

**FILE NUMBER:** Z190-169(AU)

**DATE FILED:** December 31, 2019

**LOCATION:** Both sides of Main Street, between Herbert Street and Sylvan Avenue, north of West Commerce Street, west of Guest Street and east of Beaver Street, and at the terminus of Yuma Street, Topeka Avenue, and Evanston Avenue.

**COUNCIL DISTRICT:** 6

**MAPSCO:** 44 Q

**SIZE OF REQUEST:** +/- 15.5 Acres

**CENSUS TRACT:** 43.00

**REPRESENTATIVE:** Angela Hunt, Munsch Hardt

**APPLICANT:** PSW Real Estate

**OWNER:** PSW West Dallas Urban Village LLC., PSW Real Estate LLC, MNS Properties Inc., Texas Oaks Holdings Group

**REQUEST:** An application for a new subdistrict on property zoned Subdistrict 1A and 1B within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District.

**SUMMARY:** The purpose of the request is to develop the property with mixed uses to include single-family and multifamily, retail, and office uses with modified standards primarily related to mixed-use projects, permitted uses, setbacks, lot coverage, height, and parking.

**STAFF RECOMMENDATION:** Approval, subject to a conceptual plan, a revised Exhibit 714F, and staff's recommended conditions.

**CPC RECOMMENDATION:** Approval, subject to a conceptual plan, a revised Exhibit 714F, and conditions.

**Background Information:**

- On February 23, 2005, City Council approved Planned Development District No. 714, West Commerce/Fort Worth Avenue Special Purpose District. The PD is comprised of 14 subdistricts. PD 714 was subsequently amended 11 times.
- The request site is zoned Subdistricts 1A and 1B within PD No. 714. Subdistrict 1 is intended to accommodate medium density mixed-use and develop as a gateway from downtown into the area and strengthen the Sylvan Avenue – Fort Worth Avenue intersection as a retail anchor. This is intended to be the most densely developed subdistrict, while protecting the view towards downtown.
- The request site is currently developed with industrial warehouses that are vacant and contains parcels that are currently undeveloped. The applicant proposes to redevelop the site with a mix of uses including single family, multifamily, retail, office, and hotel uses, into a walkable medium density area.
- The applicant requests to create a new subdistrict 1E within Subdistrict 1 of the PD No. 714, for mixed-use development. The proposed standards will deviate from the district regulations for Subdistrict 1 as follows:
  - 1) create new uses
  - 2) introduce an alternate mixed-use project associated with multifamily use,
  - 3) modify front yard
  - 4) increase the floor area ratio (FAR) for multifamily projects within an alternate mixed-use project,
  - 5) increase maximum allowable height from 40 feet to 52 feet within one proposed phase with possibility of increase up to 80 feet as bonus; and from 40 feet to 58 feet within another phase;
  - 6) increase lot coverage from 80% to 85%,
  - 7) create parking ratios for new proposed uses and adjust parking requirements for residential uses.

**Zoning History:**

There have been 12 zoning cases requested in the area in 10 sites in the past five years.

1. **Z201-257:** On September 23, 2021, the City Plan Commission recommended denial of an application for a Specific Use Permit for an industrial (outside) use limited to a concrete batch plant on property zoned an IR Industrial/Research District, on the north line of West Commerce Street, west of Sylvan Avenue. The decision was appealed by the applicant and is tentatively scheduled for the November 11, 2021 City Council meeting.

- Z189-301:** On November 13, 2019, the City Council approved the renewal of Specific Use Permit No. 1752 for an industrial (outside) not potentially incompatible use limited to a concrete batch plant, for a two-year period, on a property zoned an IR Industrial Research District, located on the north line of Commerce Street, west of Sylvan Avenue.
2. **Z190-279:** On June 23, 2021, the City Council approved Planned Development District No. 1058 for TH-3(A) Townhouse District Uses on property zoned an IR Industrial Research District and an TH-3(A) Townhouse District, located on the south of Muncie Avenue, between Conklin Street and Borger Street.
  3. **Z190-277:** On September 3, 2020, the City Plan Commission recommended denial of an application for an MF-2(A) Multifamily District on property zoned a TH-3(A) Townhouse District, located south line of Bayonne Street, east of Conklin Street.
  4. **Z190-180:** On February 24, 2021, the City Council approved Planned Development District No. 1046 for a GO General Office District and mixed uses on property zoned an R-5(A) Single Family District, an IR Industrial Research District, and a CS Commercial Service District, on the north side of Singleton Boulevard, between Bataan Street and Herbert Street.
  5. **Z190-171:** On June 24, 2020, the City Council approved Specific Use Permit No. 2383 a Commercial parking lot or garage use, for a five-year period, on property zoned Subdistrict 1A within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, on the east line of May Street, south of Harbin Street.
  6. **Z190-158:** On July 15, 2021, the City Plan Commission recommended denial without prejudice of an application for a Planned Development District for office and mixed uses on property zoned an IR Industrial/Research District on the northeast corner of Gulden Lane and Singleton Boulevard. The decision was appealed by the applicant and is tentatively scheduled for the November 11, 2021 City Council meeting.
  7. **Z189-350:** On March 25, 2020, the City Council approved Planned Development District No. 891 on property zoned an IR Industrial Research District and Planned Development District No. 891, located in an area generally bound by Topeka Avenue, and Parvia Avenue on the west, Singleton Boulevard on the north, both sides of Amonette Street on the east, and Union Pacific Railroad on the south and Bedford Avenue.
  8. **Z189-189:** On June 26, 2019, the City Council approved the renewal of Specific Use Permit No. 1804 for an industrial (outside) not potentially incompatible use limited to a concrete batch plant, for a six-month period, on property zoned an IR

Industrial Research District, located on the north line of Commerce Street, west of Sylvan Avenue.

**Z178-159:** On August 22, 2018, the City Council approved the renewal of Specific Use Permit No. 1804 for an industrial (outside) not potentially incompatible use limited to a concrete batch plant, for a one-year period, on property zoned an IR Industrial Research District, located on the north line of Commerce Street, west of Sylvan Avenue.

9. **Z178-372:** On January 9, 2019, the City Council approved the renewal of Specific Use Permit No. 2168 for an animal shelter or clinic with outside run on property, for a five-year period with eligibility for automatic renewal for additional five-year periods, zoned an IR Industrial Research District, located on the north line of West Commerce Street, west of Chappell Street.
10. **Z178-154:** On June 13, 2018, the City Council approved Planned Development District No. 1000 for MF-1(A) Multifamily District uses and a community service center on property zoned a CR Community Retail District and an R-5(A) Single Family District with Neighborhood Stabilization Overlay No. 13 on the west side of Topeka Avenue, south of Pueblo Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing/Proposed ROW
West Main Street	Local Street	Existing ROW to remain
West Commerce Street	Major Arterial	Existing ROW to remain Bike Plan
Sylvan Avenue	Principal Arterial	100 feet ROW (90 feet pavement) Bike plan
Herbert Street	Community Collector	56 feet ROW Bike plan

**Traffic:**

The applicant submitted a Traffic Impact Analysis that identifies traffic generation characteristics and potential traffic related impacts on the local street system, considering the approved Thoroughfare Plan amendment that removed Bataan Street from crossing the Union Pacific Railroad, north of the site. On August 25, 2021, the City Council approved the amendment to delete Bataan Street from Singleton Boulevard to Commerce Street from the Thoroughfare Plan. The study analyzed ten roadway intersections during the weekday AM and PM peak hours.

The following is an excerpt from the TIA:

*“A 2% annual growth rate was applied to the existing traffic volumes to project future background volumes. Due to the vast amount of upcoming development projected in the area, to account for “buildout of the area” and project traffic to evaluate the Bataan Street Thoroughfare Plan amendment, traffic was also projected for additional future developments in the area which would use a future Bataan Street connection across the railroad tracks. This study takes into consideration the site is a mixed-use development, and patrons will walk to/from work/office/retail/shopping. After taking into consideration internal capture due to the mixed-use nature, The Park at West Main site is projected to generate 230 trips in the AM peak hour (82 inbound and 148 outbound) and 335 trips during the PM peak hour (202 inbound and 133 outbound). The projected weekday total (inbound and outbound) is 6,894 trips.  
(...)”*

- *The roadway links are shown to operate at LOS D or better considering existing, background,*
- *and background-plus-site traffic volumes with the existing roadway geometries.*
- *No deceleration lanes are recommended at the site driveways.*
- *All driveways satisfy City of Dallas’ minimum driveway spacing criteria.*
- *All driveways satisfy City of Dallas’ minimum sight distance criteria.*
- *Indented parking and on-street parallel parking are expected to operate smoothly in the area.*
- *The project is providing wide sidewalks and green spaces which will encourage pedestrian activity in the area.*

*(...)”*

*Based upon this analysis, the proposed development is shown to not have a significant impact on the surrounding roadway network.”*

The Engineering Division of the Sustainable Development and Construction Department reviewed the request and the Traffic Impact Analysis submitted with the application and determined that the proposed development is not foreseen to cause a significant impact to the adjacent roadways. In addition, provisions regarding improvements at the intersection of Fort Worth Avenue and West Commerce Street are included in the proposed PD Conditions.

**STAFF ANALYSIS****Surrounding Land Uses**

Area	Zoning	Land Use
Site	PD No. 714 – Subdistrict 1A, Subdistrict 1B	Undeveloped, warehouse
North	PD No. 891, IR	Railroad, Single family
East	PD No. 714 – Subdistrict 1A	Single family, undeveloped, multifamily
South	PD No. 714 – Subdistrict 1A, Subdistrict 1B	Mixed-use, multifamily, warehouse - distribution
West	TH-3, IR	Single family, office, personal service

**Land Use Compatibility**

Surrounding land uses consist of a combination of undeveloped land with existing warehouse and distribution buildings. Immediately south of the subject site are newly constructed multifamily buildings, facing Commerce Street. Further west, east, and north, there are single family neighborhoods.

The purpose of this request is to allow a different type of mix of uses and an increase in density for residential uses. The applicant is proposing to create a new subdistrict, 1E, within Planned Development District No. 714, that will retain some of the existing standards of subdistricts 1A and 1B. The use comparison table between the existing zoning subdistricts 1A and 1B within Planned Development District No, 714 and the proposed subdistrict 1E is below:

\*

*Yellow highlight – new uses created, or new allowable use*

*SUP – Specific Use Permit*

PD 714 Existing Subdistricts 1A and 1B	PD 714 Proposed Subdistrict (1E)
<b>(1) Agricultural uses.</b> -- Crop production.	<b>(1) Agricultural uses.</b> -- Crop production.
<b>(2) Commercial and business service uses.</b> -- Building repair or maintenance shop. -- Catering service. -- Custom business services. -- Custom woodworking, furniture construction, or repair. -- Electronics service center. -- Job or lithographic printing. -- Machine or welding shop. -- Medical or scientific laboratory. -- Tool or equipment rental. <i>[Limited to 3,500 square feet.]</i> -- Vehicle or engine repair or maintenance. <i>[SUP]</i>	<b>(2) Commercial and business service uses.</b> -- Catering service. -- Custom business services. -- Job or lithographic printing. -- Medical or scientific laboratory.

<b>(3) Industrial uses.</b> -- Industrial (inside) not potentially incompatible. [SUP] -- Industrial (inside) for light manufacturing. -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]	<b>(3) Industrial uses.</b> -- Alcoholic beverage manufacturing. [SUP]
<b>(4) Institutional and community service uses.</b> -- Adult day care facility. -- Cemetery or mausoleum. [SUP] -- Child-care facility. -- Church. -- College, university, or seminary. -- Community service center. [SUP] -- Convalescent and nursing homes, hospice care, and related institutions. [RAR] -- Convent or monastery. -- Hospital. [RAR] -- Library, art gallery, or museum. -- Open-enrollment charter school. [SUP] -- Private school. [SUP] -- Public school. [SUP]	<b>(4) Institutional and community service uses.</b> -- Child-care facility. -- Church. -- College, university, or seminary. -- Community service center. [SUP] -- Library, art gallery, or museum. -- Open-enrollment charter school. [SUP] -- Private school. [SUP] -- Public school. [SUP]
<b>(5) Lodging uses.</b> -- Extended stay hotel or motel. [SUP] -- Hotel or motel. [SUP if 60 or fewer guest rooms.]	<b>(5) Lodging uses.</b> -- Extended stay hotel or motel. [SUP] -- Hotel or motel. [SUP if 30 or fewer guest rooms.]
<b>(6) Miscellaneous uses.</b> -- Temporary construction or sales office.	<b>(6) Miscellaneous uses.</b> -- Temporary construction or sales office.
<b>(7) Office uses.</b> -- Financial institution without drive-in window. -- Financial institution with drive-in window. [DIR] -- Medical clinic or ambulatory surgical center. -- Office.	<b>(7) Office uses.</b> -- Coworking space -- Creative office -- Financial institution without drive-in window. -- Makerspace -- Medical clinic or ambulatory surgical center. -- Office.
<b>(8) Recreation uses.</b> -- Country club with private membership. -- Private recreation center, club, or area. -- Public park, playground, or golf course.	<b>(8) Recreation uses.</b> -- Private recreation center, club, or area. -- Public park, playground, or golf course.
<b>(9) Residential uses.</b> -- College dormitory, fraternity, or sorority house. -- Multifamily. [Only as a component of a mixed-use project.] -- Retirement housing. [RAR] -- Single family. [A minimum of eight single family structures must be attached together with a minimum of 15 feet between each group of eight single family structures.]	<b>(9) Residential uses.</b> -- College dormitory, fraternity, or sorority house. -- Multifamily. [See Section 51P-714.108.2(c)(1) for additional use standards.] -- Retirement housing. [RAR] -- Single family. [A minimum of eight single family structures must be attached together with a minimum of 15 feet between each group of eight single family structures.] -- Live/Work unit.
<b>(10) Retail and personal service uses.</b> -- Animal shelter or clinic without outside runs. [RAR] -- Auto service center. [SUP] -- Business school. -- Commercial amusement (inside). [SUP] [Bingo parlor, billiard hall, class E dance hall, and motor track prohibited.]	<b>(10) Retail and personal service uses.</b> -- Animal shelter or clinic without outside runs. [RAR] -- Alcoholic Beverage Establishment [SUP] -- Commercial amusement (inside). [SUP] [Bingo parlor, billiard hall, class E dance hall, and motor track prohibited.] -- Commercial parking lot or garage. [SUP]

<ul style="list-style-type: none"> <li>-- Commercial parking lot or garage. <i>[SUP]</i></li> <li>-- Dry cleaning or laundry store.</li> <li>-- Furniture store.</li> <li>-- General merchandise or food store 3,500 square feet or less.</li> <li>-- General merchandise or food store greater than 3,500 square feet.</li> <li>-- Home improvement center, lumber, brick, or building materials sales yard. <i>[SUP]</i></li> <li>-- Household equipment and appliance repair.</li> <li>-- Motor vehicle fueling station.</li> <li>-- Nursery, garden shop, or plant sales.</li> <li>-- Personal service uses. <i>[Massage establishment, piercing salon, and tattoo studio prohibited.]</i></li> <li>-- Restaurant without drive-in or drive-through service. <i>[RAR]</i></li> <li>-- Restaurant with drive-in or drive-through service. <i>[DIR]</i></li> <li>-- Temporary retail use.</li> <li>-- Theater.</li> </ul>	<ul style="list-style-type: none"> <li>-- Dry cleaning or laundry store.</li> <li>-- <b>Food hall</b></li> <li>-- Furniture store.</li> <li>-- General merchandise or food store 3,500 square feet or less.</li> <li>-- General merchandise or food store greater than 3,500 square feet.</li> <li>-- Nursery, garden shop, or plant sales.</li> <li>-- Personal service uses. <i>[Massage establishment, piercing salon, and tattoo studio prohibited.]</i></li> <li>-- Restaurant without drive-in or drive-through service.</li> <li>-- Temporary retail use.</li> <li>-- Theater.</li> </ul>
<p><b>(11) Transportation uses.</b></p> <ul style="list-style-type: none"> <li>-- Private street or alley. <i>[SUP]</i></li> <li>-- Transit passenger shelter.</li> <li>-- Transit passenger station or transfer center. <i>[By SUP or city council resolution. See Section 51A-4.211(10).]</i></li> </ul>	<p><b>(11) Transportation uses.</b></p> <ul style="list-style-type: none"> <li>-- Private street or alley. <i>[SUP]</i></li> <li>-- Transit passenger shelter.</li> <li>-- Transit passenger station or transfer center. <i>[By SUP or city council resolution. See Section 51A-4.211(10).]</i></li> </ul>
<p><b>(12) Utility and public service uses.</b></p> <ul style="list-style-type: none"> <li>-- Electrical substation.</li> <li>-- Local utilities. <i>[Local utilities by right. Communication exchange facility by SUP.]</i></li> <li>-- Police or fire station.</li> <li>-- Post office.</li> <li>-- Utility or government installation other than listed. <i>[SUP]</i></li> </ul>	<p><b>(12) Utility and public service uses.</b></p> <ul style="list-style-type: none"> <li>-- Electrical substation.</li> <li>-- Local utilities. <i>[Local utilities by right. Communication exchange facility by SUP.]</i></li> <li>-- Police or fire station.</li> <li>-- Post office.</li> <li>-- Utility or government installation other than listed. <i>[SUP]</i></li> </ul>
<p><b>(13) Wholesale, distribution, and storage uses.</b></p> <ul style="list-style-type: none"> <li>-- Office showroom/warehouse.</li> <li>-- Recycling drop-off container. <i>[See Section 51A-4.213(11.2).]</i></li> <li>-- Recycling drop-off for special occasion collection. <i>[See Section 51A-4.213(11.3).]</i></li> <li>-- Trade center. <i>[SUP]</i></li> <li>-- Warehouse.</li> <li>-- Wrecker service. <i>[Prohibited.]</i></li> </ul>	<p><b>(13) Wholesale, distribution, and storage uses.</b></p> <ul style="list-style-type: none"> <li>-- Recycling drop-off container. <i>[See Section 51A-4.213(11.2).]</i></li> <li>-- Recycling drop-off for special occasion collection. <i>[See Section 51A-4.213(11.3).]</i></li> <li>-- Warehouse.</li> </ul>
<p><b>2) In this subdistrict, the following accessory uses are permitted only by SUP:</b></p> <ul style="list-style-type: none"> <li>-- Accessory helistop.</li> </ul>	<p><b>(2) In this subdistrict, the following additional accessory uses are permitted by right:</b></p> <ul style="list-style-type: none"> <li>-- Accessory storage for multifamily residential</li> </ul>
<p><b>(3) In this subdistrict, the following accessory uses are <u>not</u> permitted:</b></p> <ul style="list-style-type: none"> <li>-- Accessory medical/infectious waste incinerator.</li> <li>-- Accessory pathological waste incinerator.</li> <li>-- Amateur communication tower.</li> <li>-- General waste incinerator.</li> <li>-- Private stable.</li> </ul>	<p><b>3) In this subdistrict, the following accessory uses are permitted only by SUP:</b></p> <ul style="list-style-type: none"> <li>-- Accessory helistop.</li> <li>-- <b>Pedestrian skybridges <i>[Phase 3 only]</i></b></li> </ul>



-- Pedestrian skybridges.	
<b>(4) In this subdistrict, the following accessory use is permitted only with a fully sight-obscuring fence or a high screen on any side visible from a street:</b> -- Accessory outside storage.	<b>(4) In this subdistrict, the following accessory uses are <u>not</u> permitted:</b> -- Accessory medical/infectious waste incinerator. -- Accessory pathological waste incinerator. -- Amateur communication tower. -- General waste incinerator. -- Private stable.

