

**FILE NUMBER:** Z223-238(MP) **DATE FILED:** March 22, 2023

**LOCATION:** West line of South I-35 Freeway, between East Eighth Street and Dale Street

**COUNCIL DISTRICT:** 1

**SIZE OF REQUEST:** 0.57 acres **CENSUS TRACT:** 48113002002

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**REPRESENTATIVE:** Laura Hoffman, Jesse Copeland, Winstead PC

**OWNER/APPLICANT:** Noble Oak Cliff, LLC

**REQUEST:** An application for **(1)** a new subdistrict for WMU-12 Walkable Urban Mixed Use District uses; **(2)** a Specific Use Permit for a restaurant with drive-in or drive-through service; and **(3)** the termination of deed restrictions [Z890-182] on property zoned Subdistrict F within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, with deed restrictions [Z890-182] on a portion.

**SUMMARY:** The purpose of the request is to allow modified development standards primarily related to permitted uses, setbacks, required frontages, parking setbacks, building elements, landscaping, streetscaping, and form district standards to develop a restaurant with drive-in or drive-through service.

**STAFF RECOMMENDATION:** (1) **Denial** of a new subdistrict for WMU-12 Walkable Urban Mixed Use District uses; (2) **denial** of a Specific Use Permit for a restaurant with drive-in or drive-through service; and (3) **approval** of the termination of deed restrictions [Z890-182] as volunteered by the applicant.

**CPC RECOMMENDATION:** (1) **Approval** of a new subdistrict for WMU-12 Walkable Urban Mixed Use District uses, subject to conditions; (2) **approval** of a Specific Use Permit for a restaurant with drive-in or drive-through service for a ten-year period, subject to a site plan, landscape plan, and conditions; and (3) **approval** of the termination of deed restrictions [Z890-182] as volunteered by the applicant.

**BACKGROUND INFORMATION:**

- The area of request is currently zoned Subdistrict F within Planned Development District No. 468.
- On May 13, 2015, the City Council adopted Ordinance No. 29743 which enlarged and amended Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, to adopt form district regulations with modifications.
- Drive through uses are permitted on the property currently with a specific use permit. The applicant requests several exemptions to the form based zoning standards in order to accommodate their proposed use.
- The applicant is requesting to create a new subdistrict based on the existing zoning and modifies the standards only as they apply to a restaurant with a drive through.
- The site today is governed by the development standards of a WMU-12 District. This district permits a wide variety of uses, but stipulates that buildings must be constructed in accordance with the broader form based zoning, Article XIII. The proposed use is permitted with a specific use permit if it meets the requirements of the existing zoning.
- The property also includes deed restrictions [Z890-182], which limit the floor area ratio to 1.0.

**Zoning History:**

There have not been any zoning cases in the area in the last five years.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Proposed ROW</b>
East Eighth Street	Minor Arterial	44 foot pavement, 60 foot ROW Bike Plan
South I-35 Freeway	Depressed freeway	365 feet
Dale Street	Local	-

**Traffic:**

The Transportation Development Services Division of the Transportation Department has reviewed the request. Managing a coffee shop with drive through facilities at small properties such as the subject site is challenging. Avoiding impact to public rights-of-way requires an active management plan, which is typically difficult for store managers when they are not adequately staffed. The proposed SUP plan does not comply with PROWAG; staff recommends revisions now. All sidewalks at corner and traffic signal must be upgraded to comply with ADA and City standards. Evaluation of request must consider the attractiveness of this site for students walking in the area as well.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006.

The applicant's request **conflicts** 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 1.1.4** Capitalize on transit oriented development opportunities.

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

**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.

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

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

## **TRANSPORTATION ELEMENT**

### **GOAL 4.2 PROMOTE A VARIETY OF TRANSPORTATION OPTIONS**

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

**Policy 4.2.4** Promote the safe and efficient movement of goods.

## **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 6.3.3** Limit vehicle miles traveled.

### **Area Plan:**

#### **The 360 Plan**

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

The project's promotion of an autocentric design and use contradicts the 360 Plan's strategy to Advance Urban Mobility through the following goals:

#### **1 ADOPT URBAN MOBILITY PRINCIPLES**

The project’s exemptions from the existing standards which promote the public realm and quality of life contradicts the 360 plan’s goal to Promote Great Placemaking through the following goals:

- 1 ENSURE EXCELLENT URBAN DESIGN TO ENHANCE QUALITY OF LIFE AND ECONOMIC VALUE
- 2 ACTIVATE THE PUBLIC REALM

**CECAP:**

The proposed subdistrict that incentivizes congestion and emissions at the expense of active transportation conflicts with the goals of CECAP.

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

T9: Adopt a target corridor, district, or city-wide mode split goals to help reinforce policies aimed at reducing single-occupancy vehicle use

**Land Use:**

	Zoning	Land Use
<b>Site</b>	Subdistrict F, within PD No. 468 with DR Z890-182	Undeveloped
<b>North</b>	Subdistrict F, within PD No. 468	Single family, multifamily
<b>East</b>	RR Regional Retail District	Depressed highway, motor vehicle fueling station
<b>South</b>	Subdistrict F, within PD No. 468	Restaurant without drive through service
<b>West</b>	Subdistrict F, within PD No. 468	Hotel

**Land Use Compatibility:**

Across Dale Street to the north, there is a single family home and a multifamily building [triplex]. Across I-35 to the east is a motor vehicle fueling station. Across East Eighth Street to the south is a restaurant without drive through service. West of the site, there is a hotel. Staff does not evaluate the proposed use as a standalone facility as appropriate with close proximity to residential uses.

The conditions of the proposed subdistrict contradict the purpose of the existing WMU zoning. The use is permitted already with a specific use permit provided the development standards are met, which would be possible with an alternative design or site orientation. The block does not have significant specific obstacles to full development under WMU zoning. The block serves as an important gateway into the larger PD 468 district. Additional autocentric design, as prescribed by the proposed conditions serve to limit safe and comfortable access into the district and deconstruct the original intent of the established PD 468.

The proposed conditions do not satisfy the spirit of the primary or side street designations of Article XIII. The conditions do not focus building massing toward either blockface that would typically be considered primary streets, Dale Street and Eighth Street. Although the conditions nominally call Eighth Street a primary street and Dale Street a side street, the applied development standards make these designations functionally irrelevant. This includes maximum setbacks, building finishes such as entrances and transparency, and frontage requirements.

The use could be built out under the existing zoning with a General Commercial development type. If frontage standards are considered an impediment to development on the site, co-development of additional properties may help meet the requirements along the block. Staff could consider the use subject to an SUP without the proposed significant exemptions requested through the creation of a new subdistrict. With the exemptions proposed to the existing zoning on site and the difficulties of operating a drive through operation noted in the Traffic section, staff finds a five year period appropriate to confirm the compatibility of the site after construction.

Staff does find that the termination of deed restrictions is appropriate to allow proper development of the site. These deed restrictions predate PD 468 and remain as vestigial conditions from previous up zonings intended to limit a previous RR zoning – not the more recently established WMU-12. WMU-12 does dictate that any buildings must both have high frontage and must be a minimum of two stories, which drives floor area higher. This arbitrary floor area ratio limit may pose difficulty for development on site – either in the proposed subdistrict or within the status quo – and is in conflict with the existing WMU zoning.

### **Overview of Form Districts**

Form-based zoning differs from traditional zoning in that development standards focus primarily on the form of the building rather than its intended use. Under form-based zoning, the desired form of buildings is typically more urban in style. Buildings are

constructed with multiple stories and are located at the front of the site, closer to the street. This, coupled with enhanced standards for transparency, building articulation, and pedestrian amenities, are intended to ensure an active streetscape.

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

The existing subdistrict is Subdistrict F, WMU-12 Subdistrict within PD No 468. The form subdistricts of PD No. 468 largely default to the standards of the form districts in Article XIII of Chapter 51A.

### **Streetscapes**

Typical streetscape conditions are required in the existing zoning, as called for by [SEC. 51A-503](#) for existing streets. However, the applicant requests full exemption from the streetscape requirements of Article XIII. They also request exemption from the requirements for street trees.

### **Modifications to Street Designations**

The conditions requests to change to follow street designations as shown on the table below:

<b>Street Frontage</b>	<b>Existing Conditions</b>	<b>Proposed Conditions</b>
Eighth Street	Primary Street	Primary Street
Dale Street	Primary Street	Side Street
I-35 Frontage Road	Side Street	Service Street

While the proposed conditions modify the street designations system within Article XIII in a manner incongruous with the arrangement of the block, the designations are largely irrelevant, as the other conditions widely exempt the development from the standards that would constitute typical blockface structure.

On the left are the existing designations of streets. On the right are the proposed changed designations.



In this image, **red** reflects a primary blockface, **green** a side blockface, and **purple** a surface blockface.

**Development Standards:**

	<b>General Commercial</b>	<b>Proposed Use Drive Through Facility</b>
Minimum Setback	5'	5'
Maximum Setback	15'	None
Primary Street Frontage (minimum)	70%	None
Side Street Frontage (minimum)	40%	None
Service Street Frontage (minimum)	0%	0%
Ground Story Height (min/max ft.)	11 / 22	11 / 22
Parking Setback Primary Street	30'	30' (Not modified explicitly, but modified in practice by changes in street designations)
Parking Setback Side Street	5'	5' (Not modified explicitly, but modified in practice by changes in street designations)

	<b>General Commercial</b>	<b>Proposed Use Drive Through Facility</b>
Parking Setback Service Street	5'	5'
Minimum Ground-Story Transparency along Primary Streets	30%	18% 8 <sup>th</sup> Street 3% Dale Street
Minimum Ground-Story Transparency along Side Streets	25%	25% IH-35 or 25% painted work of art
Minimum Ground-Story Transparency along Service Streets	None	None
Building Entrances	Required on primary	Not required
Blank Wall Area on Primary Street (max linear ft.)	30'	30'
Blank Wall Area on Side or Service Street (max linear ft.)	No max	No max (Not modified explicitly, but modified in practice by changes in street designations)
Min Stories	2	1
Max Stories	12	12
Max Height	180'	180'
Open Space Req.	8%	10%

Residential proximity slope is applicable to form district within PD No. 468, but other form districts are not sites of origination for RPS.

The applicant has proposed the use of the General Commercial development type.

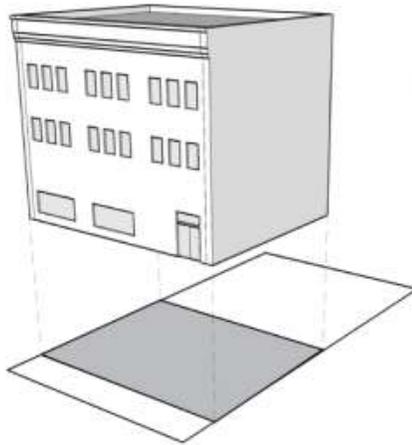
## Requirements for Development Types: General Commercial Type



general commercial

### (d) General Commercial.

#### (1) Definition.



A development type intended primarily for nonresidential uses.

