.

(h) Access to the alley along the southern boundary of Subarea B from the proposed building on Subarea B must be provided in the general location shown on the Tract VIII development plan and must be access controlled with a gate arm or similar device for service vehicles only. (Ord. 31684)

SEC. 51P-314.111. PROVISIONS OF GENERAL APPLICABILITY.

(a) In general. The following subsections apply to all property in this district and are cumulative of the use regulations and development standards for individual tracts in the previous sections.

(b) Existing buildings conforming. All buildings lawfully existing at the time of passage of Ordinance No. 20397 shall be considered conforming.

(c) Illumination of buildings and structures.

(1) In this subsection:

(A) EXTERIOR ILLUMINATION means illumination provided for the primary purpose of attracting the attention of persons outside the premise on which it is located, regardless of whether the light source itself is physically located inside or outside of a building or structure. This definition includes illuminated holiday decorations.

(B) LIGHT SOURCE means a device such as a lamp, mantle, or bulb, or any portion thereof, which produces visible light.

(C) LUMINAIRE means a device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

(2) Except in **Tract III, Subarea A**, the exterior illumination of buildings, structures, signs, and art is prohibited:

(A) above 30 feet in height when the item illuminated is located within 600 feet of private property in a residential district and the illumination is visible from that property; and

(B) above 45 feet in height in all other cases.

(3) Tract III, Subarea A. Outdoor illumination is permitted subject to the following:

(A) Outdoor light sources must:

(i) Be indirect, diffused, or covered by shielded-type fixtures that control or direct the distribution of light;

(ii) Be installed to reduce glare and the consequent interference with boundary streets and neighboring properties;

(iii) Be oriented down and onto the property they light and away from any adjacent property with a residential use; and

(iv) Be no more than 24 feet above grade;

(B) Light fixtures for outdoor light sources must be attached to buildings or mounted on poles made of metal or a material with similar durability.

(C) Shielded-type fixtures used with outdoor light sources must control the light beam so that it is not directed outside of this district.

(D) Except as provided in this subsection:

(i) The words on a sign may be illuminated by back lighting if no part of the sign has a changeable message, moves, flashes, blinks, changes its illumination, or rotates.

(ii) A building may have a horizontal and vertical light-emitting diode (LED) lighting system that is affixed to the fins of the building if:

(aa) the lighting does not blink, flash, move, be animated, or change its illumination; and

(bb) the system is installed so that it outlines only the edges of the building's facades.

(iii) This section does not apply to light sources located indoors that have the sole purpose of providing illumination for one or more rooms, halls, or other spaces in the interior of a building.

All exterior illumination in this district must be brought into full compliance with this paragraph on or before July 28, 1989. No person shall have nonconforming rights to exterior illumination as defined in this subsection.

(d) Noise.

(1) Except as otherwise provided in this subsection, the noise regulations in Article VI of Chapter 51A apply in this district. In the event of a conflict between this subsection and Article VI, this subsection controls.

(2) The use of an outside public address or paging speaker is prohibited in this district.

(3) The use of an outside speaker as part of an intercom system must be approved by the director of planning and development if the speaker is located within 250 feet of private property in a residential district. Review and approval of the speaker are governed by the procedures and standards for residential adjacency review in Division 51A-4.800.

(4) Paragraphs (2) and (3) do not apply to special events for which a special events permit is issued under Chapter 42A of the Dallas City Code.

(e) Off-street parking reduction option.

(1) A property owner may reduce the standard off-street parking requirement for office uses up to 20 percent in Tracts II and IV and up to 10 percent in Tract III and Tract VIII if the owner:

(A) submits a traffic impact study establishing that the reduction will not result in an unacceptable level-of-service at nearby intersections; and

(B) makes a "cash in lieu of parking" payment into a special city account, to be known as the Preston Center Parking and Transit Improvement Fund.

(2) The traffic impact study required under Paragraph (1) must be approved by the director of public works and transportation. The applicant may appeal the decision of the director to the board of adjustment.

(3) The amount of the "cash in lieu of parking" payment referred to in Paragraph (1) is calculated by taking 50 percent of the "cost of constructing a parking garage space" and multiplying that cost by the number of parking spaces that will not be required by reason of the payment. Until January 2, 1991, the cost of constructing a parking garage space is \$5,975.52. On January 2, 1991, and on January 2 of each odd-numbered year thereafter, the director of planning and development shall determine a new cost of constructing a parking garage space by using the following formula:

$$\text{National Median Cost} \times 320 \text{ sq. ft.} \times \text{Dallas Cost Index} \\ \text{Sq. Ft.}$$

where National Median Cost/Sq. Ft. is the national median cost per square foot of a parking space in a parking garage. Both the National Median Cost/Sq. Ft. and the Dallas Cost Index

must be derived from the most recent issues of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another publication is designated by the director of planning and development. In order for the off-street parking reduction to be considered in cases involving work for which a permit is required, the entire payment must be made to the building official before issuance of the permit.