The proposed PD Conditions include an alternative mixed-use compliance to allow multifamily uses as part of a mixed-use project that includes a minimum five percent of non-residential uses. The uses that can count towards the non-residential component of a mixed-use project are retail and personal service, office, an accessory component to a residential use, but that is open to the public. Several uses are prohibited to count towards the non-residential component of a mixed-use project, to support a combination of complimentary uses within a mixed-use project. The requirement for a mixed-use project will apply to the initial development only, in an effort to allow flexibility of use according to the needs of the market. The conditions also include requirements for minimum area to be used as open spaces.

Staff is supporting the change in the mixed-use project combination, the allowable uses, and the introduction of new uses that are meant to support small scale retail and office type of uses that are easily adjustable in a mixed-use project and do not necessitate specialty buildings, thus ensuring a continuous life of a building. Staff is supporting the increase in residential density as well, considering the location of the project, with limited exposure on major thoroughfares, and the need for housing to support a mixed-use area at a larger scale along Commerce Street and Fort Worth Avenue.

### **Development Standards**

<b>PD 714 Existing Subdistricts 1A and 1B</b>	<b>PD 714 Proposed Subdistrict (1E)</b>
<b>(1) Front Yard.</b> (A) Min 6'. At least 50 percent of the front facade must be at the minimum front yard setback. (B) Max 15'. (C) An additional 20' for that portions above 45' in height.	<b>(1) Front Yard.</b> (A) West Commerce: Min: 6 feet – Max: 20 feet A min 50% of the façade must be at the min front yard Additional 20 feet for portions above 45 feet in height  (B) West Main: Phase 1 (existing 1B), 3(existing 1A): min: 6 feet Phase 2 (existing 1B): Min: 6 feet – Max: 20 feet A min 50% of the façade must be at the min front yard Additional 20 feet for portions above 45 feet in height  Building features to be counted as façade Encroachments in the front yard  (C) all other public streets: No min or max Additional 1 foot for each 2 feet in height above 45

	feet height, up to a total of 26 feet
<b>(2) Side and rear yard.</b> (A) No min. (B) An additional side and rear yard setback of 1 foot for each 2 feet in height above 45feet, up to a total setback of 30 feet.	<b>(2) Side and rear yard.</b> (A) Except as provided in Subparagraph (B), <u>no min.</u> (B) An additional side and rear yard setback of 1 foot for each 2 feet in height above 45feet, up to a total setback of 30 feet. No additional side or rear yard setback is required adjacent to railroad right of way.
<b>(3) Density.</b> (A) No max. (B) Min dwelling unit size is 450 square feet.	<b>(3) Density.</b> (A) No max.
<b>(4) Floor area ratio.</b> Max depending of MUP: <i>(base: between 1 and 1.6 – MUP 3 with res (most intensive) between 1.3 and 3.5)</i>	<b>4) Floor area ratio.</b> Max depending of MUP: <i>(base: between 1 and 1.6 – MUP 3 with res (most intensive) between 1.3 and 3.5)</i>  Multifamily projects within alternate mixed-use projects max 3, except all non-residential uses where max. is 1.2
<b>(5) Height.</b> (A) 1A: max 145' (B) 1B: max 40'	<b>(5) Height.</b> Phase 1 (existing 1B): 40 feet – up to 70 feet if MIH bonus Phase 2 (existing 1B): 40 feet Phase 3 (existing 1A): 145 feet (with encroachments)
<b>(6) Lot coverage.</b> (A) Max 80%. (B) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.	<b>(6) Lot coverage.</b> (A) Max 85%. (B) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.
<b>(8) Stories.</b> (A) 1A: max 11. (B) 1B: max 3. (C) Parking garages are exempt from this paragraph but must comply with the height regulations of Paragraph (5).	<b>(8) Stories.</b> Phase 1 (existing 1B): 4-3 – 5 if MIH bonus Phase 2(existing 1B): 3 Phase 3 (existing 1A): 11

The proposed development standards included in the PD Conditions are changing the front yard, increase the FAR for alternate mixed-use projects, increase in height for proposed Phase 1 (a portion of the former Subdistrict 1B) with possibility of further increase in exchange of mixed-income housing, and a slight increase in lot coverage.

The mixed-income housing bonus scheme for Phase 1 is:

Phase 1 (portion of existing Subdistrict 1B)	Bonus	Height
Existing height		40 feet 3 stories
Proposed height without the bonus		52 feet 4 stories
Proposed height with the bonus	5% at 51-60AMFI and 5% at 61-80 AMFI	82 feet 5 stories

The proposed PD Conditions include adjusted requirements for architectural standards for smaller-scale multifamily, under 10 units, to allow the units that are not facing a public street to be facing an open space, plus provisions for relief for architectural treatment for residential facades. In addition, the conditions include provisions to require a min of 25 percent of first floor units with facades on West Main Street to be walk-up units.

Considering the overall conceptual plan of the proposed development, and the treatment of the portions along the main public streets, staff is supporting the requested changes.

### **Parking**

Parking will be provided per the requirements of PD No. 714. In addition, the proposed PD Conditions include parking ratios for the proposed new uses:

- co-working and creative office at 1 parking space per 333 square feet,
- food hall at 1 parking space per 125 square feet;
- makerspace at 1 parking space per 1,000 square feet.

Considering the similarity with the most comparable land use, the small scale of the proposed uses, and the mixed-use nature of the overall development, staff is in support of the proposed ratios.

In addition, the conditions include the possibility of a 25% reduction for non-residential uses that are open to the public and new ratio for bike parking 1 space per 6 dwelling units. Staff is recommending location dispersed throughout the site, hence eliminating the requested language that entire subdistrict is one lot for purposes of parking.

Considering the proposed mixed-use project and the overall intent to provide small scale and walkable environment, staff is in support of the proposed changes to the parking regulations.

### **Landscaping**

Landscaping will be provided per the requirements of PD No. 714. The proposed PD Conditions include a requirement for a minimum area for open space, with a requirement for contiguity of such space and per each Phase of the development.

### **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). While the site is not located within any MVA category, the area surrounding it is located within an “E” MVA cluster.

**LIST OF OFFICERS**

**PSW Real Estate LLC**

Michael Simons

Joseph and Betsy Vander Veld

**MNS Proposerties Inc**

Nir Kamisa

Neil Shekhter

Dino Ciarmoli

Shylesh Viswanathan

**Texas Oaks Holdings Group**

Peter Kavanagh

**CPC Action**  
**December 2, 2021**

**Motion:** It was moved to recommend **approval** of a new subdistrict, subject to a conceptual plan, a revised Exhibit 714F, and staff's recommended conditions; as briefed, with the following change: follow applicant's recommended condition on loading under Sec. 51P-714.113(n)(4), to read: "In Subdistrict 1E, residential loading must be located outside the public right of way. For the purposes of this subsection, Blocks 4 and 6 as shown on the conceptual plan are exempt." on property zoned Subdistrict 1A and 1B within Planned Development District No. 714, West Commerce Street/Fort Worth Avenue Special Purpose District, generally on both sides of Main Street, between Herbert Street and Sylvan Avenue, north of West Commerce Street, west of Guest Street and east of Beaver Street, and at the terminus of Yuma Street, Topeka Avenue, and Evanston Avenue.

Maker: Carpenter

Second: Rubin

Result: Carried: 12 to 0

For: 12 - Popken, Hampton, Shidid, Carpenter, Jackson,  
Blair, Jung, Suhler, Haqq, Stanard, Kingston,  
Rubin

Against: 0

Absent: 1 - Anderson

Vacancy: 2 - District 3, District 10

**Notices:** Area: 500

Mailed: 119

**Replies:** For: 7

Against: 0

**Speakers:** For: Angela Hunt, 500 N. Akard St., Dallas, TX, 75201  
Eduardo Garza, 512 W. Davis St., Dallas, TX, 75208  
Against: None

**CPC Action**  
**November 4, 2021**

**Motion:** In considering an application for a new subdistrict on property zoned Subdistrict 1A and 1B within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, generally on both sides of Main Street, between Herbert Street and Sylvan Avenue, north of West Commerce Street, west of Guest Street and east of Beaver Street, and at the terminus of Yuma Street, Topeka Avenue, and Evanston Avenue, it was moved to **hold** this case under advisement until December 2, 2021.

Maker: Carpenter  
Second: Rubin  
Result: Carried: 12 to 0

For: 12 - Hampton, Anderson, Shidid, Carpenter,  
Jackson, Blair, Jung, Suhler, Haqq, Stanard,  
Kingston, Rubin  
Against: 0  
Absent: 0  
Vacancy: 3 - District 1, District 3, District 10

**Notices:** Area: 500 Mailed: 119  
**Replies:** For: 2 Against: 0

**Speakers:** None

**CPC RECOMMENDED PD CONDITIONS**

**ARTICLE 714.**

**PD 714.**

**West Commerce Street/Fort Worth Avenue Special Purpose District**

**SEC. 51P-714.101. LEGISLATIVE HISTORY.**

PD 714 was established by Ordinance No. 25898, passed by the Dallas City Council on February 23, 2005. (Ord. 25898)

**SEC. 51P-714.102. PROPERTY LOCATION AND SIZE.**

PD 714 is established on property located north and south of West Commerce Street and Fort Worth Avenue from North Beckley Avenue to Westmoreland Road. The size of PD 714 is approximately 248.9 acres. (Ord. Nos. 25898; 26876; 27056; 28505)

**SEC. 51P-714.103. CREATION OF SUBDISTRICTS.**

(a) This district is divided into the following subdistricts:

(1) Subdistrict 1. This subdistrict is for medium density mixed-use development that respects existing businesses but gives incentive for new mid-rise commercial and residential development. Development should support West Commerce Street as the gateway from downtown into the area, and strengthen the Sylvan Avenue-Fort Worth Avenue intersection as a retail anchor. New development should support future light rail along the northern edge of the subdistrict. Preserving historic buildings through adaptive re-use is a priority. This subdistrict will be the most densely developed urban subdistrict due to its proximity to the Trinity River and downtown. The mix of uses should lean more to commercial, although residential development is essential to the success of the mixed uses. Buildings should front the street with broad sidewalks. Street trees should line the street edge. On-street parking should be parallel parking along West Commerce Street and Fort Worth Avenue. Off-street parking should be provided behind buildings or in parking structures and shared between adjacent lots. This subdistrict should have an overall urban feel, but still provide pedestrian amenities. Subdistricts 1A, 1B, 1C, ~~and 1D~~, and 1E have maximum building heights and maximum stories that reflect the rising topography and protect the downtown view. Buildings should have minimum or no setbacks, with commercial and retail uses at the ground level and office and residential above. Pedestrian protections from traffic, such as street trees, planters, and crosswalks, are desired. Subdistricts 1A, 1B, 1C, ~~and 1D~~, and 1E are part of Subdistrict 1. Except as provided in this article, Subdistrict 1 regulations apply in Subdistricts 1A, 1B, 1C, ~~and 1D~~, and 1E.



*[omitted for brevity]*

**SEC. 51P-714.104. DEFINITIONS.**

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

(1) BINGO PARLOR means a facility licensed for the conducting of bingo pursuant to Texas Occupation Code Chapter 2001, as amended.

(1.1) BUILD-TO ZONE means the area where a specified percentage of a street-facing building facade must be constructed on a lot.

(1.2) CERAMIC STUDIO means a studio containing kilns used to fire ceramics.

(1.3) COWORKING OFFICE means, in Subdistrict 1E only, a building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities including, but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource libraries, and business or administrative support services, and is used by a recognized membership who share the space. In all other Subdistricts, this is an office use.

(1.4) CREATIVE OFFICE means, in Subdistrict 1E only, an office use for art and design related professions including, but not limited to, art studios, audio or visual production, architecture, real estate development, landscape architecture and engineering.

(2) DISTRICT means the entire planned development district (the West Commerce Street/Fort Worth Avenue Special Purpose District) created by this article.

(2.1) ELECTRICAL VEHICLE CHARGING STATION means a dedicated parking area for vehicles that includes publicly accessible recharging equipment.

(2.2) FOOD HALL means, in Subdistrict 1E only, an establishment with three or more individual food-related businesses in an area where food may be served. A food hall may combine restaurant or retail uses within a single structure, but share communal indoor and outdoor seating space, restrooms, and ingress/egress. Shared food preparation areas are also allowed. In all other Subdistricts, this is a restaurant with or without drive-through use when dining is on site or a general merchandise or food store use when there is no dining on site.

(3) FRONT FACADE means the primary building elevation facing the front yard.

(4) FULLY SIGHT-OBSCURING FENCE means a fence that provides complete visual separation. Fully sight-obscuring fences must be six feet high and 100 percent sight-obscuring. Fences must be constructed of one or more of the following: brick, concrete masonry (split or polished face only; no unfinished units or cinder block), stone, stucco, or wood. Landscaping with a minimum height of three feet must be provided on the street side of the fence. Landscaping must consist of hedgelike evergreen plant materials recommended for local area use by the building official. Landscaping must be located in a bed that is at least three feet

wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(4.1) GATEWAY PLAZA means a plaza in Permissible Building Area A of Subdistrict 1C as shown on the conceptual plan that marks the entrance to Subdistrict 1C by creating a sense of arrival and that incorporates a minimum of two of the following, which must be shown on an approved development plan:

- (A) Public art.
- (B) A prominent architectural feature that marks the corner through increased height such as a tower or monument.
- (C) A visual enhancement such as a water feature, distinctive landscaping, or a display window.
- (D) Site configuration that allows direct pedestrian access through the plaza and into the interior of Subdistrict 1C through the use of pedestrian passages or paseos.

(5) HIGH SCREEN means a landscape treatment that provides physical and visual separation between uses. Shrubs must form a six-foot-high screen that is 95 percent opaque year-round within three years of planting. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years. Ground cover plants must cover the remainder of the landscaped area. If a wall or fence is also provided, it must be on the interior side of the high screen.

(6) LIVE/WORK UNIT means an interior space with street-level access that combines residential with office or retail and personal service uses

(7) LOW SCREEN means a landscape treatment that provides physical separation between uses. Shrubs must form a three-foot-high screen that is 95 percent opaque year-round within three years of planting. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years. Ground cover plants must cover the remainder of the landscaped area. A three-foot-high masonry wall may be substituted, but ground cover plants are still required. A berm may be substituted. The berm must be planted with turf grass or groundcover recommended for local area use by the building official. The berm may not have a slope that

exceeds one foot of height per three feet of width. If a wall or fence is provided in addition to shrubs or a berm, it must be on the interior side of the shrubs or berm.

(8) MAJOR MODIFICATION means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in floor area of an original building by 50 percent or more. With regard to streets and sidewalks, MAJOR MODIFICATION means reconstruction, alteration, or renovation that exceeds 50 percent of the surface area of that street or sidewalk segment.

