

**HONORABLE MAYOR AND CITY COUNCIL      WEDNESDAY, OCTOBER 28, 2020**

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**ACM: Dr. Eric A. Johnson**

**FILE NUMBER:** Z190-238(AU)

**DATE FILED:** April 1, 2020

**LOCATION:** Southwest corner of Luther Lane and Westchester Drive

**COUNCIL DISTRICT:** 13

**MAPSCO:** 25 X

**SIZE OF REQUEST:** +/- 1.49 Acres

**CENSUS TRACT:** 73.01

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**REPRESENTATIVE:** Bill Dahlstrom – Jackson Walker LLP

**APPLICANT/OWNER:** Matilda Realty-I, L.P and RB Pass LLC

**REQUEST:** An application for a new tract for mixed uses on property zoned Tract III and Tract IV within Planned Development District No. 314, the Preston Center Special Purpose District

**SUMMARY:** The applicant proposes to develop the site with a mix of uses, primarily hotel, multifamily, retail, and restaurant. The proposed subdistrict includes new standards for height and floor to area ration.

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

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

**Background Information:**

- On July 26, 1989, City Council approved Planned Development District No. 314, Preston Center Special Purpose District. The PD is comprised of approximately 68.534 acres. PD No. 314 is divided into seven tracts.
- The request site is comprised of two lots, each within a different tract of PD No. 314:
  - The 0.73-acre northern parcel is currently located within Tract III and is developed with one-story building with retail, restaurant, and personal service uses.
  - The 0.76-acre southern parcel is currently located within Tract IV and is developed with a three-story building with medical offices and a three-story garage.
- The applicant proposes to redevelop the site with a mix of uses, primarily hotel, multifamily, retail, and restaurant. The proposed buildings will be approximately 305 feet and 350 feet in height.
- The applicant requests to create a new tract with two subareas within PD No. 314, that will include additional development standards to deviate from the Tract III and IV regulations to increase the maximum height from 85 feet to 305 feet, and from 120 feet to 270 with possibility of increase up to 350 feet as bonus.

**Zoning History:**

There have been two zoning case requested in the area in the past five years.

- 1. Z178-358:** On April 22, 2020, the City Council approved Planned Development District No. 1025, on property zoned Planned Development District No. 314, the Preston Center Special Purpose District; an MF-1(A) Multifamily District; and an R-7.5(A) Single Family District with Specific Use Permit No. 1172, located on the north side of Colgate Avenue, between Lomo Alto Drive and Douglas Avenue
- 2. Z189-319:** On April 22, 2020, the City Council denied an application for a new subarea on property zoned Tract III within Planned Development District No. 314, the Preston Center Special Purpose District, located on an area bounded by Berkshire Lane, Westchester Drive, Luther Lane and Douglas Avenue.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing/Proposed ROW</b>
Luther Lane	Local Street	80 feet
Westchester Drive	Local Street	80 feet

**Traffic:**

The applicant submitted a Traffic Impact Analysis that identifies traffic generation characteristics and potential traffic related impacts on the local street system. Although the two proposed subareas are independent, the analysis assumed that both projects will be completed by 2023. The report includes the following findings and recommendations, based upon the analyses performed:

**FINDING:** The proposed residential and hotel developments on the subject sites will replace existing commercial and medical office uses. Based upon industry-standard calculations, the trip generation rates on a per-square-foot basis for hotel, and especially residential uses, are considerably lower than commercial and medical office uses. Hence, despite the significant difference in building square footage, the net increase in trip generation between the proposed uses and existing uses is relatively low.

**FINDING:** Existing traffic operations at the study area intersections of Luther Lane and Westchester Drive, Luther Lane and Douglas Avenue, and Westchester Drive and Sherry Lane are very good (efficient) during peak hour periods. With the addition of estimated background growth and traffic generated by the proposed residential and hotel developments, the study area intersections are expected to experience very little net impact and will continue to operate at very good conditions. No operational mitigation measures are required.

**RECOMMENDATION:** As part of the proposed development, it is recommended to seek opportunities to enhance the streetscape and pedestrian environment on the southwest corner of the Luther Lane-Westchester Drive intersection. It is also recommended that ambient lighting be added in the vicinity of the site to improve nighttime visibility for pedestrians.

**RECOMMENDATION:** It is recommended that the proposed hotel management develop operational contingency plans to accommodate traffic volumes surges generated during large events to implement as needed to mitigate undue impacts on public roadways. Such plans may include proportionately increased valet services, employment of off-duty police officers at significantly affected intersections, and advanced coordination with guests to promote prudent measures to minimize associated traffic impact.

The applicant submitted an addendum to the TIA that includes the most recent changes in the use combination and additional number of dwelling units. The TIA concludes that

for the updated combination, the traffic operations changed only a very slight amount—average delays for one maneuver (westbound approach on Luther at Douglas) increased by 1.9 seconds per vehicle during the AM peak hour, but all other individual maneuvers increased by one second or less. Overall intersection Levels of Service were unchanged. Staff agrees with the addendum findings.

As it relates to public alleys, the City has standards based on the planned mobility of certain roads as well as their ability to accommodate utility zones: gas, telecom. City standards for a 15' ROW would only allow a 10-foot-wide pavement with one lane for all traffic that includes all motorized vehicles, bicycles, pedestrians. Alleys are roadways intended to provide supporting access to private properties, not primary or secondary. The City standards quantify alleys to hold 500 motorized vehicles per day.

### **Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies that can serve as a framework for assisting in evaluating the applicant's request. The applicant's request is consistent with the following goals and policies of the comprehensive plan.

## **ECONOMIC ELEMENT**

### **Goal 2.1 PROMOTE BALANCED GROWTH**

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

Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities

## **URBAN DESIGN ELEMENT**

### **Goal 5.2 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

**Policy 5.1.1** Promote pedestrian-friendly streetscapes.

**Policy 5.1.2** Define urban character in Downtown and urban cores.

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

### **Goal 5.3 ESTABLISHING WALK-TO CONVENIENCE**

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

**Policy 5.3.2** Direct pedestrian routes to home, school or work.

## **Area Plans**

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

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

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

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

The proposed development is for a mix of uses that introduces multifamily, residential, and the hotel use in the retail and office core of Zone 1, thus creating the necessary mix of uses that will allow the area to function in a complete circle. Furthermore, the proposal maintains the ground floor retail uses that ensure and sustains the existing retail core of Zone 1.

The proposal encroaches into the RPS from the existing single-family districts in exchange for a bonus for affordable units. Staff appreciates that the location in the retail core and at a distance from single family homes allows the proposed buildings to maintain the spirit and intent of the area plan. The proposed Tract also includes requirements for publicly accessible open space, wide unobstructed sidewalks, pedestrian amenities, and streetscape enhancements.

Considering that the area of request is in the retail core of Zone 1 and introduces the residential component needed to support the existing mix of uses and adds density to better support walkability and use of outdoor space, the proposal is consistent with the vision established by the Area Plan.

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

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 314 Tract III and Tract IV	Retail, restaurant, personal services, and medical office
<b>North</b>	PD No. 314 Tract III	Retail, restaurant, personal services
<b>Northeast</b>	PD No. 314 Tract III	Public parking garage
<b>East</b>	PD No. 314 Tract III and Tract IV	Retail, restaurant, personal services, and office
<b>South</b>	PD No. 314 Tract IV	Retail, restaurant, personal services, and office
<b>West</b>	PD No. 314 Tract III and Tract IV	Office

**Land Use Compatibility:**

The 1.49-acre request site is comprised of two lots, each within a different tract within PD No. 314:

- The 0.73-acre northern parcel is currently located within Tract III and is developed with one-story building with retail, restaurant, and personal service uses.
- The 0.76-acre southern parcel is currently located within Tract IV and is developed with a three-story building with medical offices and a three-story garage.

The request area is surrounded by retail, restaurant, personal service and office uses on all sides. A public parking garage is located to the northeast of the site.

The applicant proposes to redevelop the site with a mix of uses, primarily hotel, multifamily, retail, and restaurant. The proposed buildings will be approximately 305 feet and 270 feet and possibility of increase up to 350 feet as bonus.

The applicant requests to create a new tract with two subareas within PD No. 314, that will include additional development standards to deviate from the Tract III and IV regulations as follows: 1) increase the maximum height from 85 feet to 305 feet, and from 120 feet to 270 feet and possibility of increase up to 350 feet as bonus, and 2) increase in density of number of dwelling units.

**Development Standards:**

	<b>PD 314 - Existing</b>		<b>PD 314 - Proposed tract</b>	
	<b>Tract III (north lot)</b>	<b>Tract IV (south lot)</b>	<b>Subarea A (north lot)</b>	<b>Subarea B (south lot)</b>
<b>Uses</b>	MU-2 - bar, lounge, tavern is prohibited - outside sales by special events permit - accessory outside display - restricted		MU-2 - outside sales by special events permit - accessory outside display - restricted	
<b>Front yard</b>	NW Hwy, Preston Rd: 15' Other: no min	Preston Rd, Douglas Ave, Weldon Howell Pkwy: 15' Other: no min	No min	25 feet
<b>Side yard</b>	MU-2 (no min) – tower spacing		No min	5 feet
<b>Rear yard</b>	MU-2 (no min) – tower spacing		No min	
<b>Tower spacing</b>			50 feet between the portion of building over 60 feet in height	
<b>FAR</b>	2:1			
<b>Height</b>	RPS for portions over 26' Lots 7, 8, 9 in Block 5623 and city's parking garage: 40' Other: 85'	RPS for portions over 26' RPS different from Preston Rd (1 to 2 slope) for portions over 45' Exceptions for institutional uses Other: 120'	Applicant: Per RPS, between 268 feet and 305 feet  <i>Staff:            268 feet            with possibility to increase up to 305 feet as bonus</i>	Applicant: Per RPS, 270 feet with possibility to increase up to 350 feet as bonus  <i>Staff:            250 feet            with possibility to increase up to 350 feet as bonus</i>
<b>Lot coverage</b>	100%		Under 60 feet in height: 85% Above 60 feet in height: 60% with possibility to increase up to 65% as bonus  <i>Staff does not support</i>	
<b>Stories</b>	Lots 7, 8, 9 in Block 5623: 3 Other: 6 (not for parking garages)	9 (not for parking garages)	No max included in the proposal	
<b>Floor area</b>		Subarea A: Max 30,000 sf of retail and personal service	No max included in the proposal	
<b>DU</b>	No max		<b>DU count:</b> 96 DU	<b>DU count:</b> Applicant: 255 DU With possibility of increase up to 339 as bonus  <i>Staff:            180 DU            With possibility of increase up to 339 as bonus</i>

The applicant is proposing standards to enable a denser development compared to existing Tracts 3 and 4. Staff's recommendations for development standards are based on the location of the site in the retail and office core of Preston Center and the greater distances from existing single-family districts. Staff's recommendations also take into account the opportunity for mixed-income housing units in this area of the city; thus, staff's recommendations should be read together with the enabling density bonuses.

