

FILE NUMBER: Z212-299(JM) **DATE FILED:** July 12, 2022

LOCATION: Southwest line of 2nd Street, between Garden Lane and Vannerson Drive

COUNCIL DISTRICT: 7

SIZE OF REQUEST: ± 9.83 acres **CENSUS TRACT:** 48113020800

REPRESENTATIVE: Karl Crawley, Masterplan Texas

OWNER/APPLICANT: Watermark South LLC

REQUEST: An application for an FWMU-5 Walkable Urban Mixed Use Form Subdistrict with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family Subdistrict and an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The purpose of the request is to allow an existing church to expand services provided.

CPC RECOMMENDATION: **Approval**, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: **Approval**.

PD No. 595:

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=595>

Article XIII Form Districts:

https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-93607

BACKGROUND INFORMATION:

- On September 26, 2001, the City Council established Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District. The PD contains over 3,324 acres. This PD is unique in how rezoning requests can follow general zone categories including form districts.
- The area of request is zoned an R-5(A) Single Family Subdistrict where it is developed with a former school building [Pearl C. Anderson Learning Center] established in 1963. The structure is now repurposed as a church [Watermark Church]. The remaining three-quarters of an acre zoned an NC(E) Neighborhood Commercial Enhanced Subdistrict fronts along 2nd Avenue and contains surface parking for the old school and existing church use.
- The applicant proposes to expand services offered by the church while maintaining the existing structure.
- The Walkable Urban Mixed Use (WMU) form districts are intended to accommodate a mix of compatible uses in close proximity to one another in a pedestrian-friendly environment. The proposed FWMU-5 Subdistrict will permit the requested land uses while allowing for future application of development types that are complementary to the adjacent residential neighborhoods and support the future vision for the area.

Zoning History:

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

1. **Z189-169:** On May 22, 2019, the City Council denied an application for a Specific Use Permit for an open-enrollment charter school use on property zoned a CR Community Retail District with existing deed restrictions [Z045-125], on the northwest side of Dixon Avenue, at the terminus of Wullschleger Lane.
2. **Z190-262:** On April 28, 2022, the City Council denied an application to amend Planned Development District No. 369 located south of South 2nd Avenue and east of the Southern Pacific Railroad right-of-way.
3. **Z212-354:** On March 2, 2023, the City Plan Commission recommended denial of an application for a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the southeast line of Sidney Street, northeast of 2nd Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
2nd Avenue	Principal Arterial	80 feet
Garden Lane	Local	50 feet
Vannerson Drive	Local	35 feet
Bradshaw Street	Local	40 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 will continue review of engineering plans at permitting to comply with city standards if a permit is requested.

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 and outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The applicant's request for an FWMU-5 Subdistrict is consistent with the goals and policies noted below.

LAND USE ELEMENT**GOAL 1.1** ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities.

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

1.1.5.1 Recognize adopted area/neighborhood plans in guiding development and zoning decisions.

ECONOMIC ELEMENT**GOAL 2.1** PROMOTE BALANCED GROWTH

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

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

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

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

2.5.1.2 Support efforts to maintain distinctive identities of existing neighborhoods and ensure high-quality development of new neighborhoods.

URBAN DESIGN ELEMENT

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

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

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

Area Plans:

Hatcher Station Area Plan

Adopted in 2013, the Hatcher Station Area Plan was developed through the HUD Community Challenge Planning Grant program and is intended to spur transformation of Dallas DART station areas through catalytic projects, public-private partnerships, and reuse and rehabilitation of existing buildings. The study area is approximately four miles east of Downtown Dallas. Scyene Road is a major east-west oriented six-lane thoroughfare that forms a belt across the center of the area. The Hatcher Station is located at the intersections of Scyene Road and Hatcher Street intersection. The study area is within relative proximity to Fair Park and the Trinity forest. The plan details specific initiatives to create a better future for the area, with attention to improving safety and multi-modal connectivity, reinvigorating affordable housing, and establishing strategies and guidelines to create a thriving transit-oriented neighborhood over the long term.

The Hatcher Station Area Plan includes a land use concept plan that defines the primary land use types that comprise the area and recommends appropriate locations for these land use types within the study area. The land use concept plan identifies the area of request as appropriate for the main street land use type, which concentrates pedestrian

activity along a walkable corridor with places for living, working and shopping. These areas should feature one-to-four-story high buildings placed at the sidewalk edge, and high-quality pedestrian environments with wide sidewalks, trees, sidewalk cafes, and outdoor dining.

The Hatcher Station Area Plan further identifies the subject site located along 2nd Avenue was historically an active commercial corridor. While current use and conditions are not optimal, a good urban fabric exists for reinvigorating 2nd Avenue into a historic “main street” type environment with small shop fronts facing the street.

The proposed WMU-5 Subdistrict is a low intensity walkable mixed-use district that can support the development types and land uses meeting the parameters of the main street land use type. Staff finds that the applicant’s proposal is consistent with the Hatcher Station Area Plan.

South Dallas/Fair Park Economic Development Plan

The area of request is also located within the study area of the South Dallas/Fair Park Economic Development Plan. Adopted in 2001, this plan focuses on providing economic development revitalization strategy recommendations for the South Dallas/Fair Park commercial corridor. The study area is located southeast of the I-30 HOV, south of South Haskell Avenue, west of Hatcher Street, east of South Lamar Street and just north of William Blair, Jr. Park. It includes landmarks such as the South Boulevard Park – Park Row Historic District, Fair Park, the Cotton Bowl Stadium, and the Starplex Pavilion.

The two primary goals of the plan are to 1) address impacts of high intensity land uses along commercial corridors in adjacent residential neighborhoods through a Planned Development District; and 2) create economic development strategies to encourage desirable development along the business corridors.

Because the South Dallas/Fair Park Economic Development Plan is principally concerned with economic development along the area’s business corridors, it does not easily apply to the applicant’s proposal. However, an argument could be made that because the plan is intended to protect existing residential areas, context sensitive request made for a WMU-5 Subdistrict conforms to the intent of the plan.

Land Use:

	Zoning	Land Use
Site	PD No. 595, R-5(A) and NC(E) Subdistricts	Church, medical clinic, and office
North	PD No. 595, R-5(A) and NC(E) Subdistricts	Restaurant, office, general merchandise or food store, and single family
East	PD No. 595, R-5(A) and NC(E) Subdistricts	Office, hotel, and single family
South	MF-1(A) Multifamily and R-5(A) Single Family Subdistricts	Multifamily and undeveloped
West	R-5(A) Single Family Subdistrict	Single family

Land Use Compatibility:

The subject property is composed of one large tract containing the former school structure which has been repurposed and renovated as a church use. An alley is located along the northern frontage with remaining lots on the northwest fronting along 2nd Avenue composing the majority of the existing surface parking for the church use.

Surrounding uses include restaurant, office, general merchandise or food store, and single family across 2nd Avenue to the north. To the east are office, hotel, and single family uses. Across Bradshaw Street is a multifamily development, with additional undeveloped land adjacent to the property boundary and on the north side of the street. A well-developed single-family neighborhood exists to the west and southwest.

While the applicant's intent with the rezoning request is to provide additional services to the community within the existing structure, the request made reflects the goals for long-term development of the property, in compliance with the vision for the Hatcher Station area. Staff finds the expansion of the services the church provides to include land uses permitted by the FWMU-5 Subdistrict compatible with the surrounding area, supportive of goals in the comprehensive plan, and area plan.