(5) All money paid into the Preston Center Parking and Transit Improvement fund must be used for programs to promote new common area and shared use parking, ride sharing, van pooling, transit usage (including system improvements), and bike and walkway facilities. All programs on which the money is spent must directly benefit properties in this district.

(f) Parking structures. Parking structures located adjacent to or directly across a street or alley from private property in a residential district must have a facade treatment to ensure that vehicles parked are not visible from that property.

(g) Sanitation. Garbage storage areas, including dumpster, must:

(1) be located behind the front building line;

(2) be screened from all yards having frontage on Lomo Alto Drive, Preston Road, or Northwest Highway; and

(3) comply in all other respects with Chapter 51A and all other applicable ordinances

of the city.

(h) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-2, or MF-2(A) district may penetrate or be located above a residential proximity slope originating in that district. For purposes of this section, the term "opening" means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(i) Sign regulations.

(1) Non-premise signs, as defined in Article VII of the Dallas Development Code, as amended, are prohibited in this district.

(2) Section 51A-7.209, "Signs Displaying Noncommercial Messages," of the Dallas Development Code, as amended, applies in this district. (Ord. Nos. 20397; 20619; 24914; 31684)

SEC. 51P-314.112. SPECIAL LANDSCAPING REGULATIONS.

(a) Definitions. Except as otherwise provided in this subsection, the definitions in Article X of Chapter 51A apply to this section. In this section:

(1) COURT OR PLAZA means a pedestrian area covered with a permeable or nonpermeable surface paving material.

(2) FRONT YARD means the area extending across the lot between the roadway and any facade of the main building facing the roadway and lines parallel to and extending outward from that facade.

(3) FRONT YARD LANDSCAPE AREA means an area in the front yard, as defined in this section, at least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials.

(4) FYLA means front yard landscape area.

(5) INTERNAL STREET means a street that is internal to, i.e. not on the perimeter of, this district.

(6) PARKWAY means the portion of a street right-of-way between the street curb and the front lot line.

(7) SPECIAL AMENITIES ZONE means that area parallel to and between three and six feet from the back of the street curb in Tracts II, III, and IV, and that area parallel to and between three and 25 feet from the back of the street curb in Tract V and Tract VIII.

(b) In general. Properties in Tracts II, III, IV, and VIII, with front yard setbacks of less than 15 feet may comply with these special landscaping regulations as an alternative to strict compliance with Article X of Chapter 51A. Properties in Tract V must comply with the mandatory special landscaping provisions in Subsection (e). **Properties in Tract III, Subarea A must comply with the mandatory special landscaping provisions in Subsection (e).** This section partially modifies the requirements of Article X for qualifying properties. Those portions of Article X not expressly modified in this section continue to apply to all property in Tracts II, III, IV, V, and VIII. In the event of a conflict between this section and Article X, this section controls.

(c) Minimum point totals required. The minimum number of points needed for landscape plan approval varies depending on the tract the lot is in and the zoning district classification of adjacent properties as follows:

LOT WITH RESIDENTIAL 25 points	RESIDENTIAL ADJACENCY* 15 points
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***As defined in Section 51A-10.101 (Definitions). The alternatives from which an applicant may select to achieve the minimum point score needed for approval are referred to in this section as "design standards" and contained in Subsection (d).**

(d) Design standards.

(1) Front yard landscape area.

(A) Five points are awarded when one square foot of front yard landscape area (FYLA) is provided for each linear foot of lot frontage. One additional point may be earned for each additional increment of one square foot of FYLA per linear foot of lot frontage, up to a maximum of three additional points (eight points total). [Example: Seven points would be awarded if three square feet of FYLA was provided for each linear foot of lot frontage.]

(B) FYLA credits may be substituted for actual front yard landscape area. FYLA credits are earned when trees or shrubs are placed in the front yard as follows:

<u>SIZE OF TREE OR SHRUB</u>	<u>FYLA CREDIT</u>
1 tree: minimum 5 in. caliper	100 sq. ft.
 minimum 2.5 in. caliper	50 sq. ft.
 minimum 1 in. caliper	30 sq. ft.
1 shrub: minimum 4-foot height	30 sq. ft.
 minimum 2-foot height	15 sq. ft.

(2) Pavement enhancement. Five points are awarded when at least 50 percent of all outdoor pedestrian and vehicular pavement area in the front yard consists of enhanced pavement. An additional one-half point may be earned for each additional increment of enhanced pavement constituting 10 percent of the total pedestrian and vehicular pavement area in the front yard.

(3) Pedestrian facilities.