The applicant's request includes all uses allowed in the MU-2 District and proposes to restrict only the outside sales and accessory outside display. Staff supports the applicant's request for uses.

### **Height and RPS**

The Residential Proximity Slope (RPS) is a slope that emanates at a one foot in height for each three feet in distance of separation, at an 18.4-degree angle, infinitely, from the nearest private property within a single-family zoning district. For this property, RPS is generated by the following districts:

- R-1Ac(A) north of West Northwest Highway,
- R-16(A) and PD No. 142 west of Dallas North Tollway, and
- Subdistrict 1 within PD No. 1025 west of Douglass Avenue and north of Colgate Avenue.

The applicant is proposing Subarea A to be between 268 and 305 feet in height and Subarea B to be 270 feet with the possibility for height increase up to 350 feet as a bonus in exchange for mixed-income housing bonus. Basically, the proposal is a base with a maximum height that shall conform with RPS for Subarea A, and the possibility of height increase as a bonus for Subarea B. The proposed conditions include two different ways to calculate RPS for each proposed subarea. Subarea A is proposed to conform with the RPS without changing the origination point. For Subarea B the proposal includes a change of the origination point at the area to the south to the existing single-family neighborhood south of Colgate Avenue. Per PD No. 1025, the RPS originates from the northern property line of the church lot on the northern side of Colgate Avenue.

Staff does not support the modification of the RPS originating point and is recommending a maximum height as imposed by the existing RPS with the possibility of height increase as a bonus for both subareas. Staff's recommendation is based on the location of the proposal at distances exceeding 800 feet from existing single-family districts.

### **Maximum number of dwelling units**

The applicant is proposing 96 dwelling units in subarea A, and 255 dwelling units in subarea B with the possibility of an increase as a bonus up to 339 units. Staff is recommending 180 dwelling units in Subarea B with the possibility of an increase as a bonus. For this recommendation, staff took into consideration the progressive increase in



density in comparison with the standards for the base MU-3 zoning, coupled with staff's recommended height increase.

The proposed conditions also include additional urban design standards for façade transparency for ground floor area, blank wall area restrictions, landscape terraces, sidewalks and pedestrian amenities, requirements for ground-level activating uses, and a requirement for a minimum 2,000 square feet of pedestrian open space for each subarea.

The proposed conditions prohibit above-ground parking, thus leaving the ground floor available for multifamily and hotel lobby on Westchester Lane, and retail and other type of pedestrian activating uses on Luther Lane and ensure a good street presence while supporting an attractive pedestrian environment. The proposal includes wider sidewalks along both streets, that must be minimum ten feet of unobstructed width.

### **Mixed income housing**

Considering the opportunity for mixed-income housing in this area of the city, both the applicant's proposal and staff recommendation include additional bonuses for height, and lot coverage or number of dwelling units for the development. The applicant's proposed conditions and staff's recommended conditions include a percentage of the total number of units as mixed-income housing units based on the Adjusted Median Family Income.

The City Plan Commission recommended the following bonus scheme:

<b>Percentage of units</b>	<b>Height (maximum)</b>	<b>Number of dwelling units (maximum)</b>
	<b>Subarea B</b>	<b>Subarea B</b>
<i>Base</i>	<i>270 feet</i>	<i>255 DU</i>
2.5% of the units at 61-80% AMFI; and 2.5% of the units at 81-100% AMFI	350 feet	339 DU

<b>Percentage of units</b>	<b>Lot coverage (max) Building portion above 60' in height Subarea A</b>
<i>Base</i>	<i>60%</i>
2.5% of the units at 61-80%% AMFI; and 2.5% of the units at 81-100% AMFI	65%

The applicant is proposing the following bonus scheme:

Percentage of units	Height (maximum)	Number of dwelling units (maximum)
	Subarea B	Subarea B
<i>Base</i>	<i>270 feet</i>	<i>255 DU</i>
1.465% of the units at 61-80% AMFI; and 2.035% of the units at 81-100% AMFI	350 feet	339 DU

Percentage of units	Lot coverage (max) Building portion above 60' in height Subarea A
<i>Base</i>	<i>60%</i>
1.465% of the units at 61-80%% AMFI; and 2.035% of the units at 81-100% AMFI	65%

Staff is proposing the following bonus scheme:

Percentage of units	Height (maximum)		Number of dwelling units (maximum)
	Subarea A	Subarea B	Subarea B
<i>Base</i>	<i>268 feet</i>	<i>250 feet</i>	<i>180 DU</i>
5% of the units at 51-60% AMFI	305 feet	270 feet	255 DU
5% of the units at 51-60% AMFI; and 5% of the units at 61-80% AMFI		305 feet	339 DU
5% of the units at 51-60% AMFI; and 5% of the units at 61-80% AMFI; and 5% of the units at 81-100% AMFI		350 feet	339 DU

The development code requires that all reserved affordable dwelling units must be dispersed substantially among the total unit types and allows the development to set aside a maximum of ten percent of the total units as specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling units by type. However, the overall 10 percent requirement is calculated based on the total number of all units. This regulation is meant to balance the combination of affordable and specialty units within the same development.

The applicant is proposing to increase the percentage of specialty units to 20 percent. Considering the overall proposal and the balance between the applicant's proposed 2 percent affordable units versus the proposed 20 percent specialty units, staff does not support this request.

**Parking:**

PD No. 314 requires parking to be provided in accordance with Dallas Development Code. For Tract III, the PD includes provisions allowing the use of the existing public parking garage located on the northeast corner of Westchester Drive and Luther Lane, with at least 800 parking spaces available for the general public and allows the number of off-street parking spaces required for each use to be a percentage of the number of parking spaces required for that use per the Development Code as follows:

- for retail and personal service: 60 percent
- all other use categories: 75 percent.

For Subarea A, the applicant submitted a parking explanation to the proposed changes to the provided parking described above as follows:

- for retail and personal service: up to 50 percent;
- all other uses: no reduction.

In addition, the applicant is proposing a parking ratio for lodging uses for one half of a space per room. Dallas Development Code requires lodging uses to be parked at one space per room.

The applicant analyzed the parking demand for both proposed subareas using a modified version of the ULI Shared Parking model, with some adjustment factors that reflect the anticipated parking characteristics of the proposed development. The anticipated peak parking need for the proposal in Subarea A would be between 285 and 289, projected to occur during the evening hours when public parking in the area is readily available as shown by other recent parking studies for Preston Center, which indicates peak demand on Friday at noon. The analysis explains that parking demand for the hotel meeting space, proposed in Subarea A, is sporadic and typically occurs during the daytime when the greatest amount of on-site surplus parking is available.

The applicant plans to construct minimum four levels of underground parking, with a minimum of 310 spaces. The calculation is based on available parking reductions for PD No. 314 in exchange for fees in lieu or based on a traffic impact study. However, because the site might not be eligible for delta credits, if redeveloped, and to maintain the intent and spirit of PD No. 314, the applicant is proposing the abovementioned change for parking reductions to allow parking reductions for the use combination in Subarea A. PD No. 314 allows remote parking for all uses within Tract III regardless of the use and walking distance. However, the proposed tract did not retain this provision. But, due to the very high percentage of walking trips in the district, the proposal includes ten feet wide sidewalks along all streets.

In addition to the on-site parking, the existing 14 on-street parking spaces on Luther Lane are used primarily by the customers for the retail portion fronting Luther Lane, northern parcel.

The conditions include the proposed tract in the off-street parking reduction option for offices uses in PD No. 314, per the applicant's initial request. This parking reduction allows office uses in Tract II and IV to reduce the off street parking requirement by 20 percent and office uses in Tract III and proposed Tract VIII to reduce the off-street parking requirements by ten percent if a traffic impact study is submitted or cash in lieu of parking are paid. Considering the proposed mix of uses for this request, that does not include office uses at this point, staff supports this request.

### **Landscaping:**

Landscaping must be provided in accordance with the proposed landscaping plan, that exceeds the requirements of PD No. 314, while maintaining its spirit and intent. Generally, PD No. 314 is concentrating on front setback-based landscape requirements. PD No. 314 includes special landscape regulations for lots that have front yards under 15 feet; otherwise it defaults to Article X.

The intent of the proposed landscape plan is to provide a uniform and coordinated landscape for the two lots within the area of request, as they have different front yard setbacks, imposed by the existing right-of-way that jogs between the two properties. The plan proposes to enhance the pedestrian experience along Westchester Drive and ensure sidewalk continuity, while reserving the necessary access and drop-off circulation in an open court facing the street. The majority of the proposed landscape is either in the public right-of-way or on the property, following the lot configuration of the area of request. The plan also proposes landscape enhancements along Luther Lane, adding tree wells interspersed in the existing on-street parking.

The proposed conditions also include a requirement for landscaped terraces for a minimum of 15 percent of roof area and minimum contiguous open space of 2,000 square feet for each subarea with 15 percent of each area being landscaped.