Ground-story spaces should be flexible enough to accommodate a variety of nonresidential uses. Upper stories should be used for offices or other types of compatible nonresidential uses. The building must be pulled up to the street. No on-site surface parking is permitted between the building and the street. On-site surface parking areas must be located to the rear of the building. Primary entrances must be street-facing.

#### (2) Character Examples.

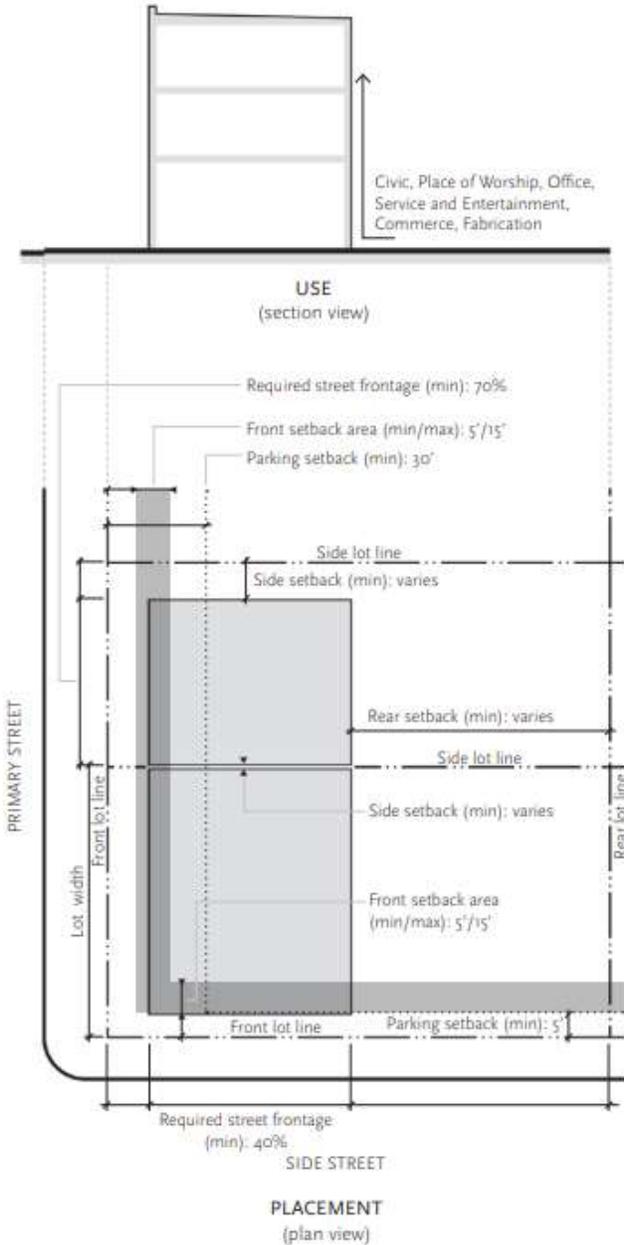
Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.





general commercial

**(4) Use and Placement.**



**BUILDING USE**

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

**BUILDING PLACEMENT**

**LOT**

Area (min sf)	none
Area (max sf)	none
Width (min ft)	none
Width (max ft)	none
Lot coverage (max)	80%

**FRONT SETBACK AREA**

Primary street (min/max ft)	5/15
Side street (min/max ft)	5/15
Service street (min/max ft)	none

**REQUIRED STREET FRONTAGE**

Primary street (min)	70%
Side street (min)	40%
Service street (min)	none

**PARKING SETBACK**

From primary street (min ft)	30
From side street (min ft)	5
From service street (min ft)	5
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district or alley (min ft)	5

**SIDE SETBACK**

Abutting single-family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

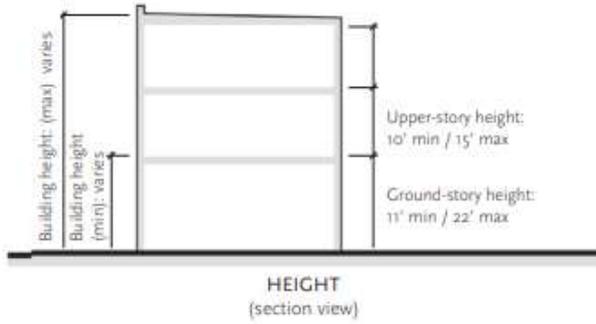
**REAR SETBACK**

Abutting single-family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	5
Abutting alley (min ft)	5
Abutting service street (min ft)	10



general commercial

**(5) Height and Elements.**



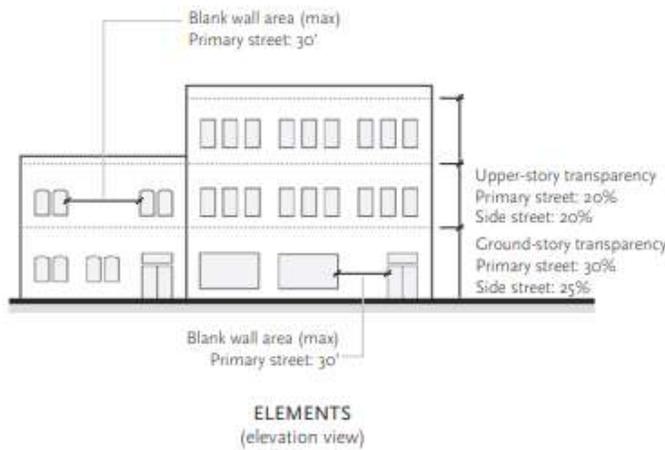
**BUILDING HEIGHT**

**HEIGHT**

Building height (max stories/ft)	See Section 51A-13.302, "Height"
Building height (min stories)	
WMU-3, -5	1
WMU-8, -12	2
WMU-20	4
WMU-40	5

**STORY HEIGHT**

Ground story (min/max ft)	11/22
Upper story (min/max ft)	10/15



**BUILDING FACADE**

**GROUND-STORY TRANSPARENCY**

Primary street facade (min)	30%
Side street facade (min)	25%
Service street facade (min)	none
<i>Measured from floor to floor.</i>	

**UPPER-STORY TRANSPARENCY**

Primary street facade (min)	20%
Side street facade (min)	20%
Service street facade (min)	none
<i>Measured from floor to floor.</i>	

**BUILDING ENTRANCE**

Primary street	required
Entrance spacing (max linear ft)	none
Side street	allowed
Service street	allowed

**BLANK WALL AREA**

Primary street (max linear ft)	30
Side street (max linear ft)	none
Service street (max linear ft)	none

**Landscaping:**

In the base zoning, landscaping must be provided in accordance with Article XIII, as amended. Tree preservation must be provided in accordance with Article X, as amended. The applicant proposes exemptions to required landscaping. The conditions propose exemptions from any typical parking lot trees. Instead, they propose to place a three foot earthen berm, 30 inch wall, or hedges between the parking lot and street. They also request exemption from street trees prescribed by the existing zoning.

Should the commission approve the subdistrict, staff recommends typical landscaping apply in accordance with Article XIII.

This will allow the project to be developed with consistent streetscaping as the surrounding area, even if the use is not compatible. The full requirement for street trees and parking lot trees would also assist in meeting CECAP environmental goals as they would lessen the urban heat island effect created by the pervious surfaces being added to the site.

**Parking:**

On-site parking is required for all uses in accordance with Article XIII. Should the commission approve a subdistrict, staff recommends eliminating the required parking for uses on the property. As the applicant has stated that parking requirements conflict with the ability to develop the property under the typical requirements of Article XIII, staff finds easier development of the site in keeping with Article XIII may be enabled by the removal of parking requirements. The applicant would still be able to include as much parking as they can fit on site, but would not have a specific minimum number.

**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 subject property is located within an MVA Category "I" area.

**List of Officers**

Noble Oak Cliff, LLC

Waylon Longino, Sole Member

**DRAFT  
CPC Action  
July 25, 2024**

**Motion:** It was moved to recommend 1) **approval** of a new subdistrict for WMU-12 Walkable Urban Mixed-Use District uses, subject to a landscape plan and applicant’s requested conditions with the following change: 1) the landscaping section, Section 8 is to read as follows: (a) “Except as provided in this subsection, landscaping must be provided in accordance with Article X; b) for a restaurant with drive -in or drive through service, landscaping must be provided as shown on the attached landscape plan; c) plant materials must be maintained in a healthy, growing condition.” 2) Delete the surface parking landscaping section, section (9) and the streets and streetscapes section, section (10); 2) **approval** of a Specific Use Permit for a restaurant with drive-in or drive-through service, subject to a site plan and the applicant’s requested conditions with the following change: 1) expires in 10 years with no eligibility for automatic renewal; and 3) **approval** of the termination of deed restrictions [Z890-182] as volunteered by the applicant, on property zoned Subdistrict F within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, with deed restrictions [Z890-182] on a portion, on the west line of South I-35 Freeway, between East Eighth Street and Dale Street.

**Motion to Call the Question:** It was moved to Call the Question.

Maker: Kingston  
Second: Hall  
Result: Carried: 14 to 0

For: 14 - Chernock, Hampton, Herbert, Shidid, Blair,  
Sleeper, Housewright, Eppler, Haqq, Hall,  
Kingston

Against: 0 -  
Absent: 1 - Haqq  
Vacancy: 0

**Note: The Commission returned to vote on proposed motion.**

Maker: Chernock  
Second: Housewright  
Result: Carried: 9 to 5

For: 9 - Chernock, Shidid, Carpenter, Blair, Sleeper,  
Housewright, Eppler, Hall, Kingston

Against: 5 - Hampton, Herbert, Forsyth, Wheeler-Reagan,  
Rubin

Absent: 1 - Haqq

Vacancy: 0

**Notices:** Area: 500 Mailed: 79

**Replies:** For: 6 Against: 0

**Speakers:** For: Laura Hoffmann, 2728 Harwood St., Dallas, TX 75201  
Waylon Longino, 4619 Insurance Ln., Dallas, TX 75206  
Clay Cristy, 1903 Central Dr., Bedford, TX 76021  
Joseph Buron, 14576 Tamarisk Ln., Farmers Branch, TX 75234  
Christy Lambeth, 6301 Gaston Ave., Dallas, TX 75214

Against: None

Against (Did not speak): Shaun Montgomery, 1024 Church St., Dallas, TX 75203

**CPC RECOMMENDED PD CONDITIONS  
ARTICLE 468.**

**PD 468.**

**Oak Cliff Gateway Special Purpose District**

**SEC. 51P-468.101. LEGISLATIVE HISTORY.**

PD 468 was established by Ordinance No. 23057, passed by the Dallas City Council on March 12, 1997. Ordinance No. 23057 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 23057 was amended by Ordinance No. 23868, passed by the Dallas City Council on April 28, 1999, and Ordinance No. 25866, passed by the Dallas City Council on January 26, 2005.

**SEC. 51P-468.102. PROPERTY LOCATION AND SIZE.**

PD 468 is established on property generally bounded by Interstate 30, the Levee on the east side of the Trinity River, Interstate 35E (South R.L. Thornton Freeway), Marsalis Avenue, Eighth Street, Elsbeth Avenue, Neches Street, Bishop Avenue, Colorado Boulevard, and Beckley Avenue. The size of PD 468 is approximately 842.168 acres.