(A) Courts or plazas. Three points are awarded when at least three square feet of courts or plazas are provided for each linear foot of lot frontage. One additional point is earned for each additional increment of one-half square foot of courts or plazas per linear foot of lot frontage, up to a maximum of two additional points (five points total).

(B) Covered walkways. Three points are awarded when walkways in the front yard are covered by awnings or canopies in accordance with this subparagraph. Coverage must be at least five feet in depth, and the total length of walkways covered must be equal to or greater than 25 percent of the length of the lot frontage. One additional point is awarded for each additional increment of walkway length covered that is equal to 25 percent of the lot frontage, up to a maximum of three additional points (six points total).

(C) Fountains, ponds, and sculpture. Three points are awarded when at least one-half square foot of front yard area for each linear foot of lot frontage is devoted to fountains, ponds, or sculpture. One additional point is earned for each additional increment of one-half square foot per linear foot of lot frontage, up to a maximum of two additional points (five points total).

(D) Seating area. Three points are awarded when at least 0.25 linear feet of seating is provided for each linear foot of lot frontage. One additional point is earned for each additional increment of 0.25 linear feet of seating per linear foot of lot frontage, up to a maximum of two additional points (five points total).

(e) Mandatory provisions.

(1) The following mandatory provisions must be complied with in addition to achieving the minimum number of points required by Subsection (c).

(2) Sidewalks must be provided and located in the special amenities zone.

(3) Any lot having frontage on an internal street or on Douglas Avenue must have:

(A) a minimum average sidewalk width of seven feet; and

(B) a minimum unobstructed sidewalk width of five feet.

(4) Any lot in Tract III having frontage on an internal street or on Douglas Avenue must have:

(A) a minimum average sidewalk width of ten feet; and

(B) a minimum unobstructed sidewalk width of

seven feet. (4.1) Tract VIII.

(A) The sidewalk must have a minimum unobstructed sidewalk width of 10 feet at all times.

(B) Sidewalks across driveways:

(i) may not have a slope greater than the adjoining sidewalks; and

(ii) must be constructed with a material, pattern, or color that

contrasts with the driveway.

(4.2) Tract III, Subarea A.

(A) Sidewalks must have:

(i) an average minimum sidewalk width of 10 feet; and

(ii) a minimum unobstructed sidewalk width of 7 feet at all times.

(B) Sidewalks must be continuous and level across all driveways and curb cuts and designed to be at the same grade as the existing sidewalk subject to approval of the director.

(C) At the intersection of each driveway with a sidewalk or pedestrian path, sidewalks must be constructed with a material, pattern, or color that contrasts with the driveway and clearly marks pedestrian crossing.

(D) Between sidewalks and any driving surface, off-street or on-street pedestrian loading zone, or parking surface the following buffering must be used:

(i) Landscaping plantings with a minimum height of 36 inches;
or

(ii) Bollards with a minimum height of 36 inches, spaced no more than 6 feet in distance from each other.

(5) Street trees must be provided and located in the special amenities zone. The street trees must have a caliper of at least two and one-half inches and, except in Tracts V and VIII, must be spaced no less than 25 feet apart, measured from trunk to trunk. The street trees in Tract V must be spaced no less than 15 feet apart and no more than 35 feet apart, measured from trunk to trunk, excluding driveways and required visibility triangles. The street trees in Tract VIII must be spaced no less than 15 feet apart and no more than 35 feet apart on Westchester Drive and no more than 65 feet apart on Luther Lane, measured from trunk to trunk, excluding driveways and required visibility triangles. In Tract V and Tract VIII, street trees planted in the right-of-way may be counted towards the site tree requirements.

(6) Except as provided in this paragraph, off-street loading and service areas must be screened from adjacent properties by a minimum six-foot-high screening wall or fence. No screening is required in Tract VIII for loading spaces adjacent to an alley.

(7) Surface off-street parking must be screened from all adjacent public streets and residential properties by a wall or evergreen hedge. In Tract V, drive lanes and structured parking adjacent to Douglas Avenue must also be screened by a wall or evergreen hedge. Screening from adjacent public streets must be at least three feet in height, while screening from adjacent residential properties must be at least six feet in height.

(8) Pedestrian scale lighting must be provided and located in the special amenities zone. The light standards must be no greater than 14 feet in height and be spaced no more than 50 feet apart. The intensity of light on the pedestrian surface must be at least 1.5 footcandles.

(9) Any lot in Tract V having frontage on Douglas Avenue must provide a minimum of 18 linear feet of seating area and a minimum of 200 square feet of courts or plazas in the front yard facing Douglas Avenue.

(f) Private license granted. The city council hereby grants a private license to the owners of all property in this district for the exclusive purpose of authorizing compliance with the landscaping requirements of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit in accordance with Subsection (g) of this section. This private license shall not terminate at the end of any specific time period, however, the city council retains the right to terminate this license whenever in its judgment the purpose or use of this license is

inconsistent with the public use of the right-of-way or whenever the purpose or use of this license is likely to become a nuisance.