Overview of Form Districts

Form-based zoning differs from traditional zoning in that development standards focus primarily on the form of the building rather than its intended land use. Under form-based zoning, the desired form of buildings is typically more urban in style. Buildings are constructed with multiple stories and are located at the front of the site, closer to the

street. This, coupled with enhanced standards for transparency, building articulation, and pedestrian amenities, are intended to ensure an active streetscape.

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

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

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

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

Staff finds the area of request to be appropriate for a WMU-5 District due to its proximity to existing multifamily and mixed-use zoning and comparable planned development zoning. The area of request is also part of the adopted Hatcher Station Area Plan, which recommends a main street land use type, which concentrates pedestrian activity along a walkable corridor with places for living, working and shopping. These areas should feature one-to-four-story high buildings placed at the sidewalk edge, and high-quality pedestrian

environments with wide sidewalks, trees, sidewalk cafes, and outdoor dining. The qualities described in the plan are provided in the design standards integrated with the WMU-5 District proposed.

This is further supported by the Vision Illustration map of the comprehensive plan, which designates the request area as compatible with the recommendations for the Urban Neighborhoods building block in South Dallas. These neighborhoods are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools, and other community services.

Land Use Comparison

Form-based zoning in Article XIII achieves complementary urban form by regulating land uses through several development types that allow different use categories. For example, the multifamily living use category is allowed under the Apartment (Apt.) development type. The structure determines the permitted land uses.

The subject site is unique because of the PD No. 595 zoning. While the WMU-5 Form District requested would generally apply to both structures (the build environment) and land uses as categorized in Article XIII, the PD overrules the permitted land uses and regulations by adding a use chart (51P-595.114.1. on p. 22) to the section for applicability in all Form Districts under [PD No. 595](#).

This means that to determine permitted land uses in existing structures which were developed before the site was zoned a Form District, the chart provides an exhaustive list of what is permitted and under which regulations (SUP, RAR, DIR, etc.). However, any additions to existing nonconforming structures could potentially trigger conformity with the development type regulations and general Form District requirements. See [51A-13.102 Applicability](#). Ultimately, any legal, nonconforming structures, will be eligible to obtain certificates of occupancy for land uses permitted in the F District chart of PD No. 595, so long as parking can be provided for that land use.

Any new structures on the property would have to adhere to the Form District requirements in Article XIII by first establishing the development type to identify the permitted land uses which would have to be cross referenced with the PD No. 595 Form Districts use chart to ensure the use is permitted.

The purpose of this zoning request is to allow the church to expand services provided to the community. These include catering, educational, office, medical, retail, and personal service uses. The applicant's proposed use of the site would fall under a variety of uses highlighted in the table below. However, the WMU-5 District would also allow other development types and use categories. Following is a comparison table showing differences in the permitted uses between the current R-5(A) and NC(E) Subdistricts of PD No. 595 and the applicant's requested WMU-5 District. For comparison, the RS-MU Subdistrict has been added as a comparison district that achieves the uses requested by the applicant while failing to meet the urban design and pedestrian amenities provided in the Form District standards. **All new text with strikethrough represents uses being deed restricted as of May 16th, recommended for approval by CPC on May 18th.**

Existing: PD 595 R-5(A)	Existing: PD 595 NC(E)	Proposed: PD 595 F District	Comparison: PD 595 RS-MU
<u>Agricultural uses.</u> -- Crop production.	<u>Agricultural uses.</u> -- Community garden. -- Market garden. [SUP]	<u>Agricultural uses.</u> -- Community garden. -- Market garden. [SUP]	<u>Agricultural uses.</u> -- Community garden. -- Market garden. [SUP]
<u>Commercial and business service uses.</u> -- None permitted.	<u>Commercial and business service uses.</u> -- Catering service. [SUP]	<u>Commercial and business service uses.</u> -- Catering service. -- Custom business services. -- Electronics service center. -- Job or lithographic printing. [3,500 square feet or less.] -- Medical or scientific laboratory. [SUP]	<u>Commercial and business service uses.</u> -- Catering service. -- Custom business services. -- Electronics service center. -- Job or lithographic printing. [3,500 square feet or less.]
<u>Industrial uses.</u> -- Gas drilling and production. [SUP] -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]	<u>Industrial uses.</u> -- None permitted.	<u>Industrial uses.</u> None permitted.	<u>Industrial uses.</u> -- Industrial (inside) for light manufacturing. [In R-MU(E) Enhanced only.]
<u>Institutional and community service uses.</u> -- Adult day care facility. [SUP]	<u>Institutional and community service uses.</u> -- Adult day care facility. -- Child-care facility. -- Church.	<u>Institutional and community service uses.</u> -- Adult day care facility.	<u>Institutional and community service uses.</u> -- Adult day care facility.

Existing: PD 595 R-5(A)	Existing: PD 595 NC(E)	Proposed: PD 595 F District	Comparison: PD 595 RS-MU
-- Cemetery or mausoleum. [SUP] -- Child-care facility. [SUP] -- Church. -- College, university or seminary. [SUP] -- Community service center. [SUP] -- Convent or monastery. [SUP] -- Foster home. [SUP] -- Library, art gallery, or museum. [SUP] -- Public or private school. [SUP]	-- Community service center. [SUP] -- Library, art gallery, or museum. -- Public or private school. [SUP]	-- Cemetery or mausoleum. [SUP] -- Child-care facility. -- Church. -- College, university or seminary. [SUP] -- Community service center. [SUP] -- Convalescent and nursing homes, hospice care, and related institutions. [SUP] -- Convent or monastery. -- Library, art gallery, or museum. -- Public or private school. [SUP]	-- Cemetery or mausoleum. [SUP] -- Child-care facility. -- Church. -- College, university or seminary. -- Community service center. -- Convalescent and nursing homes, hospice care, and related institutions. [SUP] -- Convent or monastery. -- Halfway house. [SUP] -- Library, art gallery, or museum. -- Public or private school. [RAR]
<u>Lodging uses.</u> -- None permitted.	<u>Lodging uses.</u> -- None permitted.	<u>Lodging uses.</u> -- Hotel or motel. [SUP]	<u>Lodging uses.</u> -- Hotel or motel. [SUP]
<u>Miscellaneous uses.</u> -- Carnival or circus (temporary). [By special authorization of the building official.] -- Temporary construction or sales office.	<u>Miscellaneous uses.</u> -- Temporary construction or sales office.	<u>Miscellaneous uses.</u> -- Temporary construction or sales office.	<u>Miscellaneous uses.</u> -- Temporary construction or sales office.
<u>Office uses.</u> -- None permitted.	<u>Office uses.</u> -- Financial institution without drive-in window. -- Medical clinic or ambulatory surgical center. [Plasma or blood donation center prohibited.] -- Office.	<u>Office uses.</u> -- Alternative financial establishment. [SUP] -- Financial institution without drive-in window. -- Financial institution with drive-in window. [SUP] -- Medical clinic or ambulatory surgical center. [SUP required for plasma or blood donation center.] -- Office.	<u>Office uses.</u> -- Alternative financial establishment. [SUP] -- Financial institution without drive-in window. -- Financial institution with drive-in window. [DIR] -- Medical clinic or ambulatory surgical center. [SUP required for plasma or blood donation center.] -- Office.
<u>Recreation uses.</u> -- Country club with private membership. [SUP] -- Private recreation center, club, or area. [SUP]	<u>Recreation uses.</u> -- Private recreation center, club, or area. [SUP] -- Public park, playground, or golf course.	<u>Recreation uses.</u> -- Private recreation center, club, or area. [SUP] -- Public park, playground, or golf course.	<u>Recreation uses.</u> -- Country club with private membership. -- Private recreation center, club, or area.