**SEC. 51P-468.103. PURPOSE.**

This article provides standards specifically tailored to meet the needs of the Oak Cliff Gateway area of the city, which is hereby designated as an area of historical, cultural, and architectural importance and significance to the citizens of the city. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

- (1) Accommodate the existing mix of uses in the area.
- (2) Protect the internal and adjacent stable residential neighborhoods.
- (3) Preserve and enhance the historical, cultural, and architectural significance of the area while specifically encouraging the future historic designation of the following structures:
  - (A) Polar Bear Ice Cream Stand.
  - (B) Mayor William Sergeant Home.
  - (C) Grace Presbyterian Church.

- (D) Lee Harvey Oswald Boarding House.
- (4) Strengthen the neighborhood identity.
- (5) Create a more desirable pedestrian environment.
- (6) Periodically review proper zoning of the Property.

**SEC. 51P-468.104. DEFINITIONS AND INTERPRETATIONS.**

- (a) Unless otherwise stated, the definitions in Chapter 51A apply to this article.
- (b) Unless the context clearly indicates otherwise, in this article:
  - (1) **ACCESSORY DWELLING UNIT** means a dwelling unit accessory to a single family or duplex use that is located in the rear 50 percent of a lot.
  - (2) **ALTERNATIVE ENERGY PLANT** means equipment used to generate power from alternative energy sources using solar panels, turbines, and other power-creating means that have the ability to return some or all of the newly-created power to the energy grid.
  - (3) **ANTIQUÉ SHOP** means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.
  - (4) **AQUARIUM** means an establishment where aquatic animals and plants are kept and exhibited.
  - (5) **ART GALLERY** means an establishment where original works of art or limited editions of original works of art are bought, sold, loaned, appraised, or exhibited to the general public.
  - (6) **ART OR CRAFT PRODUCTION FACILITY** means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking and for sale of the products to the general public.
  - (7) **BOUTIQUE HOTEL** means a lodging facility with 30 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days; provides food that is prepared onsite; and more than 50 percent of the guest rooms are internal-entry.
  - (8) **BULB-OUT** means the area of the sidewalk or curb line that is extended into the street at sidewalk grade to narrow the street and increase pedestrian space.
  - (9) **CUSTOM VEHICLE SHOP** means a facility for the restoration, fabrication, modification, display, and sale of customized or modified automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers.

(10) ENTERTAINMENT COMPLEX means a public, multi-use sports, entertainment, and convention facility where people view and participate in events and performances, including theatrical, musical, and dramatic performances; professional or amateur sporting events; and meetings and assemblages.

(11) GOURMET MARKETPLACE means a facility that offers prepared meals, catered meals, and retail grocery items that may include the sale of alcoholic beverages for consumption on-premise or off-premise and that may also allow customers in motor vehicles to pick-up food for off-premise consumption. The display area for the sale of alcoholic beverages may not exceed 40 percent of the floor area for this use.

(12) IDENTIFICATION SIGN means an attached premise sign that identifies the name or logo of the district, business, or tenant.

(13) LEGACY BUILDING means:

(A) a building constructed before 1957 that has:

(i) all original street-facing facades remaining;

(ii) a primary street-facing facade located within 15 feet of a right-of-way line;

(iii) a main entrance that faces Colorado Boulevard, Zang Boulevard, Beckley Avenue, Marsalis Avenue, Jefferson Boulevard, Eight Street, Tenth Street, Lancaster Avenue, Ewing Avenue, or the southbound Interstate 35E service road;

(iv) window and door openings that total at least 20 percent of the street-facing facades; and

(v) off-street parking located 100 percent outside of the required front yard;

(B) the Grace Presbyterian Church sanctuary building located on Zang Boulevard between Fifth Street and Sixth Street; or

(C) the Mayor William Sergeant Home located at the southwest corner of Zang Boulevard and Nealy Street for purposes of obtaining the legacy building parking reduction only.

(14) LEGACY BUILDING MIXED USE DEVELOPMENT means a project containing at least three different uses developed as a single project and must include at least one use in a legacy building.

(15) LINER DEVELOPMENT means a development specifically designed to mask a parking structure from a public street or public space.

(16) **LIVE/WORK UNIT** means an interior space that combines a single occupancy residential use and an office or retail and personal service use. A live/work unit is considered a nonresidential use.

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

(18) **MEWS** means the public or private right-of-way for pedestrians or low-speed vehicular traffic that provides access to a building, serves as a small street, and may provide access to vehicle parking.

(19) **MIXED USE DEVELOPMENT** means a combination of any two categories of permitted main uses on a building site.

(20) **MOBILE FOOD ESTABLISHMENT** means a container or vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes mobile food preparation vehicles and pushcarts.

(21) **NEW CONSTRUCTION** means construction of a main structure that did not exist on May 13, 2015 or permitted work that increases floor area of a use or structure, excluding uncovered porches and uncovered patios, if the increase in floor area is more than 50 percent for nonresidential projects, more than 65 percent for mixed use projects, or more than 75 percent for residential projects.

(22) **PROJECT ANNOUNCEMENT SIGN** means an attached premise sign constructed of rigid material, mesh or fabric surface, or a projection of a light image onto a wall face that announces a project, tenant, or activity in the district.

(23) **STREETSCAPE** means the area between the buildings and edge of the vehicular or parking lanes. The principal streetscape components are curbs, sidewalks, street trees, tree planters, bicycle racks, litter containers, benches, and street lights. Treatments may also include paving materials, street/pedestrian wayfinding signs, parking meters, public art, water features, bollards, and other elements.

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

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

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

(2) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(3) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. (“DIR”

means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800.)

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

(e) Unless the context ~~[clearly]~~ indicates otherwise, for purposes of interpreting Chapter 51A, the subdistricts are considered to be residential or nonresidential as indicated:

- (1) Subdistrict A: residential.
- (2) Subdistrict B: residential.
- (3) Subdistrict C: nonresidential.
- (4) Subdistrict D: nonresidential.
- (5) Subdistrict E: nonresidential.
- (6) Subdistrict F: nonresidential.
- (7) Subdistrict G: nonresidential.
- (8) Subdistrict H: nonresidential.
- (9) Subdistrict I: nonresidential.
- (10) Subdistrict J: nonresidential.
- (11) Subdistrict K: nonresidential.
- (12) Subdistrict L: nonresidential.
- (13) Subdistrict M: nonresidential.
- (14) Subdistrict N: nonresidential.
- (15) Subdistrict O: nonresidential

**SEC. 51P-468.104.1 EXHIBITS.**

The following exhibits are incorporated into this article:

- (16) Exhibit 468A: Subdistrict map.

- (17) Exhibit 468B: Medical use overlay street hierarchy plan.
- (18) Exhibit 468C: Subdistricts B-G required parking chart.
- (19) Exhibit 468D: Subdistrict H master parking and floor area plan supplement.
- (20) Exhibit 468E: Subdistrict H mixed use development parking chart
- (21) Exhibit 468F: Subdistrict H site plan development table.
- (22) Exhibit 468G. Subdistrict K development plan.
- (23) Exhibit 468H: Subdistrict L development plan and elevation plan.
- (24) Exhibit 468I: Subdistrict M development plan.
- (25) Exhibit 468J: Subdistrict N development/landscape plan.

**SEC. 51P-468.105. CREATION OF SUBDISTRICTS.**

(a) This district is known as the Oak Cliff Gateway Special Purpose District, and is divided into the following 14 subdistricts, as described in Exhibit B of Ordinance No. 29743, as amended, and as shown on the map labelled Exhibit 468A:

- (1) Subdistrict A – Residential Transition (RTN).
- (2) Subdistrict B – Walkable Urban Residential 3 (WR-3).
- (3) Subdistrict C – Walkable Urban Mixed Use 3 (WMU-3).
- (4) Subdistrict D – Walkable Urban Mixed Use 5 (WMU-5).
- (5) Subdistrict E – Walkable Urban Mixed Use 8 (WMU-8).
- (6) Subdistrict F – Walkable Urban Mixed Use 12.
- (7) Subdistrict G – Walkable Urban Mixed Use 20.
- (8) Subdistrict H.
- (9) Subdistrict I.
- (10) Subdistrict J.
- (11) Subdistrict K – Walkable Urban Mixed Use 8 (WMU-8).
- (12) Subdistrict L – Walkable Urban Mixed Use 3 (WMU-3).

- (13) Subdistrict M – Walkable Urban Mixed Use 8 (WMU-8).
- (14) Subdistrict N - Walkable Urban Mixed Use 12 (WMU-12).
- (15) Subdistrict O – Walkable Urban Mixed Use 12 (WMU-12).

(b) If there is a conflict between Exhibit A of Ordinance No. 23057, as amended, and Exhibit 468A, Exhibit A, as amended, controls.

(c) Use regulations and development standards for each subdistrict are set out below.

**SEC. 51P-468.106. SUBDISTRICTS A, B, C, D, E, F, G, K, L, M, N, AND O.**

(a) General provisions. Except as provided in this subsection, Division 51A-13.100, “General Provisions,” applies.

(1) Nonconforming structures. See Sections 51A-4.704 and 51A-13.102(4)(S) for details on nonconforming structures. In this district, the only work that causes a structure to become more nonconforming is a major renovation. For purposes of this provision, MAJOR RENOVATION means a building permit or series of building permits for the reconstruction, alteration, or modification of a building that increases the floor area that existed on May 13, 2015 by 50 percent or more.

(A) Additions of up to 50 percent of permitted square footage. Additional floor area, building height, and any new construction must comply with the regulations defined by each development type. The additional floor area, building height, and new construction are not required to fill the buildable envelope, but must be contained wholly within the buildable envelope. BUILDABLE ENVELOPE means the three dimensional form within which the horizontal and vertical elements of a structure must be built to comply with the use and placement requirements and with the height and elements requirements in Section 51A-13.304 for each development type.

(B) Additions of more than 50 percent of permitted square footage. The site must come into complete compliance with Article XIII regulations.

(2) Amortization of nonconforming uses. Uses that become nonconforming on May 13, 2015 may not be brought before the board of adjustment for amortization.

(3) Development plan for Subdistrict K. Development and use of the Property in Subdistrict K must comply with the Subdistrict K development plan (Exhibit 468G). If there is a conflict between the text of this article and the Subdistrict K development plan, the text of this article controls.

(4) Development plan for Subdistrict L. Development and use of the Property in Subdistrict L must comply with the Subdistrict L development plan and elevation plan (Exhibit 468H). If there is a conflict between the text of this article and the Subdistrict L development plan

and elevation plan, the text of this article controls. The provisions of Section 51A-4.702 regarding submission of or amendments to a development plan apply to Subdistrict L, except that an amendment to the elevation portion of the Subdistrict L development plan and elevation plan is not allowed through the minor amendment process.

(5) Development plan for Subdistrict M. Development and use of the Property in Subdistrict M must comply with the Subdistrict M development plan (Exhibit 468I). If there is a conflict between the text of this article and the Subdistrict M development plan, the text of this article controls.