### **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 to orange, representing the weakest markets. The subject site is uncategorized. Properties located in the general area are within Category A, further north, west, and south, and within Category D further northwest.

**OFFICERS/DIRECTORS**

**Matilda Realty-I, L.P.:**

Leland Burk - President, Secretary and Treasurer the sole general partner

**RB Pass LLC:**

William R. Hanks - Registered Agent and Manager

**CPC Action**  
**August 6, 2020**

**Motion:** In considering an application for a new tract for mixed uses on property zoned Tract III and Tract IV within Planned Development District No. 314, Preston Center Special Purpose District, on the southwest corner of Luther Lane and Westchester Drive, it was moved to **hold** this case under advisement until August 20, 2020.

Maker: Murphy  
Second: MacGregor  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson,  
Shidid, Carpenter, Jackson, Blair, Jung,  
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 10

**Notices:** Area: 500 Mailed: 61  
**Replies:** For: 27 Against: 1

**Speakers:** For: Bill Dahlstrom, 2323 Ross Ave., Dallas, TX, 75201  
Leland Burk, 8215 Westchester Dr., Dallas, TX, 75225  
Bill Hanks, 5833 Sky Park Dr., Plano, TX, 75093  
Zachary Lamp, 5426 McCommas Blvd., Dallas, TX, 75206  
Evan Beattie, 2808 Fairmount St., Dallas, TX, 75201  
Steve Stoner, 7557 Rambler Rd., Dallas, TX, 75231  
Peter Kline, 5807 Deloache Ave., Dallas, TX, 75225  
Against: Duane Brignac, 1800 Valley View Ln., Farmers Branch, TX, 75234  
Brian Bischoff, 8111 Westchester Dr., Dallas, TX, 75225  
Sonia Aube, 8111 Westchester Dr., Dallas, TX, 75225  
Staff: Eric Ochel, Dallas Housing & Neighborhood Revitalization

**CPC Action**  
**August 20, 2020**

**Motion:** In considering an application for a new tract for mixed uses on property zoned Tract III and Tract IV within Planned Development District No. 314, Preston Center Special Purpose District, on the southwest corner of Luther Lane and Westchester Drive, it was moved to **hold** this case under advisement until September 3, 2020.

Maker: Murphy  
Second: MacGregor  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson,  
Shidid, Carpenter, Jackson, Blair, Jung,  
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 10

**Notices:** Area: 500 Mailed: 61  
**Replies:** For: 41 Against: 1

**Speakers:** For: Bill Dahlstrom, 2323 Ross Ave., Dallas, TX, 75201  
Evan Beattie, 2808 Fairmount St., Dallas, TX, 75201  
Howard Parker, 8523 Thackery St., Dallas, TX, 75225  
Zachary Lamp, 5426 McCommas Blvd., Dallas, TX, 75206  
Bill Hanks, 5833 Sky Park Dr., Plano, TX, 75093  
Leland Burk, 8215 Westchester Dr., Dallas, TX, 75225  
For (Did not speak): Steve Stoner, 7557 Rambler Rd., Dallas, TX, 75231  
Andy Harcar, 2001 Irving Blvd., Dallas, TX, 75207  
Randy Koch, 7557 Rambler Rd., Dallas, TX, 75231

Against: None

Staff: Pam Thompson, Housing Policy Task Force Administrator,  
Housing and Neighborhood Revitalization Department

**CPC Action**  
**September 3, 2020**

**Motion I:** It was moved to recommend **approval** of a new tract for mixed uses, subject to a development plan, landscape plan and conditions with the following changes: 1) With regard to Height for Subarea A as set forth on page 8-21: In Section 51P-314.111 (b) (3) (A) follow the Applicant's request; 2) With regard to maximum and bonus height for Subarea B as set forth on page 8-22: In Section 51P-314.111 (b) (3) (B) follow the Applicant's request with the following changes to income bands: 1.465% of total number of units are available to households earning between 61-80% of area median family income; and 2.035% of total number of units are available to households earning between 81-100% of area median family income; 3) With regard to the Residential Proximity Slope on page 8-22: In Section 51P-314.111 (b) (4) follow the Applicant's request; 4) With regard to lot coverage for Subarea A as described on page 8-23: In Sections 51P-314.111 (b) (5) (B) and 51P-314.111 (b) (5) (C) follow the Applicant's request with the following changes to the income bands: 1.465% of the total number of units are available to households earning between 61-80% of area median family income; and 2.035% of total number of units are available to households earning between 81-100% of area median family income; 5) With regard to the maximum number of dwelling and the development bonus for mixed income housing units in Subarea B as set forth on page 8-24: In Section 51P-314.111 (b) (6) (B), follow the Applicant's request; 6) With regard to the table detailing bonuses for awarding height and number of units as described 8-24: In Section 51P-314.111 (b) (7), do not follow Staff's recommendation; 7) With regard to the Parkway landscape permit on page 8-30: In the Section 51P-314.113 in subsection (f) Private license granted and (g) Parkway landscape permit, follow staff recommendation; 8) With regard to the maximum percentage of total units that may be specialty units on page 8-31 in Section 51P-314.114 (e) the number of specialty units should be 15%; and 9) Add a provision that states that a hotel use in Subarea A cannot occupy more than 65% of the total floor area in Subarea A, on property zoned Tract III and Tract IV within Planned Development District No. 314, Preston Center Special Purpose District, on the southwest corner of Luther Lane and Westchester Drive.

Maker: Murphy  
Second: MacGregor  
Result: Failed: 7 to 7

For: 7 - MacGregor, Johnson, Jung, Schwope, Murphy,  
Garcia, Rubin

Against: 7 - Hampton, Stinson, Shidid, Carpenter, Jackson,  
Blair, Schultz,

Absent: 0

Vacancy: 1 - District 10



**Motion II:** It was moved to recommend **approval** of a new tract for mixed uses, subject to a development plan, landscape plan and conditions with the following changes: 1) With regard to Height for Subarea A as set forth on page 8-21: In Section 51P-314.111 (b) (3) (A) follow the Applicant's request; 2) With regard to maximum and bonus height for Subarea B as set forth on page 8-22: In Section 51P-314.111 (b) (3) (B) follow the Applicant's request with the following changes to income bands: 2.5% of total number of units are available to households earning between 61-80% of area median family income; and 2.5% of total number of units are available to households earning between 81-100% of area median family income; 3) With regard to the Residential Proximity Slope on page 8-22: In Section 51P-314.111 (b) (4) follow the Applicant's request; 4) With regard to lot coverage for Subarea A as described on page 8-23: In Sections 51P-314.111 (b) (5) (B) and 51P-314.111 (b) (5) (C) follow the Applicant's request with the following changes to the income bands: 2.5% of the total number of units are available to households earning between 61-80% of area median family income; and 2.5% of total number of units are available to households earning between 81-100% of area median family income; 5) With regard to the maximum number of dwelling and the development bonus for mixed income housing units in Subarea B as set forth on page 8-24: In Section 51P-314.111 (b) (6) (B), follow the Applicant's request; 6) With regard to the table detailing bonuses for awarding height and number of units as described 8-24: In Section 51P-314.111 (b) (7), do not follow Staff's recommendation; 7) With regard to the Parkway landscape permit on page 8-30: In the Section 51P-314.113 in subsection (f) Private license granted and (g) Parkway landscape permit, follow staff recommendation; 8) With regard to the maximum percentage of total units that may be specialty units on page 8-31 in Section 51P-314.114 (e) the number of specialty units should be 15%; and 9) Add a provision that states that a hotel use in Subarea A cannot occupy more than 65% of the total floor area in Subarea A, on property zoned Tract III and Tract IV within Planned Development District No. 314, Preston Center Special Purpose District, on the southwest corner of Luther Lane and Westchester Drive.

Maker: Murphy  
 Second: MacGregor  
 Result: Carried: 12 to 0

For: 12 - MacGregor, Hampton, Johnson, Shidid,  
 Carpenter, Blair, Jung, Schultz, Schwope,  
 Murphy, Garcia, Rubin

Against: 2 - Stinson, Jackson  
 Absent: 0  
 Vacancy: 1 - District 10

**Notices:** Area: 500 Mailed: 61  
**Replies:** For: 41 Against: 1

**Speakers:** For: Bill Dahlstrom, 2323 Ross Ave., Dallas, TX, 75201  
Leland Burk, 8215 Westchester Dr., Dallas, TX, 75225  
Bill Hanks, 5833 Sky Park Dr., Plano, TX, 75093  
Evan Beattie, 2808 Fairmount St., Dallas, TX, 75201  
For (Did not speak): Andy Harcar, 2001 Irving Blvd., Dallas, TX, 75207  
Randy Koch, 7557 Rambler Rd., Dallas, TX, 75231  
Zachary Lamp, 5426 McCommas Blvd., Dallas, TX, 75206  
Steve Stoner, 7557 Rambler Rd., Dallas, TX, 75231  
Against: None  
Staff: Pam Thompson, Housing Policy Task Force Administrator, Housing and  
Neighborhood Revitalization Department

**CPC RECOMMENDED PD CONDITIONS**

**ARTICLE 314.**

**PD 314.**

**Preston Center Special Purpose District**

**SEC. 51P-314.101. LEGISLATIVE HISTORY.**

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

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

PD 314 is established on property generally bounded by Northwest Highway on the north, Preston Road on the east, Colgate Avenue on the south, and the Dallas North Tollway on the west. The size of PD 314 is approximately 68.534 acres. (Ord. Nos. 20397; 24914; 27859)

**SEC. 51P-314.103. DEFINITIONS AND INTERPRETATIONS.**

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

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

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

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

(4) FORMER PLANNED DEVELOPMENT DISTRICT NO. 6 means the planned development district established and governed by Ordinance No. 7059, passed by the Dallas City Council on September 10, 1956, as amended by Ordinance Nos. 14320 and 19221,

passed by the Dallas City Council on November 5, 1973, and July 16, 1986, respectively. Copies of Ordinance Nos. 7059, 14320, and 19221 are included in this article as Exhibit 314A.