Existing: PD 595 R-5(A)	Existing: PD 595 NC(E)	Proposed: PD 595 F District	Comparison: PD 595 RS-MU
-- Public park, playground, or golf course.			-- Public park, playground, or golf course.
<u>Residential uses.</u> -- Handicapped group dwelling unit. [See Section 51A-4.209(3.1) .] -- Single family.	<u>Residential uses.</u> -- Live-work unit. [Only one dwelling unit per lot.]	<u>Residential uses.</u> -- College dormitory, fraternity, or sorority house. -- Duplex. -- Group residential facility. [SUP required if spacing component of Section 51A-4.209(b)(3) is not met.] -- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.] -- Live-work unit. [Only one dwelling unit per lot.] -- Multifamily. -- Retirement housing. -- Single family.	<u>Residential uses.</u> -- Live-work unit. [Only one dwelling unit per lot.] -- Multifamily. [Must be a component of a mixed use project. May not exceed 85 percent of the floor area.] -- Retirement housing. [Must be a component of a mixed use project. May not exceed 85 percent of the floor area.]
<u>Retail and personal service uses.</u> -- None permitted.	<u>Retail and personal service uses.</u> -- Auto service center. [By SUP in NC(E) Enhanced only.] -- Commercial parking lot or garage. [SUP] -- Dry cleaning or laundry store. -- Furniture store. [5,000 square feet or less.] -- General merchandise store. [Must be 3,500 square feet or less.] -- Mortuary, funeral home, or commercial wedding chapel. [SUP] -- Motor vehicle fueling station. [By SUP in NC(E) Enhanced only.] -- Personal service uses. [Massage establishment and tattoo or body piercing studio prohibited.] -- Restaurant without drive-in or drive-through service. [RAR]	<u>Retail and personal service uses.</u> -- Alcoholic beverage establishments. [SUP] -- Ambulance service. [RAR] -- Animal shelter or clinic without outside runs. [RAR] -- Auto service center. [SUP] -- Business school. -- Commercial amusement (inside). [SUP] prohibited: billiard hall, bowling alley, adult arcade, adult cabaret, adult theater, dance hall, Class E dance hall, motor track or skating rink -- Commercial parking lot or garage. [SUP] -- Dry cleaning or laundry store. -- Food or beverage store [SUP if less than 5,000 square feet.]	<u>Retail and personal service uses.</u> -- Alcoholic beverage establishments. [SUP] -- Ambulance service. [RAR] -- Animal shelter or clinic without outside runs. [RAR] -- Auto service center. [RAR] -- Business school. -- Car wash. [SUP] -- Commercial amusement (inside). [See Section 51A-4.210(b)(7). Permitted in this subdistrict subject to the same requirements as if located in the CR Community Retail district.] -- Commercial parking lot or garage. [SUP] -- Dry cleaning or laundry store.

Existing: PD 595 R-5(A)	Existing: PD 595 NC(E)	Proposed: PD 595 F District	Comparison: PD 595 RS-MU
		-- Furniture store. -- General merchandise store. -- Home improvement center; lumber, brick, or building materials sales yard. <i>[DIR]</i> -- Household equipment and appliance repair. -- Mortuary, funeral home, or commercial wedding chapel. -- Motor vehicle fueling station. -- Nursery, garden shop, or plant sales. -- Personal service uses. <i>[Massage establishment and tattoo piercing studio are prohibited.]</i> -- Restaurant without drive-in or drive-through service. <i>[RAR]</i> -- Restaurant with drive-in or drive-through service. <i>[SUP]</i> -- Swap or buy shop. <i>[SUP]</i> -- Theater. -- Tobacco shop. <i>[SUP]</i>	-- Food or beverage store <i>[SUP if less than 5,000 square feet.]</i> -- Furniture store. -- General merchandise store. -- Home improvement center; lumber, brick, or building materials sales yard. <i>[RAR]</i> -- Household equipment and appliance repair. -- Mortuary, funeral home, or commercial wedding chapel. -- Motor vehicle fueling station. -- Nursery, garden shop, or plant sales. -- Outside sales. <i>[SUP]</i> -- Personal service uses. <i>[Massage establishment and tattoo piercing studio are prohibited.]</i> -- Restaurant without drive-in or drive-through service. <i>[RAR]</i> -- Restaurant with drive-in or drive-through service. <i>[DIR]</i> -- Swap or buy shop. <i>[SUP]</i> -- Theater. -- Tobacco shop. <i>[SUP]</i> -- Vehicle display, sales, and service. <i>[RAR]</i>
<u>Transportation uses.</u> -- Private street or alley. <i>[SUP]</i> -- Transit passenger shelter. <i>[See Section 51A-4.211.]</i> -- Transit passenger station or transfer center. <i>[SUP]</i>	<u>Transportation uses.</u> -- Transit passenger shelter.	<u>Transportation uses.</u> -- Transit passenger shelter. -- Transit passenger station or transfer center. <i>[SUP or resolution.]</i>	<u>Transportation uses.</u> -- Commercial bus station and terminal. <i>[DIR]</i> -- Heliport. <i>[SUP]</i> -- Helistop. <i>[SUP]</i> -- Transit passenger shelter. -- Transit passenger station or transfer center. <i>[By SUP or city council resolution.]</i>

Existing: PD 595 R-5(A)	Existing: PD 595 NC(E)	Proposed: PD 595 F District	Comparison: PD 595 RS-MU
<u>Utility and public service uses.</u> -- Electrical substation. [SUP] -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).] -- Police or fire station. [SUP] -- Radio, television, or microwave tower. [SUP] -- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).] -- Utility or government installation other than listed. [SUP]	<u>Utility and public service uses.</u> -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4), "Local utilities."] -- Police or fire station. [SUP] -- Post office. [SUP] -- Tower/antenna for cellular communication. [SUP]	<u>Utility and public service uses.</u> -- Electrical substation. [SUP] -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4), "Local utilities."] -- Police or fire station. [SUP] -- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1), "Tower/antenna for cellular communication." Permitted in this subdistrict subject to the same requirements as if located in the CR Community Retail district.]	<u>Utility and public service uses.</u> -- Electrical substation. -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4), "Local utilities."] -- Police or fire station. -- Post office. -- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1), "Tower/antenna for cellular communication." Permitted in this subdistrict subject to the same requirements as if located in the CR Community Retail district.] -- Utility or government installation other than listed. [SUP]
<u>Wholesale, distribution, and storage uses.</u> -- Recycling drop-off container. [See Section 51A-4.213(11.2).] -- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]	<u>Wholesale, distribution, and storage uses.</u> -- None permitted.	<u>Wholesale, distribution, and storage uses.</u> -- Mini-warehouse. [SUP] -- Recycling drop-off container. [SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.]	<u>Wholesale, distribution, and storage uses.</u> -- Mini-warehouse. [SUP] -- Office showroom/warehouse. [In RS-MU(E) Enhanced only.] -- Recycling buy-back center. [SUP] -- Recycling collection center. [SUP] -- Recycling drop-off container. [SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.] -- Warehouse. [In RS-MU(E) Enhanced only.]