(8.1) MAKERSPACE means, in Subdistrict 1E only, a building or portion thereof used for the on-site production of parts or finished products by individual or shared use of hand-tools, mechanical tools, and electronic tools. Makerspaces may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental storage, sales, and distribution of such projects. Typical uses include but are not limited to: electronic goods; printmaking; leather products; jewelry and clothing/apparel; metalwork; furniture; woodworking and cabinet shops; glass or ceramic production; and paper manufacturing. Makerspaces may host classes or networking events which are open either to the public or to current and prospective members. In all other Subdistricts, this use is one of the commercial and business services uses or one of the industrial uses, depending on the proposed operations.

(9) MASSAGE ESTABLISHMENT means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under the physician's direction. MASSAGE means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, massage by registered physical therapists who treat only patients recommended by a licensed physician and who operate only under the physician's direction, or massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(9.1) MICRO-BREWERY OR MICRO-WINERY means a facility that produces no more than 15,000 barrels of beer or wine, as defined in the Texas Alcoholic Beverage Code, per year for sale or distribution on or off the premises.

(9.2) MICRO-DISTILLERY means a facility that manufactures no more than 250,000 gallons of distilled spirits, as defined in the Texas Alcoholic Beverage Code, per year for sale or distribution on or off premises.

(10) **MIXED-USE PROJECT** means a development containing uses in two or more of the following categories, and with the combined floor areas of the uses in each category equaling or exceeding the following percentages of the total floor area of the project:

<b><u>Use category</u></b>	<b><u>Percentage of total floor area</u></b>
<b>Lodging</b>	<b>10%</b>
<b>Office</b>	<b>15%</b>
<b>Residential</b>	<b>10%</b>
<b>Retail and personal service</b>	<b>5%</b>

(11) **NEW CONSTRUCTION** means construction of a main structure that did not exist on February 23, 2005, the date of the establishment of this special purpose district. With regard to streets and sidewalks, **NEW CONSTRUCTION** means construction of a street or sidewalk that did not exist on February 23, 2005.

(12) **ORIGINAL BUILDING** means a structure existing on February 23, 2005 but does not include a structure that has undergone a major modification.

(13) **PARTIALLY SIGHT-OBSCURING FENCE** means a fence that provides partial visual separation. Partially sight-obscuring fences must be six feet high and at least 50 percent sight obscuring. Fences must be constructed of one or more of the following: brick, concrete masonry (split or polished face only; no unfinished units or cinder block), stone, stucco, wood, or wrought iron. Landscaping with a minimum height of three feet must be provided on the street side of the fence. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(13.1) **PHOTOGRAPHY STUDIO** means a facility for taking and processing photographs. This does not include a bulk photography processing plant.

(13.2) **PEDESTRIAN ZONE** means the area between the back-of-curb and the building facade, which is intended for sidewalks, planting areas, outdoor eating areas, and pedestrian amenities.

(14) **PIERCING SALON** means a facility in which body piercing is performed. **BODY PIERCING** means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(14.1) **REQUIRED FRONTAGE** means the percentage of the street-facing facade that must be located within the build-to zone.

(14.2) SPECIAL COMMUNITY ACTIVITY means a temporary event or gathering such as:

- (A) sale of merchandise, food, or beverages.
- (B) art shows or craft shows; or
- (C) outdoor shows, concerts, exhibits, or exhibitions that may also involve erection of a tent; installation of a stage, bandshell, trailer, van, portable building, grandstand, or bleachers; placement of portable toilets; or placement of temporary no-parking, directional, over-size, or identification signs or banners.

(14.3) SPECIAL TEMPORARY RETAIL USE means an outdoor temporary facility for the retail sale of seasonal products such as food, Christmas trees, and live plants.

(14.4) STOOP means a small porch leading to the entrance of a residential structure.

(15) STREET CAR/TROLLEY SHELTER means a structure which affords protection from the weather to persons who are waiting to board a publically-owned or franchised street car or trolley.

(16) SUBDISTRICT means one of the subdistricts referred to in Section 51P-714.103 of this article.

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

(17.1) TEMPORARY CELLULAR UNIT means any cellular communication structure, vehicle, trailer mounted apparatus, or device that is part of a system authorized by the Federal Communications Commission that is designed to temporarily provide service where an existing tower/antenna for cellular communication is not operable due to one or more of the following reasons:

(A) The existing tower/antenna for cellular communication use is damaged or destroyed by something other than the intentional act of the owner or agent; or

(B) A demolition or construction permit has been issued on a building site that includes an existing mounted cellular antenna, monopole cellular tower, or other cellular communication tower/antenna.

(17.2) TREE PLANTING ZONE means, in Subdistrict 1E, an area within the pedestrian zone that is parallel to the back of the project street curb. In general, tree planting zones should provide open soil area in depth and dimension in compliance with Sec. 51A-10.104(e) but may allow for placement of street furniture, pedestrian lighting, and other pedestrian zone encroachments provided that there is adequate spacing for required trees.

(18) **VISIBILITY TRIANGLE** means the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection. **VISIBILITY TRIANGLE** means the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on driveway or alley edge and the street curb line 20 feet from the intersection.

(19) **WRECKER SERVICE** means a facility for the parking or storage of vehicle tow trucks. (Ord. Nos. 25898; 27820; 28470; 28505; 29914)

## **SEC. 51P-714.105. INTERPRETATIONS.**

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

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

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

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

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

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

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

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

(d) If there is a conflict, the text of this article controls over any charts, exhibits, graphic displays, or maps. (Ord. 25898)

**SEC. 51P-714.105.1. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 714A: Subdistrict boundary map.
- (2) Exhibit 714B: Verbal description of the district and subdistrict boundaries.
- (3) Exhibit 714C: Native and adapted xeriscape plants.
- (4) Exhibit 714D: Main and accessory land use chart.
- (5) Exhibit 714E: Development standards chart.
- (6) Exhibit 714F: Street diagrams and landscaping.
- (7) Exhibit 714G: Residential proximity slope illustration.
- (8) Exhibit 714H: Residential proximity slope illustration for Subdistrict 4A.
- (9) Exhibit 714I: Subdistrict 1C conceptual plan.
- (10) Exhibit 714J: Subdistrict 4B development plan.
- (11) Exhibit 714K: Subdistrict 1D development plan.
- (12) Exhibit 714L: Subdistrict 1E conceptual plan.

**SEC. 51P-714.106. CONCEPTUAL PLAN.**

- (a) Except for Subdistricts 1C and 1E, there is no conceptual plan for this district.
- (b) The Fort Worth Avenue Corridor Land Use and Urban Design Study should be consulted for goals, objectives, policy statements, and recommendations for development of this district.
- (c) The West Dallas Urban Structure and Guidelines should be consulted for goals, objectives, policy statements, and recommendations for development of Subdistricts 1C.
- (d) Development and use of Subdistricts 1C and 1E must comply with the Ssubdistricts [1C] respective conceptual plan (Exhibits 714I and 714L).

**SEC. 51P-714.107. DEVELOPMENT PLAN.**

- (a) Except for Subdistricts 1C, 1D, and 4B no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

*[omitted for brevity]*

**SEC. 51P-714.108. USE REGULATIONS AND DEVELOPMENT STANDARDS  
IN SUBDISTRICT NOS. 1A, 1B, AND 1D.**

(a) Uses. The following listed uses are the only main uses permitted in this subdistrict:

- (1) Agricultural uses.
  - Crop production.
- (2) Commercial and business service uses.
  - Building repair or maintenance shop.
  - Catering service.
  - Custom business services.
  - Custom woodworking, furniture construction, or repair.
  - Electronics service center.
  - Job or lithographic printing.
  - Machine or welding shop.
  - Medical or scientific laboratory.
  - Tool or equipment rental. *[Limited to 3,500 square feet.]*
  - Vehicle or engine repair or maintenance. *[SUP]*
- (3) Industrial uses.
  - Alcoholic beverage manufacturing. *[By SUP in Subdistrict 1D only.]*
  - Industrial (inside) not potentially incompatible. *[SUP]*
  - Industrial (inside) for light manufacturing.
  - Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*
- (4) Institutional and community service uses.
  - Adult day care facility.
  - Cemetery or mausoleum. *[SUP]*
  - Child-care facility.
  - Church.
  - College, university, or seminary.
  - Community service center. *[SUP]*
  - Convalescent and nursing homes, hospice care, and related institutions.
- [RAR]
  - Convent or monastery.
  - Hospital. *[RAR]*
  - Library, art gallery, or museum.
  - Open-enrollment charter school. *[SUP]*
  - Private school. *[SUP]*
  - Public school. *[SUP]*
- (5) Lodging uses.
  - Extended stay hotel or motel. *[SUP]*



- Hotel or motel. *[SUP if 60 or fewer guest rooms.]*
- (6) Miscellaneous uses.
  - Temporary construction or sales office.
- (7) Office uses.
  - Financial institution without drive-in window.
  - Financial institution with drive-in window. *[DIR]*
  - Medical clinic or ambulatory surgical center.
  - Office.
- (8) Recreation uses.
  - Country club with private membership.
  - Private recreation center, club, or area.
  - Public park, playground, or golf course.
- (9) Residential uses.
  - College dormitory, fraternity, or sorority house.
  - Multifamily. *[Only as a component of a mixed-use project.]*
  - Retirement housing. *[RAR]*
  - Single family. *[A minimum of eight single family structures must be attached together with a minimum of 15 feet between each group of eight single family structures.]*
- (10) Retail and personal service uses.
  - Animal shelter or clinic without outside runs. *[RAR]*
  - Auto service center. *[SUP]*
  - Business school.
  - Commercial amusement (inside). *[SUP] [Bingo parlor, billiard hall, class E dance hall, and motor track prohibited.]*
  - Commercial parking lot or garage. *[SUP]*
  - Dry cleaning or laundry store.
  - Furniture store.
  - General merchandise or food store 3,500 square feet or less.
  - General merchandise or food store greater than 3,500 square feet.
  - Home improvement center, lumber, brick, or building materials sales yard. *[SUP]*
  - Household equipment and appliance repair.
  - Motor vehicle fueling station.
  - Nursery, garden shop, or plant sales.
  - Personal service uses. *[Massage establishment, piercing salon, and tattoo studio prohibited.]*
  - Restaurant without drive-in or drive-through service. *[RAR]*
  - Restaurant with drive-in or drive-through service. *[DIR]*
  - Temporary retail use.
  - Theater.

- (11) Transportation uses.
  - Private street or alley. *[SUP]*
  - Transit passenger shelter.
  - Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211(10).]*
- (12) Utility and public service uses.
  - Electrical substation.
  - Local utilities. *[Local utilities by right. Communication exchange facility by SUP.]*
  - Police or fire station.
  - Post office.
  - Utility or government installation other than listed. *[SUP]*
- (13) Wholesale, distribution, and storage uses.
  - Office showroom/warehouse.
  - 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).]*
  - Trade center. *[SUP]*
  - Warehouse.
  - Wrecker service. *[Prohibited.]*

(b) Accessory uses.

(1) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217, "Accessory Uses." For more information regarding accessory uses, consult Section 51A-4.217.

(2) In this subdistrict, the following accessory uses are permitted only by SUP:

- Accessory helistop.

(3) In this subdistrict, the following accessory uses are not permitted:

- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- General waste incinerator.
- Private stable.
- Pedestrian skybridges.

(4) In this subdistrict, the following accessory use is permitted only with a fully sight-obscuring fence or a high screen on any side visible from a street:

- Accessory outside storage.

(c) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations in Division 51A-4.400, “Yard, Lot, and Space Regulations.” In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls.)

(1) Front yard.

(A) Except as provided in this subparagraph, minimum front yard is six feet. At least 50 percent of the front facade must be at the minimum front yard setback. This subparagraph does not apply to structures built prior to 1985 in Subdistrict 1D.

(B) Maximum front yard is 15 feet.

(C) An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(2) Side and rear yard.

(A) Except as provided in Subparagraph (B), no minimum side and rear yard.

(B) An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet.

(3) Density.

(A) No maximum dwelling unit density.

(B) Minimum dwelling unit size is 450 square feet.

(4) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a mixed-use project as follows:

[Note: The first column is the base FAR, which applies when there is no mixed-use project. The second column (MUP=2/no res.) is the FAR for a mixed-use project with a mix of two use categories when neither category is residential. The third column (MUP=2/with res.) is the FAR for a mixed-use project with a mix of residential plus one other use category. The fourth column (MUP=3/with res.) is the FAR for a mixed-use project with a mix of residential plus two or more other use categories. A mixed-use project with three use categories must include a residential use.]

Use category	Base (no MUP)	MUP=2 (no res.)	MUP=2 (with res.)	MUP=3 (with res.)
<b>Lodging</b>	<b>1.6</b>	<b>2.5</b>	<b>3.0</b>	<b>3.5</b>
<b>Office</b>	<b>1.6</b>	<b>2.5</b>	<b>3.0</b>	<b>3.5</b>
<b>Residential</b>	<b>1.6</b>	<b>--</b>	<b>3.0</b>	<b>3.5</b>
<b>Retail and personal service</b>	<b>1.0</b>	<b>1.1</b>	<b>1.2</b>	<b>1.3</b>
<b>Total</b>	<b>--</b>	<b>2.5</b>	<b>3.0</b>	<b>3.5</b>

(5) Height.

(A) Maximum structure height in Subdistricts 1A and 1D is 145 feet.

(B) Maximum structure height in Subdistrict 1B is 40 feet.

(6) Lot coverage.

(A) Maximum lot coverage is 80 percent. For lot coverage requirements, Subdistrict 1D is considered one lot.

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

(7) Lot size. No minimum lot size.

(8) Stories.

(A) Maximum number of stories above grade in Subdistricts 1A and 1D is 11.

(B) Maximum number of stories above grade in Subdistrict 1B is three.

(C) Parking garages are exempt from this paragraph, but must comply with the height regulations of Paragraph (5).

(d) Off-street parking and loading. See Section 51P-714.113, “Off-Street Parking and Loading.”

(e) Environmental performance standards. See Article VI.

(f) Landscape regulations. Except as modified in Section 51P-714.114, “Landscaping,” see Article X. (Ord. Nos. 25898; 30610)

**SEC. 51P-714.108.1                    USE REGULATIONS AND DEVELOPMENT STANDARDS  
IN SUBDISTRICT NO. 1C.**

*[omitted for brevity]*

**SEC. 51P-714.108.2                    USE            REGULATIONS            AND            DEVELOPMENT  
STANDARDS IN SUBDISTRICT NO. 1E.**

(a)    Uses.    The following listed uses are the only main uses permitted in this  
subdistrict:

- (1)    Agricultural uses.
  - Crop production.
- (2)    Commercial and business service uses.
  - Catering service.
  - Custom business services.
  - Job or lithographic printing.
  - Medical or scientific laboratory.
- (3)    Industrial uses.
  - Alcoholic beverage manufacturing. [SUP]
- (4)    Institutional and community service uses.
  - Child-care facility.
  - Church.
  - College, university, or seminary.
  - Community service center. [SUP]
  - Library, art gallery, or museum.
  - Open-enrollment charter school. [SUP]
  - Private school. [SUP]
  - Public school. [SUP]
- (5)    Lodging uses.
  - Extended stay hotel or motel. [SUP]
  - Hotel or motel. [SUP if 30 or fewer guest rooms.]
- (6)    Miscellaneous uses.
  - Temporary construction or sales office.
- (7)    Office uses.
  - Coworking office.
  - Creative office.
  - Financial institution without drive-in window.
  - Makerspace.
  - Medical clinic or ambulatory surgical center.

-- Office.

(8) Recreation uses.

-- Private recreation center, club, or area.

-- Public park, playground, or golf course.

(9) Residential uses.

-- College dormitory, fraternity, or sorority house. [SUP]

-- Multifamily. [See Section 51P-714.108.2(c)(1) for additional use standards.]

-- Retirement housing. [RAR]

-- Single family. [A minimum of eight single family structures must be attached together with a minimum of 15 feet between each group of eight single family structures.]

-- Live/Work unit.

(10) Retail and personal service uses.

-- Animal shelter or clinic without outside runs. [RAR]

-- Alcoholic Beverage Establishment. [SUP]

-- Commercial amusement (inside). [SUP] [Bingo parlor, billiard hall, class E dance hall, and motor track prohibited.]

-- Commercial parking lot or garage. [SUP] [Surface parking lots are prohibited as a primary use.]

-- Dry cleaning or laundry store.

-- Food hall.

-- Furniture store.

-- General merchandise or food store 3,500 square feet or less.

-- General merchandise or food store greater than 3,500 square feet.

-- Nursery, garden shop, or plant sales.

-- Personal service uses. [Massage establishment, piercing salon, and tattoo studio prohibited.]

-- Restaurant without drive-in or drive-through service.

-- Temporary retail use.

-- Theater.

(11) Transportation uses.

-- Private street or alley. [SUP]

-- Transit passenger shelter.

-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211(10).]

(12) Utility and public service uses.

-- Electrical substation.

-- Local utilities. [Local utilities by right. Communication exchange facility by SUP.]

-- Police or fire station.

- Post office.
- Utility or government installation other than listed. [SUP]

(13) Wholesale, distribution, and storage uses.

- 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).]

(b) Accessory uses.

(1) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217, “Accessory Uses.” For more information regarding accessory uses, consult Section 51A-4.217.