(g) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or pavement in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and be accompanied by plans or drawings showing the area of the parkway affected and the construction and planting proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise, he shall deny the permit.

(3) A property owner is not required to comply with any mandatory landscaping requirement of this section if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permits is inconsistent with or unreasonably impairs the public use of the right-of-way.

The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of-way. (Ord. Nos. 20397; 24914; 28068; 31684)

SEC. 51P-314.112.1. MIXED-INCOME HOUSING FOR TRACT VIII.

(a) Except as provided in this section, compliance with Division 51A-4.1100 is required to obtain the density, height, and lot coverage development bonuses in Section 51P-314.110.1.

(b) The maximum percentage of total units that may be specialty units and not required to be part of the dispersal of reserved dwelling units by unit type pursuant to Section 51A-4.1106(f)(1) is 15 percent.

(c) Compliance with Section 51A-4.1107 is not required. (Ord. 31684)

SEC. 51P-314.112.2. MIXED-INCOME HOUSING FOR TRACT III, SUBAREA A.

(a) In general. Except as provided in this section, compliance with Division 51A-4.1100 is required to obtain the height and floor to area ratio development bonus in Section 51P-314.108.

CPC Recommendation and Applicant's Request:

(b) Reserved units. Five percent of the total residential units must be made available to households earning between **81 percent and 100 percent** of the area median family income ("AMFI").

Staff Recommendation:

(b) Reserved units. Five percent of the total residential units must be made available to households earning between **51 percent and 60 percent** of the area median family income ("AMFI"), five percent of the total residential units must be made available to households earning between **61 percent and 81 percent** of the AMFI, and five percent of the total residential units must be made available to households earning between **81 percent and 100 percent** of the AMFI.

(c) Design standards. Except as provided below, compliance with Section 51A-4.1107 is not required.

(1) Minimum parking shall be provided in accordance with Section 51A-4.1107(c).

SEC. 51P-314.113. COMPLIANCE DATES AND NONCONFORMING RIGHTS.

(a) The compliance date of October 26, 1989, in Paragraph (5) of Subsection (c) of Section 11 of Ordinance No. 20397 applies only to light sources for the lighting of parking lots and garages [See Paragraphs (3) and (4) of that subsection].

(b) The compliance date of July 28, 1989, in Section 3 of Ordinance No. 20619 is not ex post facto, but reflects, for informational purposes, the original effective date of Paragraph (2) of Subsection

(c) of Section 11 of Ordinance No. 20397.

(c) The Dallas City Council did not grant, establish, or provide for nonconforming rights to illumination when it passed Ordinance No. 20397.

(d) For Tract VIII, structures existing on October 28, 2020 are subject to Section 51A-4.704. (Ord. Nos. 20619; 24914; 31684)