(6) Development/landscape plan for Subdistrict N. Development and use of the Property in Subdistrict N must comply with the Subdistrict N development/landscape plan (Exhibit 468J). If there is a conflict between the text of this article and the Subdistrict N development/landscape plan, the text of this article controls.

(b) District regulations. Except as provided in this section, Division 51A-13.300, “District Regulations,” applies.

(1) Subdistrict A. Except as provided in this section, Subdistrict A must comply with the RTN regulations and development standards in Article XIII.

(2) Subdistrict B. Except as provided in this section, Subdistrict B must comply with the WR-3 regulations and development standards in Article XIII.

(3) Subdistricts C and L. Except as provided in this section, Subdistricts C and L must comply with the WMU-3 regulations and development standards in Article XIII.

(4) Subdistrict D. Except as provided in this section, Subdistrict D must comply with the WMU-5 regulations and development standards in Article XIII.

(5) Subdistricts E, K, and M.

(A) In general. Except as provided in this section, Section 51P-468.109.1, and Section 51P-468.109.2, Subdistricts E, K, and M must comply with the WMU-8 regulations and development standards in Article XIII.

(B) Subdistrict E, Tract 6. Maximum number of stories above grade in the HM-2 Height Map Overlay is six.

(6) Subdistricts F and N. Except as provided in this section, Subdistricts F and N must comply with the WMU-12 regulations and development standards in Article XIII.

(7) Subdistrict G. Except as provided in this section, Subdistrict G must comply with the WMU-20 regulations and development standards in Article XIII.

(8) Subdistrict O. Except as provided in this section and Section 51P-468.109.4, Subdistrict O must comply with the WMU-12 regulations and development standards in Article XIII.

(9) Accessory dwelling units. In Subdistrict A south of Colorado Boulevard, east of Beckley Avenue, and west of Marsalis Avenue, accessory dwelling units are allowed on a lot containing a single-family use. Single-family garages are not required to have vehicular access from an alley.

(10) Detention center, jail, or prison. Detention center, jail, or prison is prohibited as a main use.

(11) Fences and walls. In a door yard, a fence may not exceed four feet in height. In all other required yards, no fence or wall may exceed six feet in height.

(12) Height. The following structures may project a maximum of 12 feet above the maximum structure height specified in a subdistrict:

- (A) Amateur communications tower.
- (B) Cooling tower.
- (C) Clerestory.
- (D) Chimney and vent stack.
- (E) Elevator penthouse or bulkhead.
- (F) Flagpoles.
- (G) Mechanical equipment room.
- (H) Ornamental cupola or dome.
- (I) Parapet wall, limited to a height of four feet.
- (J) Stairway access to roof.
- (K) Roof top deck.
- (L) Skylights.
- (M) Spires and belfries.
- (N) Solar panels.
- (O) Tank designed to hold liquids.
- (P) Visual screens surrounding roof-mounted mechanical equipment.
- (Q) Wind turbines and other integrated renewable energy systems.

(13) Medical and office uses. Medical and office uses are allowed as additional permitted uses in the following areas:

- (A) Subdistrict A, Tract 3.
- (B) Subdistrict A, Tract 4.
- (C) Subdistrict B, Tract 4.

(14) Residential proximity slope. The residential proximity slope defined in Section 51A-4.412 governs development in Subdistricts A-G and Subdistrict N.

(15) Retail uses over 50,000 square feet. A specific use permit is required for retail uses over 50,000 square feet in floor area.

(c) Parking regulations. Except as otherwise provided in this subsection, Division 51A-13.400, "Parking Regulations," applies.

(1) In general. The "Required Parking in WMU and WR Districts Chart" in Section 51A-13.402(a)(2) is replaced by the Subdistricts B-G required parking chart (Exhibit 468C).

(2) Bicycle parking. Consult Division 51A-4.330, "Bicycle Parking Regulations," for bicycle parking requirements.

(3) Delta credits. The maximum parking reduction authorized by this section and Article XIII is the total reduction minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(B). If delta credits exceed the total reduction, delta credits will be used, and no reduction will apply.

(4) Legacy building parking reduction. If the director finds that a building meets the definition of a legacy building, the director may grant the following off-street parking reductions:

(A) For residential uses within a legacy building, required off-street parking may be reduced by up to 25 percent.

(B) For office uses within a legacy building, required off-street parking may be reduced by up to 100 percent.

(C) For retail uses other than restaurant uses within a legacy building, required off-street parking may be reduced by up to 100 percent.

(D) For restaurant uses within a legacy building, required off-street parking may be reduced by up to 25 percent.

(5) Mechanized parking. Consult Division 51A-4.340, "Mechanized Parking," for mechanized parking regulations.

(6) On-street parking.

(A) Except as provided in this subsection, any on-street parking spaces may be counted as a reduction of the parking requirement of the use adjacent to the on-street parking space.

(i) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ( $8 \div 24 = \text{one-third}$ ). The total of the limited-availability parking spaces will be counted to the nearest whole number, with one half counted as an additional space.

(B) All on-street parking must be approved as to design and construction by the director of public works. On-street parking must be striped in accordance with standard city specifications.

(7) Outdoor covered patios.

(A) For restaurant or bar uses, the outdoor covered patio area is not included in parking requirement calculations for up to 25 percent of the size of the indoor floor area.

(B) For a restaurant use, the combined area of covered and uncovered outdoor dining area that is not included in parking requirement calculations may not exceed 50 percent of the indoor dining area. Any portion of the outdoor dining patio area in excess of the 50 percent of the indoor dining area must be parked in accordance with the Subdistricts B-G required parking chart (Exhibit 468C).

(8) Remote parking.

(A) Remote parking for uses in these subdistricts may not be located outside the boundaries of the district.

(B) Remote parking must be located within a walking distance of 500 feet from the use served by the remote parking unless an extension of walking distance is approved by the building official.

(C) The building official shall extend the walking distance for remote parking to no more than 1,000 feet for up to 50 percent of the required off-street parking unless the extension would:

(i) significantly discourage patrons of the use from using the remote parking;

- (ii) unreasonable endanger the safety of persons or property; or
- (iii) not otherwise be in the public interest.

(D) A license is required to authorize the extension of walking distance for remote parking beyond 1,000 feet. The building official must require that either a shuttle or an attendant be provided by the applicant as a condition of approval of an extension of the walking distance for remote parking beyond 1,000 feet.

(E) Remote parking may be based on a lease for the remote parking space in lieu of the remote parking agreement required in Section 51A-4.328. The lease must:

- (i) be in writing on a form obtained from the building official;
- (ii) contain legal descriptions of the properties affected;
- (iii) specify the special parking being provided and the hours of operation of any use involved;
- (iv) be governed by the laws of the state of Texas;
- (v) be signed by all lien holders, other than taxing entities, that have an interest in or an improvement on the properties;
- (vi) be for a minimum of three years; and
- (vii) provide that both the owner of the lot occupied by the use and the owner of the remote parking lot shall notify the building official in writing if any provision of the lease is breached or if the lease is modified or terminated.

(9) Bus or trolley transit parking reductions for Subdistrict L. The building official may approve a five percent reduction in the number of required parking spaces for uses with a main entrance within a 600-foot walking distance of a bus or trolley transit stop that provides both shade and seating.

(d) Minor streets and streetscapes.

(1) Except as provided in this subsection, Division 51A-13.500, “Minor Streets and Streetscapes,” applies. This subsection applies only to new construction.

(2) The block lengths and perimeters requirements in Section 51A-13.502(a) may be broken by ungated private streets.

(3) In lieu of compliance with Section 51A-13.503, “Existing Streets,” the following street sections must be completed as follows:

(A) West side of Beckley Avenue between Interstate 30 and Colorado Boulevard. The 14-foot parkway in the right-of-way must include a four-foot planting zone adjacent to the vehicular lanes and a 10-foot sidewalk.

(B) East side of Beckley Avenue between Interstate 30 and Colorado Boulevard. The 14-foot parkway in the right-of-way must include a two-foot planting zone adjacent to the vehicular lanes, an eight-foot, two-way cycle track, and a four-foot sidewalk. An additional six-foot sidewalk is required adjacent to the right-of-way.

(C) West side of Beckley Avenue between Colorado Boulevard and Zang Boulevard. The eight-foot parkway in the right-of-way must include a three-foot planting zone next to the vehicular lanes and a five-foot sidewalk. An additional five-foot sidewalk is required adjacent to the right-of-way.

(D) East side of Beckley Avenue between Colorado Boulevard to Zang Boulevard. The 16-foot parkway in the right-of-way must include a three-foot planting zone next to the vehicular lanes, an eight-foot two-way cycle track, and a five-foot sidewalk. An additional five-foot sidewalk is required adjacent to the right-of-way.

(E) Zang Boulevard between the Jefferson/Houston Viaduct and Colorado Boulevard. The 10-foot parkway in the right-of-way must include a six-foot planting zone adjacent to the vehicular lanes and a four-foot sidewalk. An additional two-foot sidewalk is required adjacent to the right-of-way.

(F) West side of Zang Boulevard between Beckley Avenue and Davis Street. The 14-foot parkway in the right-of-way must include a six-foot planting zone adjacent to the vehicular lanes and an eight-foot sidewalk.

(G) East side of Zang Boulevard between Beckley Avenue and Davis Street. The 12-foot indented parking lane and the 14-foot parkway must include a six-foot planting zone adjacent to the vehicular lanes and an eight-foot sidewalk.

(e) Site development regulations. Division 51A-13.600, “Site Development Regulations,” applies.

(f) Administration. Division 51A-13.700, “Administration,” applies.

(g) Additional provisions for Subdistrict L.

(1) Restaurant or bar use.

(A) One off-street parking space per 175 square feet of floor area is required.

(B) Speakers, televisions, and live music are prohibited in any outdoor area including the patio and porch areas.

(2) Parking setback. The parking setback in Section 51A-13.304(a)(3) does not apply to the primary street requirements along Neely Street.

**SEC. 51P-468.107. SUBDISTRICT H.**

[Omitted for brevity]

**SEC. 51P-468.108. SUBDISTRICT I.**

[Omitted for brevity]

**SEC. 51P-468.109.1. SUBDISTRICT K.**

[Omitted for brevity]

**SEC. 51P-468.109.4 SUBDISTRICT [ ]**

(a) In general. Except as provided in this section, Subdistrict \_ must comply with the WMU-12 Walkable Mixed Use 12 regulations and development standards in Article XIII.

(b) Conceptual and development plans. No conceptual plan or development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a conceptual plan or development plan, site analysis plan, and development schedule do not apply.

(c) Development types and uses permitted.

(1) Except as provided in this subsection, the development types and uses allowed in a WMU-12 District are permitted in Subdistrict \_.

(2) The following additional uses are also permitted for all development types:

(A) Restaurant or Bar.

(B) Restaurant with drive-in or drive-through service. [SUP]

(C) Retail sales.

(d) Restaurant with drive-in or drive-through service. The following regulations apply for a restaurant with drive-in or drive-through service.

(1) Open Space. At least ten percent of the net land area of the building site must be provided as open space as shown on a landscape plan approved with an specific use permit.