(2) In this subdistrict, the following additional accessory uses are permitted by right:

- Accessory storage for multifamily residential

(3) In this subdistrict, the following accessory uses are permitted only by SUP:

- Accessory helistop.
- Pedestrian skybridges [Phase 3 only]

(4) In this subdistrict, the following accessory uses are not permitted:

- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- General waste incinerator.
- Private stable.

(c) Additional multifamily use standards. Except as provided by this subparagraph, multifamily uses are allowed as part of a mixed-use project.

(1) Alternative Mixed Use Compliance. Multifamily uses are allowed with a minimum of five percent (5%) of gross square footage of non-residential uses in the subdistrict. For the purposes of this provision, Subdistrict 1E is considered one lot. Alternative mixed use projects must meet the following standards:

(A) Initial development.

(i) Qualifying uses. Except as otherwise limited by Subparagraph (1), non-residential uses include any non-residential use allowed in this subdistrict; non-residential portions of Live/Work units; and outdoor dining spaces.

(ii) Retail and personal services uses. A minimum of 50 percent of non-residential space must be retail and personal service uses.

(iii) Office uses. A maximum of forty percent (40%) of non-residential space may be office uses. For the purposes of alternative mixed-use compliance, office uses are limited to co-working office, makerspace, creative offices. Additional office and other office uses may be provided in the district but do not count towards required alternative mixed-use project compliance for non-residential uses.

(iv) Residential accessory uses. Non-residential accessory uses to a residential use in Phase 1 may be used to meet these requirements provided that they are open to or offer services or memberships to the general public. The building area of qualifying accessory uses may be included for the purposes of calculating non-residential use compliance.

(B) On-going compliance. Non-residential space may not be converted to residential use. Individual tenant spaces may be converted to other qualifying non-residential uses without limitation, provided that office uses as allowed by Sec. 51P-714.108.2(c)(1)(A)(iii) do not exceed 50 percent of the required non-residential uses.

(C) Prohibited uses. The uses in the following categories may not be used to meet the non-residential component of an alternative mixed-use project.

-- Utility and public service uses.

-- Transportation uses.

-- Miscellaneous uses.

-- Institutional and community service uses greater than

5,000 gross square feet.

-- Wholesale, distribution, and storage uses.

-- Commercial parking lot or garage.

(D) Projects with frontage on West Commerce Street must include non-residential uses within Block 5 as identified on the Subdistrict 1E Conceptual Plan.

(E) Open Space. A minimum of 40,000 square feet of open space, public plazas, or public seating areas must be provided within the subdistrict. Phase 1 must include a minimum 28,000 square feet to include one contiguous area of at least one-half acre (0.5 acre). Open space must otherwise be a minimum of 200 square feet in area to be counted towards this requirement. A maximum of ten percent (10%) of open space may be used for outdoor dining areas. For the purpose of this provision, open space must be provided at ground level.

(d) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations in Division 51A-4.400, "Yard, Lot, and Space Regulations." In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls.)



(1) Front yard.

(A) West Commerce Street. The minimum front yard setback is six feet. The maximum front yard setback is 20 feet. A minimum of 50 percent of the street-facing façade must be at the minimum front yard setback. A 26-foot front yard setback is required for that portion of a structure above 45 feet in height as measured from the property line.

(B) West Main Street. The following front yard setbacks are required for West Main Street:

- (i) Phases 1 and 3. The minimum front setback is six feet.
- (ii) Phases 2. The minimum front yard setback is six feet. The maximum front yard setback is 20 feet. A minimum of 50 percent of the front façade must be at the minimum front yard setback. A 26-foot front yard setback is required for that portion of a structure above 45 feet in height as measured from the property line.

(C) All other public streets. The following front yard setbacks are required for all other public streets.

- (i) Except as provided in this subparagraph, no minimum or maximum front yard setback.
- (ii) An additional front yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 26 feet as measured from the property line.

(D) The following building features may be counted as part of a building façade to meet the minimum front yard setback on West Commerce Street and West Main Street:

- Raised porch landings, stoops or associated stairs up to a depth of four feet.
- Unenclosed balconies up to a depth of six feet.
- Ground floor courtyards or patio enclosures with solid masonry walls no more than four feet in height up to a depth of six feet.
- Cantilevered roofs, porch overhangs, or eaves that extend a minimum of two feet up to a depth of four feet.
- Pergolas or arbors attached or directly adjacent to a building.
- Canopies, arcades, or marquees up to a depth of eight feet.
- Similar building features that establish an omitted wall line for the purposes of floor area.

(E) The following building and site features may be located in a required front yard:

-- Planters.  
-- Outdoor dining areas.  
-- Cantilevered roofs, porch or eave overhangs up to three feet.

-- Awnings up to five feet.  
-- Ramps.  
-- Retaining walls under three feet in height.  
-- Raised porch landings, stoops, or associated stairs up to a depth of four feet.

-- Attached marquee and projecting signs in conformance with Section 51A-7200, Provisions for the West Commerce Street/Fort Worth Avenue Sign District.

(2) Side and rear yard.

(A) Except as provided in Subparagraph (B), no minimum side and rear yard.

(B) An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. No additional side or rear yard setback is required adjacent to railroad right of way.

(3) Density.

(A) No maximum dwelling unit density.

(4) Floor area ratio.

(A) Except as provided in Subparagraph (B), the maximum floor area ratio (FAR) varies depending on whether the development is a mixed-use project as follows:

[Note: The first column is the base FAR, which applies when there is no mixed-use project. The second column (MUP=2/no res.) is the FAR for a mixed-use project with a mix of two use categories when neither category is residential. The third column (MUP=2/with res.) is the FAR for a mixed-use project with a mix of residential plus one other use category. The fourth column (MUP=3/with res.) is the FAR for a mixed-use project with a mix of residential plus two or more other use categories. A mixed-use project with three use categories must include a residential use.]

Use category	Base (no MUP)	MUP=2 (no res.)	MUP=2 (with res.)	MUP=3 (with res.)
Lodging	1.6	2.5	3.0	3.5

Office	1.6	2.5	3.0	3.5
Residential	1.6	--	3.0	3.5
Retail and personal service	1.0	1.1	1.2	1.3
Total	--	2.5	3.0	3.5

(B) Multifamily projects that meet the requirements of Sec. 51P-714.108.2(c)(1) have a maximum FAR of 3.0, except all non-residential uses have a maximum FAR of 1.2.

(5) Height.

(A) In general, maximum structure height of Phase 1 and 2 is 40 feet, and maximum structure height in Phase 3 is 145 feet.

(B) Increased development standards. For a multifamily use in Phase 1, when five percent (5%) of the overall number of dwelling units are available to households earning between 51 and 60 percent of the area median family income (AMFI) and five percent (5%) of the overall number of dwelling units are available to households earning between 61 and 80 percent of the area median family income (AMFI) and complies with the provisions of Section 51P-714.118.1, the maximum structure height may be increased to 70 feet.

(C) Structures listed in Sec. 51A-4.408(2)(A) may project a maximum of 12 feet above the maximum structure height.

(6) Lot coverage.

(A) Maximum lot coverage is 85 percent. For lot coverage requirements, individual blocks are considered one lot.

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

(7) Lot size. No minimum lot size.

(8) Stories.

(A) In general. Maximum number of stories in Phase 1 and 2 is three. Maximum number of stories in Phase 3 is 11.

(B) Increased development standards. For multifamily uses in Phase 1, when five percent of the overall number of dwelling units are available to households earning between 51 and 60 percent of the area median family income (AMFI) and five percent of the overall number of dwelling units are available to households earning between 61 and 80 percent of the area median family income (AMFI) and complies with the provisions of Section 51P-

714.118.1 that comply with Section 51P-714.108.2(d)(5)(B), the maximum number of stories in Phase 1 may be increased to five.

(C) Parking garages and basements are exempt from this paragraph, but must comply with the height regulations of Paragraph (5).

*[omitted for brevity]*

**SEC. 51P-714.109. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT NO. 2.**

*[omitted for brevity]*

**SEC. 51P-714.110. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT NO. 3.**

*[omitted for brevity]*

**SEC. 51P-714.111. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT NO. 4.**

*[omitted for brevity]*

**SEC. 51P-714.112. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT NO. 5.**

*[omitted for brevity]*

**SEC. 51P-714.113. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as modified in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Except as modified in this section, consult the off-street parking and loading regulations in Divisions 51A-4.300 et seq. for information regarding off-street parking and loading generally. For parking purposes, Subdistricts 1D and 1E are each [is-]considered one lot.

(b) Remote parking. Except as provided in this section, remote parking is allowed if it is located within 600 feet of the main use and the requirements of Division 51A-4.320, "Special Parking Regulations," are met. Except for residential uses, all of Subdistrict 4A is considered one building site for parking purposes.

(c) Residential.

- (1) One space per bedroom up to a maximum of two spaces per dwelling unit.

*[omitted for brevity]*

(d) Restaurant.

- (1) One space per 125 square feet of floor area.
- (2) Except as provided in this subsection, any outdoor dining area, whether or not covered, counts as floor area for calculation of the parking requirement. For purposes of this provision, “outdoor dining area” means a rectangular area that includes all outdoor tables, chairs, and wait-stations.

*[omitted for brevity]*

(g) Subdistrict 1E.

- (1) Co-working and creative office uses must provide parking at a ratio of 1 space per 333 square feet of floor area before the application of any reductions.
- (2) Food hall uses must provide parking at a ratio of 1 space per 125 square feet of floor area. Outdoor dining areas are included for the purposes of parking.
- (3) Makerspace use must provide parking at a ratio of 1 space per 1,000 square feet of floor area before the application of any reductions.
- (4) Off-street parking requirements for projects in compliance with Sec. 51P-714.108.2(c)(1) are reduced by twenty-five percent (25%) for non-residential uses, including non-residential accessory uses to a residential use that are open to the public for service or membership.

~~[(g)]~~(h) Above-grade off-street parking. Parking is permitted on any level of a building.

~~[(h)]~~(i) Bicycle parking. Except as provided by subsection (1), ~~i~~~~[f]~~ if an institutional and community service use, mixed-use project, or retail and personal service use has a floor area of 4,000 square feet or more, it must provide a lockable rack for a minimum of two bicycles.

- (1) In Subdistrict 1E, one bicycle parking space per 6 dwelling units is required for multifamily projects that develop under Sec. 51P-714.108.2(c)(1). A minimum of seventy-five percent (75%) of required bicycle parking must be located on the same property as the use requiring the bicycling parking. Remaining bicycle parking may be dispersed across the subdistrict. Required off-street parking may be reduced by one space for every six bicycle

parking spaces provided on a building site. Required bicycle parking must otherwise comply with the requirements of Sec. 51A-4.330.

[(+)](j) Mixed-use shared parking reduction.

(1) Office and residential uses within a mixed-use project must share parking. Any shared parking must be on the same building site as the mixed-use project. The number of off-street parking spaces required for the mixed-use project is 100 percent of the parking requirement for the use requiring the greater number of spaces plus 25 percent of the parking requirements for the use requiring fewer spaces. For example, if the office component would separately require 100 spaces and the residential component would separately require 80 spaces, then the parking requirement for the mixed-use project is 120 spaces  $[(100 \times 1.00) + (80 \times .25) = 120]$ .

(2) Retail and residential uses within a mixed-use project must share parking. Any shared parking must be on the same building site as the mixed-use project. The number of off-street parking spaces required for the mixed-use project is 100 percent of the parking requirement for the use requiring the greater number of spaces plus 75 percent of the parking requirements for the use requiring fewer spaces. For example, if the retail component would separately require 100 spaces and the residential component would separately require 80 spaces, then the parking requirement for the mixed-use project is 160 spaces  $[(100 \times 1.00) + (80 \times .75) = 160]$ .

(3) If a mixed-use project has office, retail, and residential uses, the project must use the parking reduction that offers the greatest reduction, but may not use both. For example, if the office- residential reduction reduces the parking to 120 spaces and the retail-residential reduction reduces the parking to 160 spaces, then the office-residential reduction must be used and the retail-residential reduction may not be used.

(4) The parking reduction in this subsection may not be used in Subdistrict 1C.

[(+)](k) On-street parallel, straight, or angled head-in parking.

(1) Except as provided in this subsection, any on-street parallel parking spaces on West Commerce Street, Fort Worth Avenue, or a street that intersects Fort Worth Avenue may be counted toward the parking requirement of the use adjacent to the on-street parallel parking space. In Subdistrict 1E, any on-street parking spaces on West Main Street or a street that intersects West Commerce Street may be counted towards the parking requirement of the use adjacent to the on-street parking space.

(A) An on-street parallel 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.

(B) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that 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.

*[omitted for brevity]*

~~[(4)]~~(1) Parking to the rear of the main structure.

(1) Except as provided in the paragraph, i[n] Subdistricts 1A, 1B,-and-1D, 100 percent of any parking for new construction located on the same building site as the main use must be to the rear of the main structure. In Subdistrict 1E, off-street surface parking may not be located between a street-facing façade and public right-of-way; off-street structured parking must be provided in compliance with subsection [(...)]. In Subdistrict 1D and 1E, compliance with this paragraph is only required after the demolition of an existing structure built prior to 1985.

*[omitted for brevity]*

~~[(4)]~~(m) Parking structures.

*[omitted for brevity]*

(4) Subdistrict 1E. Except as provided by this section, parking structures must be located behind a primary use.

(a) Blocks 4 and 6.

(i) Forty percent (40%) of the ground story façade may be allowed as a parking structure provided that the parking structure is setback a minimum of twenty (20) feet from West Main Street to allow for open space or outdoor dining areas between the street and the parking structure and the parking façade is similar in appearance to the main structure facade.

(ii) Additional stories above the ground story of a parking structure are not required to be located behind a primary use provided that the parking façade is similar in appearance to the main structure façade.

(b) Screening for all parking structures. All parking structures must be constructed to screen vehicle headlights from adjacent properties. Screening may include louvers, landscaped green walls, architectural grill work, or other materials that provide ventilation. This provision does not apply to parking structure facades facing railroad right of way.

~~(m)~~(n) Loading.

(1) In Subdistricts 1D, 1E, 4A, and 4B, a nonresidential use with a floor area greater than 10,000 square feet, but less than 20,000 square feet, per occupancy must have one small size loading space as defined in Section 51A-4.303.

**CPC recommendation:**

(4) In Subdistrict 1E, residential loading must be located outside of the public right of way. For the purposes of this subsection, Blocks 4 and 6 as shown on the Conceptual Plan are exempt.
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**Staff recommendation:**

(...) In Subdistrict 1E, all loading associated with residential uses must be outside of the public right of way.
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*[omitted for brevity]*

**SEC. 51P-714.114. LANDSCAPING.**

(a) In general.

(1) Except as modified in this section, the regulations in Article X, “Landscape and Tree Preservation Regulations,” apply to this district. In the event of a conflict between this section and Article X, this section controls.

(2) Landscaping of streets as shown in Exhibit 714F is required.

*[omitted for brevity]*

(b) Street trees.

(1) One street tree must be provided per 30 feet of street frontage, with a minimum of two street trees per building site. Along Fort Worth Avenue in Subdistricts 1C, and 2D, small tree types, as listed in Section 51P-714.114 (c)(5) may be provided in lieu of street trees. The director may waive the requirement for a street tree in Subdistrict 2D in locations that conflict with an underground or overhead utility.

(2) It is recommended that, to the extent possible, street trees be spaced 30 feet apart, but, where necessary, street trees may be spaced a minimum of 20 feet apart.



(3) Street trees must have a minimum caliper of three inches and must have a minimum height of eight feet when planted.

(4) In Subdistricts 1A and 1B, street trees must be placed in a 16-foot square tree grate. In Subdistrict 1C, street trees must be planted in either a minimum 16-foot square tree grate or a minimum 4x6 foot planting area. In Subdistricts 1C and 1E, street trees must be planted within six feet of the back of curb. In Subdistrict 1E, street trees must be placed within a minimum five-foot tree planting zone.

*[omitted for brevity]*

(10) In Subdistricts 1E, 4A and 4B, site trees and street trees planted in the right-of-way count as replacement trees required for the mitigation of protected trees.

*[omitted for brevity]*

(13) Trees must be evenly spaced over the length of a planting strip.

*[omitted for brevity]*

(15) Except as provided in this paragraph, street trees may not be counted as site trees. In Subdistricts 1E and 4A, street trees may be counted as site trees. In Subdistrict 4B, street trees other than those directly adjacent to Fort Worth Avenue may be counted as site trees.