Development Standards:

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

Following is a comparison table showing differences between the development standards of the current R-5(A) and NC(E) Subdistrict and the proposed FWMU-5 Subdistrict. Since the proposed form subdistrict bases the yard, lot, and space regulations on the proposed development types, the most and least intensive types allowed by the subdistrict are provided below.

Part of applying the yard, lot, and space requirements within a form subdistrict is determining the type of street frontage exists due to the blockface configuration. The longest street is considered a primary street, which dictates the development standards as noted below. For this site, Garden Lane and Vannerson Drive are primary streets. 2nd Avenue and Bradshaw Street fail to be primary streets and are therefore side streets.

REGU- LATION	EXISTING PD 595 R-5(A)	EXISTING PD 595 NC(E)	PROP. WMU-5 (F) Dev Type: Mixed Use Shopfront	PROP. WMU-5 (F) Dev Type: Civic Building
Front Yard Setback	20'	0' OR Up to 15' landscaped Up to 5' w/wider sidewalks	5'/15'— primary/side 0'—service 90% req. frontage	20'/0' primary 10'/0' side 0'/0' service No req. frontage
Parking Setback	None	30'	30' primary 5'—side/service 10'—SFD adj. 5'—MFD, nonres, alley	20' primary 5'—side/service 10'—SFD abutting 5'—MFD, nonres, alley
Side and Rear Yard Setback	5'/5'—SF 10'—others	0'/0' OR 5'/5' if provided OR 15'/15' w/resadj.	Side: 15'—SFD adj. 0'/5'—MFD, nonres adj 5'—alley Rear: 15'—SFD adj. 5'—MFD, nonres adj 5'—alley 10'—service	10'/10'

REGU- LATION	EXISTING PD 595 R-5(A)	EXISTING PD 595 NC(E)	PROP. WMU-5 (F) Dev Type: Mixed Use Shopfront	PROP. WMU-5 (F) Dev Type: Civic Building
Dwelling Unit Density	No DUD; only SF permitted.			
FAR	No FAR max.	0.5 FAR.	NONE	NONE
0Min Lot Size	1 Dwelling Unit/ 5,000 sq. ft. = 8 DUs per acre			
Height	30'	30' 2 stories	Based on WMU-5: 5 stories, 2 stories minimum, 80'	
RPS	Yes	Yes	Yes	
Lot Cover- age	45% res. 25% nonres.	40%	100%	60% Lot width min. 30'
Off- Street Parking & Loading	51A 30' Addt'l setback from curb Parking screening	51A	51A Parking setbacks	51A Parking setbacks
Land- scaping	51A/X plus 595	51A/X plus 595	51A/X plus 595	51A/X plus 595
Screen- ing	51A	51A	51A	51A
Signs	Nonbusiness	Business	Business	Business

REGU- LATION	EXISTING PD 595 R-5(A)	EXISTING PD 595 NC(E)	PROP. WMU-5 (F) Dev Type: Mixed Use Shopfront	PROP. WMU-5 (F) Dev Type: Civic Building
Design Stand- ards	None	None	Story height, ground and upper story transparency, entrance, blank wall, active use on ground story, open space (8% of build site), streetscapes with required pedestrian amenities.	

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in PD No. 595 and Article X, as amended.

Parking:

Pursuant to the Dallas Development Code, the applicant would be required to comply with standard parking ratios at permitting.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is not located within an MVA cluster but is surrounded by "I" MVA clusters in all directions.

List of Officers

Watermark South Dallas, LLC

Board Officers:

- Blake Holmes
- Todd Anders
- Ben Caldwell
- Mickey Friedrich
- Kyle Thompson
- James Proctor, Director of Facilities

CPC Action
May 18, 2023

Motion: It was moved to recommend **approval** of an FWMU-5 Walkable Urban Mixed Use Form Subdistrict, subject to deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family Subdistrict and an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the southwest line of 2nd Street, between Garden Lane and Vannerson Drive.

Maker: Wheeler-Reagan
Second: Blair
Result: Carried: 9 to 0

For: 9 - Herbert, Anderson, Shidid, Wheeler-Reagan,
Blair, Treadway, Stanard, Kingston, Rubin

Against: 0
Absent: 4 - Popken, Carpenter, Jung, Haqq
Vacancy: 0
Conflict: 2 - Hampton**, Housewright**

**out of the room when vote taken

Notices:	Area: 400	Mailed: 106
Replies:	For: 1	Against: 3

Speakers: For: John Cox, 7903 Emerson Ave., Dallas, TX, 75209
Karl Crawley, 2201 Main St., Dallas, TX, 75201
Carson Smith, 10609 Lakemere Dr., Dallas, TX, 75238
Michael Sneed, 3525 Hancock St., Dallas, TX, 75210
Shenita Cleveland, Burger Ave., Dallas, TX, 75215
James Spindle, 2913 Cascade Ln., Heartland, TX, 75126
Christy Chermak, Address not given
For (Did not speak): Eppie Meadows, 3227 Goldspier Dr., Dallas, TX, 75215
Kea Johnson, 3022 Pine St., Dallas, TX, 75215
Against: None

March 23, 2023

Motion: In considering an application for an FWMU-5 Walkable Urban Mixed Use Form Subdistrict on property zoned an R-5(A) Single Family Subdistrict and an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose

District, on the southwest line of 2nd Street, between Garden Lane and Vannerson Drive, it was moved to **hold** this case under advisement until April 20, 2023.

Maker: Wheeler-Reagan

Second: Blair

Result: Carried: 11 to 0

For: 11 - Herbert, Anderson, Shidid, Carpenter, Wheeler-Reagan, Blair, Jung, Treadway, Haqq, Kingston, Rubin

Against: 0

Absent: 2 - Housewright, Stanard

Vacancy: 1 - District 1

Conflict: 1 - Hampton

Notices: Area: 400

Mailed: 106

Replies: For: 1

Against: 3

Speakers: For: None

For (Did not speak): Kea Johnson, 3022 Pine St., Dallas, TX, 75215
James Spindle, 2913 Cascade Ln., Heartland, TX, 75126

Against: None

Against (Did not speak): Todd Atkins, 3918 Crozier St., Dallas, TX, 75215
Pamela Grayson, 5207 Grovewood St., Dallas, TX, 75210
Willie Mae Coleman, 3802 York St., Dallas, TX, 75210
Eva Jones, 2333 Eugene St., Dallas, TX, 75215
Tracy Dotie Hill, 9540 Garland Rd., Dallas, TX, 75218

VOLUNTEERED DEED RESTRICTIONS

The undersigned, WATERMARK SOUTH DALLAS, LLC ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Thomas Lagow Survey, Abstract No. 759, part of City Block 4450 and 4447, City of Dallas ("City"), Dallas County, Texas, and being those same tracts of land conveyed to the Owner by Watermark Community Church/City of Refuge-Dallas, LLC, by deed dated October 24, 2019, and recorded in Instrument #201900286346, in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

The Owners do hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

(a) In this document:

(1) **PLASMA OR BLOOD DONATION CENTER** means a blood bank as defined in Chapter 162 of the Texas Health and Safety Code, as amended.