(2) Primary street designation. Eighth Street is considered a primary street.

(3) Side street designation. Dale Street is considered a side street.

(4) Service street designation. The Interstate Highway 35E frontage is considered a service street.

(5) Building placement.

(A) The building is not required to be pulled up to the street.

(B) On-site surface parking is permitted between the building and the Interstate Highway 35E frontage.

(C) On-site surface parking is not required to be located to the rear of the building.

(D) Primary entrances are not required to be street facing. The entrance to the building may be provided on the side of the building facing the Interstate Highway 35E frontage. Driveway entrances to the property must be provided off Eighth Street and Dale Street.

(E) Front yard setback. No maximum front setback is required.

(F) Required street frontage. No minimum required street frontage on primary or side streets is required.

(6) Height/stories.

(A) Minimum number of stories is one.

(7) Building elements.

(A) Building entrance.

(i) A building entrance is not required on the primary street. A pedestrian connection must be provided from the sidewalk along Eighth Street to the building as shown on the site plan approved with the specific use permit.

(B) Building façade ground-story transparency.

(i) Minimum ground-story transparency on Eighth Street is 18 percent.

(ii) Minimum ground-story transparency on Dale Street is 3 percent.

(iii) The building façade facing the Interstate Highway 35E frontage must have either a minimum of 25 percent ground-story transparency or have a painted work of art.

**Staff Recommendation (For CPC to consider if CPC moves to recommend approval):**

(8) Landscaping. Landscaping, screening, and streetscapes must be provided in accordance with Article XIII.

(8) Landscaping.

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

(B) For a restaurant with drive-in or drive-through service, landscaping must be provided as shown on the landscape plan approved with a Specific Use Permit

(C) The parking buffering and streetscapes as described in 51A-13.408 and 51A-13.500 are not applicable.

**Applicant's Requested Condition:**

(D) (The director may approve minor amendments to a landscape plan if the proposed minor amendment to the landscape plan:

(aa) is necessary due to TXDOT requirements or objections;

(bb) is necessary to keep landscaping from interfering with service provided by a public utility or state regulated entity for the transmission of power, fuel, water, or communication services; or

(cc) meets the following requirements:

(I) does not change the landscape plan within 25 feet of a property line with residential adjacency;

(II) does not reduce the number of trees or amount of plant materials in a landscape buffer area (locations and types of trees or plant materials may be altered if the screening and aesthetic function of the buffer area is not affected);

(III) does not reduce the number of trees or amount of plant materials within 25 feet of a street right-of-way (locations and types of trees or plant materials may be altered); and

(IV) does not reduce the number of trees, plant materials, or landscape points on the site (locations and types of trees or plant materials may be altered).

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

**Staff Recommendation (For Council to consider if Council moves to recommend approval):**

(9) Minimum six foot unobstructed sidewalks are required on all street frontages

(1) Sidewalks must be level across all driveways, curb cuts, and entrances or exits to loading areas.

(2) At the intersection of each driveway with a sidewalk or pedestrian path, driveways must be clearly marked by colored concrete, patterned or stamped concrete, or brick pavers for pedestrian crossing.

(9) Minimum six foot unobstructed sidewalks are required on all street frontages, except where shown as a five foot sidewalk on the SUP site plan.

(1) Sidewalks must be level across all driveways, curb cuts, and entrances or exits to loading areas.

(2) At the intersection of each driveway with a sidewalk or pedestrian path, driveways must be clearly marked by colored concrete, patterned or stamped concrete, or brick pavers for pedestrian crossing.

(10) Driveways.

(1) Along Eighth Street, where an ingress or egress driveway crosses a sidewalk, maximum width of the driveway is 30 feet. One such driveway is permitted on this frontage.

(2) Along Dale Street, where an ingress or egress driveway crosses a sidewalk, maximum width of the driveway is 24 feet. One such driveway is permitted on this frontage.

(3) Along the IH-35 frontage, no ingress or egress driveways are permitted on this frontage.

(11) Except within a required visibility triangle, where sidewalks directly abut any on-site driving surface, loading area, or parking surface the following buffering must be used:

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

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

(12) Site Lighting and Design Requirements.

(A) In general.

(1) Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

(2) Outdoor lighting must primarily be used to provide safety, accent key architectural elements, or emphasize art or landscape features. All lighting fixtures must meet the requirements of this section.

(B) Lighting Fixtures.

(1) The light source must be concealed and must not be visible from any public right-of-way or adjacent properties.

(2) In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent property, all lighting fixtures must be full cutoff fixtures.

(3) Fixtures must be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

(4) Lighting fixtures may not exceed 30 feet in height above the parking.

(5) Lighting fixtures may not be less than nine feet or more than 15 feet in height above the sidewalk in pedestrian areas. All light fixtures located within 50 feet of a residential district may not extend more than 15 feet in height.

**SEC. 51P-468.109. MEDICAL USE OVERLAY.**

[Omitted for brevity]

**SEC. 51P-468.110. TRANSITIONAL USES.**

[Omitted for brevity]

**SEC. 51P-468.111. HIGH-RISE TOWER CONFIGURATION AND ORIENTATION REQUIREMENTS.**

**[OMITTED FOR BREVITY]**

**SEC. 51P-468.112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P-468.113. ADDITIONAL PROVISIONS.**

(a) Subject to engineering approval, permeable pavement is allowed for surface parking lots, provided that individual parking spaces are clearly marked in accordance with city standards.

(b) The Property must be properly maintained in a state of good repair and neat appearance.

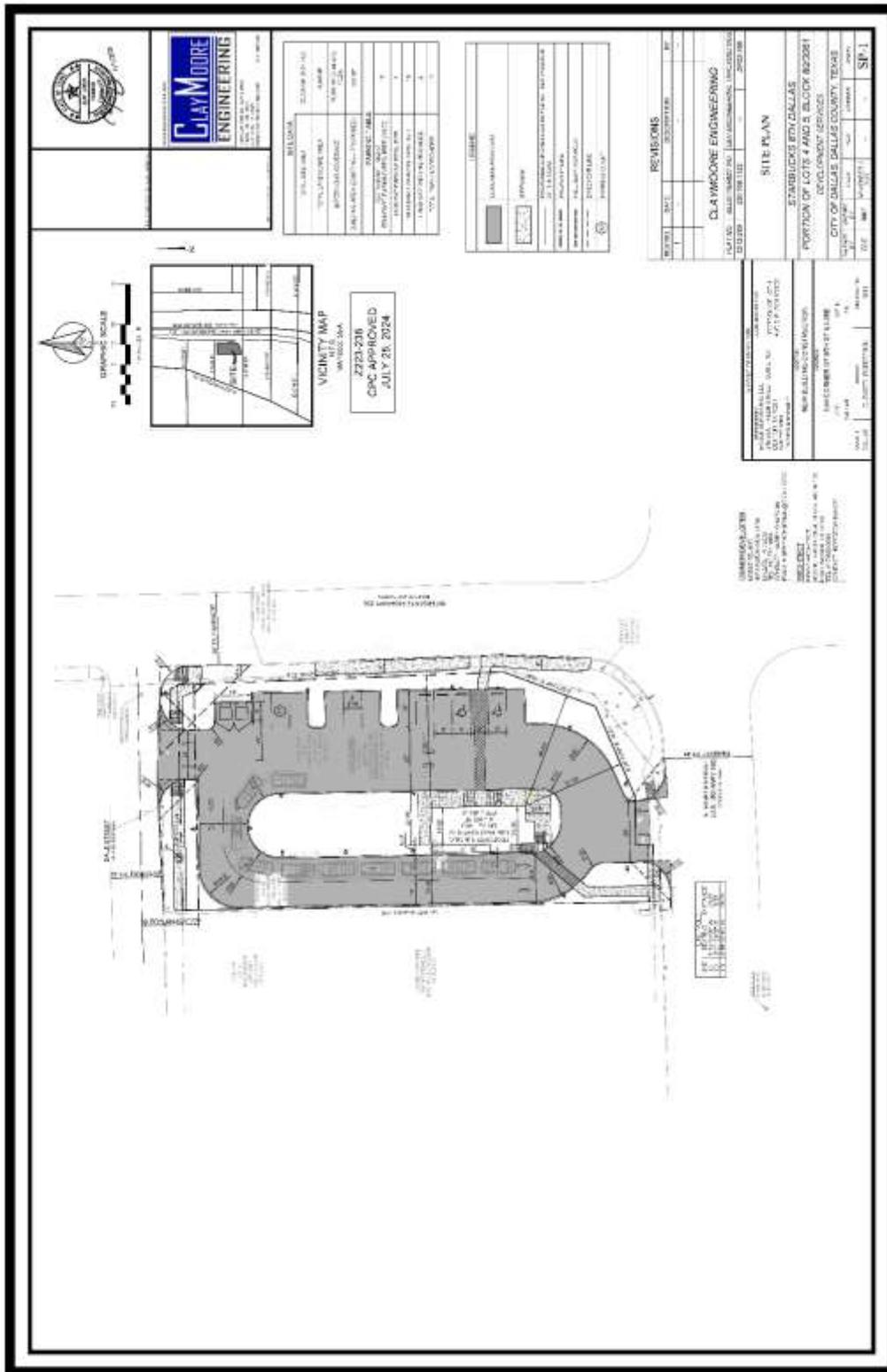
(c) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