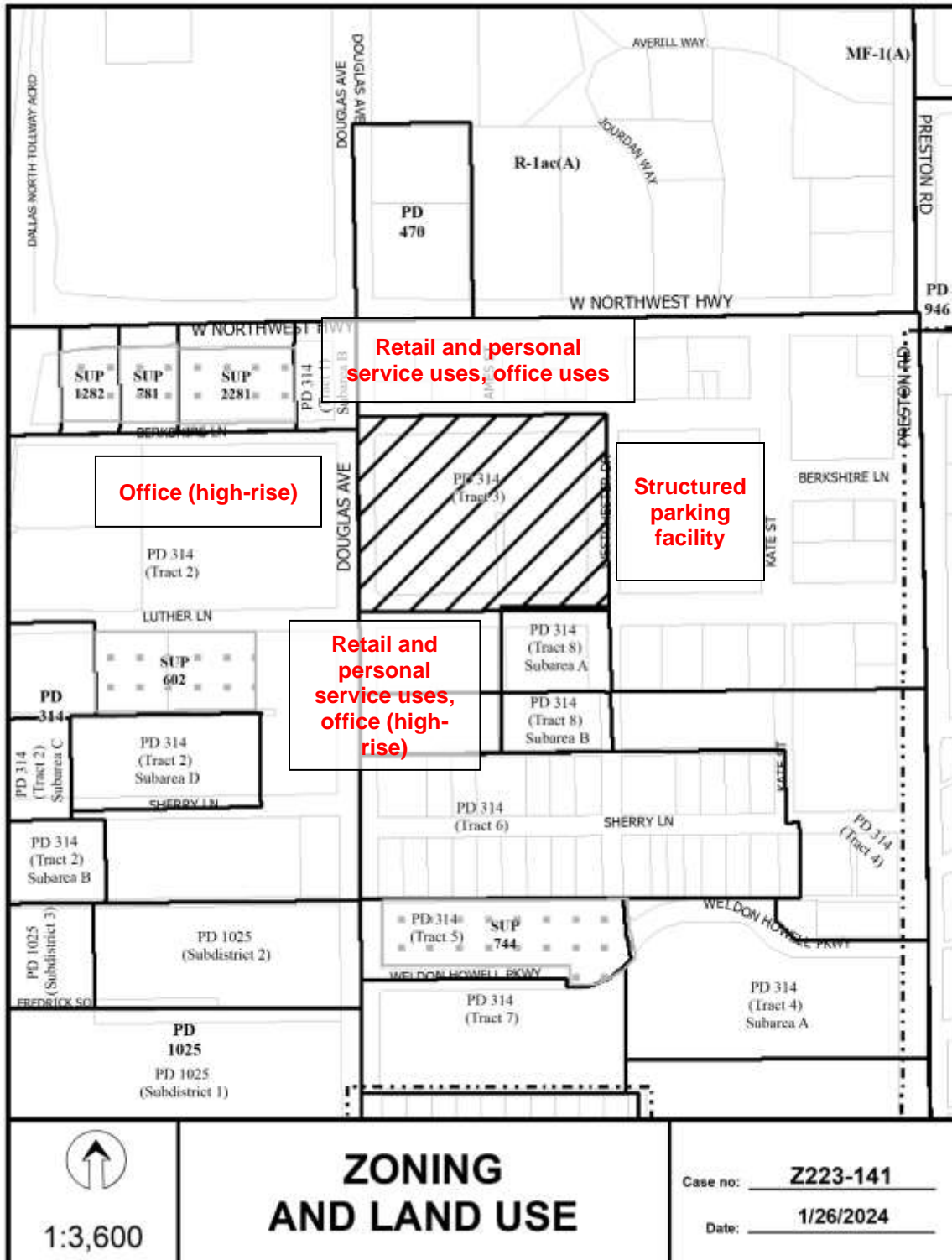
Z223-141(MP)

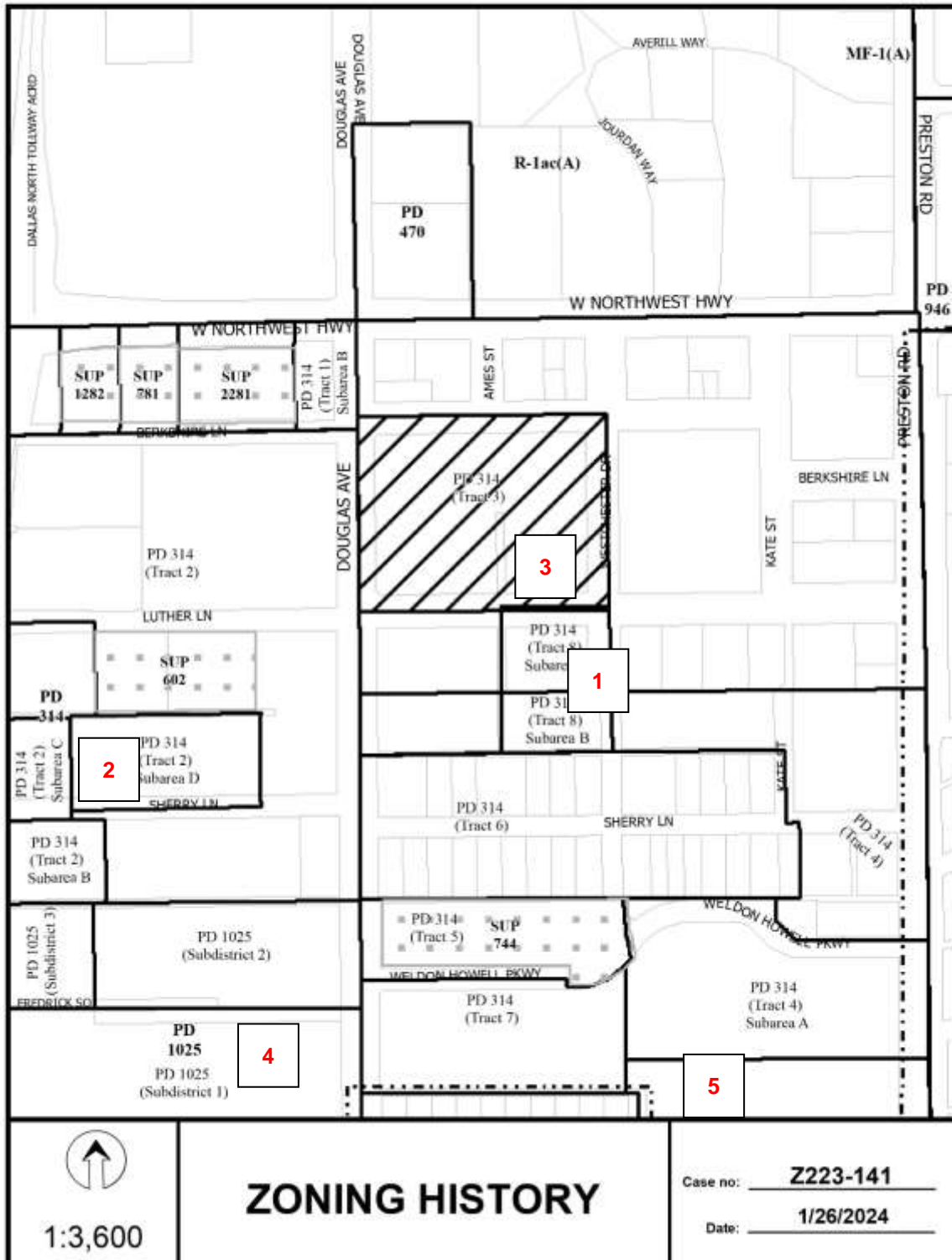
SEC. 51P-314.114. CERTIFICATE OF OCCUPANCY CONDITIONED ON COMPLIANCE.