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

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

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

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

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

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

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

(A) A private street or alley.

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

(C) A railroad right-of-way.

(D) A cemetery or mausoleum

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

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

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

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

(16) SECTION means a section of this article.

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

(18) SUBAREA A means Subarea A in Tract I, Subarea A in Tract II, ~~or~~ Subarea A in Tract IV, or Subarea A in Tract VIII.

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

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

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

(22) SUP means specific use permit.

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

(24) TRACT means one of the tracts referred to in Section 314.105 of this article.

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

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

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

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

*[omitted for brevity]*

**SEC. 51P-314.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

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

**SEC. 51P-314.103.2 DEVELOPMENT PLANS.**

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

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

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

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

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

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

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

This district is divided into ~~seven~~ eight tracts: Tracts I, II, III, IV, V, VI, VII, and VIII. In addition, Tract I contains a designated “Subarea A,” a designated “Subarea B,” and a designated “Subarea C,” Tract II contains a designated “Subarea A,” a designated “Subarea B,” and a designated “Subarea C,” and Tract IV contains a designated “Subarea A,” and Tract VIII contains two subareas designated Subarea A and Subarea B which may be developed independently of each other without affecting the development rights of the other. The boundaries of all tracts, including Subareas A in Tracts I, II, and IV, Subareas B in Tracts I and II, and Subareas C in Tracts I and II are verbally described in Exhibit 314B. A map showing the boundaries of the various tracts, including Subareas A in Tracts I, II, and IV, Subareas B in Tracts I and II and Subareas C in Tracts I and II, is labeled Exhibit 314C. If there is a conflict, the verbal descriptions in Exhibit A of Ordinance No. 20397 ~~\_\_\_\_\_~~ and Exhibit 314B control over the graphic description in Exhibit 314C. (Ord. Nos. 23277; 24914; 27859; 28089; 28788; 30698; 30814)

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

*[omitted for brevity]*

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

*[omitted for brevity]*

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

*[omitted for brevity]*

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

*[omitted for brevity]*

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

*[omitted for brevity]*

**SEC. 51P-314.111. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR TRACT VIII.**

(a) Use regulations.

(1) The only uses permitted in Tract VIII are those permitted in the MU-2 District.

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

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

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

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

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

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

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

(3) In Subarea A. A minimum of 4,000 square feet of ground floor building area must be reserved for street activating uses. Main uses located on the ground floor and fronting Luther Lane must have direct access from the sidewalk or a pavement immediately adjacent to the sidewalk.

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

(1) Front, side, and rear yard.



(A) Front:

(i) Subarea A: No minimum.

(ii) Subarea B: The front yard is minimum 25 feet.

(C) Side:

(i) Subarea A: No minimum.

(ii) Subarea B: The side yard is minimum five feet.

(D) Rear: No minimum.

(2) Tower Spacing.

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

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

(3) Height.

(A) Subarea A.

**CPC recommendation:**

(i) Maximum building height is 268 feet at the northern boundary of Subarea A and may increase to a maximum building height of 305 feet as shown on the development plan.

(ii) Building height shall remain at or below the residential proximity slope at all times on Subarea A.

**Staff recommendation:**

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

(See SEC. 51P-314.111(b)(7) Development bonuses for mixed-income housing)

(B) Subarea B.

**CPC recommendation:**

<p><u>(i) Except as otherwise provided, maximum height is 270 feet.</u></p> <p><u>(ii) Maximum height may be increased above 270 feet to a maximum height of 350 feet but subject to a residential proximity slope as described in subsection 51P-314.111(b)(4) if 5% of the total number of dwelling units are reserved for certain households as follows:</u></p> <p><u>(x) 2.5% of the total number of dwelling units are available to households earning between 61% to 80% of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114, and</u></p> <p><u>(y) 2.5% of the total number of dwelling units are available to households earning between 81% and 100% of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114.</u></p>
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**Applicant's request:**

<p><u>(i) Except as otherwise provided, maximum height is 270 feet.</u></p> <p><u>(ii) Maximum height may be increased above 270 feet to a maximum height of 350 feet but subject to a residential proximity slope as described in subsection 51P-314.111(b)(4) if 3.5% of the total number of dwelling units are reserved for certain households as follows:</u></p> <p><u>(x) 1.465% of the total number of dwelling units are available to voucher holders or households earning between 61% and 80% of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114, and</u></p> <p><u>(y) 2.035% of the total number of dwelling units are available to voucher holders or households earning between 81% and 100% of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114.</u></p>
--

**Staff recommendation:**

<p><u>(i) Except as otherwise provided, maximum height is 250 feet.</u></p> <p><u>(See SEC. 51P-314.111(b)(7) Development bonuses for mixed-income housing)</u></p>
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**CPC recommendation:**

(4) Residential Proximity Slope. Except as otherwise provided herein, the residential proximity slope in SEC 51A-4.412 applies to this tract VIII in accordance with points of origin emanating from outside of this district. Notwithstanding, the point of origin for the residential proximity slope emanating from the south may originate from the boundary of private property in single family districts south of Colgate Avenue in the City of Dallas if multifamily units are set aside for mixed income housing in accordance with SEC 51P-314.111 (b)(3)(B).

**Staff recommendation:**

(4) Residential Proximity Slope. Except as otherwise provided herein, the residential proximity slope in SEC 51A 4.412 applies to this tract VIII in accordance with points of origin emanating from outside of this district. Notwithstanding, the point of origin for the residential proximity slope emanating from the south may originate from the boundary of private property in single family districts south of Colgate Avenue in the City of Dallas if multifamily units are set aside for mixed income housing in accordance with SEC 51P 314.111 (b)(3)(B).

(5) Lot coverage.

(A) Maximum lot coverage for portions of a building between grade and 60 feet in height is 85%.

**CPC recommendation:**

(B) Except as otherwise provided in (C) below, maximum lot coverage above 60 feet in height is 60%.

(C) Maximum lot coverage above 60 feet in height may be increased to 65% for a residential rental development in Subarea A if 5% of the total residential rental units are reserved for certain households as follows:

(x) 2.5% of the total number of residential rental dwelling units are available to households earning between 61% and 80% of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114, and

(y) 2.5% of the total number of residential rental dwelling units are available to households earning between 81% and 100% of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114.

**Applicant's request:**

(B) Except as otherwise provided in (C) below, maximum lot coverage above 60 feet in height is 60%.

(C) Maximum lot coverage above 60 feet in height may be increased to 65% for a residential rental development in Subarea A if 3.5% of the total residential rental units are reserved for certain households as follows:

(x) 1.465% of the total number of residential rental dwelling units are available to voucher holders or households earning between 61% and 80% of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114, and

(y) 2.035% of the total number of residential rental dwelling units are available to voucher holders or households earning between 81% and 100% of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114.

**Staff recommendation:**

(B) ~~Except as otherwise provided in (C) below,~~ Maximum lot coverage above 60 feet in height is 60%.

(C) ~~Maximum lot coverage above 60 feet in height may be increased to 65% for a residential rental development in Subarea A if 2% of the total residential rental units are reserved for certain households as follows:~~

~~(x) 1% of the total number of residential rental dwelling units are available to voucher holders or households earning between 81% and 100% of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114, and~~

~~(y) 1% of the total number of residential rental dwelling units are available to voucher holders or households earning between 101% and 120% of area median family income (AMFI) for the Dallas, TX HUD Metro FMR Area and offered at affordable rent prices in accordance with Section 51P-314.114.~~

(6) Maximum number of multifamily dwelling units.

(A) Subarea A.

(i) The maximum number of dwelling units in Subarea A is 96.

(B) Subarea B.

**CPC recommendation:**

(i) Except as otherwise provided herein, the maximum number of multifamily dwelling units in Subarea B is 255.

(ii) If a building site qualifies for a height bonus pursuant to Section 51P-314.111(b)(4)(B)(ii), maximum number of dwelling units is 339.

**Staff recommendation:**

(i) Maximum number of dwelling units is 180.

*(See SEC. 51P-314.111(b)(7) Development bonuses for mixed-income housing)*

**Staff recommendation:**

(7) Development bonuses for mixed-income housing. In this tract height and maximum number of dwelling units may vary depending on whether a development bonus is obtained in accordance with Division Sec. 51P-314.111(h), as follows:

(A) Height and dwelling unit density. In this tract, except as provided in this paragraph, the following increased height and lot coverage requirements apply:

<u>Percentage of units</u>	<u>Height (maximum)</u>		<u>Number of dwelling units (maximum)</u>
	<u>Subarea A</u>	<u>Subarea B</u>	<u>Subarea B</u>
Base	270 feet	250 feet	180 DU
<u>5% of the units are available to income band 1</u>	<u>305 feet</u>	<u>270 feet</u>	<u>255 DU</u>
<u>5% of the units are available to income band; and</u> <u>5% of the units are available to income band 2</u>		<u>305 feet</u>	<u>339 DU</u>
<u>5% of the units are available to income band 1, and</u> <u>5% of the units are available to income band 2; and</u> <u>5% of the units are available to income band 3</u>		<u>350 feet</u>	

Where:

Income band 1: households earning between 51 to 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area

Income band 2: to households earning between 61 to 80 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area.

Income band 3: households earning between 81 to 100 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area.

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

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

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

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

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

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

(d) Owner may provide up to twenty percent of the required parking to the general public.

(e) Required off-street loading. Two off-street loading spaces shall be provided in Subarea A as shown on the Tract VIII development plan. Maneuvering into and out of loading spaces may be from the alley right-of-way as shown on the development plan.

(f) Landscaping regulations. Landscaping in Tract VIII must be provided on all property in accordance with the Tract VIII landscape plan (Exhibit 314J).h) Supplemental design standards. The following supplement design standards apply in Subarea VIII:

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

- i) Bench,
- ii) Bicycle rack,
- iii) Trash receptacle

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

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

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

(5) Primary building entries facing a street shall be clearly visible from the street.