**SEC. 51P-468.114.                  COMPLIANCE WITH CONDITIONS.**

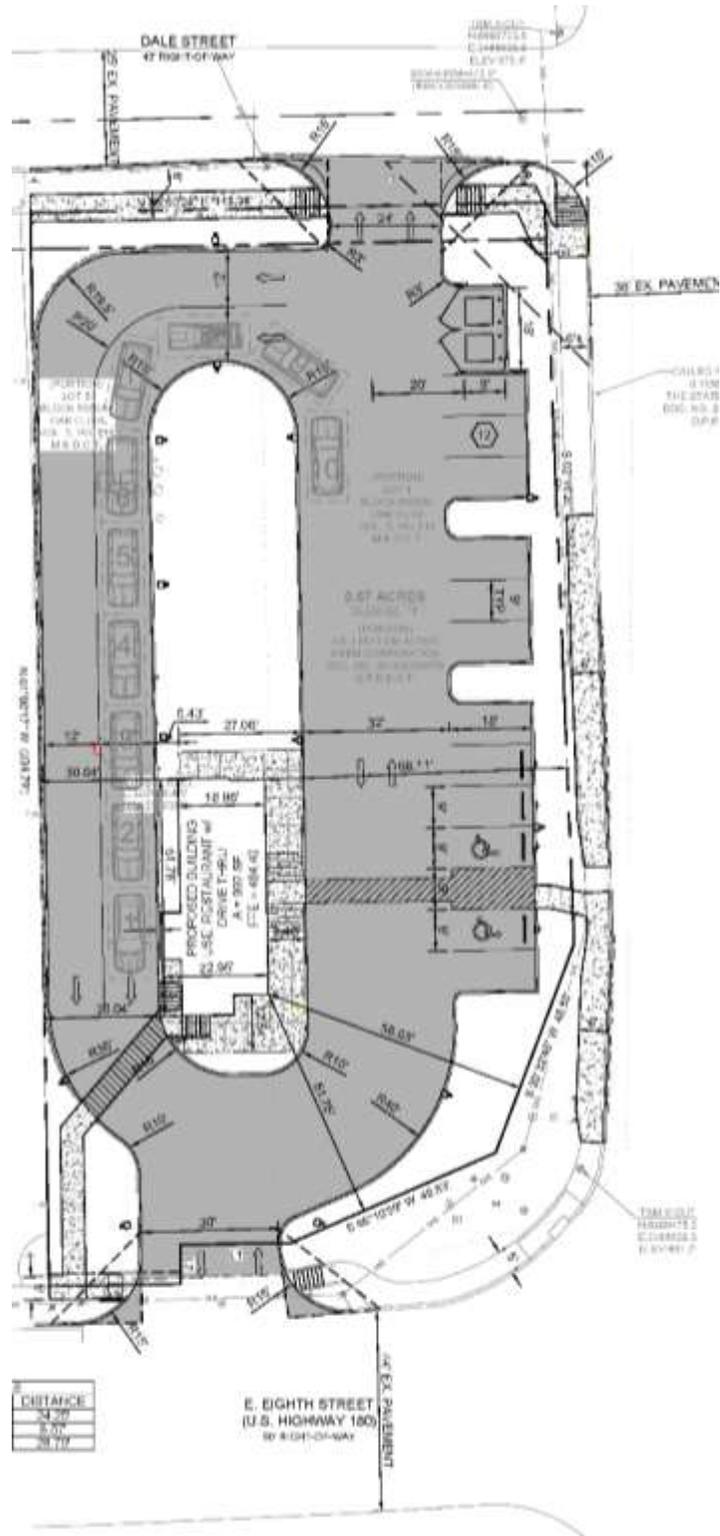
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

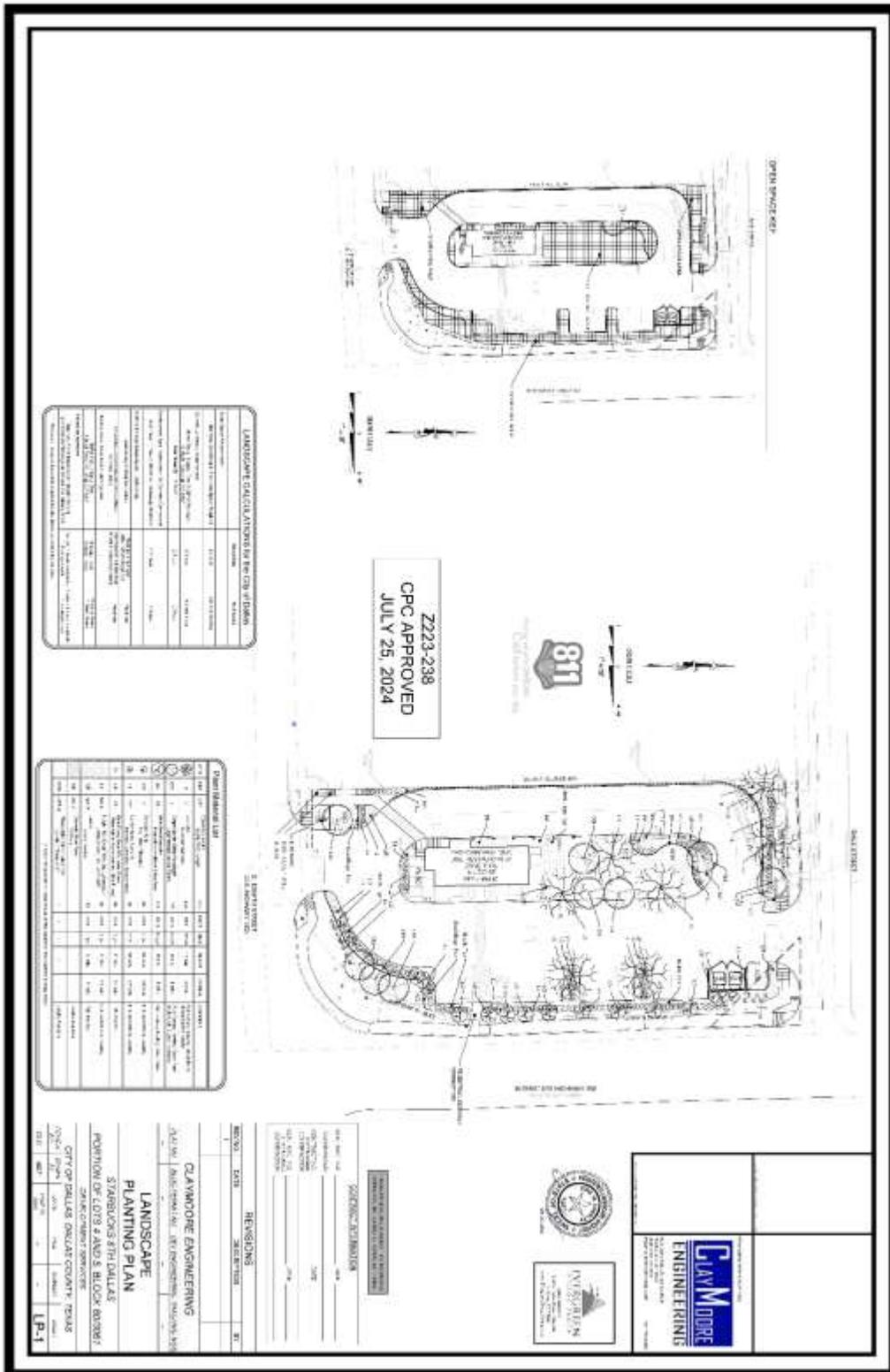
CPC RECOMMENDED SUP SITE PLAN



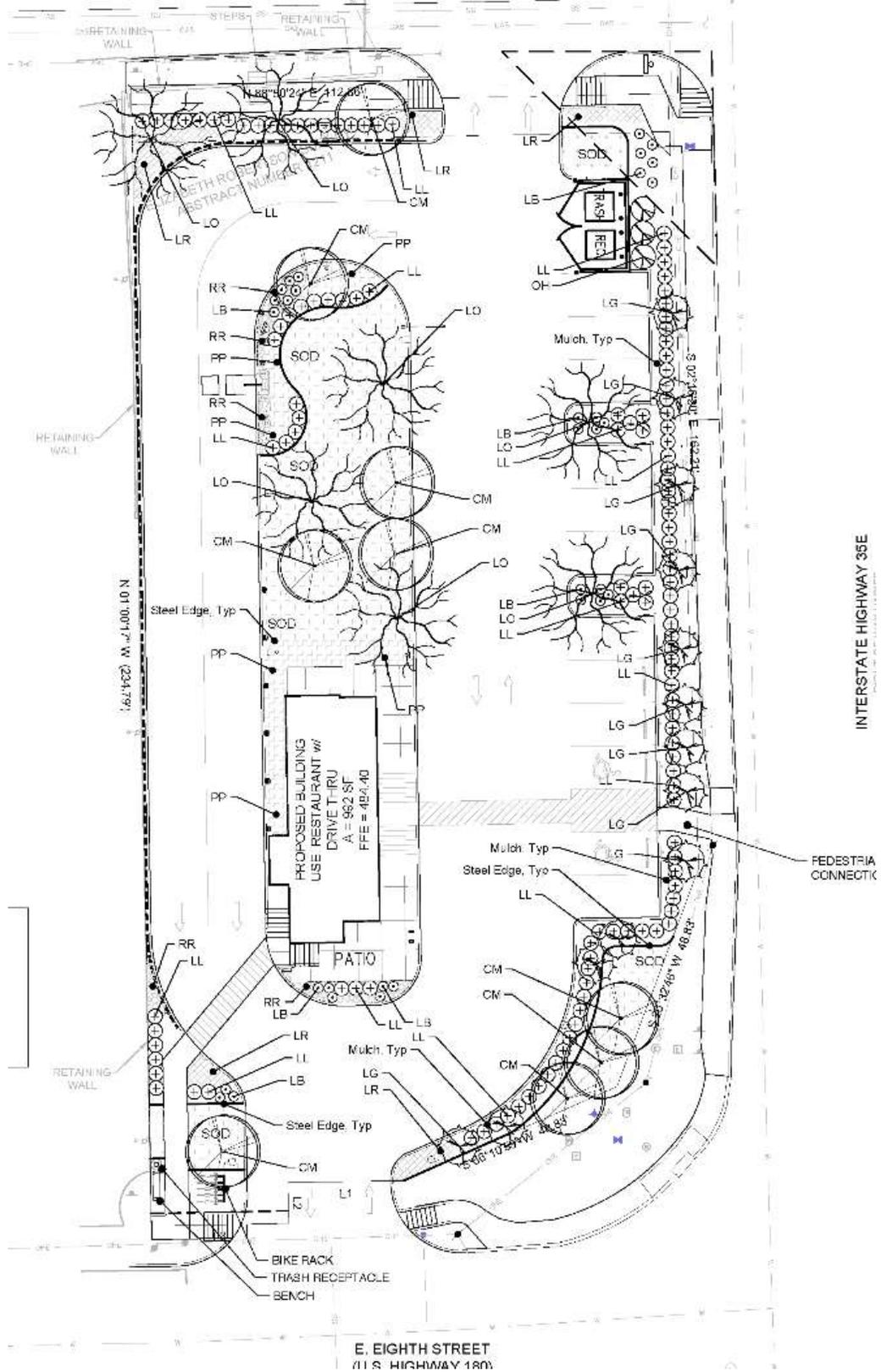
### CPC RECOMMENDED SUP SITE PLAN (ENLARGED)



CPC RECOMMENDED SUP LANDSCAPE PLAN



### CPC RECOMMENDED SUP LANDSCAPE PLAN (ENLARGED)



**CPC RECOMMENDED SUP CONDITIONS**

1. USE: Restaurant with drive-in or drive-through service.
2. SITE PLAN AND LANDSCAPE PLAN: Use and development of the Property must comply with the attached site plan and landscape plan.

**CPC Recommendation:**

3. TIME LIMIT: This specific use permit expires on (10 years from passage of this ordinance)

**Staff Recommendation (For Council to consider if Council moves to recommend approval):**

3. TIME LIMIT: This specific use permit expires on (5 years from passage of this ordinance)

**Applicants request:**

3. TIME LIMIT: This specific use permit expires on (10 years from passage of this ordinance) but is eligible for automatic renewal for additional 10-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.).

4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

**DEED RESTRICTIONS TO BE TERMINATED**

DEED RESTRICTION

1990 AUG 30 AM 10:08

CITY SECRETARY  
DALLAS TEXAS

2 7.00 DEED  
2 08/13/90

THE STATE OF TEXAS }  
COUNTY OF DALLAS }

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Collection Finance Corporation ("OWNER"), is the owner of the following described property ("THE PROPERTY") situated in Dallas County, Texas, being in particular all of Lot 5 out of the E. Robertson Survey, Abstract No. 1211, City Block 80/3061, City of Dallas, Dallas County, Texas and being that same tract of land conveyed to Collection Finance Corporation by Hardin Grady Calvert, by deed dated March 27, 1990, and recorded in Volume 90065, Page 725, in the Deed Records of Dallas County, Texas.