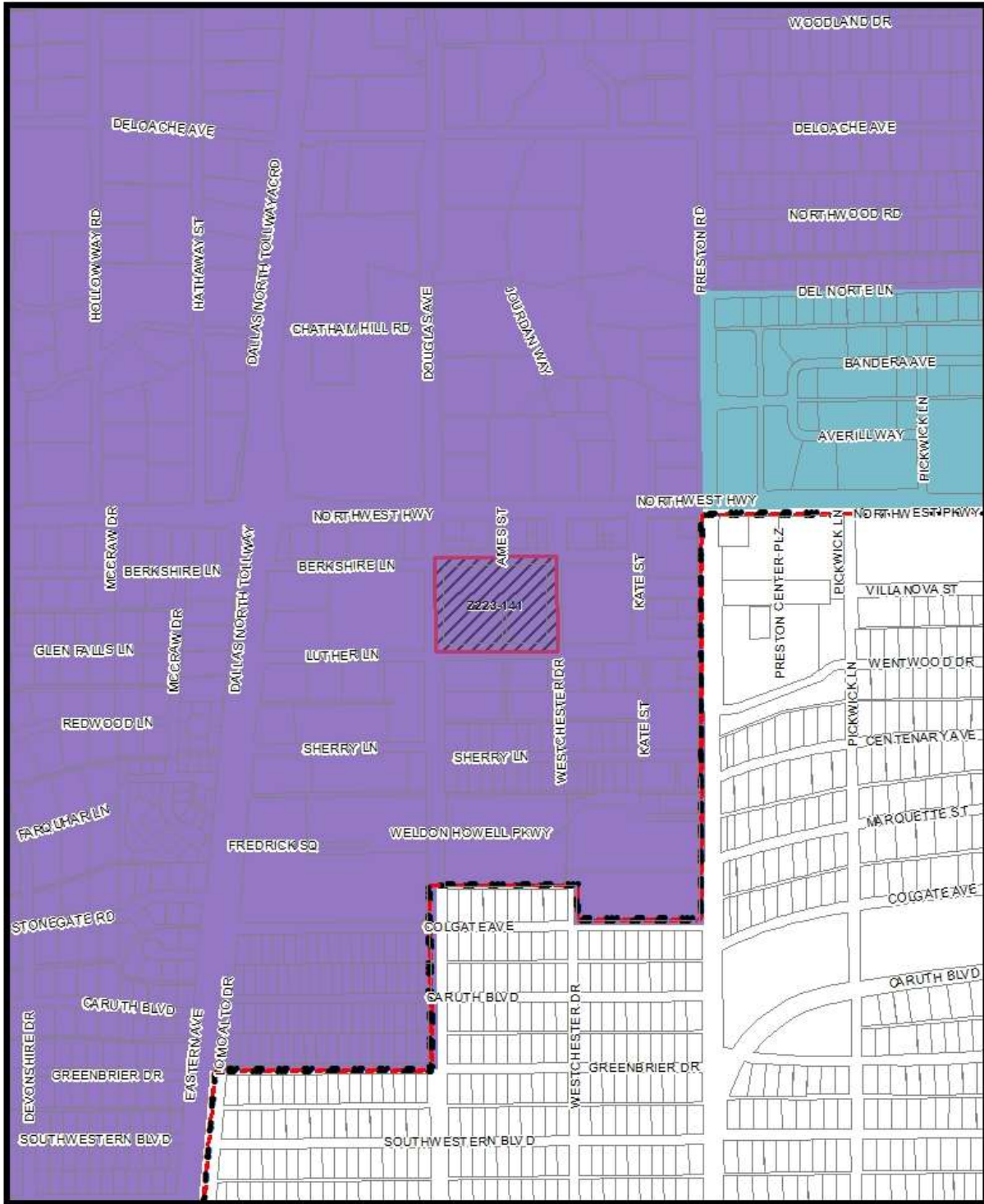
The building official shall not issue a certificate of occupancy for a use on the Property until there has been full compliance with this article and with the construction codes and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 20397; 24914; 26102)