(6) A minimum of 15% of building roof area shall be landscape terrace.

(7) Blank walls longer than 30 feet in length and within 50 feet of a street shall not be permitted.

(8) Contiguous open space directly accessible from public right of way shall be provided as follows:

(A) For Subarea A: A minimum of 2,000 square feet must be provided and a minimum of 15 percent must be landscaped.

(B) For Subarea B: A minimum of 2,000 square feet must be provided and a minimum of 15 percent must be landscaped.

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

## **SEC. 51P-314.~~111~~ 112. PROVISIONS OF GENERAL APPLICABILITY.**

*[omitted for brevity]*

(e) Off-street parking reduction option.

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

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

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

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

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

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

where National Median Cost/Sq. Ft. is the national median cost per square foot of a parking space in a parking garage. Both the National Median Cost/Sq. Ft. and the Dallas Cost Index must be derived from the most recent issues of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another publication is designated by the director of planning and development. In order for the off-street parking reduction to be considered in cases involving work for which a permit is required, the entire payment must be made to the building official before issuance of the permit.

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

*[omitted for brevity]*

#### **SEC. 51P ~~314.112~~ 113. SPECIAL LANDSCAPING REGULATIONS.**

*[omitted for brevity]*

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

(b) In general. Properties in Tracts II, III, IV and ~~IV~~ VIII with front yard setbacks of less than 15 feet may comply with these special landscaping regulations as an alternative to strict compliance with Article X of Chapter 51A. Properties in Tract V must comply with the mandatory special landscaping provisions in Subsection (e). This section partially modifies the requirements



of Article X for qualifying properties. Those portions of Article X not expressly modified in this section continue to apply to all property in Tracts II, III, IV, and V. In the event of a conflict between this section and Article X, this section controls.

*[omitted for brevity]*

(e) Mandatory provisions.

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

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

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

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

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

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

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

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

(5) For Tract VIII:

(A) The minimum unobstructed sidewalk width of ten feet.

(B) Sidewalks across driveways:

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

(ii) must be constructed with a material, pattern, or color that contrasts with the driveway.

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

required visibility triangles. In Tract V and Tract VIII, street trees planted in the right-of-way may be counted towards the site tree requirements.

(6) Off-street loading and service areas must be screened from adjacent properties by a minimum six-foot-high screening wall or fence. No screening shall be required in Tract VIII for loading spaces adjacent to an alley.

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

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

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

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

*[omitted for brevity]*

#### **SEC 5IP-314.114. MIXED-INCOME HOUSING**

(a) Except as provided in this section, to obtain a development bonus set forth in Section 5IP-314 .111(b)(4) (A)(ii) or Section 5IP-314 .111(b)(4) (B)(ii), mixed-income housing compliance with the provisions of Division 5IA-4.1100 not inconsistent with this Article is required for units made available to households earning incomes within the income ranges referenced in the applicable section.

**CPC recommendation:**

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

**Applicant's request:**

~~(b) The maximum percentage of total units that may be specialty units and not required to be part of the dispersal of reserved dwelling units by unit type pursuant to Section 51A-4.1106(f)(1) is 20 percent.~~

**Staff recommendation:**

~~(b) The maximum percentage of total units that may be specialty units and not required to be part of the dispersal of reserved dwelling units by unit type pursuant to Section 51A-4.1106(f)(1) is 20 percent.~~

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

**SEC. 51P ~~314.113~~ 314.115.**

**COMPLIANCE AND NONCONFORMING RIGHTS.**

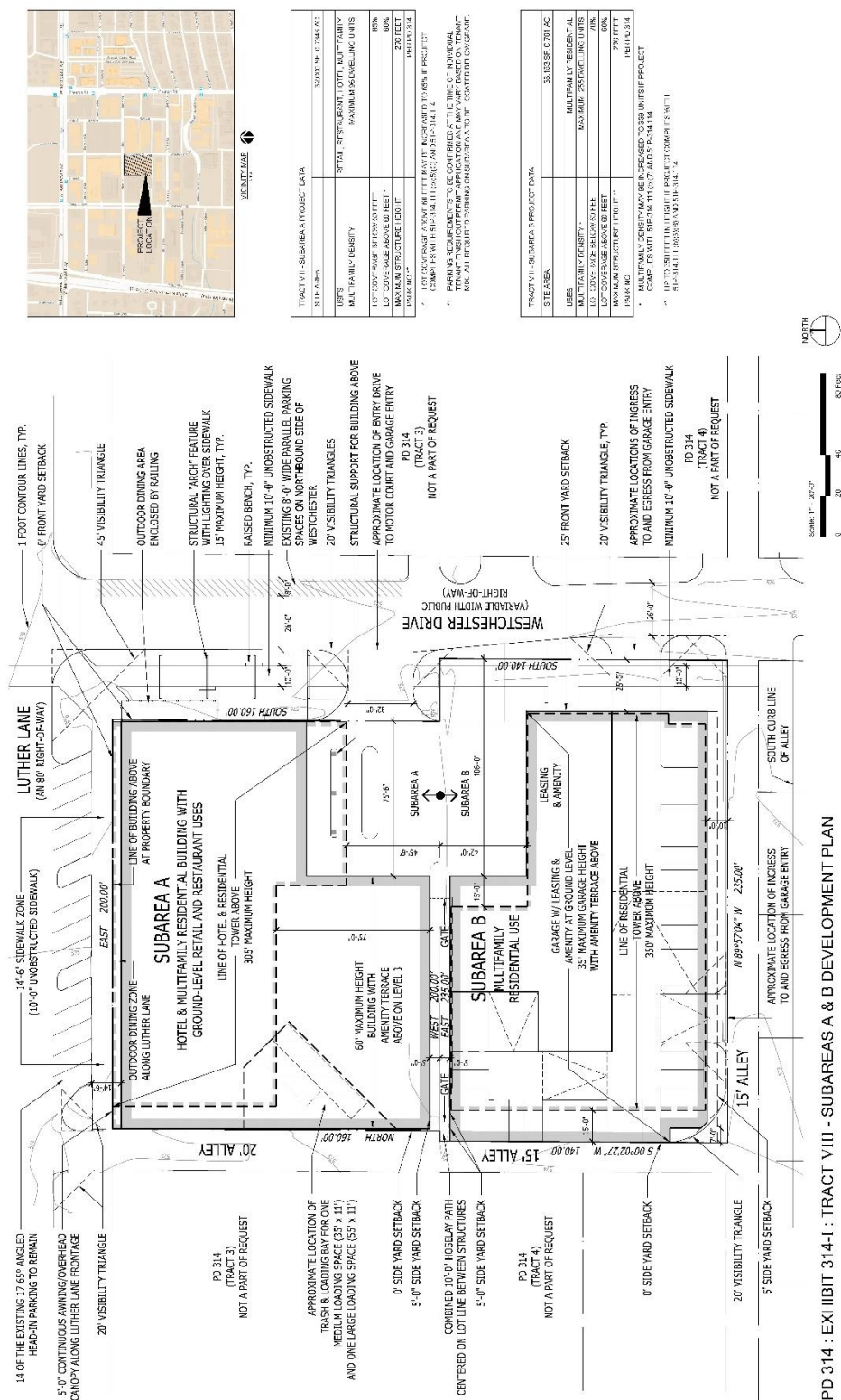
[omitted for brevity]

(d) For Tract VIII, Structures existing at the time of passage of Ord. No. are subject to Section 51A-4.704

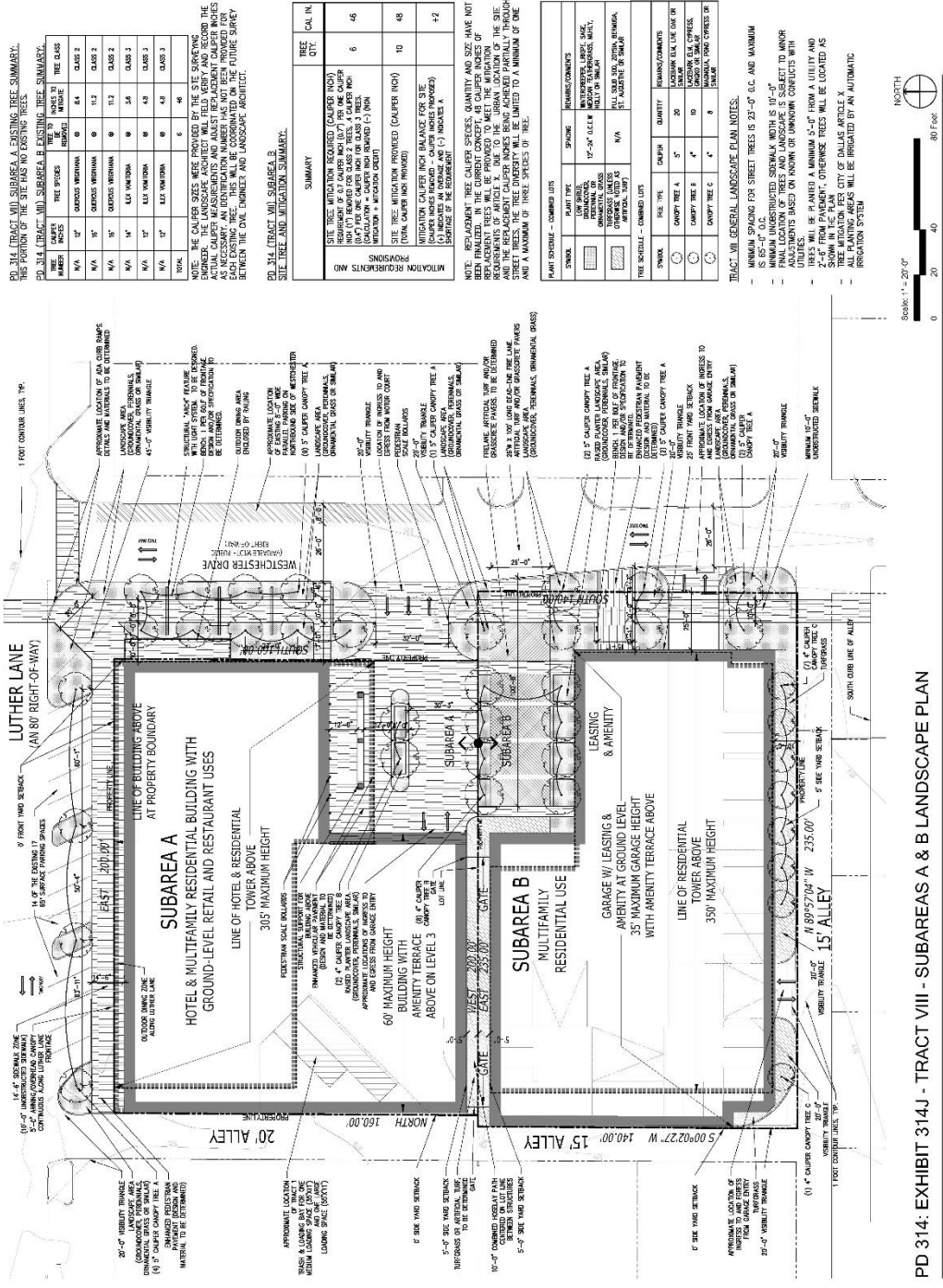
**SEC. 51P ~~314.114~~ 314.116. CERTIFICATE OF OCCUPANCY CONDITIONED ON COMPLIANCE.**