II.

The OWNER does hereby impress all THE PROPERTY with the following deed restriction, to wit:

The maximum floor area ratio, as defined in the DALLAS DEVELOPMENT CODE, as amended, is 1:1.

DEED RESTRICTION

1990 AUG 30 AM 10:08

CITY SECRETARY  
DALLAS TEXAS

2 7.00 DEED  
2 08/13/90

THE STATE OF TEXAS }  
COUNTY OF DALLAS }

KNOW ALL PERSONS BY THESE PRESENTS:

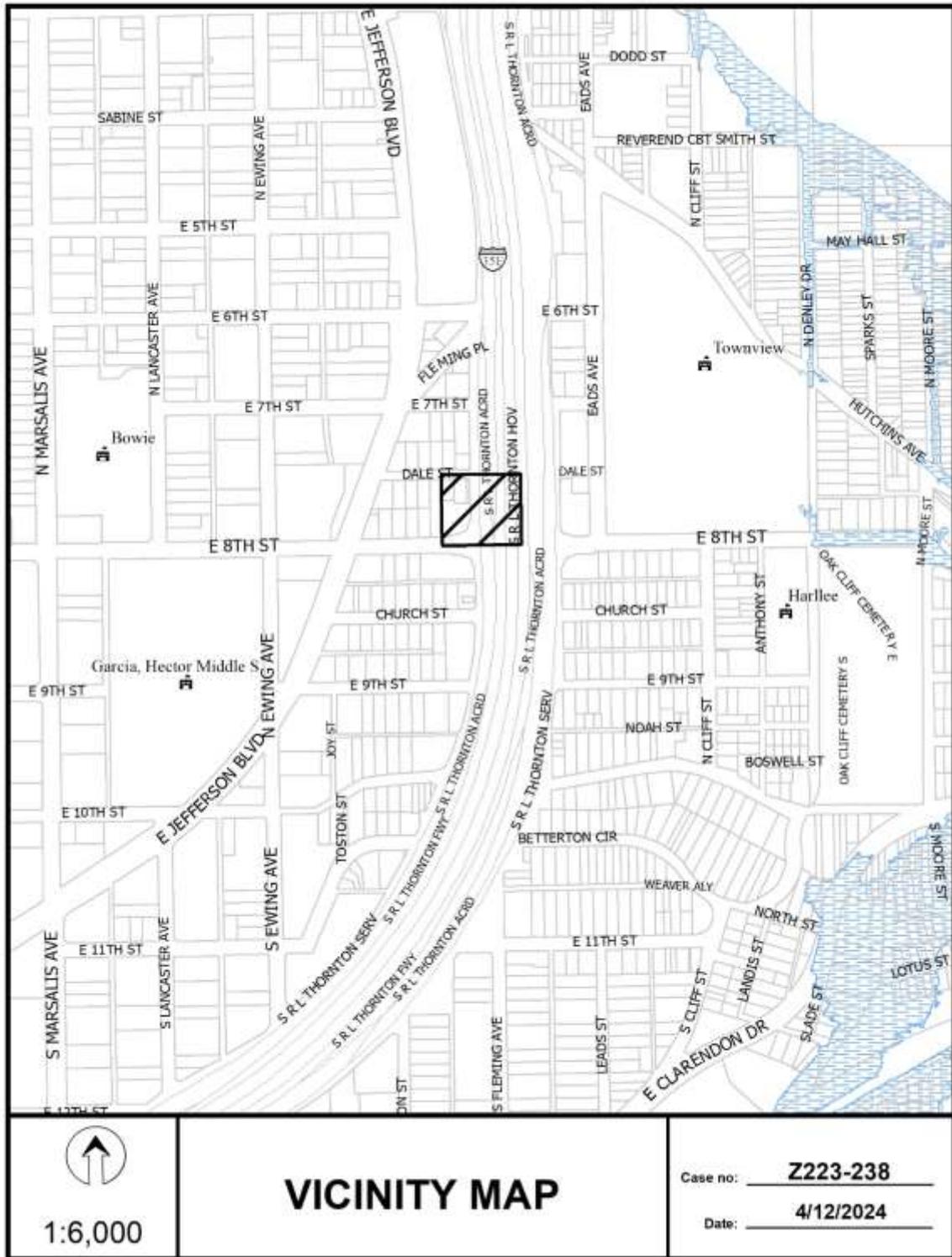
I.

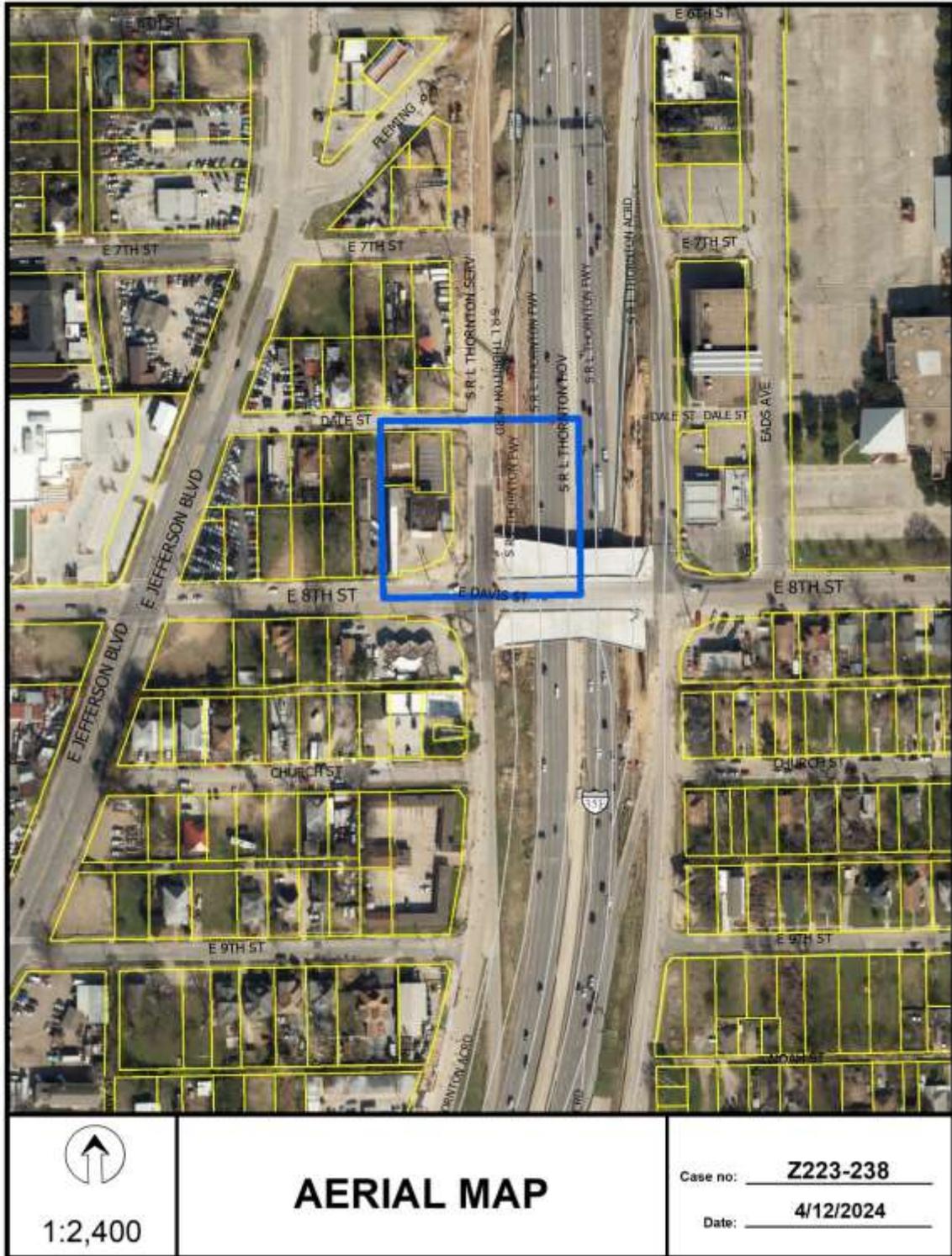
The undersigned, Leroy Smith ("OWNER"), is the owner of the following described property ("THE PROPERTY") situated in Dallas County, Texas, being in particular all of Lot 4 out of the E. Robertson Survey, Abstract No. 1211, City Block 80/3061, City of Dallas, Dallas County, Texas and being that same tract of land conveyed to Leroy Smith by Annie Barker, by deed dated March 16, 1945, and recorded in Volume 2544, Page 607, in the Deed Records of Dallas County, Texas.

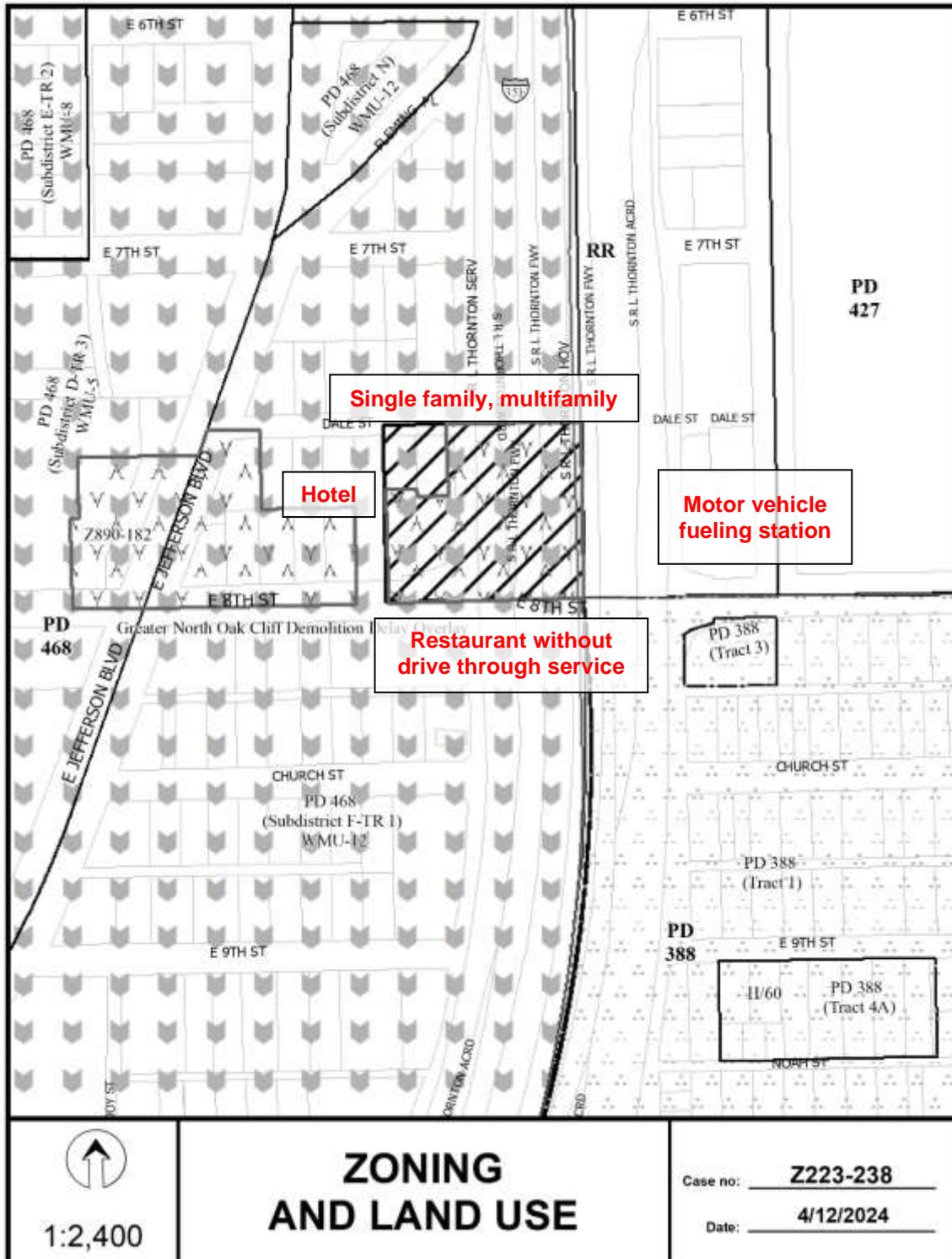
II.