(16) Except as provided in this section, street trees must be provided from the following list of Texas native or adapted species:

<b><u>Scientific name</u></b>	<b><u>Common name</u></b>	<b><u>Tree type</u></b>
Acer barbatum var. "Caddo"	Caddo maple	Large canopy
Acer buergerianum	Trident maple	Large canopy
Acer grandidentatum	Bigtooth maple	Large canopy
Acer truncatum	Shantung maple	Medium canopy
		<i>[Subdistrict 1C only]</i>
Diospyros virginiana (male only)	Common persimmon	Large canopy
Fraxinus americana	White ash	Large canopy
Fraxinus pennsylvanica	Urbanite ash	Large canopy
		<i>[Subdistrict 1C only]</i>
Gymnocladus dioica	Kentucky coffee tree	Large canopy
Liquidambar styraciflua	Sweetgum	Large canopy
Pistachia chinensis	Chinese pistachio	Large canopy
Prosopis glandulosa	Maverick mesquite	Large canopy
		<i>[Subdistrict 4A and 4B only]</i>
Quercus buckleyi	Texas red oak	Large canopy
Quercus durandii	Durand oak	Large canopy
Quercus fusiformis	Escarpment live oak	Large canopy
Quercus muhlenbergii	Chinkapin oak	Large canopy
Quercus shumardii	Shumard oak	Large canopy
Quercus virginiana	Live oak	Large canopy
Quercus virginiana "SLDN"	Cathedral live oak	Large canopy

Quercus virginiana “QVTIA”	High-rise live oak	<i>[Subdistrict 1C only]</i> Large canopy
Ulmus crassifolia	Cedar elm	<i>[Subdistricts 1C, 4A and 4B only]</i> Large canopy
Ulmus parvifolia	Bosque elm	Large canopy
		<i>[Subdistricts 4A and 4B only]</i>
Ulmus parviflora	Lacebark elm	Large canopy

(17) Street trees required to be planted along West Commerce Street or Fort Worth Avenue must be provided from the following list of Texas native or adapted species:

<u>Scientific name</u>	<u>Common name</u>	<u>Tree type</u>
Acer barbatum var.	“Caddo” Caddo maple	Large canopy
Acer buergerianum	Trident maple	Large canopy
Acer grandidentatum	Bigtooth maple	Large canopy
Acer truncatum	Shantung maple	Medium canopy
		<i>[Subdistrict 1C only]</i>
Fraxinus pennsylvanica	Urbanite ash	Large canopy
		<i>[Subdistrict 1C only]</i>
Liquidambar styraciflua	Sweetgum	Large canopy
Pistachia chinensis	Chinese pistachio	Large canopy
Prosopis glandulosa	Maverick mesquite	Large canopy
		<i>[Subdistrict 4A and 4B only]</i>
Quercus buckleyi	Texas red oak	Large canopy
Quercus durandii	Durand oak	Large canopy
Quercus fusiformis	Escarpment live oak	Large canopy
Quercus muhlenbergii	Chinkapin oak	Large canopy
Quercus shumardii	Shumard oak	Large canopy
Quercus virginiana	Live oak	Large canopy
Quercus virginiana “SLDN”	Cathedral live oak	Large canopy
		<i>[Subdistrict 1C only]</i>
Quercus virginiana “QVTIA”	High-rise live oak	Large canopy
		<i>[Subdistricts 1C, 4A and 4B only]</i>
Ulmus crassifolia	Cedar elm	Large canopy
Ulmus parvifolia	Bosque elm	Large canopy
		<i>[Subdistricts 4A and 4B only]</i>
Ulmus parviflora	Lacebark elm	Large canopy

*[omitted for brevity]*

(c) Site trees.

(1) One site tree must be provided per 3,000 square feet of lot area or fraction thereof, with a minimum of four trees provided.

(2) Site trees must have a minimum caliper of two inches.

(3) Site trees may not be counted as street trees.

*[omitted for brevity]*

(5) Except as provided in this paragraph, site trees must be provided from the following list of Texas native or adapted species. In Subdistrict 1C, other species of trees may be used as street trees with approval from the building official.

<u>Scientific name</u>	<u>Common name</u>	<u>Tree type</u>
Acer barbatum var. "Caddo"	Caddo maple	Large canopy
Acer buergerianum	Trident maple	Large canopy
Acer grandidentatum	Bigtooth maple	Large canopy
Acer truncatum	Shantung maple	Medium canopy [Subdistrict 1C only]
Aesculus glaba v. arguta	Texas buckeye	Small
Aesculus pavia	Red buckeye	Small
Carya illinoensis	Pecan	Large canopy
Carya texana	Black hickory	Large canopy
Cercis canadensis	Redbud	Small
Chilopsis linearis	Desert willow	Small
Diospyros texana	Texas persimmon	Small
Diospyros virginiana (male only)	Common persimmon	Large canopy
Fraxinus americana	White ash	Large canopy
Fraxinus pennsylvanica	Urbanite ash	Large canopy [Subdistrict 1C only]
Gymnocladus dioica	Kentucky coffee tree	Large canopy
Ilex decidua	Deciduous holly or Possumhaw	Small
Ilex vomitoria	Yaupon holly	Small
Juglans microcarpa	Texas black walnut	Large canopy
Juniperus ashei	Ashe juniper	Small
Juniperus virginiana	Eastern red cedar	Large noncanopy
Lagerstroemia indica	Crepe myrtle	Small
Liquidambar styraciflua	Sweetgum	Large canopy
Magnolia grandiflora	Southern magnolia	Large noncanopy
Pistachia chinensis	Chinese pistachio	Large canopy
Prosopis glandulosa	Mesquite	Small
Prosopis glandulosa	Maverick mesquite	Large canopy [Subdistrict 4A and 4B only]
Prunus mexicana	Mexican plum	Small
Quercus buckleyi	Texas red oak	Large canopy
Quercus durandii	Durand oak	Large canopy
Quercus fusiformis	Escarpment live oak	Large canopy
Quercus macrocarpa	Bur oak	Large canopy
Quercus muhlenbergii	Chinkapin oak	Large canopy
Quercus shumardii	Shumard oak	Large canopy
Quercus virginiana	Live oak	Large canopy
Quercus virginiana "SLDN"	Cathedral live oak	Large canopy [Subdistrict 1C only]
Quercus virginiana "QVTIA"	High-rise live oak	Large canopy [Subdistricts 1C, 4A and 4B only]
Rhamnus caroliniana	Carolina buckthorn	Small
Rhus lanceolata	Flameleaf sumac	Small
Rhus virens	Evergreen sumac	Small
Sophora affinis	Eve's necklace	Small
Taxodium ascendens	Pond cypress	Large noncanopy
Taxodium distichum	Bald cypress	Large noncanopy
Ulmus crassifolia	Cedar elm	Large canopy
Ulmus parvifolia	Bosque elm	Large canopy [Subdistricts 4A

Ulmus parviflora	Lacebark elm	<i>and 4B only]</i>
Viburnum rufidulum	Rusty blackhaw	Large canopy
	viburnum	Small

(d) Parking lot trees.

(1) Except as provided in this subsection, each required parking space must be within 75 feet of the trunk of a large canopy site tree.

(2) In Subdistricts 1E, 4A and 4B, each required parking space not within a parking structure must be within 75 feet of either a site tree or street tree.

(3) Parking lot trees must have a minimum caliper of three inches.

(4) Parking lot trees may not be planted closer than two feet from a paved surface.

(5) Parking lot trees may be counted as site trees, but may not be counted as street trees.

(e) Prohibited trees. The following trees may not be planted within this district:

Scientific name	Common name
Pyrus calleryana	Bradford pear
Populus deltoides	Cottonwood
Albizia julbrissen	Mimosa

(f) Open space fund.

(1) If a property owner cannot plant all of the required trees on the building site, the property owner shall make a payment into the West Commerce Street/Fort Worth Avenue Open Space Fund for no more than 50 percent of the required trees.

(2) The amount of the payment required per tree not planted is calculated by using the formula for appraising the value of a tree equal in caliper to the tree not planted, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* published by the Council of Tree and Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining the tree for two years as determined by the park and recreation department.

(3) The department shall administer a city account to be known as the West Commerce Street/Fort Worth Avenue Open Space Fund. Funds from the West Commerce Street/Fort Worth Avenue Open Space Fund must be used only for acquiring and maintaining property for parks and open space within this district and for median landscape improvement on West Commerce Street or Fort Worth Avenue. The Fort Worth Avenue Development Group, its successor or a similar organization, should be consulted on uses of the fund

(g) Landscaping in the public right-of-way.

(1) Landscaping may be located in the public right-of-way if a right-of-way landscape permit is obtained from the city.

(2) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this district for the exclusive purpose of authorizing compliance with the landscaping requirements of this district. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape permit. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(3) A property owner or tenant is not required to comply with any right-of-way landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of a right-of-way landscape permit or the revocation of the private license granted under this subsection.

(4) Upon the installation of landscaping in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(5) Each owner or tenant is responsible for maintaining the right-of-way landscaping in a healthy, growing condition, and for keeping the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any

requirements to maintain right-of-way landscaping or make repairs. The granting of a license for landscaping under this subsection does not release the owner or tenant from liability for the installation or maintenance of landscaping in the public right-of-way.

(h) Plant requirements. Plants used to satisfy landscape requirements must comply with the following requirements:

(1) A large evergreen shrub must have the ability to grow to a minimum height of three feet within three years.

(2) Solid sod or hydro-mulch grass may be used.

(3) Artificial plant materials may not be used.

(4) Any required landscaping that dies must be replaced.

(5) Except as provided in this subsection, trees and shrubs must be planted at least 10 feet from the centerline of any water or sewer main. Landscaping over water or sewer mains must be limited to ground cover.

*[omitted for brevity]*

(7) Trees must be trimmed to provide adequate clearance for pedestrians and vehicles so as not to create a safety hazard.

(8) Trees may not be located within 15 feet of light poles, signal lights, warning signs, or traffic control devices. This provision does not apply to existing trees in Subdistricts 4A and 4B.

(9) Trees may not be planted within 90 feet of a school crossing or a railroad crossing. This provision does not apply to existing trees in Subdistricts 4A and 4B.

(10) An adequate irrigation and drainage system must be provided for all landscaping. Drought tolerant plants must be used when an irrigation system is not provided. See Section 51A-10.106, "Irrigation Requirements."

(11) Plants other than trees within parkways must be maintained so that they do not overhang the curb.

(i) Plantings within medians.

(1) Trees within medians may not be planted adjacent to left turn lanes.

(2) Trees within medians must be located so as to provide adequate sight distance.

(3) Trees within medians may not be planted within 30 feet of the tip of the median.

(4) Trees within medians may not be planted within three feet of the back of the curb.

(5) Trees within medians must be placed in a six-foot-wide planting strip.

(6) Plants other than trees within medians must be maintained so that they do not overhang the curb.

(7) Trees within medians must have a minimum clearance of 15 feet.

(8) Drought tolerant plants must be used in medians.

(j) Landscape plan.

(1) This section becomes applicable to a building site when an application is made for a building permit for construction work that within a 24-month period:

(A) increases the number of stories in a building on the site;

(B) increases the combined floor area of all buildings on the site; or

(C) increases the nonpermeable coverage on the site by 1,000 square feet or more.

(2) Landscape plans must be reviewed by water utilities and the department of public works and transportation.

(3) A landscape plan must include a schedule for maintenance of required Landscaping.

(4) A landscape plan must earn at least 75 points (out of a total of 125 possible points). The points awarded for providing each feature is provided in parentheses. Existing landscaping qualifies for points. If the landscape plan earns at least 75 points, the design standards of Section 51A-10.126, "Design Standards," are not required.

(A) Lighting. (Total possible points = 30) Ten points each are awarded for providing tree lighting, building facade lighting, or landscape area lighting. Tree lighting must provide lighting in each tree in the front yard. Building facade lighting must illuminate the entire front facade. Landscape area lighting must illuminate a landscape feature such as a planting bed, fountain, sculpture, or water feature. The lighting must be at least 1.5 foot-candles in intensity.

(B) Foundation planting strip. (Total possible points = 30) Thirty points are awarded for a three-foot-wide foundation planting strip extending along at least 50 percent of the foundation facing the street. The foundation planting strip must have evergreen shrubs planted every three feet on center.

(C) Seasonal color landscaping. (Total possible points = 15) Points may be obtained for providing a landscape area for seasonal color in planting beds, raised planters, or pots. Five points are awarded for each 10 square feet of landscape area. The plants in the landscape area must be changed at least twice per year with appropriate seasonal color plants. The landscape area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(D) Native or adapted xeriscape landscaping. (Total possible points = 30) Points may be obtained for using native plants or xeriscape plants for at least 80 percent of the landscape requirement. Native plants or adapted xeriscape plants listed in Exhibit 714C must be used.

(E) Creation of open space. (Total possible points = 20) Five points are awarded for every 200 square feet of open space if the open space is a minimum of 500 feet from the building site but within this district. For purposes of this subparagraph, “open space” means a contiguous space containing primarily grass or vegetation and pedestrian amenities such as fountains, benches, paths, or shade structures. In Subdistricts 1E, 4A and 4B, dog parks, community gardens, and publicly-accessed plazas are also open space. Open space must be available for use by the public. The open space must be maintained in a state of good repair and neat appearance at all times by the owner of the property for which the building permit was issued. (Ord. Nos. 25898; 26876; 27820; 28505; 30610; 30705)

## **SEC. 51P-714.115. STREET AND SIDEWALK STANDARDS.**

(a) In general.

(1) The street and sidewalk standards of this section apply only to new construction or a major modification.

(2) Except as provided in this section, streets as shown in Exhibit 714F are required. This provision does not apply in Subdistricts 1C and 2D.

(3) Except as provided in this section, sidewalks along streets as shown in Exhibit 714F are required.

(b) Street standards.

(1) Except as provided in this section, streets must be constructed as shown in Exhibit 714F. If future right-of-way dedications are made in Subdistricts 1D and 4A, the



pavement width for new streets must be in accordance with Exhibit 714F. Parallel parking must be provided as shown in Exhibit 714F. This provision does not apply in Subdistricts 1C and 2D.

(2) Vehicular access to and from Subdistrict 4B is restricted to Colorado Boulevard and Walter Drive.

(3) The following frontages are exempt from parallel parking requirements:

(A) The Fort Worth Avenue frontage of Block B/3926 between Neal Street and Montclair Avenue.

(B) The Fort Worth Avenue frontage of Block 6157 and Block 6156.

(C) The Fort Worth Avenue frontage of Block 3977 between Windomere Avenue and Edgefield Avenue.

(D) The Fort Worth Avenue frontage and the Sylvan Avenue frontage of Block 4015.

(E) Any location where the provision of parallel parking would require a retaining wall in excess of four feet.

(F) Street frontages in Subdistricts 4A and 4B.

(G) The Powell Street frontage in Subdistrict 1D so long as it remains a 30-foot right-of-way.

(H) The Sulphur Street frontage in Subdistrict 1D so long as it remains a 40-foot right-of-way.

(I) The Haslett Street frontage in Subdistrict 1D so long as it remains a 40-foot right-of-way.

***[omitted for brevity]***

(c) Sidewalk standards.

(1) Except as provided in this subsection, in Subdistricts 1A, 1B, and 1D, there must be a 15-foot-wide sidewalk along West Commerce Street and Fort Worth Avenue, and an 11-foot, six-inch- wide sidewalk along any other street. In Subdistrict 1C, there must be a minimum 15-foot-wide pedestrian zone along Fort Worth Avenue, and a minimum 11-foot, six-inch-wide pedestrian zone along Sylvan Avenue. In Subdistrict 1E, there must be a 15-foot-wide pedestrian zone along West Commerce Street and Fort Worth Avenue, and an 11-foot, six-inch-wide pedestrian zone along any other street which may be reduced to an 11-foot wide pedestrian zone

when the pavement width for the adjacent street must be provided in excess of the requirements of this district for the purpose of fire protection.

*[omitted for brevity]*

(9) The street curb may not be counted as part of the sidewalk width.

(10) The following frontages must provide the sidewalks shown on page 6 of Exhibit 714F.

(A) The Fort Worth Avenue frontage of Block B/3926 between Neal Street and Montclair Avenue.

(B) The Fort Worth Avenue frontage of Block 6157 and Block 6156.

(C) The Fort Worth Avenue frontage of Block 3977 between Windomere Avenue and Edgefield Avenue.

(D) The Fort Worth Avenue frontage and the Sylvan Avenue frontage of Block 4015.

(E) Any location where the provision of parallel parking would require a retaining wall in excess of four feet.

(11) Sidewalk widths must taper or expand to match the width of existing sidewalks in front of adjacent properties at the point of convergence.

(12) Sidewalks must be located along the entire length of the street frontage.

(13) Each owner or tenant is responsible for maintaining sidewalks, and for keeping sidewalks safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to maintain sidewalks or make repairs.

*[omitted for brevity]*

(15) In Subdistrict 1E, the following additional improvements are required.

(A) A minimum eight (8) foot wide bicycle and pedestrian path must be provided to connect West Main Street and Sylvan Avenue within Phase 2.

(B) Pedestrian-scale lighting must be provided at regular intervals with a spacing of no greater than 100 feet along all street facing facades, except for visibility triangles and vehicular drives, in order to provide lighting on sidewalks, walkways, and plazas.

**SEC. 51P-714.116. SCREENING REGULATIONS.**

(a) In general. Except as modified in this section, the provisions of Section 51A-4.301(f), “Screening Provisions for Off-Street Parking,” apply.

(b) Parking lots.

(1) Except as provided in this subsection, surface parking lots must be screened with a low screen. The screening requirement for surface parking lots applies only to new construction.

*[omitted for brevity]*

(c) Loading spaces. Except as provided in this subsection, off-street loading spaces must be screened with a fully sight-obscuring fence or a high screen. In Subdistricts 4A and 4B, only off-street loading spaces visible from Fort Worth Avenue must be screened.

(d) Dumpsters and garbage storage areas.