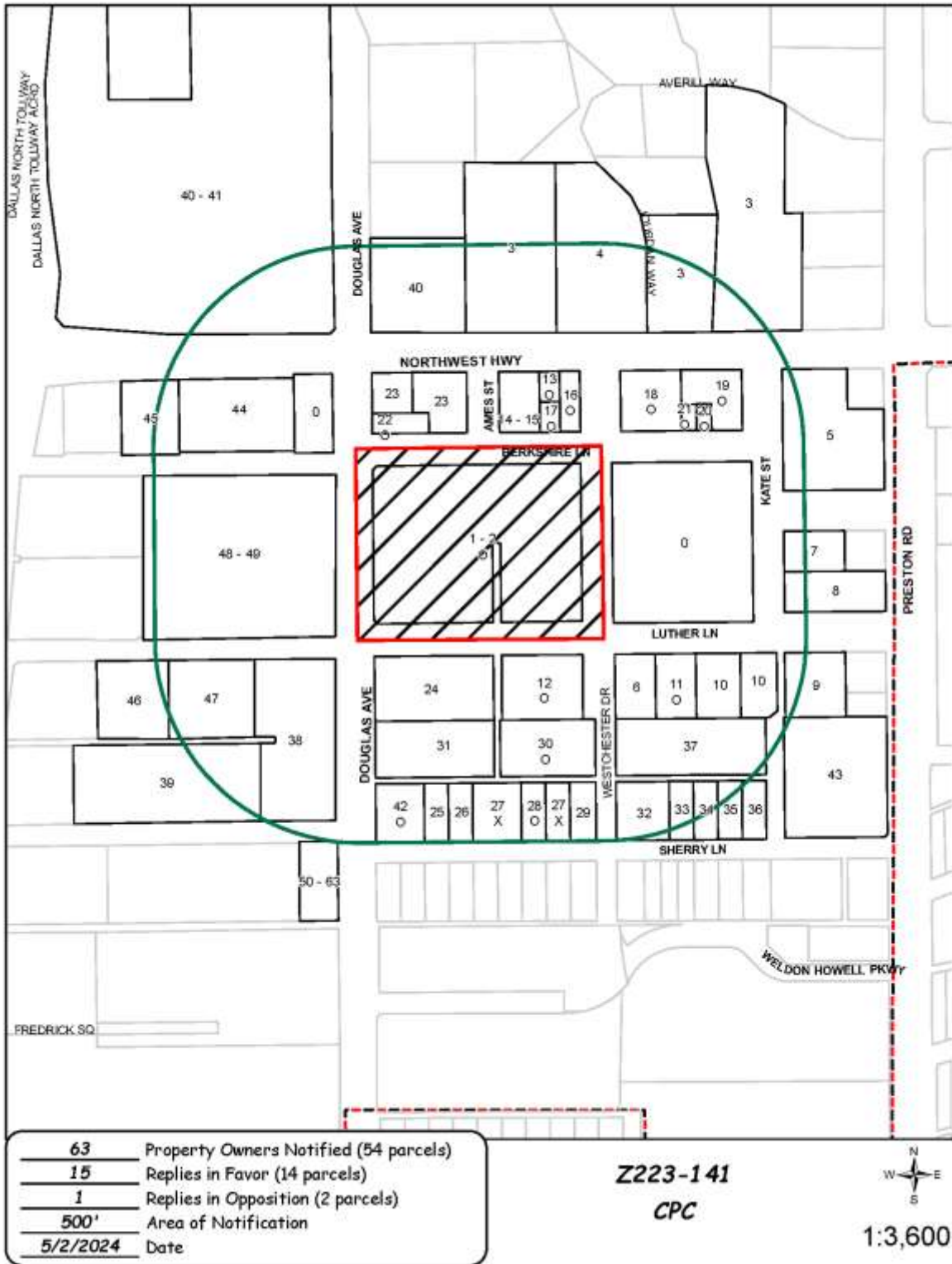






Market Value Analysis

Printed Date: 1/26/2024



05/01/2024

Reply List of Property Owners***Z223-141******63 Property Owners Notified 15 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	8301 WESTCHESTER DR	ALPINE PRESTON CENTER LP
O	2	8300 DOUGLAS AVE	ALPINE DOUGLAS LP
	3	5830 AVERILL WAY	CUBAN MARK
	4	8531 JOURDAN WAY	JAUCHEN REALTY LLC
	5	8411 PRESTON RD	DALLAS BERKSHIRE PARTNERS LTD
	6	8220 WESTCHESTER DR	TREK RESOURCES INC
	7	8307 PRESTON RD	ROBBINS SERAFINA ETAL
	8	6131 LUTHER LN	PRESTON SQUARE TRUST THE
	9	6132 LUTHER LN	KATE LUTHER LP
	10	6126 LUTHER LN	RAMSBOTTOM PARTNERS LP
O	11	6110 LUTHER LN	ALPINE LUTHER LANE LP
O	12	6038 LUTHER LN	RB PASS LLC
	15	5926 W NORTHWEST HWY	PRESTON CENTER NW LLC
	23	6019 BERKSHIRE LN	HBT PARTNERS LP
	24	8226 DOUGLAS AVE	DOUGLAS PLAZA LAND LLC
	25	6023 SHERRY LN	BV SHERRY II LP
	26	6031 SHERRY LN	CONCORDWILLINGHAM LP
X	27	6039 SHERRY LN	TOMLIN FAMILY LTD
	29	6071 SHERRY LN	6071 SHERRY LN VENTURE
O	30	8215 WESTCHESTER DR	Taxpayer at
	31	8222 DOUGLAS AVE	PREF 8222 DOUGLAS OPC LLC
	32	6103 SHERRY LN	OCONNOR - SHERRY LANE LTD
	33	6125 SHERRY LN	CONCORD SHERRY LANE LP
	34	6137 SHERRY LN	YATER C M & SONS MFG JLRS
	35	6141 SHERRY LN	BV SHERRY III LP
	36	6147 SHERRY LN	THP SHERRY LANE LTD

05/01/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	37	8214 WESTCHESTER DR	8214 WESTCHESTER LLC
	38	8235 DOUGLAS AVE	GPI DOUGLAS LP
	39	5949 SHERRY LN	KBSIII STERLING PLAZA LLC
	40	8505 DOUGLAS AVE	NORTHWEST BIBLE CHURCH