(2) **TOBACCO PRODUCT** means a tobacco product as defined in Chapter 155 of the Texas Tax Code, as amended.

(3) **TOBACCO SHOP** means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco or tobacco products.

(b) The following uses are prohibited:

(1) Commercial and business service uses.

- Transit passenger station or transfer center
- Medical or scientific laboratory.
- Plasma or blood donation center.
- Tobacco shop.

(2) Institutional and community service uses.

- Cemetery or Mausoleum.

(3) Lodging uses.

- Hotel or motel.

(4) Office uses.

- Alternative financial establishment.
- Financial institution with drive-in window.

(5) Residential uses.

- College dormitory, fraternity or sorority house.
- Duplex.

- Group residential facility.
- Handicapped group dwelling unit.
- Manufactured home park, manufactured home subdivision, or campground.
- Multifamily.
- Residential hotel.
- Retirement housing.
- Single family.

(6) Retail and personal services uses.

- Ambulance service.
- Animal shelter or clinic without outside runs.
- Auto service center.
- Alcoholic beverage establishment.
- Commercial Amusement (Inside) limited to adult arcade, adult cabaret, adult theater, amusement center, billiard hall, bowling alley, dance hall motor track or skating rink.
- Commercial parking lot or garage.
- Furniture store.
- Home improvement center, lumber, brick, or building materials sales yard.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.

(7) Utility and public service uses.

- Electrical substation.

(8) Wholesale, distribution, and storage uses.

- Mini-warehouse.
- Recycling drop-off container.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in the document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a

zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment of termination of these deed restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

THE OWNER AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY FROM AND AGAINST ALL CLAIMS OR LIABILITIES ARISING OUT OF OR IN CONNECTION WITH THE PROVISIONS OF THIS DOCUMENT.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

XII.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED at the City of Dallas, _____ County, Texas, this the ____ day of _____, 20__.

Owner

By:_____

Printed Name:_____

Title:_____

CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

Owner

By:_____

Printed Name:_____

Title:_____

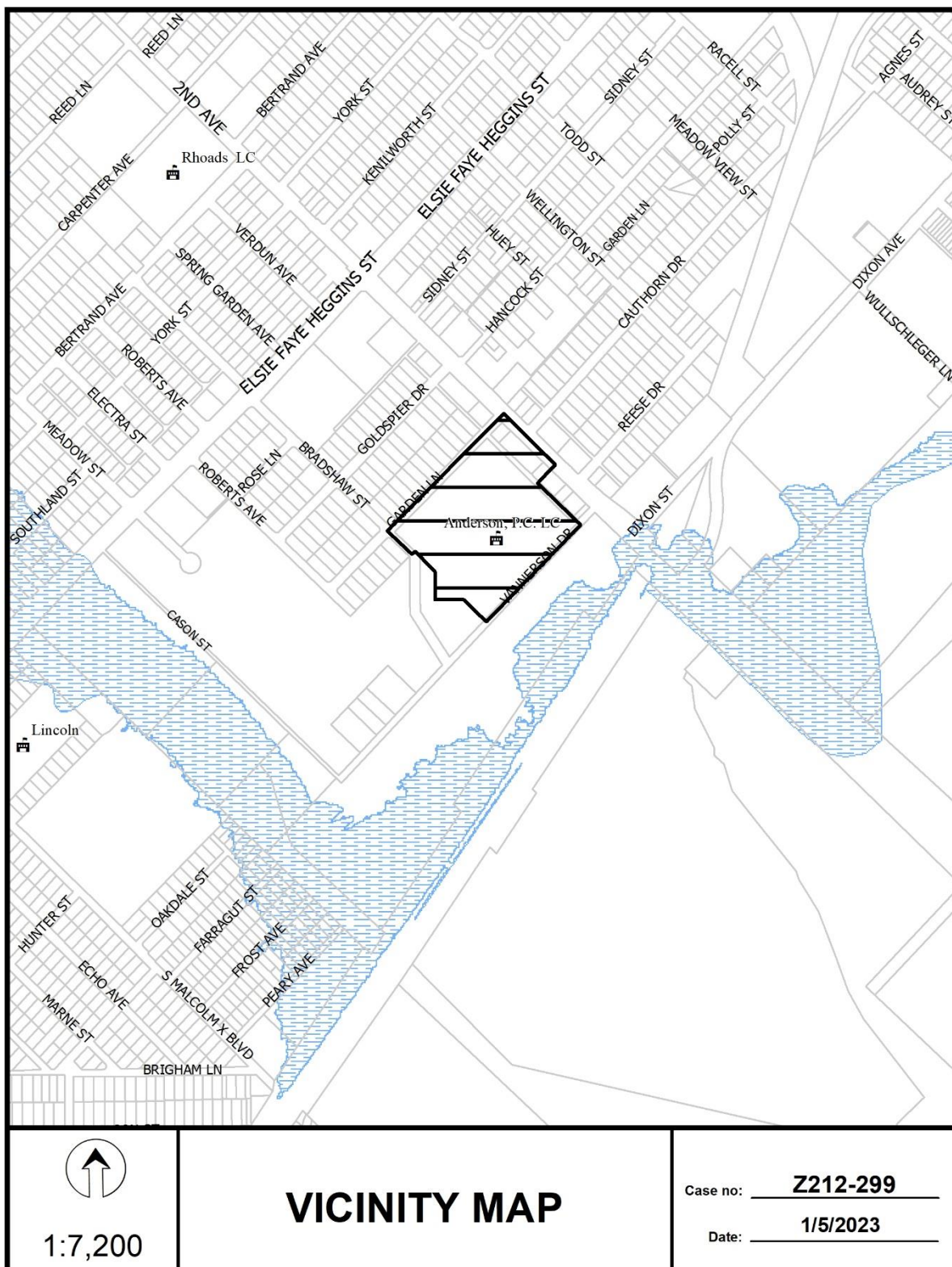
APPROVED AS TO FORM:

Tammy Palomino, Interim City Attorney

By:_____

Assistant City Attorney

Z212-299(JM)