~~The~~ Except as otherwise provided herein or as otherwise provided in Chapter 51A, the building official shall not issue a certificate of occupancy for a use on the Property until there has been full compliance with this article and with the construction codes and all other applicable ordinances, rules, and regulations of the city.

## CPC RECOMMENDED DEVELOPMENT PLAN



CPC RECOMMENDED LANDSCAPE PLAN



PD 314: EXHIBIT 314J - TRACT VIII - SUBAREAS A & B LANDSCAPE PLAN

Preston Center Mixed-Use Project at Luther and Westchester  
Dallas, Texas

Job # 19065.20  
Scale 1" = 20'-0"  
File Name: RHCT001\_B\_LAYOUT - REVISED SUBMITTAL PLAN 081420  
Date 08.14.20  
Drawn by JH1  
Not for construction

swa

HKS

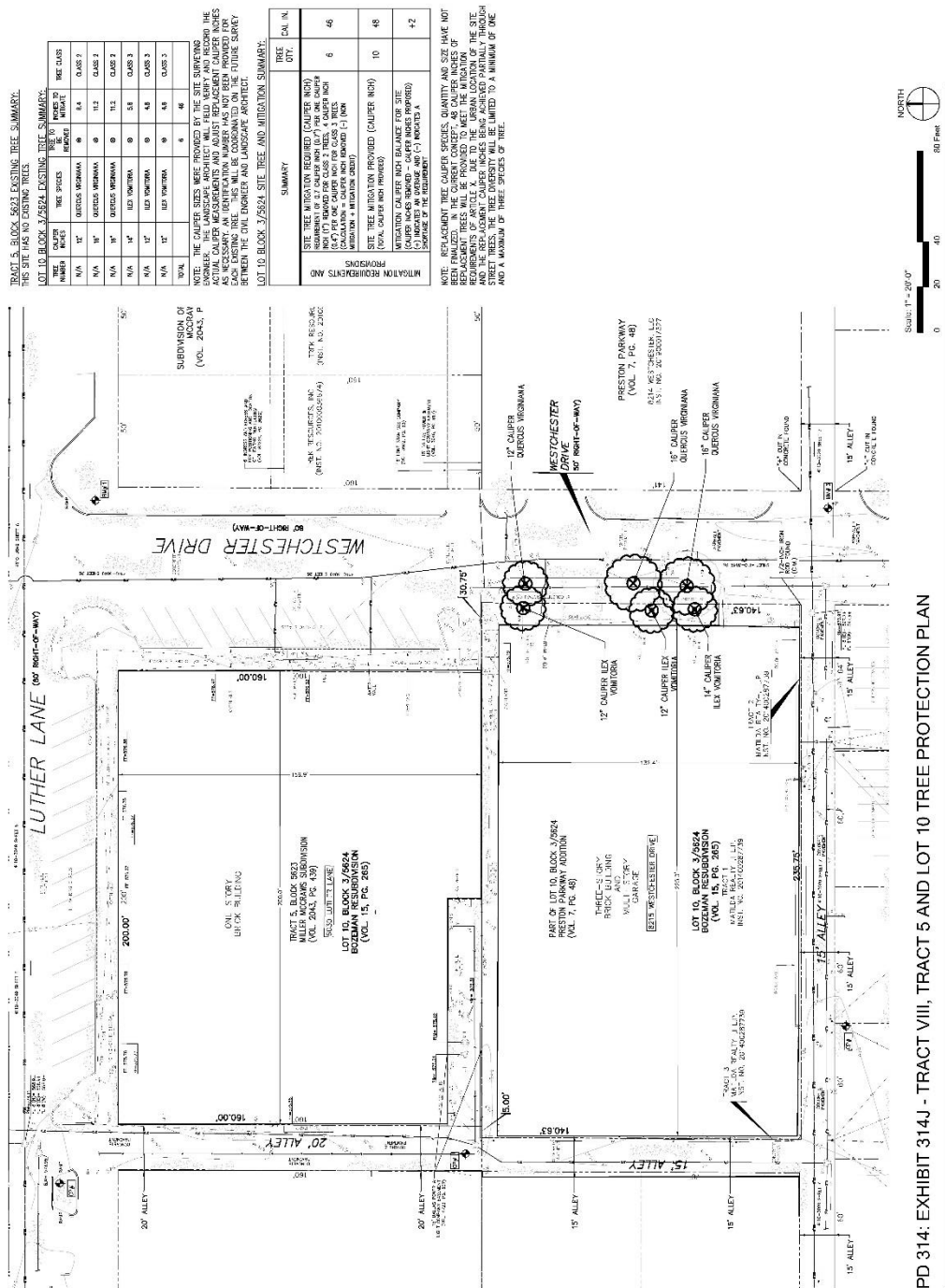
gff

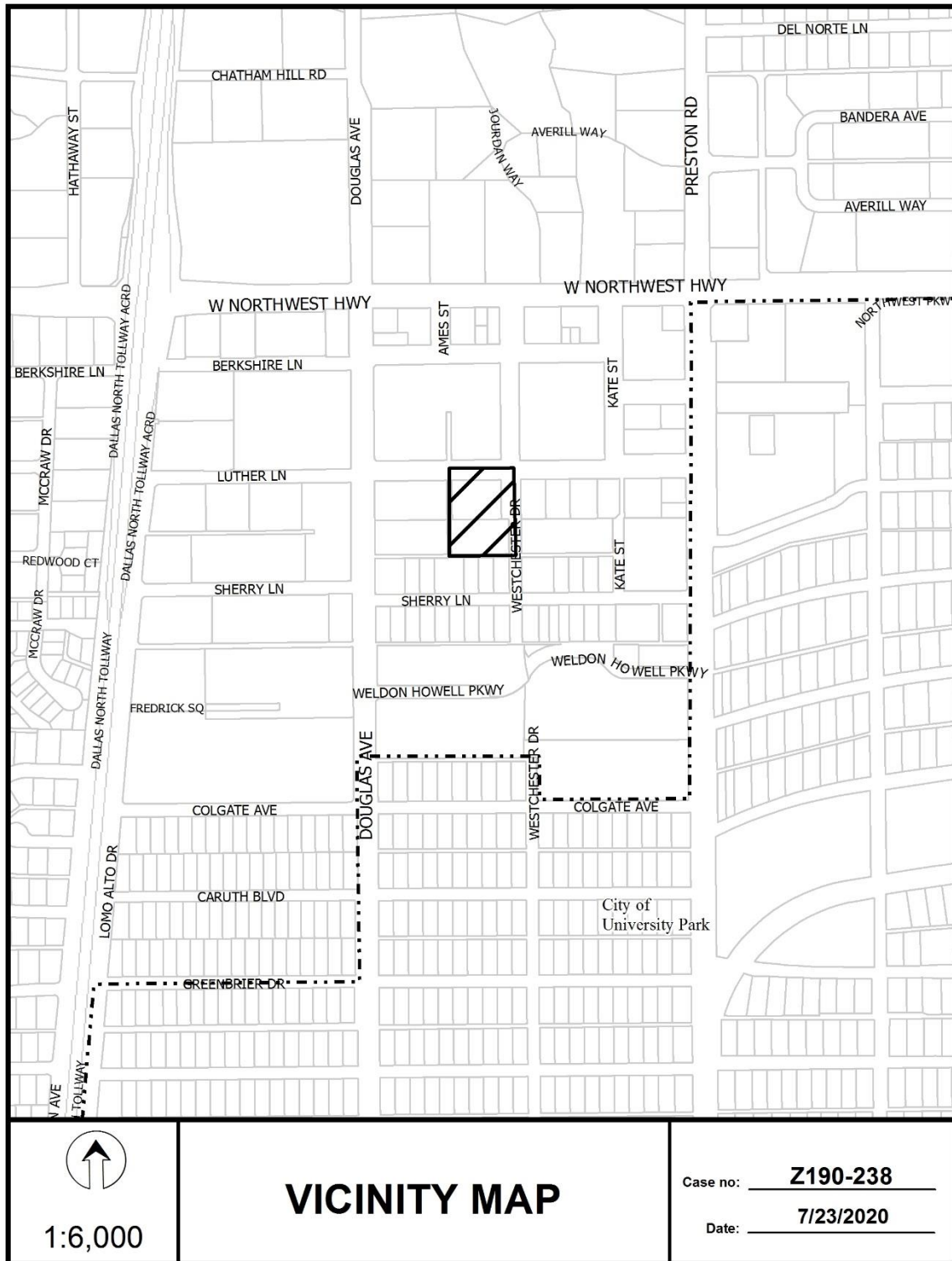
ARCHITECTS  
Dallas | Fort Worth | Austin