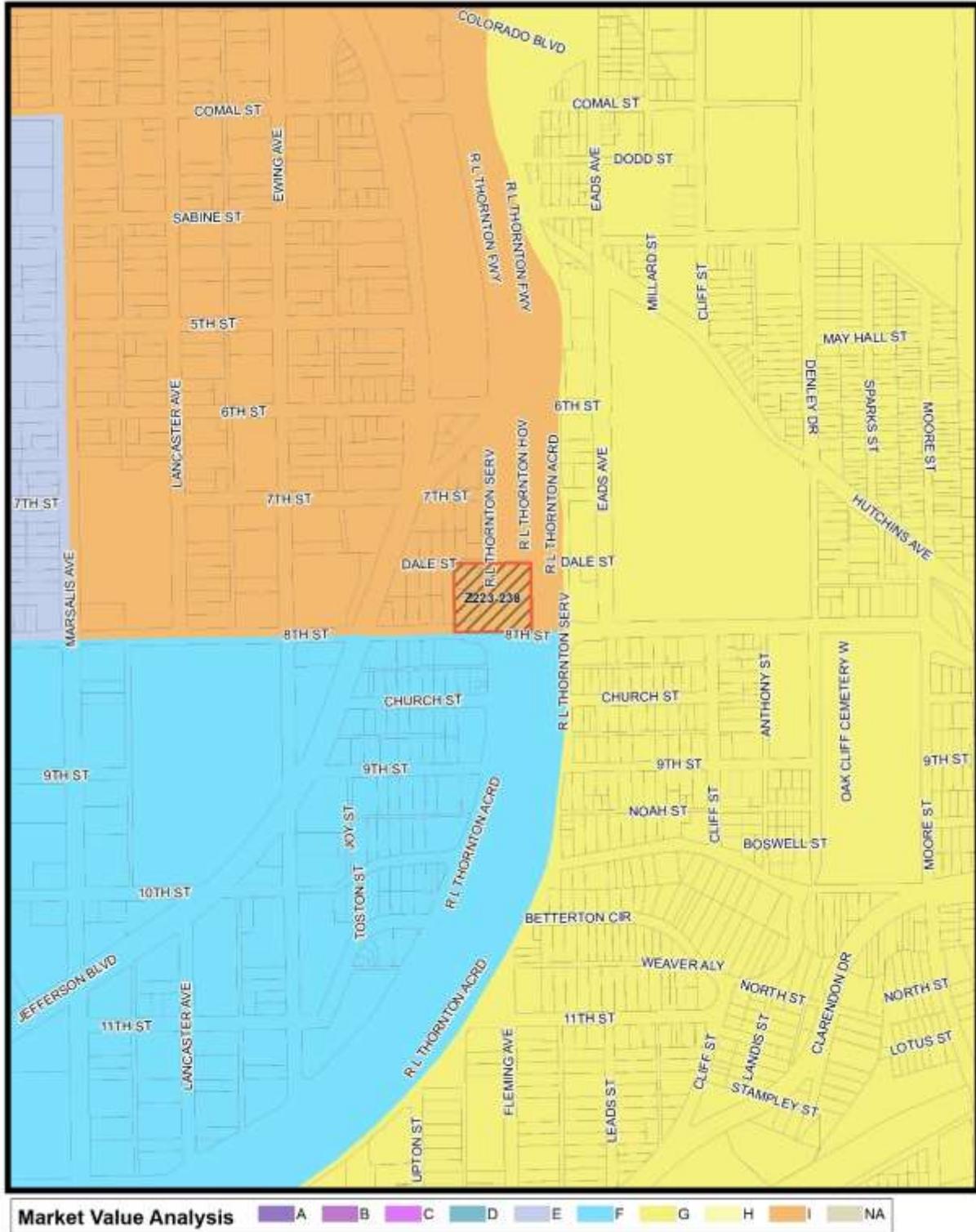
The OWNER does hereby impress all THE PROPERTY with the following deed restriction, to wit:

The maximum floor area ratio, as defined in the DALLAS DEVELOPMENT CODE, as amended, is 1:1.









1:6,000

# Market Value Analysis

Printed Date: 4/12/2024

**CPC RESPONSES**



***Reply List of Property Owners*****Z223-238*****79 Property Owners Notified******6 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	921 E 8TH ST	TULSI ARYA ARYAN LLC
	2	924 DALE ST	NOBLE OAK CLIFF LLC
	3	409 EADS AVE	KUNOFSKY MORRIS &
	4	413 EADS AVE	MOORE TWAMEEKA
	5	414 S R L THORNTON FWY	County of Dallas
O	6	911 E 7TH ST	FWLB JEFFERSON LP
	7	400 FLEMING PL	Taxpayer at
O	8	1010 E JEFFERSON BLVD	FWLB JEFFERSON LP
	9	1009 E JEFFERSON BLVD	CAMPBELL HORACE G
	10	1001 E JEFFERSON BLVD	KARLEN GEORGE FRANK
	11	326 N EWING AVE	BANDA RAUL & EPIFANIA
	12	330 N EWING AVE	330 NORTH EWING LLC
	13	945 E JEFFERSON BLVD	KARLEN AUTO COMP INC
	14	910 E JEFFERSON BLVD	MORRISON JAY II
	15	909 E 8TH ST	MORRISON JAY II
	16	920 E 7TH ST	Taxpayer at
	17	911 E 8TH ST	8TH STREET LLC
	18	908 DALE ST	MONCADA ANASTASIA
	19	904 DALE ST	SK LOGISTICS INC
	20	932 E JEFFERSON BLVD	TONEY JERMAINE & SYDELLE
	21	913 DALE ST	LOUETTAS PLACE LLC
	22	917 DALE ST	LOUETTA'S PLACE LLC
	23	921 DALE ST	Taxpayer at
	24	925 DALE ST	MCCRARY REAL EST HOLDINGS LLC
	25	914 E 7TH ST	Taxpayer at
	26	908 E 7TH ST	EREVENUE MANAGEMENT SVCS LLC

07/24/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1008 E 7TH ST	DALLAS COUNTY PUBLIC
	28	1010 E 8TH ST	PROPSTAR VI LLC
	29	1100 E 8TH ST	MARQUEZ JORGE
	30	1034 E 8TH ST	CLAUDIO MA JUANA
	31	1114 E 8TH ST	HERNANDEZ MARTIN ETAL
	32	1104 E 8TH ST	MARQUEZ JORGE FERNANDO
	33	1109 CHURCH ST	PARKER DOUGLAS
	34	1115 CHURCH ST	Taxpayer at
	35	1101 CHURCH ST	COMINS J C ESTATE
	36	1033 CHURCH ST	OWENS HAYWOOD & PINAR
	37	1103 CHURCH ST	Taxpayer at
	38	1029 CHURCH ST	NINO MA AMGELICA MORENO
	39	1027 CHURCH ST	ONEIL EARLENE
	40	1031 CHURCH ST	TALLEY MICHAEL
	41	1023 CHURCH ST	SLIDER L G JR ETAL &
	42	1024 CHURCH ST	Taxpayer at
	43	1026 CHURCH ST	GUERRERO MARIA LUISA
	44	1028 CHURCH ST	CHAUVEAU VERONIQUE
	45	1030 CHURCH ST	MCLEMORE ANNIE ESTATE
	46	1104 CHURCH ST	GOFFNEY EARNEST ET AL
	47	1102 CHURCH ST	SKYCLOVER TEXAS LLC
	48	1033 E 9TH ST	Taxpayer at
	49	1023 E 9TH ST	GUTEN DONALD ESTATE
	50	842 E JEFFERSON BLVD	Taxpayer at
	51	916 E 8TH ST	ARELLANO MIGUEL JR
	52	920 E 8TH ST	RIOS INEZ JOHNNY JR
	53	930 E 8TH ST	RIOS PROPERTIES LLC
O	54	935 CHURCH ST	MORA GUADALUPE
O	55	939 CHURCH ST	MORA GUADALUPE
	56	927 CHURCH ST	RODRIGUEZ LIDIA OLGA MARTINE Z
	57	919 CHURCH ST	CABRERA ELEUTERIO JR

07/24/2024

	<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
		58	915 CHURCH ST	BRAVO ALFREDO & BERTHA
		59	911 CHURCH ST	CEDILLO MARIA
		60	905 CHURCH ST	VILLEGAS VENANCIO
		61	901 CHURCH ST	VILLEGAS VENANCIO
		62	904 CHURCH ST	NEW WORLD TRADE CENTER I LTD
		63	906 CHURCH ST	LUCE DANIEL ALEXANDER
		64	908 CHURCH ST	LUX LUXOR INC
		65	916 CHURCH ST	PORTAL 7 LLC
		66	926 CHURCH ST	MASTERS KAUSHIK
		67	920 CHURCH ST	MACIAS JUAN I & PATRICIA
		68	930 CHURCH ST	MASTERS KETAN & KUSUM
		69	909 E 9TH ST	GALARZA JOSE
		70	911 E 9TH ST	MASTERS KAUSHIK & DAXA
		71	901 E 9TH ST	MARQUEZ EFRAIN
		72	905 E 9TH ST	CERVANTES DAVID & BLANCA
		73	855 E 8TH ST	TRINITY BASIN PREPARATORY INC
		74	919 E JEFFERSON BLVD	TRINITY BASIN PREPARATORY INC
	O	75	904 E 7TH ST	942 E JEFFERSON LLC
		76	1201 E EIGHTH ST	Dallas ISD
		77	424 S R L THORNTON FWY	VICTRON STORES LP
	O	78	457 S R L THORNTON FWY	Taxpayer at
		79	923 CHURCH ST	YANGTZE RIVER REALTY LLC