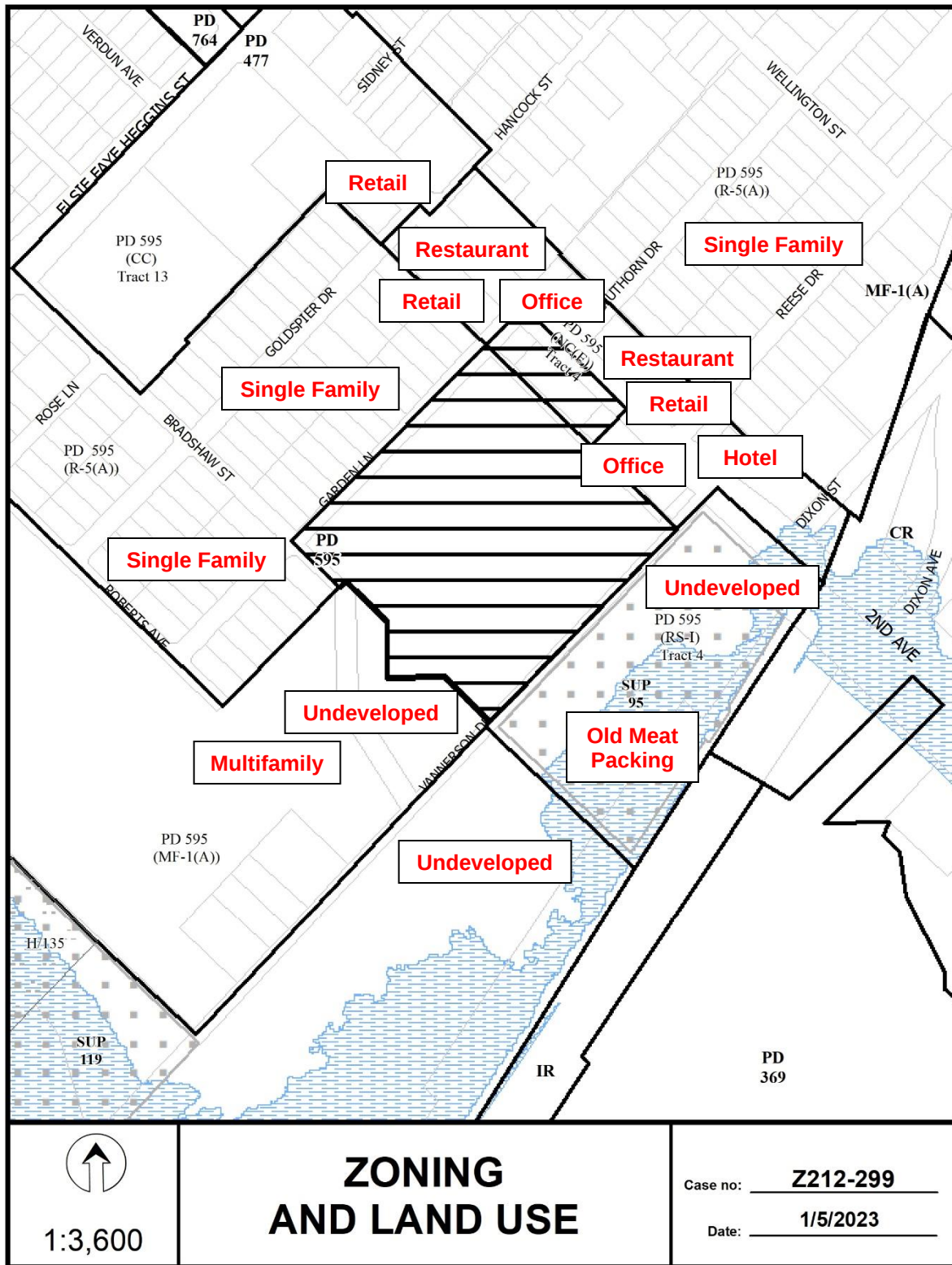


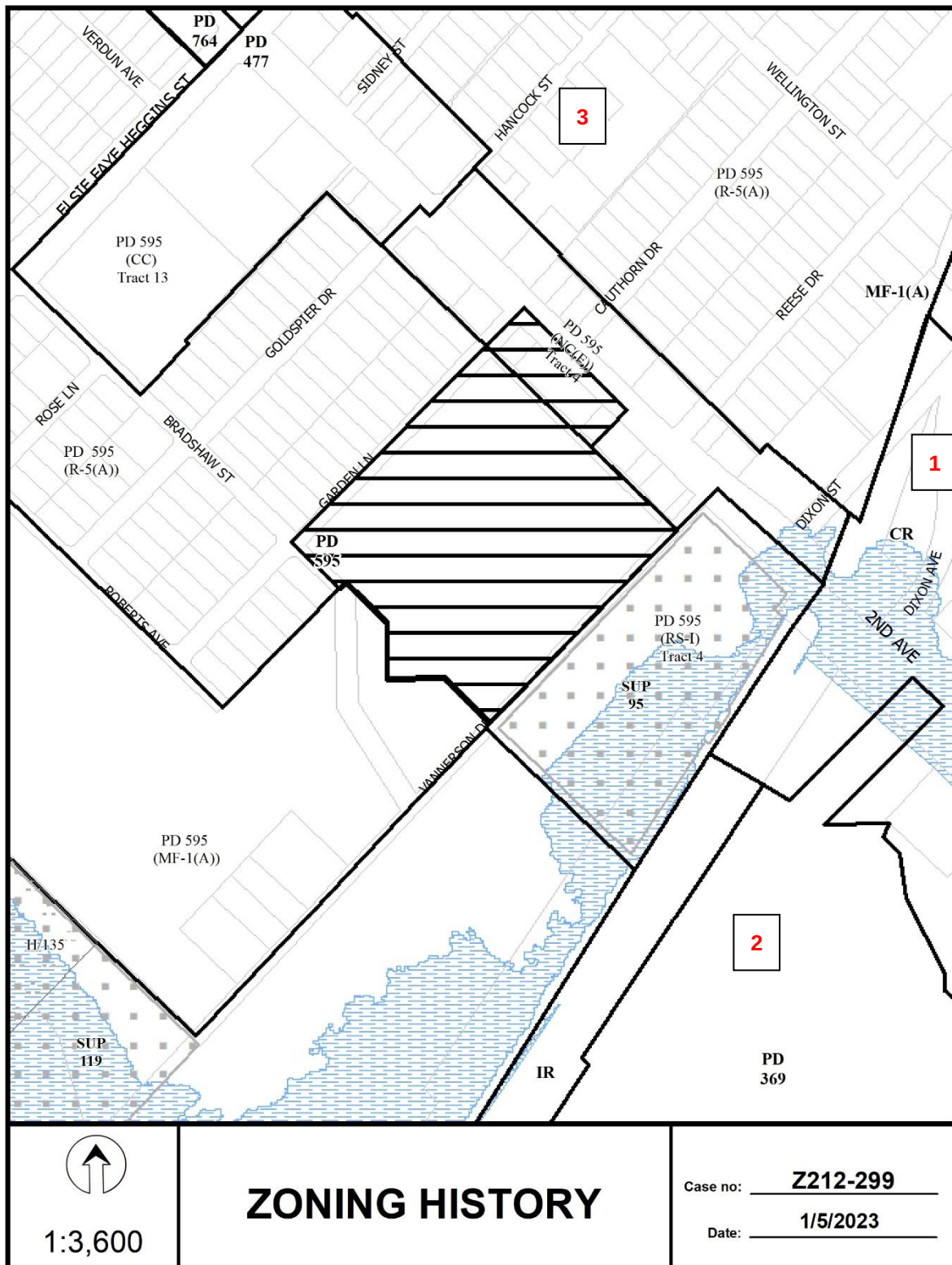
1:3,600

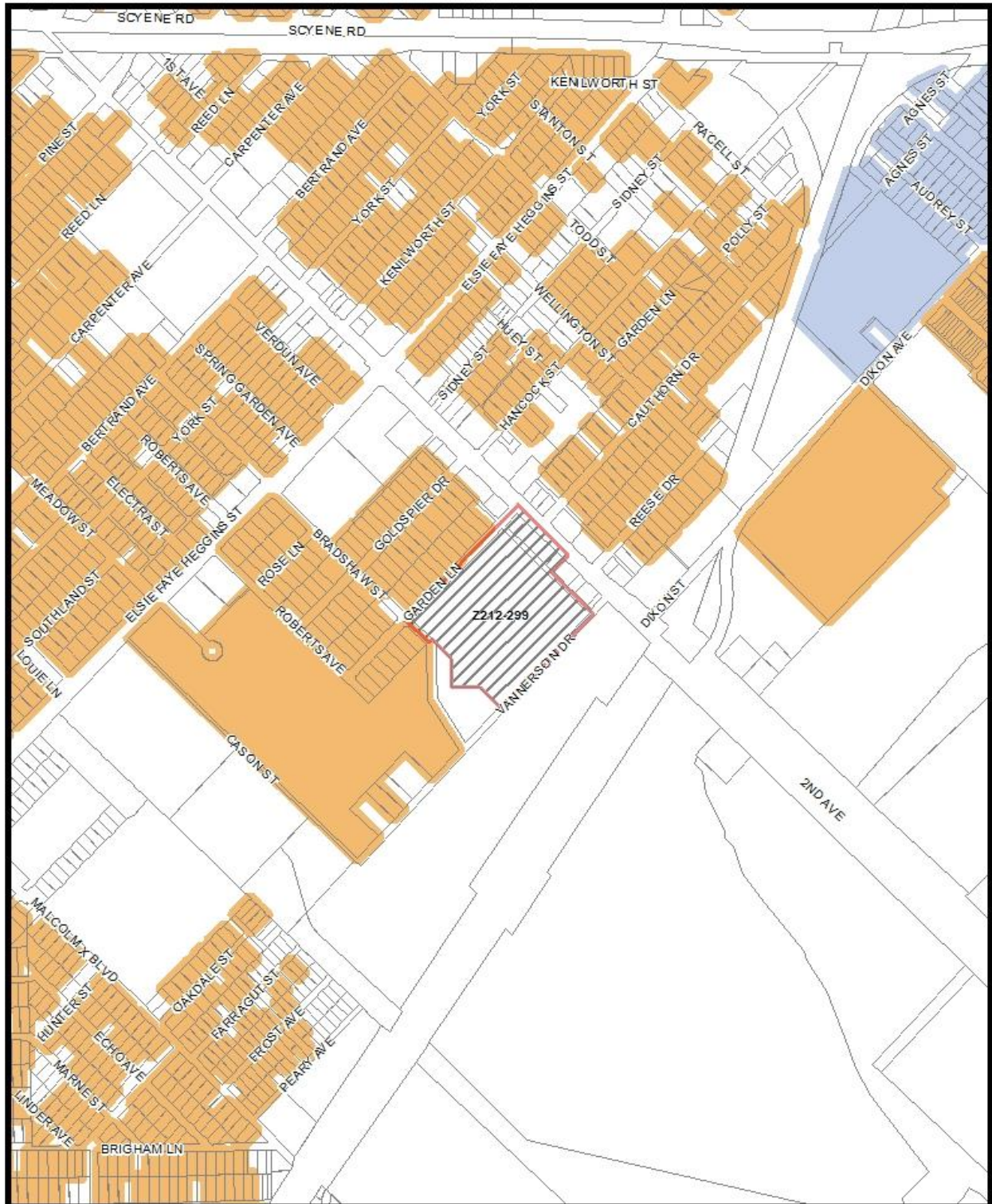
AERIAL MAP

Case no: **Z212-299**