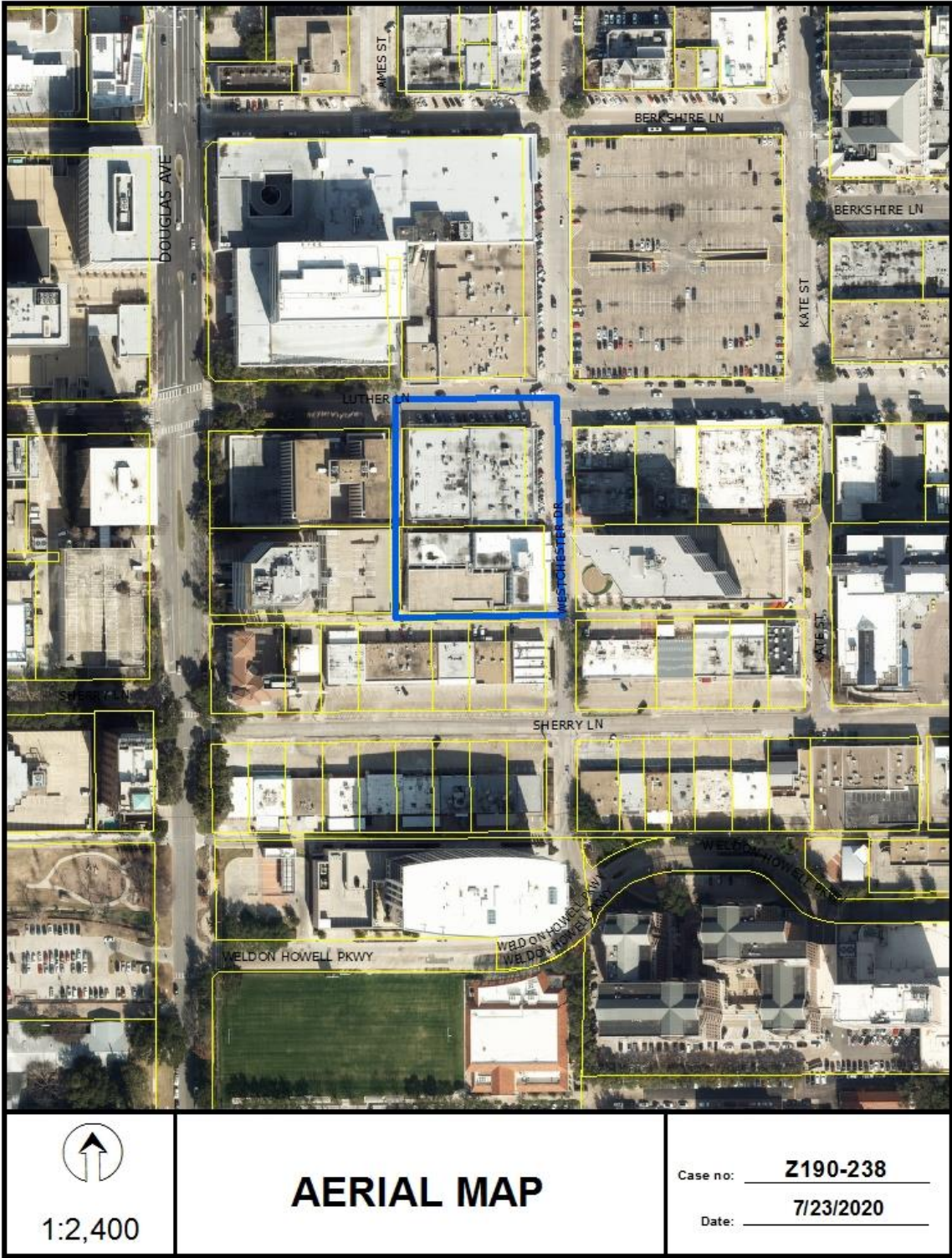
Z 190-238



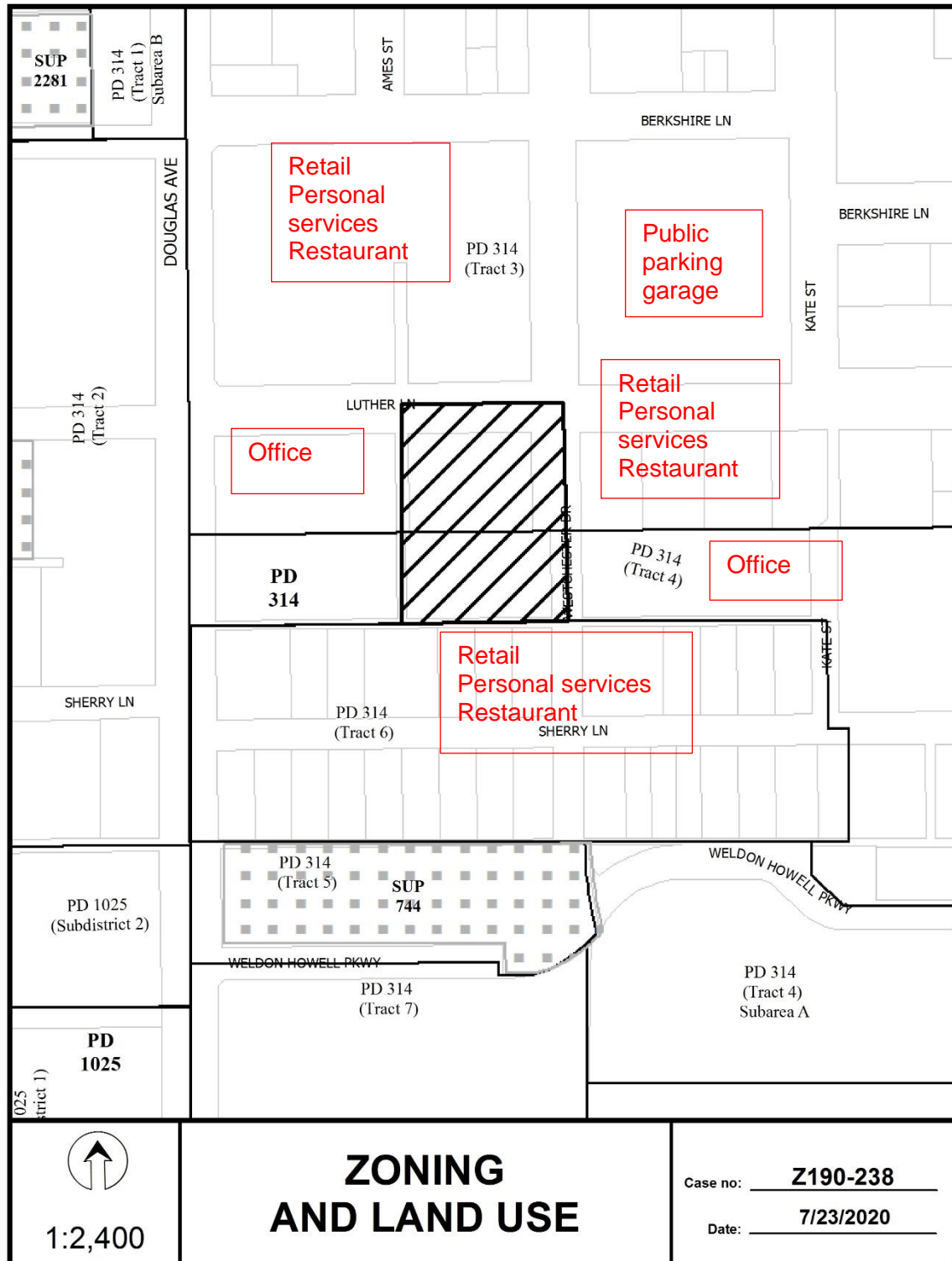
## TREE PRESERVATION PLAN (for information purpose only)