(1) All dumpsters and garbage storage areas must be screened on all four sides with a solid fence. One side may be a gate.

(2) Screening materials must match the main building. This provision does not apply to Subdistrict 1C and the existing dumpster located adjacent to Chappell Street located in Subdistrict 2D.

(3) Screening must be at least as tall as the objects being screened, but in no case less than six feet in height.

(4) Each panel of the gate must have a pin that can be inserted in a sleeved hole in the ground to allow the gate to be held open during garbage collection.

(e) Outside storage areas.

(1) Except as provided in this subsection, all outside storage areas for commercial and business services uses and industrial uses must be entirely screened on any side visible from a street with a fully sight-obscuring fence or a high screen.

*[omitted for brevity]*

(f) Nonresidential buildings. The rear or service side of a nonresidential building must be screened with a partially sight-obscuring fence if the nonresidential building is exposed to a residential use.

(g) Maintenance.

(1) Each owner or tenant is responsible for maintaining screening at no expense to the city, and the city is absolutely exempt from any requirements to maintain screening or make repairs.

(2) Screening must be properly maintained so that:

(A) the screening is not out of vertical alignment more than one foot from the vertical, measured at the top of the screening; and

(B) any rotted, fire damaged, or broken slats or support posts; any broken or bent metal posts; any torn, cut, bent, or ripped metal screening; any loose or missing bricks, stones, rocks, mortar, or similar materials; and any dead or damaged landscaping materials are repaired or replaced. (Ord. Nos. 25898; 27820; 28505; 30705)

#### **SEC. 51P-714.117. SIGNS.**

(a) See Division 51A-7.2000, “Provisions for the West Commerce Street/Fort Worth Avenue Sign District,” of Article VII.”

(b) No signs are permitted on street car/trolley shelters except government signs, street car or trolley system logos, schedules, and route information. (Ord. Nos. 25898; 27820; 28505)

#### **SEC. 51P-714.118. ARCHITECTURAL DESIGN STANDARDS.**

(a) Purpose.

(1) The district is hereby designated as an area of historical, cultural, and architectural importance and significance. The architectural design standards of this section are intended to preserve the historical, cultural, and architectural importance and significance of the West Commerce Street/Fort Worth Avenue corridor. The corridor has historic and cultural importance as an early major east-west thoroughfare in the Dallas metroplex. The development patterns and architecture along the corridor reflect pioneer settlements; the Great Depression; mid-20th century Americana; and post-World War II automobile, nightclub, and restaurant culture. These architectural design standards are intended to preserve the character of the corridor while allowing compatible new construction and modifications that respect the corridor’s historical, cultural, and architectural significance.

(2) The purpose of these architectural design standards is to:

(A) ensure that new development enhances the character of the corridor and complement adjacent neighborhoods;

(B) ensure that increased density in established neighborhoods makes a positive contribution to the area's character;

(C) ensure the integrity of historic buildings and the compatibility of new development; and

(D) enhance the character and environment for pedestrians.

(b) Applicability. The architectural design standards of this section apply to:

(1) New construction and major modifications of buildings containing a nonresidential use.

(2) Buildings containing only residential uses.

*[omitted for brevity]*

(d) Building orientation.

(1) Except as provided in 51A-714.118(e)(3), the primary facade and primary entrance of new construction must be oriented to face the public right-of-way. In Subdistrict 4B, the primary facade and primary entrance of new construction must be oriented to face Fort Worth Avenue.

(1.1) In Subdistrict 1E, in a building of less than 10 units, when the primary façade of an individual unit is immediately adjacent to right of way, its primary façade and primary entrance must be oriented towards the right of way. All other units within the building can be oriented to front on an open space.

(2) Except as provided in 51P-714.111(c)(1)(D), garage doors serving eight or fewer dwelling units may not face West Commerce Street or Fort Worth Avenue. In Subdistrict 1C, this provision applies only to individual vehicular garages for residential dwelling units.

(e) Entrances.

(1) In general. All street-facing entrances must be architecturally prominent and clearly visible from the street. This provision applies only to new construction. In Subdistrict 1C, except as provided in 51A-714.118(e)(3), all customer entrances for retail and personal service uses must have the same level of design and articulation whether street-facing or not.

(2) Primary customer entrances for retail and personal service uses in all subdistricts. Except as provided in this subsection, primary customer entrances for retail and personal service uses must face the street. For corner lots, primary customer entrances for retail and personal service uses may be oriented toward the corner. Primary customer entrances for retail and personal service uses must be clearly visible through the use of two or more of the following architectural details:

- (A) Arcade.
- (B) Arch.
- (C) Attached tower or turret.
- (D) Awning.
- (E) Canopy.
- (F) Decorative elements such as tile work, molding, raised banding, or projected banding.
- (G) Display windows.
- (H) Integral planters or wing walls that incorporate landscaped areas or places for sitting.
- (I) Overhang.
- (J) Peaked roof form.
- (K) Patio.
- (L) Porch.
- (M) Portico.
- (N) Projection.
- (O) Raised corniced parapet.
- (P) Recess.

*[omitted for brevity]*

(f) Facades.

(1) Street-facing facades on a single development tract must have similar architectural design. This provision does not apply to buildings built before February 1, 2005 in Subdistrict 2D. For Subdistrict 1E, only street-facing facades on a lot must have similar architectural design

(2) Except as provided in this paragraph, street-facing facades exceeding 30 feet in length must have two of the following elements. Street-facing facades exceeding 100 feet in length must have four of the following elements. Street facing facades on single family uses in Subdistrict 4B must have at least two of the following elements. Street-facing facades on structures built prior to 1985 in Subdistrict 1D may contain metal or glass overhead roll up doors and are exempt from the requirements in the following list.

- (A) Change in plane, such as an offset, reveal, recess, or projection. Changes in plane must have a width of no less than 24 inches and a depth of at least eight inches and may include columns, planters, arches, and niches.
- (B) Architectural details such as raised bands and cornices.
- (C) Architecturally prominent public entrance.
- (D) Attached tower or turret.

- (E) Awnings.
- (F) Change in color.
- (G) Change in material.
- (H) Change in texture.

(3) Except for structures built prior to 1985 in Subdistrict 1D, the ground floor of the primary facade of nonresidential uses or mixed-use projects with retail uses on the ground floor must have at least two of the following elements for at least 60 percent of the width of the facade. In Subdistrict 1E, this applies only to facades with non-residential facades or entrances.

- (A) Arcades, canopies, or secondary roofs to provide shade.
- (B) Display windows.
- (C) Awnings associated with windows or doors.

(4) Except in Subdistricts 1C, 1D, 1E, 2D, and 4B street-facing facades of all buildings other than accessory buildings must be visually divided into a base, a middle, and a top. The base must be at least two feet above grade and distinguished from the middle by a change of materials, horizontal banding, change of color, or change of plane. The top must be distinguished from the middle by cornice treatments, roof overhangs with brackets, stepped parapets, corbeling, textured materials, or differently colored materials. Color bands are not acceptable as the only treatment for the top.

(5) Accessory structures must have the same architectural detail, design elements, materials, and roof design as the primary structure.

(6) Except as provided in this paragraph, any parking structure for a residential use must be constructed of comparable materials and be of the same architectural treatment as the dwelling units. In Subdistrict 4A, this provision only applies to a facade facing a public street. In Subdistrict 1E, this provision only applies to a façade facing a public street, unless adjacent to rail right of way, in which case architectural treatments should be provided over 40 feet in height.

(7) Additions and alterations must have the same architectural detail, design elements, materials, and roof design as the portion of the structure that is not being altered.

(8) That portion of the ground-level floor facing the street of any multi-floor parking facility must have a use other than parking. For Permissible Building Area E in Subdistrict 1C, a minimum of 50 percent of the ground-level western facade must be a use other than parking.

*[omitted for brevity]*

(10) Except as provided in this paragraph, if a building is two stories or less, 30 percent of the street-facing facade, excluding fenestration, must be masonry. Except in Subdistrict 1E, if the building is more than two stories, 100 percent of the first-story street-facing facade, excluding fenestration, must be masonry. In Subdistrict 1C, metal and stucco are allowed in addition to masonry on up to 50 percent of the total area of street-facing facade per street frontage. In Subdistrict 4B, 75 percent of the first-story street-facing facade, excluding fenestration, must be masonry.

(9) Except as provided in this paragraph, at least 20 percent, but no more than 80 percent, of street-facing facades of nonresidential uses must be windows and doors. In Subdistrict 1D, the entire square footage of metal overhead rollup doors are counted as door area and the entire square footage of glass overhead rollup doors are counted as window area. In Subdistrict 1C, at least 20 percent, but no more than 80 percent, of non-street level facades of nonresidential uses must be windows and doors, except for residential portions of mixed-use structures. Windows and doors on street-level facades in Subdistrict 1C must be provided as follows:

	Permissible Building Area A	Permissible Building Area B	Permissible Building Area C	Permissible Building Area D
Minimum transparency required**	50% facing Sylvan*	50% facing Sylvan	50% facing Sylvan	60% facing Fort Worth Ave

\* See SEC. 51P-714.118(e)(3) for additional requirements.

\*\* For purposes of calculating the minimum transparency required, glazing must be located a minimum of 3 feet and a maximum of 10 feet above grade.

*[omitted for brevity]*

(10) Except as provided in this paragraph, if a building is two stories or less, 30 percent of the street-facing facade, excluding fenestration, must be masonry. If the building is more than two stories, 100 percent of the first-story street-facing facade, excluding fenestration, must be masonry. In Subdistrict 1C, metal and stucco are allowed in addition to masonry on up to 50 percent of the total area of street-facing facade per street frontage. In Subdistrict 4B, 75 percent of the first-story street-facing facade, excluding fenestration, must be masonry.

(11) Facades may not consist of more than 80 percent glass. For purposes of this provision, glass block is not considered as glass.

*[omitted for brevity]*

(16) In Subdistrict 1E Phase 2, a minimum of twenty-five percent (25%) of street-level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk.



(g) Fences and walls.

(1) In general. To prevent visual monotony, at least 20 percent of the length of any fence or wall longer than 200 feet must be alternate materials, alternate textures, gates, offsets, or openings. The alternate materials, alternate textures, gates, offsets, or openings may spread out over the length of the fence or wall.

*[omitted for brevity]*

(h) Materials. Exterior building materials should be high quality and durable.

(1) Glass.

(A) Allowed. Glass is allowed. In Subdistrict 1C, no more than 50 percent of the total area of street-facing facade per street frontage may be metal panels.

(B) Prohibited. The reflectance of glass used on the first two stories may not exceed 15 percent. The reflectance of glass used on stories above the first two stories may not exceed 27 percent. As used in this provision, “reflectance” is the percentage of available light energy reflected away from the exterior surface of the glass. The higher the reflectance percentage, the more mirror-like the surface will appear.

(2) Masonry.

(A) Allowed.

- (i) Brick.
- (ii) Cement-based siding or panels.
- (iii) Finished concrete masonry units such as split-faced concrete masonry units.
- (iv) Tilt architectural pre-cast concrete with an applied masonry finish. Painted pre-cast concrete walls are allowed in Subdistrict 1D for structures built prior to 1985.

(B) Prohibited.

- (i) Painted brick.
- (ii) Simulated brick.
- (iii) Unfinished concrete masonry units.

(3) Metal.

(A) Allowed.

(i) General. Except as provided in this paragraph, no more than 20 percent of a street-facing facade may be flat or corrugated metal panels.

*[omitted for brevity]*

(B) Prohibited.

(i) Aluminum siding.

(ii) Reflective metal panels.

(4) Plastic.

(A) Allowed. Fiberglass.

(B) Prohibited. Plastic, including plastic siding and vinyl siding.

(5) Stone.

(A) Allowed.

(i) Cast stone.

(ii) Materials that simulate natural stone.

(iii) Natural stone.

(B) Prohibited. Painted stone.

(6) Stucco.

(A) Allowed. Stucco. In Subdistricts 4A and 4B, miscellaneous foam trim sections are permissible as base material to be covered in stucco.

*[omitted for brevity]*

(7) Tile. Terra cotta and tile are allowed.

(8) Wood.

(A) Allowed.

(i) Natural wood.

(ii) No more than 20 percent of a street-facing facade may be shake shingles or plywood.

(B) Prohibited. Flakeboard.

(i) Roofs. Roofs must comply with the following:

(1) Sloped roofs must have a pitch of 4:12 or more, and must have overhanging eaves extending no less than 12 inches past the supporting walls. Overhanging eaves are not required in Subdistrict 1E.

(2) Except in Subdistrict 1E, flat roofs and roofs with a pitch of less than 4:12 must have a parapet that meets the following:

(A) Except in Subdistrict 1D, the parapet must be articulated or detailed as an element distinct from other building facade elements.

(B) Single-story buildings must have a parapet at least 18 inches high.

(C) Multi-story buildings must have a parapet at least 24 inches high.

(D) Structures built prior to 1985 in Subdistrict 1D must have a minimum 12- inch-high parapet on at least three sides.

*[omitted for brevity]*

(j) Story dimensions.

(1) A minimum 10-foot floor-to-floor dimension is required for the ground floor of single-story and multi-story residential structures. In Subdistrict 1E, the residential portion of the ground floor of a multi-story mixed use building must have a minimum 10-foot floor-to-floor dimension required. Except in Subdistricts 1E, 4A and 4B, the foundation must be two feet above grade.

(2) A minimum 12-foot floor-to-floor dimension is required for the ground floor of single-story nonresidential structures and single-story mixed-use projects.

(3) Except as provided in this subsection, a minimum 14-foot floor-to-floor dimension is required for the ground floor of multi-story nonresidential structures and multi-story mixed-use projects.

*[omitted for brevity]*

**SEC. 51P-714.118.1**

**MIXED INCOME HOUSING.**

(a) For Subdistrict 1E, except as provided in this section, compliance with Division 51A-4.1100 is required to obtain the height bonus in Section 51P-714.108.2(d)(5).

(b) For Subdistrict 1E, compliance with Section 51A-4.1107 is not required.

**SEC. 51P-714.119**

**ADDITIONAL PROVISIONS**

(a) In general. Property within this district must be properly maintained in a state of good Repair and neat appearance.

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

(c) Visual obstruction regulations. A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is in a visibility triangle and between two and one half feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle. The board of adjustment shall grant a special exception to the requirements of this subsection when, in the opinion of the board of adjustment, the item will not constitute a traffic hazard.

(d) Temporary cellular unit.

(1) The building official may issue a certificate of occupancy for a period not to exceed one year. The building official may grant two six-month extensions if an application for or amendment to a specific use permit or planned development district has been filed with the director or a permit is issued for the replacement of the existing tower/antenna for cellular communication.

(2) A temporary cellular unit must be removed upon the expiration of its certificate of occupancy or upon the completion or expiration of a permit to construct a structure to mount a permanent mounted cellular antenna, a monopole cellular tower, or other cellular antenna. (Ord. Nos. 25898; 29914)

(e) Subdistrict 1E.

(1) An apportionment determination for (a) the removal of the west bound slip street; (b) improvements of the approach angle of West Commerce; (c) improvements to accommodate accessible pedestrian signal system for the crossing of West Commerce Street to the west; and (d) design and construction of improvements associated with vehicular

signalization improvements at the intersection of Fort Worth Avenue at W Commerce Street must be made prior to issuance of a building permit for new construction.