Date: **1/5/2023**







Market Value Analysis

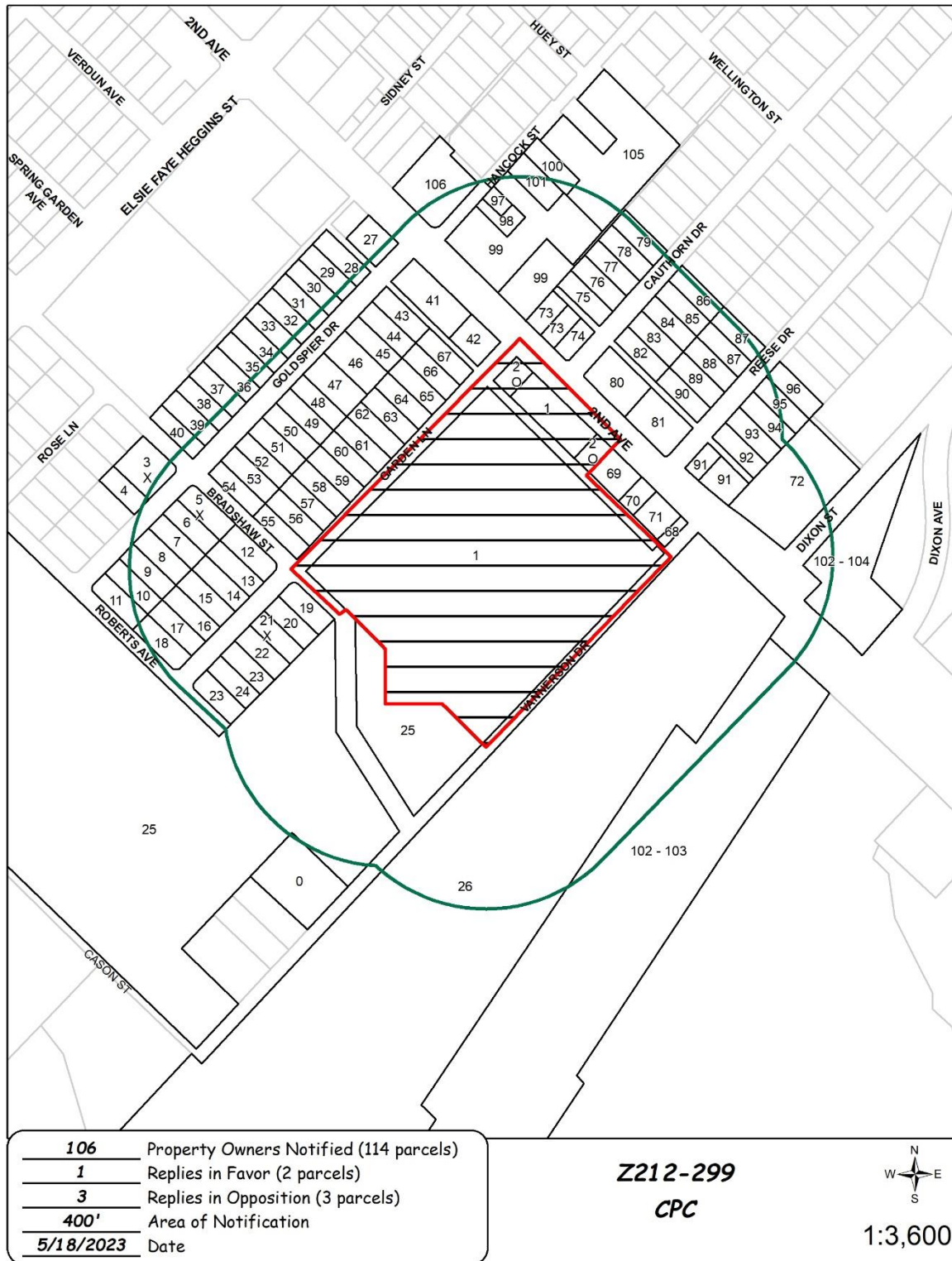
A	B	C	D	E	F	G	H	I	NA
---	---	---	---	---	---	---	---	---	----