	41	8631 DOUGLAS AVE	NORTHWEST BIBLE CHURCH OF DALLAS
O	42	8200 DOUGLAS AVE	MILLCREEK SHERRY DOUGLAS
	43	8201 PRESTON RD	TRT PRESTON SHERRY LLC
	44	5858 W NORTHWEST HWY	DB FIVE GRILL LP
	45	5840 W NORTHWEST HWY	NWHWY 5840 LLC
	46	5944 LUTHER LN	LUTHER PRESTON CENTER LLC
	47	5954 LUTHER LN	WOODBINE LEGACY
	48	8343 DOUGLAS AVE	DOUGLAS CENTER HP LP
	49	5960 BERKSHIRE LN	CIO TERRACES LLC
	50	8181 DOUGLAS AVE	DERBES KATHRYN A
	51	8181 DOUGLAS AVE	CROSBY CHRISTOPHER J & TONJA L
	53	8181 DOUGLAS AVE	MABREY JAMES L
	54	8181 DOUGLAS AVE	PATMAN CONNOR W JR &
	55	8181 DOUGLAS AVE	BURFORD SCOTT & PAULA
	56	8181 DOUGLAS AVE	LARRAVE KARIN V REVOCABLE
	57	8181 DOUGLAS AVE	CAMP BARBARA S
	58	8181 DOUGLAS AVE	JAGMIN CHRIS L & LISA K
	59	8181 DOUGLAS AVE	DORAN RESIDENCE TRUST
	60	8181 DOUGLAS AVE	WILLIAMSON ROBERTA V
	61	8181 DOUGLAS AVE	JACKSON MELVIN
	62	8181 DOUGLAS AVE	RILEY SANDRA ANN
	63	8181 DOUGLAS AVE	DEASON DARWIN
O	A1	5938 W NORTHWEST HWY	KINNEY PROPERTY F & P LTD &
O	A2	6115 BERKSHIRE LN	Taxpayer at
O	A3	6117 BERKSHIRE LN	Taxpayer at
O	A4	6003 BERKSHIRE LN	BERKSHIRE DOUGLAS RETAIL
	A5	6100 LUTHER LN	TREK RESOURCES INC

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A6	6059 SHERRY LN	K & B SHERRY TX LTD &
O	A7	8400 WESTCHESTER DR	SEARS DIANA COX &
	A8	8181 DOUGLAS AVE	DABKOWSKI JOHN G &
	A9	5926 W NORTHWEST HWY	PRESTON CENTER NW LLC
O	A10	5930 W NORTHWEST HWY	PRESTON CENTER NW LLC
O	A11	6033 BERKSHIRE LN	PRESTON CENTER NW LLC
O	A12	5960 W NORTHWEST HWY	CURRIN LAND JOINT VENTURE