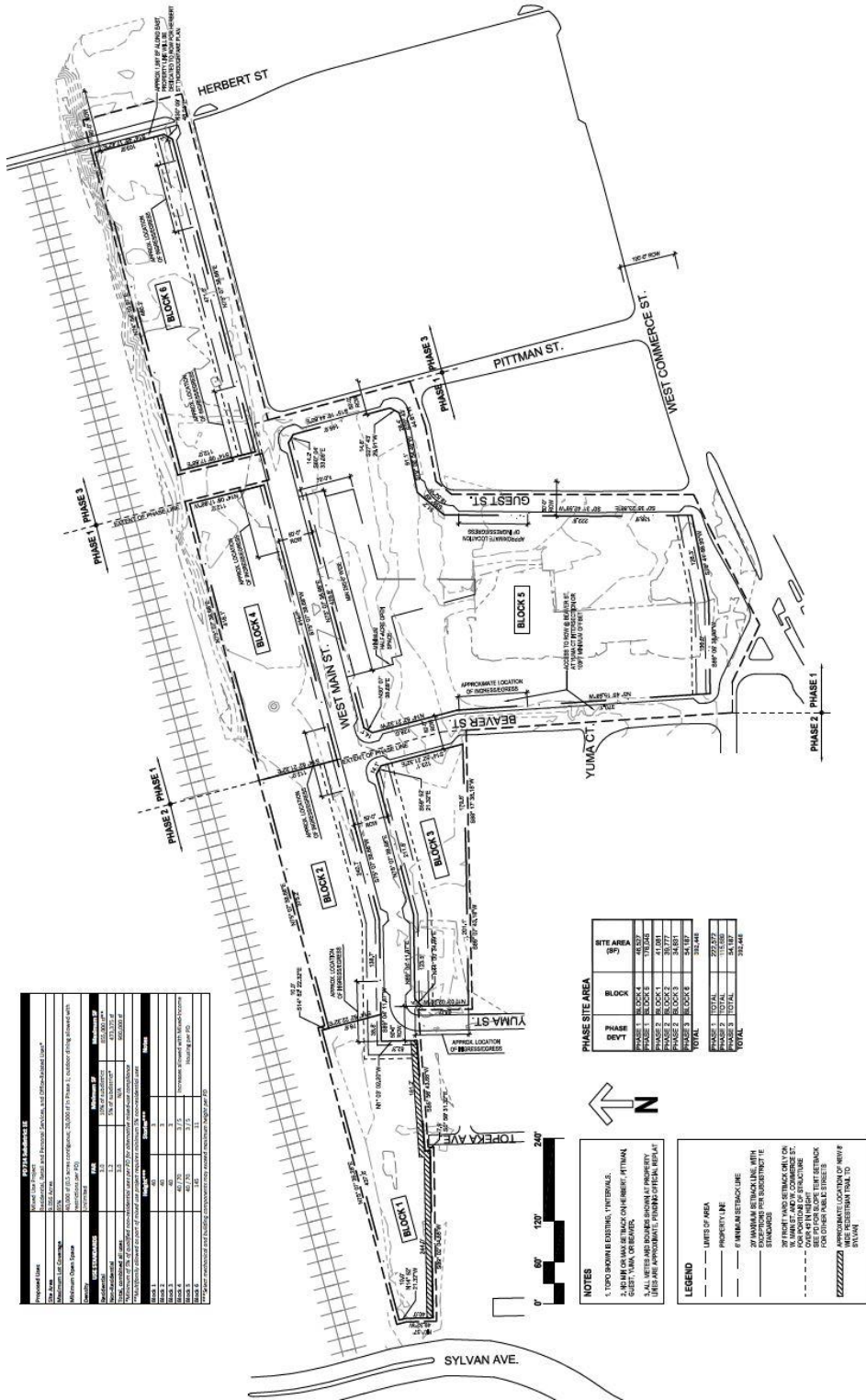
(2) Before the issuance of building permits for new construction, a development agreement or contract must be executed for the installation or payment of costs associated with (a) the removal of the west bound slip street; (b) improvements of the approach angle of West Commerce; (c) improvements to accommodate accessible pedestrian signal system for the crossing of West Commerce Street; and (d) design and construction of improvements associated with vehicular signalization improvements at the intersection of Fort Worth Avenue at W Commerce Street as determined by apportionment analysis above.

**SEC. 51P-714.120. COMPLIANCE WITH CONDITIONS.**

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

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 25898)

# CPC RECOMMENDED CONCEPTUAL PLAN



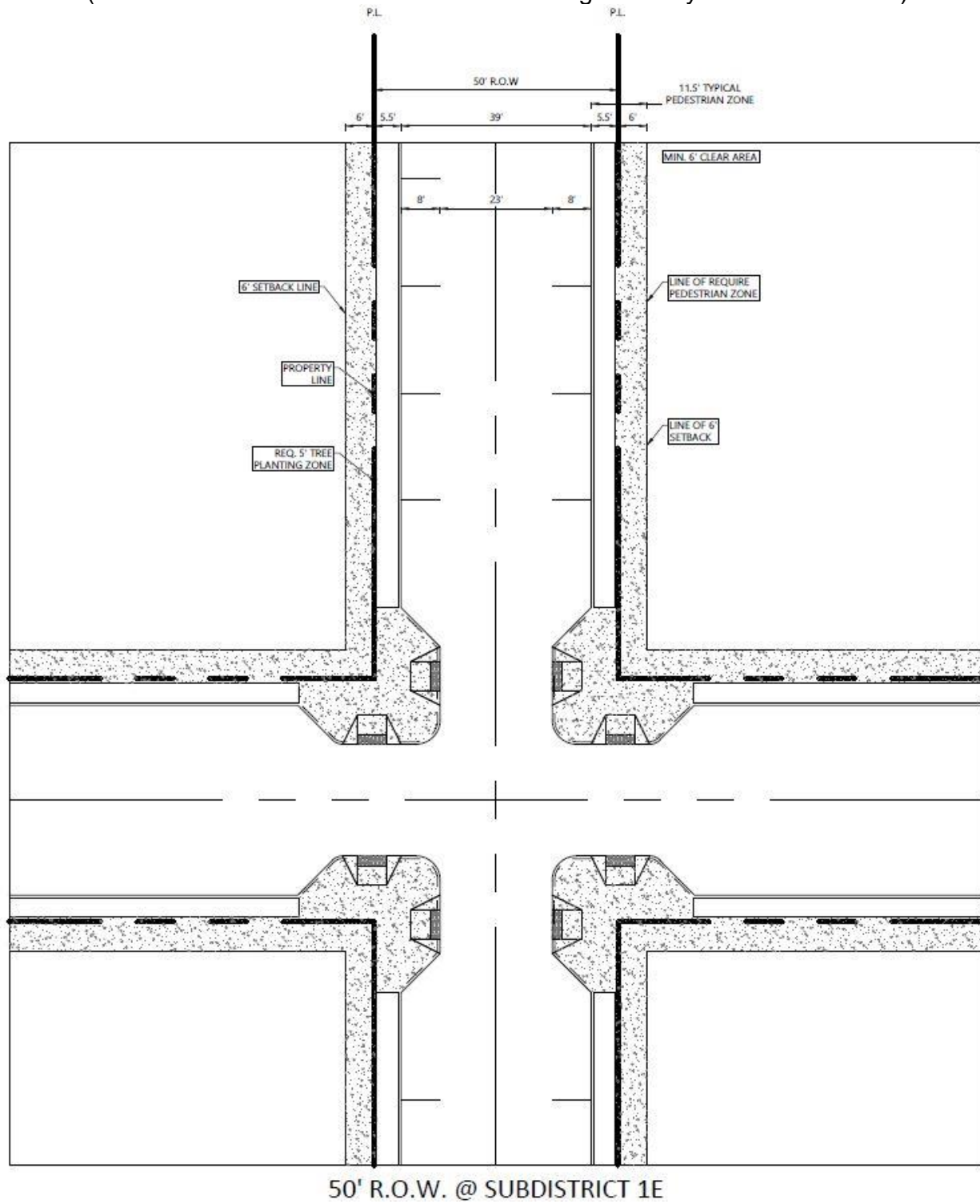
storybuilt.

DATE: 11.11.2021

CASE Z190-169

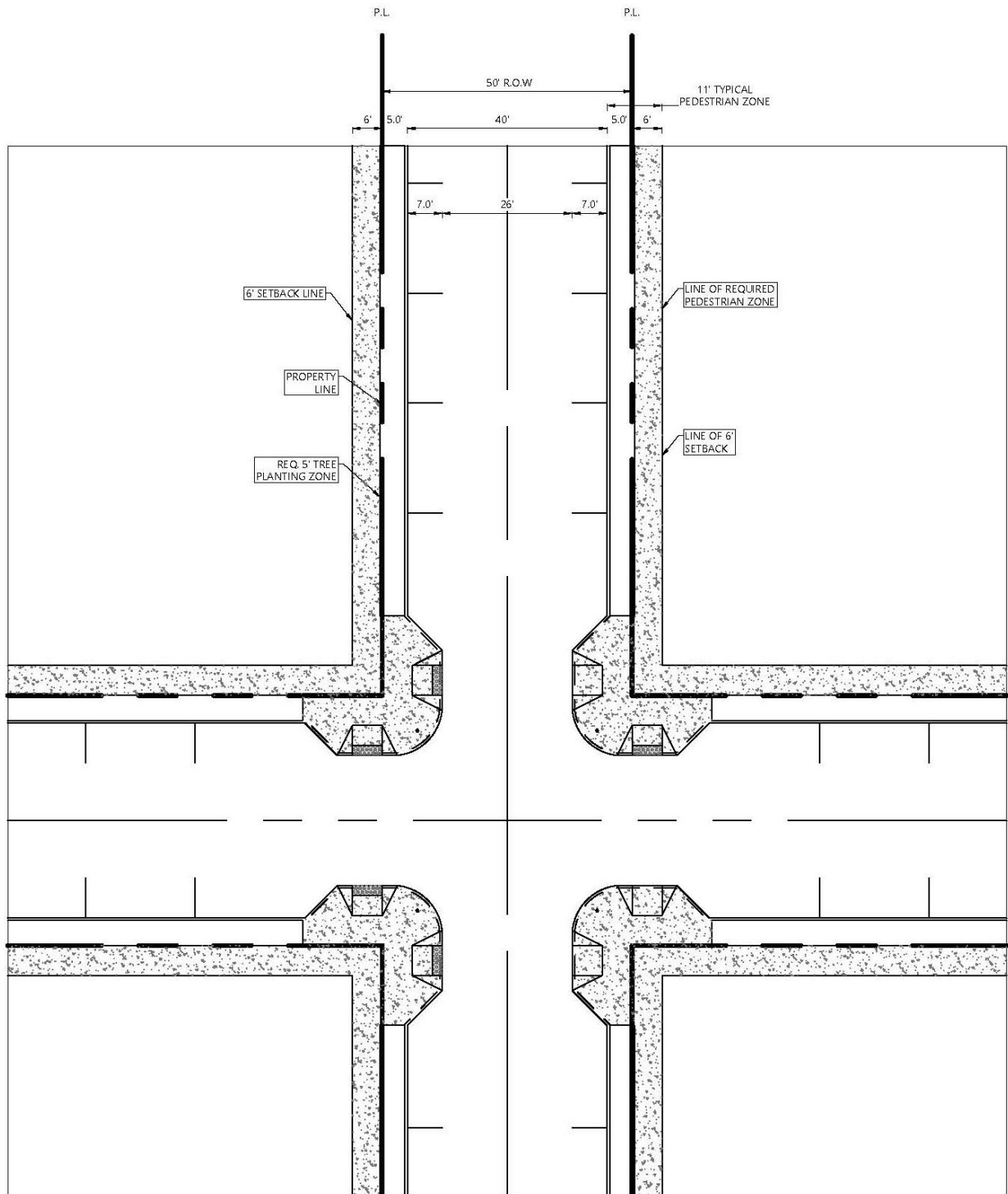
PD 714 Subdistrict 1E - CONCEPTUAL PLAN

**CPC RECOMMENDED REVISED EXHIBIT 714F**  
(to include street cross-section for 50-foot right-of-way for Subdistrict 1E)



**CPC RECOMMENDED REVISED EXHIBIT 714F**

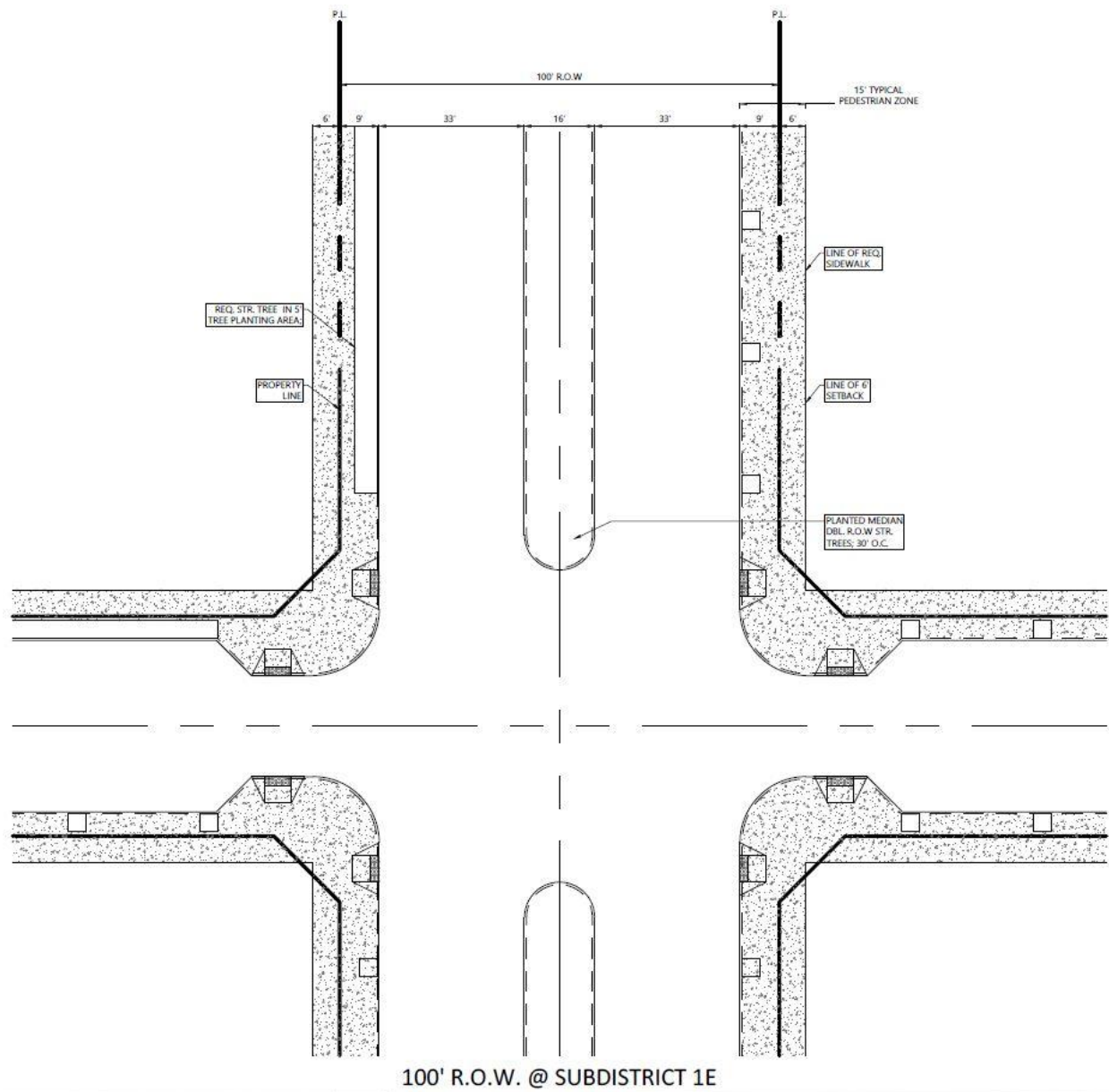
(to include street cross-section for 50-foot right-of-way ALTERNATE for Subdistrict 1E)

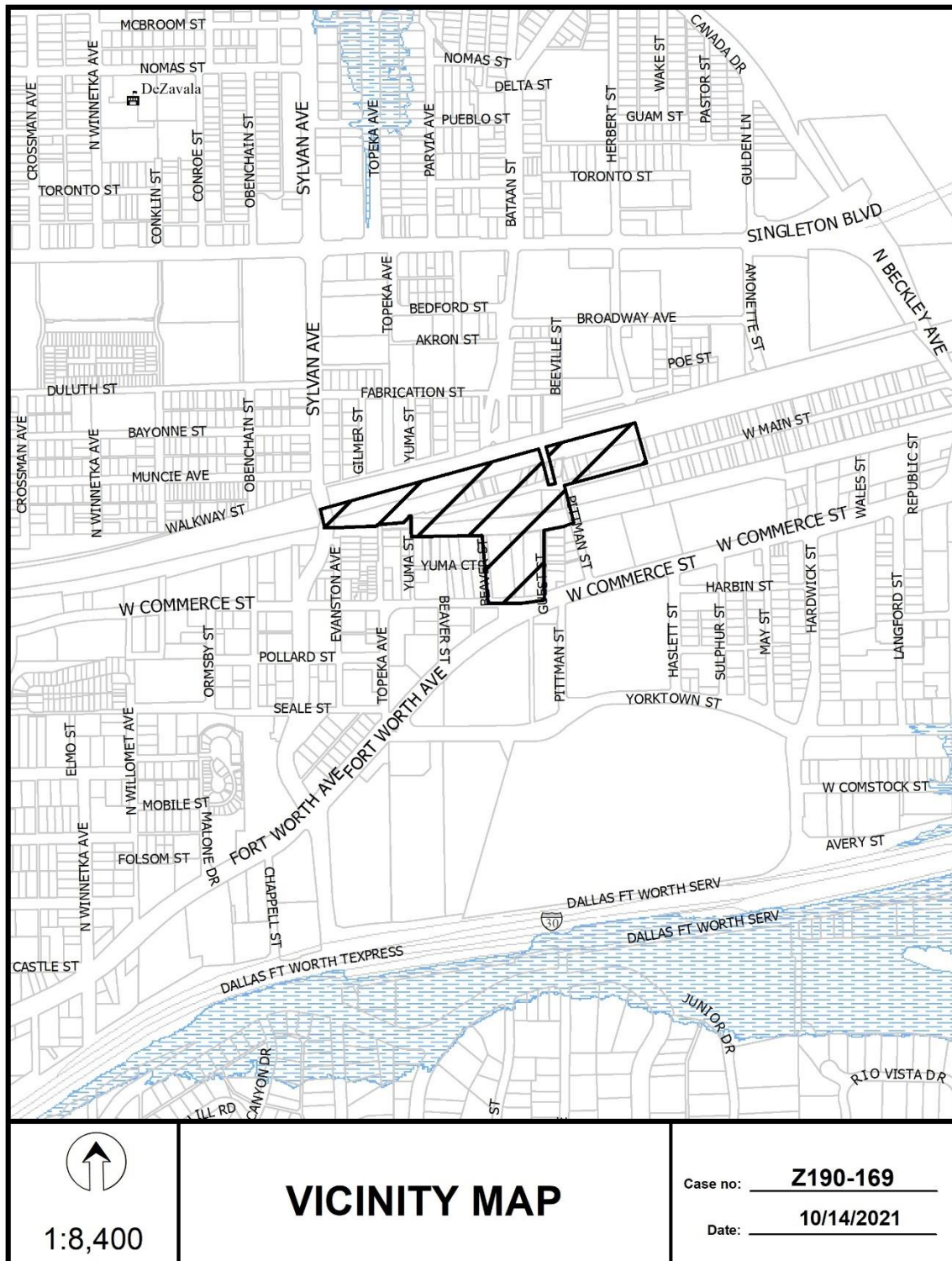


50' R.O.W. @ SUBDISTRICT 1E ALTERNATE  
(FIRE PROTECTION AREAS)