Market Value Analysis

Printed Date: 1/5/2023

CPC RESPONSES



05/17/2023

Reply List of Property Owners***Z212-299******106 Property Owners Notified******1 Property Owners in Favor******3 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3400 GARDEN LN	WATERMARK SOUTH DALLAS LLC
O	2	5003 2ND AVE	WATERMARK SOUTH DALLAS LLC
X	3	3227 GOLDSPIER DR	MEADOWS EPPIE L
	4	3219 GOLDSPIER DR	2310 ROCK STREET LLC
X	5	3226 GOLDSPIER DR	SALTER DELORES
	6	3222 GOLDSPIER DR	Taxpayer at
	7	3218 GOLDSPIER DR	Taxpayer at
	8	3214 GOLDSPIER DR	YOUNG ARTHUR N
	9	3210 GOLDSPIER DR	WIGGINS MARTIN
	10	3206 GOLDSPIER DR	MIRAMAR MCB DFW SFR I LP
	11	3202 GOLDSPIER DR	SHEPHERD ALONZO
	12	3227 GARDEN LN	MOLINA LACY NOEL &
	13	3223 GARDEN LN	RICHARDSON CREATHOMAS
	14	3219 GARDEN LN	GRIFFIN KON NEADRA
	15	3215 GARDEN LN	Taxpayer at
	16	3211 GARDEN LN	PCLO LLC
	17	3207 GARDEN LN	NED INVESTMENTS LLC
	18	3203 GARDEN LN	RIOS JEREMIAS &
	19	3226 GARDEN LN	SALTER LOVIS
	20	3222 GARDEN LN	Taxpayer at
X	21	3218 GARDEN LN	DANIELS LINDA D &
	22	3214 GARDEN LN	TEKELEMARIYAM YEWUBDAR &
	23	3210 GARDEN LN	WORKS G W & CO
	24	3206 GARDEN LN	CHAVES JESUS JOSE &
	25	5026 BRADSHAW ST	ROSEMONT MEADOW LANE APTS LLC
	26	5219 2ND AVE	SJR SECOND AVE REALTY LP

05/17/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4815	2ND AVE	SBW PROPERTIES LLC
28	3411	GOLDSPIER DR	S D HOME DESIGNS LLC SERIES C
29	3407	GOLDSPIER DR	BIGGINS KELVIN R
30	3403	GOLDSPIER DR	SALINAS CECILIA BRISEIDA
31	3339	GOLDSPIER DR	HARDEMAN ELLA
32	3335	GOLDSPIER DR	PHILLIPS ELECTOR
33	3331	GOLDSPIER DR	WARREN FAYETTE Y
34	3327	GOLDSPIER DR	KNIGHT FREDDIE M
35	3323	GOLDSPIER DR	RG HEATH LLC
36	3319	GOLDSPIER DR	JOHNSON BILLY
37	3315	GOLDSPIER DR	WALCHER MARTIN RAY
38	3311	GOLDSPIER DR	RIOS JEREMIAS A &
39	3307	GOLDSPIER DR	Taxpayer at
40	3303	GOLDSPIER DR	WALTON JOE E SR
41	4915	S 2ND AVE	KRISHNA MIA LLC
42	4919	2ND AVE	Taxpayer at
43	3410	GOLDSPIER DR	DURAN ANGEL MARTINEZ &
44	3406	GOLDSPIER DR	Taxpayer at
45	3402	GOLDSPIER DR	LBK STARR REALTY LLC
46	3334	GOLDSPIER DR	Taxpayer at
47	3330	GOLDSPIER DR	Taxpayer at
48	3326	GOLDSPIER DR	TINOCO EDUARDA &
49	3322	GOLDSPIER DR	JACKSON EMMA EST OF
50	3318	GOLDSPIER DR	IBRA LLC
51	3314	GOLDSPIER DR	Taxpayer at
52	3310	GOLDSPIER DR	MULLEN AARON L
53	3306	GOLDSPIER DR	CHAMBERS THOMAS
54	3302	GOLDSPIER DR	CHAMBERS THOMAS M
55	3301	GARDEN LN	GUINN ODESSA
56	3307	GARDEN LN	HARPER YOLANDA
57	3311	GARDEN LN	SALTER LOVIS & BETTY

05/17/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	3315	GARDEN LN	Taxpayer at
59	3319	GARDEN LN	BAUGH PATRICIA A
60	3323	GARDEN LN	CASSELBERRY DONALD
61	3327	GARDEN LN	S D HOME DESIGN LLC
62	3331	GARDEN LN	ROLFE LEVESTER JR
63	3335	GARDEN LN	KELLY JACKSON &
64	3339	GARDEN LN	ROBINSON JIMMY T
65	3403	GARDEN LN	SWEET TIMOTHY
66	3407	GARDEN LN	AGUIRRE VICTORIA CARIAS
67	3411	GARDEN LN	SIMS GEORGE
68	5041	2ND AVE	EQUITY TRUST COMPANY CUSTODIAN FBO &
69	5033	S 2ND AVE	LIM & DANG INC
70	5037	S 2ND AVE	PHNOM KULANE TRUST THE
71	5041	2ND AVE	EQUITY TRUST COMPANY CUSTODIAN FBO &
72	5122	2ND AVE	PATEL SUNIL C
73	4922	S 2ND AVE	OLUSANYA KIM
74	4930	2ND AVE	BURNETT JIMMY
75	3511	CAUTHORN DR	Taxpayer at
76	3517	CAUTHORN DR	GARCIA JOSE ADAN & ESMERALDA
77	3519	CAUTHORN DR	DRAIN KINGS LLC
78	3525	CAUTHORN DR	RAMIREZ ROBERTO BERMUDEZ &
79	3529	CAUTHORN DR	WALLACE FAYRENE EST OF
80	5002	S 2ND AVE	DALLAS KING JR LLC
81	5018	2ND AVE	KHOU KIM LLC
82	3510	CAUTHORN DR	GARCIA JESSICA
83	3514	CAUTHORN DR	GARCIA JESSICA
84	3518	CAUTHORN DR	MORALES FELIX &
85	3522	CAUTHORN DR	RODRIGUEZ LUZ MARIA
86	3526	CAUTHORN DR	SARMIENTO ERVIS ROEL
87	3529	REESE DR	WORKS GEORGE W
88	3519	REESE DR	Taxpayer at

05/17/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	3517	REESE DR	PAXTON MILDRED
90	3511	REESE DR	SMITH BOBBY
91	5102	2ND AVE	D & D PROPERTIES
92	3510	REESE DR	AUGUSTUS DANNY &
93	3514	REESE DR	SUN LAND RESERVE OF AMERICA INC
94	3518	REESE DR	GRANDADDYS PROPERTIES LLC
95	3522	REESE DR	MEGERSA TEFFERA
96	3524	REESE DR	WOODS SONYA M &
97	3514	HANCOCK ST	LEVINGTON JOSEPH
98	3420	HANCOCK ST	LEVINGSTON JOSEPH &
99	4910	2ND AVE	LEVINGSTON JOSEPH
100	3530	HANCOCK ST	MINAFEE HORACE
101	3522	HANCOCK ST	MARTINEZBARRIENTO MANUEL D &
102	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
103	9999	NO NAME ST	UNION PACIFIC RR CO
104	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
105	3610	HANCOCK ST	BEGINNERS BAPTIST CHURCH
106	4818	S 2ND AVE	MANANDHAR SARAD &