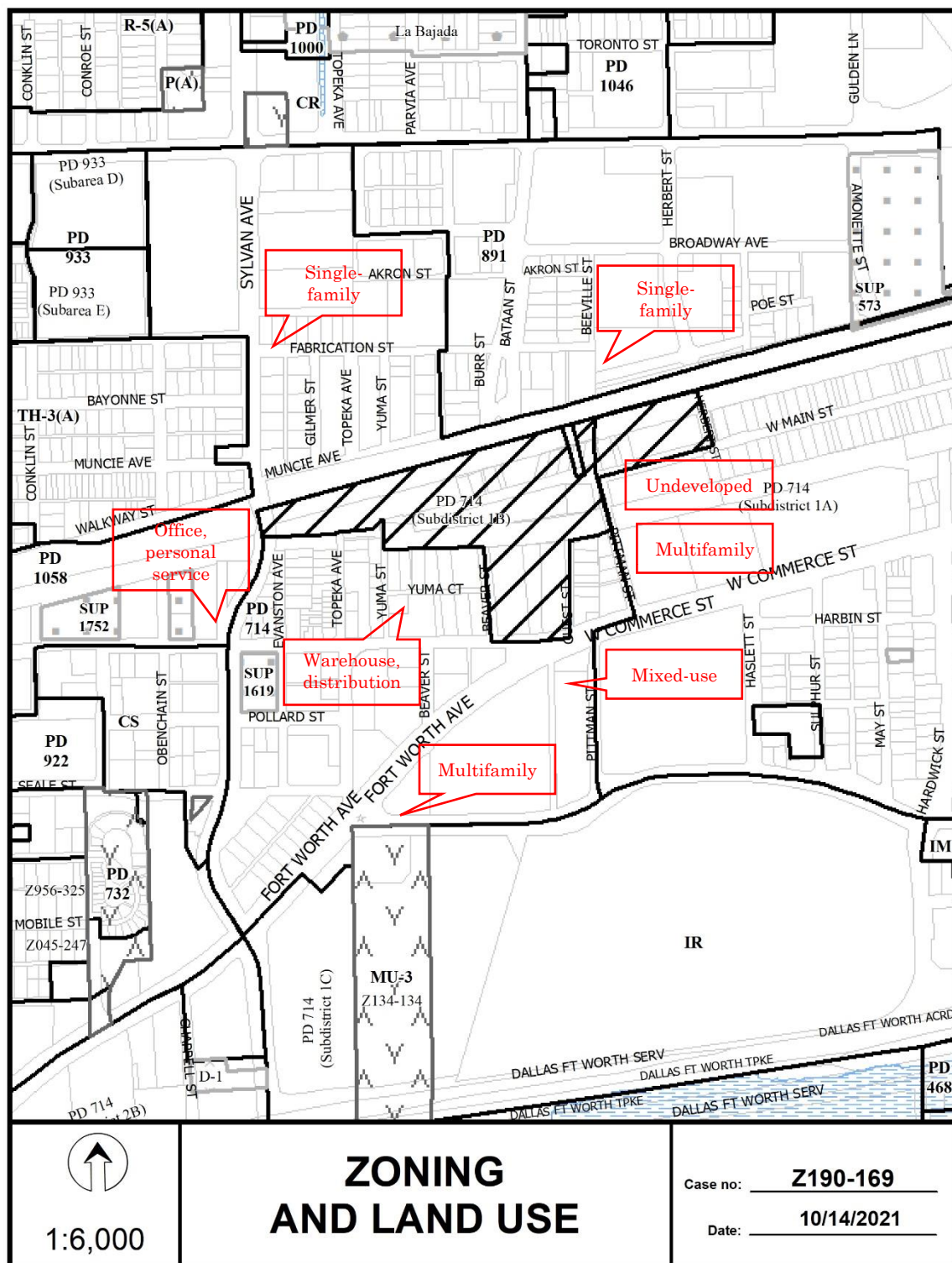
**CPC RECOMMENDED REVISED EXHIBIT 714F**  
(to include street cross-section for 100-foot right-of-way for Subdistrict 1E)







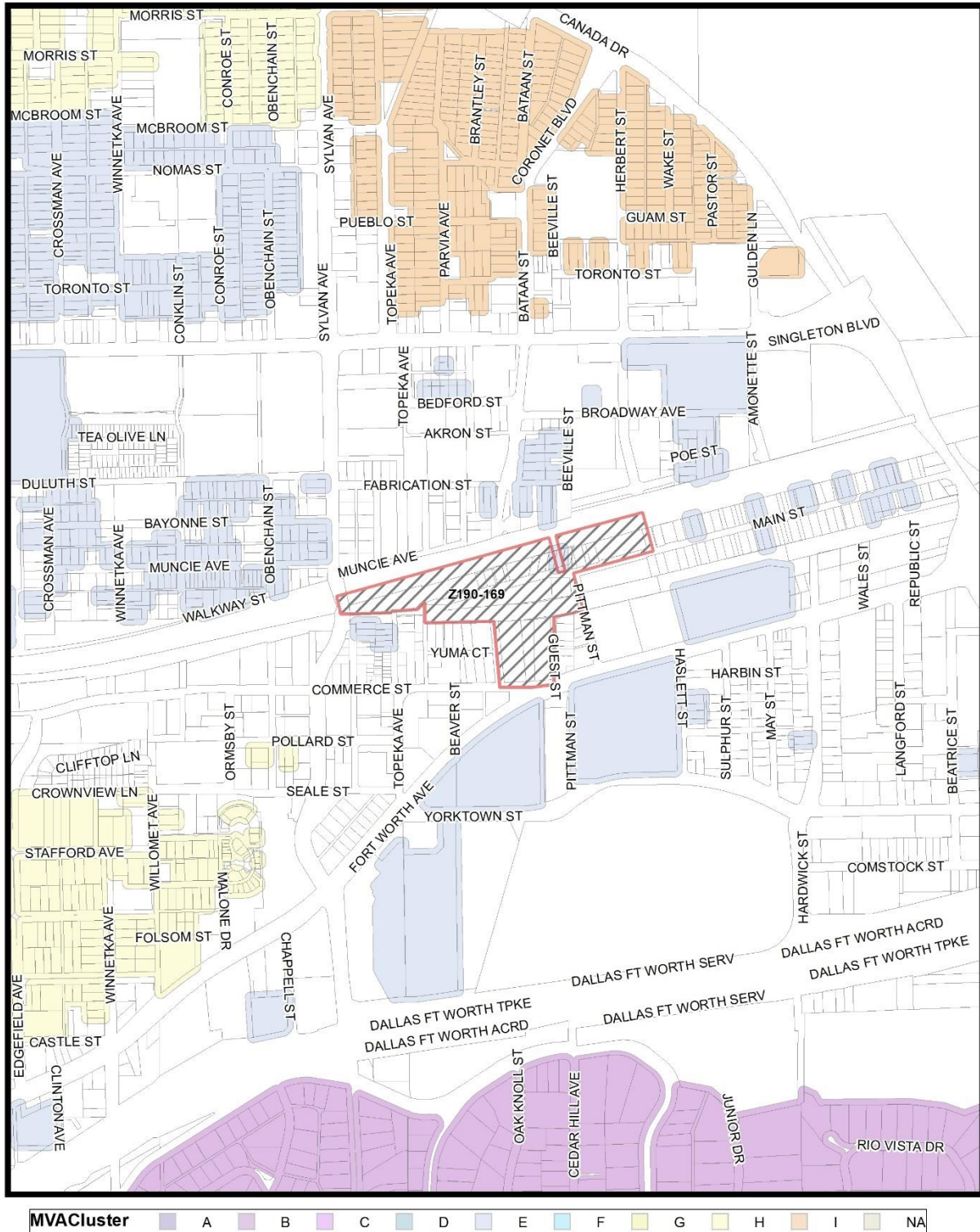








Z190-169(AU)



1:8,400

## Market Value Analysis

Printed Date: 10/14/2021



12/01/2021

***Reply List of Property Owners******Z190-169******119 Property Owners Notified    7 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	2340 SYLVAN AVE	PSW WEST DALLAS URBAN
	2	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	3	9999 NO NAME ST	UNION PACIFIC RR CO
	4	501 W MAIN ST	PSW WEST DALLAS URBAN
	5	2414 GUEST ST	MNS PROPERTIES INC
	6	507 W MAIN ST	HUTCHISON MAUREEN &
	7	533 W MAIN ST	COMMERCE PROP WEST LC
	8	2500 HARDWICK ST	PSW WEST DALLAS URBAN VILLAGE LLC
	9	425 W MAIN ST	PSW REAL ESTATE LLC
	10	428 W MAIN ST	Taxpayer at
	11	921 W COMMERCE ST	921 WEST COMMERCE STREET DAL
	12	702 W COMMERCE ST	CHANDLER FAMILY MANAGMENT LLC
	13	2222 SYLVAN AVE	WADE TRANSMISSION & GEAR
	14	717 W COMMERCE ST	STANGLIN KENNETH DALE
	15	2329 TOPEKA AVE	MOSTAFAVI LEYLA
	16	2323 TOPEKA AVE	WILLIEJAXON VIA LLC
	17	2319 TOPEKA AVE	OAXACA INTERESTE LLC
	18	2316 EVANSTON AVE	STANGLIN KENNETH
	19	2326 EVANSTON AVE	STERLING LONEATUS W
	20	2330 EVANSTON AVE	URBINA DIONICIO
	21	801 W COMMERCE ST	HMK LTD
O	22	2316 CHAPPEL ST	DABOUB REALTY
O	23	2314 CHAPPEL ST	DABOUB REALTY LTD
	24	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	25	510 W COMMERCE ST	OMERTA INTERESTS LLC
	26	510 W COMMERCE ST	OMERTA INTERESTS LLC



12/01/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	601 FORT WORTH AVE	TOMMIES INN INC
	28	611 FORT WORTH AVE	SEMOS MARY KATHERINE &
	29	600 W COMMERCE ST	LODOR ENTERPRISES INC
	30	623 W COMMERCE ST	617 COMMERCE LLC
	31	623 W COMMERCE ST	617 COMMERCE LLC
	32	617 W COMMERCE ST	617 COMMERCE LLC
	33	2330 TOPEKA AVE	MOSTAFAVI LEYLA
	34	439 W COMMERCE ST	MNS PROPERTIES INC
	35	2408 GUEST ST	MNS PROPERTIES LLC
	36	529 W COMMERCE ST	BADER GREG
	37	531 W COMMERCE ST	LODOR ENTERPRISES INC
	38	629 YUMA CT	YUMA COURT LLC
	39	625 YUMA CT	CHAPMAN TRACY SHAWN
	40	611 YUMA CT	SEMOS CHARLES TOM
O	41	2500 HARDWICK ST	TEXAS OAKS HOLDINGS GROUP
	42	2500 HARDWICK ST	PSW WEST DALLAS URBAN VILLAGE
	43	301 W MAIN ST	WEST DALLAS INVESTMENTS LP
	44	303 W MAIN ST	BARR JOHN H TR
	45	311 W MAIN ST	COMMERCE PPTIES WEST LC
	46	319 W MAIN ST	LEWIS WILLIE CHARLES &
	47	323 W MAIN ST	LONE STAR MISSIONARY BAPTIST
	48	337 W MAIN ST	PSW WEST DALLAS URBAN VILLAGE
	49	339 W MAIN ST	COMMERCE PROPERTIES WEST LC
	50	338 W MAIN ST	CUNNINGHAM J W
	51	336 W MAIN ST	LYNWOOD SOPORIA
	52	324 W MAIN ST	SCOTT GEORGE ESTATE
	53	322 W MAIN ST	SCOTT JOE
	54	314 W MAIN ST	BARR JOHN H TRUSTEE
	55	312 W MAIN ST	JOHNSON JOE AND GRACE
O	56	302 W MAIN ST	HANDLEY PARTNERS LTD
	57	327 POE ST	WEST DALLAS INVESTMENTS L P

12/01/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	2710 MCPHERSON ST	WEST DALLAS INVESTMENTS
	59	2702 MCPHERSON ST	DELEON JOE D
	60	324 POE ST	WEST DALLAS INVESTMENTS LP
	61	320 POE ST	LOZANO SAMUEL
	62	316 POE ST	WEST DALLAS INVESMENTS LP
	63	2731 MCPHERSON ST	WEST DALLAS INVESTMENTS LP
	64	2739 MCPHERSON ST	WEST DALLAS INV LP
	65	2741 MCPHERSON ST	WEST DALLAS NV
	66	2704 BEEVILLE ST	WEST DALLAS INVESTMENTS LP
	67	2704 BEEVILLE ST	WEST DALLAS INVESTMENTS LP
	68	2729 HERBERT ST	WEST DALLAS INV
	69	350 BROADWAY BLVD	WEST DALLAS INV
	70	2419 SYLVAN AVE	MORENO VICTOR &
	71	804 MUNCIE AVE	CHESTNUT HILL HOLDINGS LLC
	72	2425 SYLVAN AVE	MORENO VICTOR
O	73	818 MUNCIE AVE	MAIL ANSON DEVELOPMENT CO LP
	74	822 MUNCIE AVE	HAGGERTY TERA
	75	2507 SYLVAN AVE	HURD REGINALD V
	76	2511 SYLVAN AVE	HURD REGINALD VAUGHN
	77	2513 SYLVAN AVE	HURD REGINALD VAUGHN
	78	2515 SYLVAN AVE	MCDANIEL JEARLDINE
	79	810 BAYONNE ST	MARTINEZ LILIAN &
	80	816 BAYONNE ST	TARL CABOT LLC
	81	818 BAYONNE ST	GARCIA MARCO ESTANISLAO &
	82	823 MUNCIE AVE	SMITH JOHN HENRY
	83	819 MUNCIE AVE	ARMSTRONG MARIE PEOPLES
	84	815 MUNCIE AVE	COLEMAN TONY LYNN SR
	85	811 MUNCIE AVE	COLEMAN EMORY L &
	86	805 BAYONNE ST	ROSSFERGUSON JEWEL R
	87	2403 OBENCHAIN ST	BRADFIELD MINNIE B
	88	907 WALKWAY ST	CHOYCE MYZELLA

12/01/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	906 MUNCIE AVE	GONZALEZ JOSE S
	90	900 MUNCIE AVE	MERIAN GROUP THE
O	91	904 MUNCIE AVE	MANZANITA ASSETS LLC
	92	902 MUNCIE AVE	GARCIA JUAN P &
	93	2503 OBENCHAIN ST	FOUR WINDS BIBLE CHURCH DALLAS
	94	2600 SYLVAN AVE	TAHERKHARSANDI ALI
	95	2514 SYLVAN AVE	WEST DALLAS INVESTMENTS LP
	96	2500 SYLVAN AVE	MIDDLE VILLAGE LLC
	97	2501 GILMER ST	Taxpayer at
	98	2515 GILMER ST	KASHTKARAN MOHAMMED M
	99	2521 GILMER ST	MOHAMMADIAN MOHAMMAD R
	100	714 FABRICATION ST	NASSERI MASSOUD
	101	611 FABRICATION ST	SQUIRIC WILLIAM J & MYRNA L &
	102	2714 BATAAN ST	CHOVANEC ROBERT H JR &
	103	406 FABRICATION ST	UNKNOWN
	104	422 FABRICATION ST	WEST DALLAS INVESTMENTS LP
	105	502 FABRICATION ST	WEST DALLAS INVESTMENTS LP
	106	2608 PARVIA AVE	WEST DALLAS INVESTMENTS L
	107	2604 PARVIA AVE	EZ TRUCKING LP
	108	707 W COMMERCE ST	WILLEJAXON II LLC
	109	1 SPENCER CT	WILLEJAXON II LLC
O	110	9 SPENCER CT	WILLEJAXON II LLC
	111	444 W COMMERCE ST	TW COMMERCE TEN 10 LLC &
	112	604 FORT WORTH AVE	ICH 2 WEST DALLAS APARTMENTS
	113	625 YUMA CT	YUMA COURT LLC
	114	425 W COMMERCE ST	WEST COMMERCE I LLC
	115	305 W COMMERCE ST	305 WEST COMMERCE LLC
	116	400 W MAIN ST	PSW WEST DALLAS URBAN
	117	2300 AL LIPSCOMB WAY	BNSF RAILWAY
	118	2300 AL LIPSCOMB WAY	BNSF RAILWAY
	119	2300 AL LIPSCOMB WAY	BNSF RAILWAY