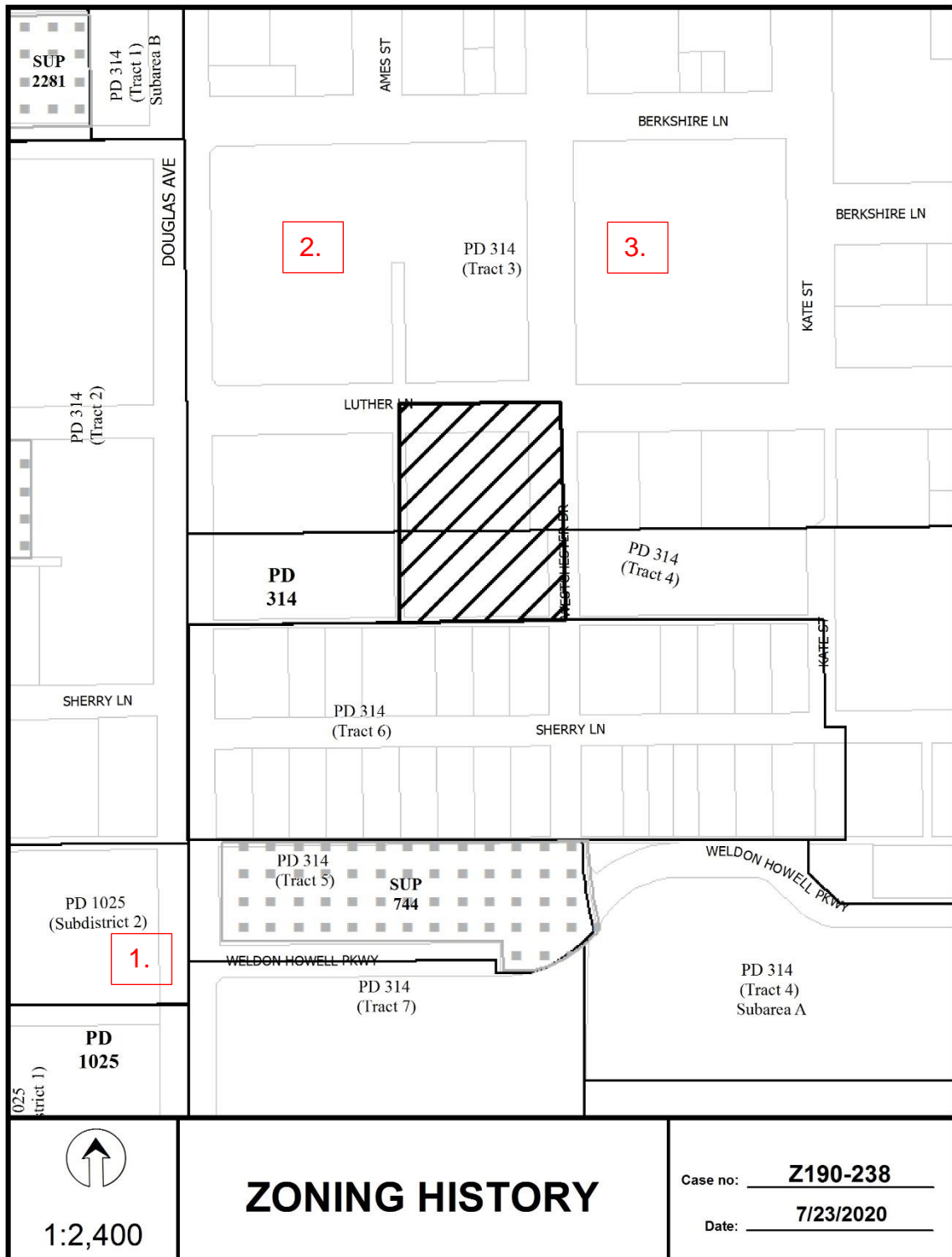














Market Value Analysis

A B C D E F G H I NA

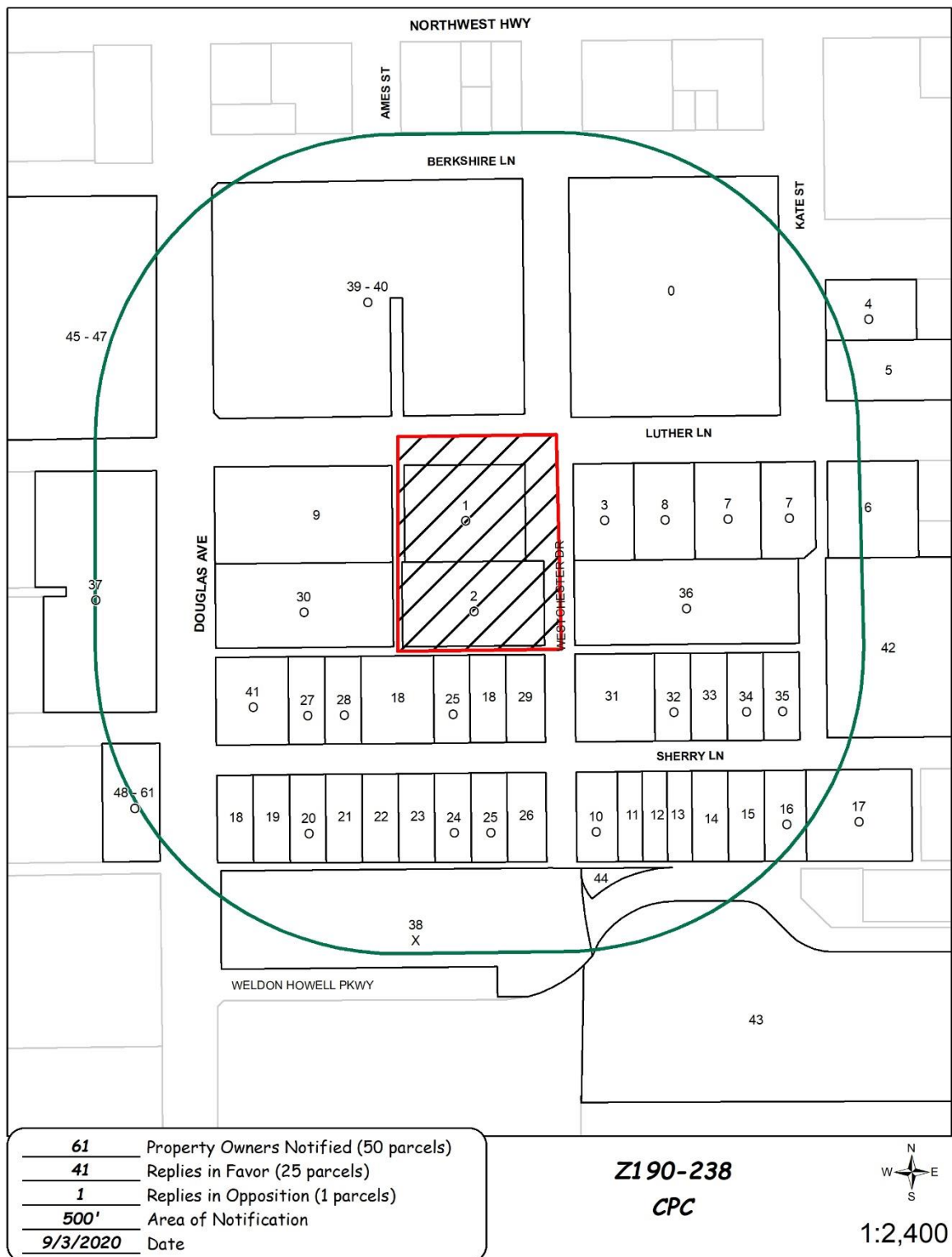


1:6,000

Market Value Analysis

Printed Date: 7/23/2020

# CPC RESPONSES



09/02/2020

***Reply List of Property Owners******Z190-238******61 Property Owners Notified    41 Property Owners in Favor    1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	3	8220 WESTCHESTER DR	TREK RESOURCES INC
	5	6131 LUTHER LN	PRESTON SQUARE TRUST THE
	6	6132 LUTHER LN	KATE LUTHER LP
	9	8226 DOUGLAS AVE	DOUGLAS PLAZA LAND LLC
	11	6114 SHERRY LN	RHINO VENTURE LP
	12	6120 SHERRY LN	LMVA PPTIES LLC
	13	6128 SHERRY LN	SHERRY LANE PROPERTIES LLC
	14	6134 SHERRY LN	BECKMANN LAND LLC
	15	6140 SHERRY LN	BANTA REAL ESTATE LP
	18	6010 SHERRY LN	TOMLIN FAMILY LTD
	19	6012 SHERRY LN	6012 SHERRY LANE LTD
	21	6030 SHERRY LN	MOORE FAMILY PROPERTY CO NO 2 LTD
	22	6036 SHERRY LN	SRK SHERRY LLC
	23	6044 SHERRY LN	PRESTON GRAND INC
	26	6072 SHERRY LN	SHERRY LANE BUILDING LLC
	29	6071 SHERRY LN	6071 SHERRY LN VENTURE
	31	6103 SHERRY LN	OCONNOR - SHERRY LANE LTD
	33	6137 SHERRY LN	YATER C M & SONS MFG JLRS
	42	8201 PRESTON RD	TRT PRESTON SHERRY LLC
	43	8111 PRESTON RD	KBSIII PRESTON COMMONS LLC
	44	8120 WESTCHESTER DR	KBSIII PRESTO COMMONS LLC
	45	8343 DOUGLAS AVE	CFO DT III LLC
	46	8333 DOUGLAS AVE	CFO DT III LLC
	47	5960 BERKSHIRE LN	CFO DT IV LLC
O	48	8181 DOUGLAS AVE	WILLIS LISA HART
O	49	8181 DOUGLAS AVE	ALHADEF GARY & LEESA

09/02/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	50	8181 DOUGLAS AVE	DABKOWSKI JOHN G &
O	51	8181 DOUGLAS AVE	MABREY JAMES L
O	52	8181 DOUGLAS AVE	JOSEPHS JOHN &
O	54	8181 DOUGLAS AVE	DEASON KATERINA PANOS
O	55	8181 DOUGLAS AVE	CAMP BARBARA S
O	56	8181 DOUGLAS AVE	JAGMIN CHRIS L & LISA K
O	57	8181 DOUGLAS AVE	DORAN RESIDENCE TRUST
O	58	8181 DOUGLAS AVE	WILLIAMSON JOHN D JR &
O	59	8181 DOUGLAS AVE	JACKSON MELVIN
O	60	8181 DOUGLAS AVE	RILEY SANDRA A
O	61	8181 DOUGLAS AVE	DEASON DARWIN
O	A1	6038 LUTHER LN	RB PASS LLC
O	A2	8215 WESTCHESTER DR	MATILDA REALTY I LP
O	A3	6100 LUTHER LN	TREK RESOURCES INC
O	A4	6100 LUTHER LN	TREK RESOURCES INC
O	A5	6126 LUTHER LN	RAMSBOTTOM PARTNERS LP
O	A6	6118 LUTHER LN	RAMSBOTTOM PARTNERS LP
O	A7	6110 SHERRY LN	HIGHLAND PARK PLASTIC
O	A8	6150 SHERRY LN	BV SHERRY LP
O	A9	6160 SHERRY LN	ROSEBRIAR SHERRY LN LP
O	A10	6020 SHERRY LN	KIDWELL JOHN M PROPERTIES INC
O	A11	6050 SHERRY LN	J & J AHN LP
O	A12	6060 SHERRY LN	K & B SHERRY TX LTD &
O	A13	6059 SHERRY LN	K & B SHERRY TX LTD &
O	A14	6023 SHERRY LN	BV SHERRY II LP
O	A15	6031 SHERRY LN	SHERRY LANE INV INC
O	A16	8222 DOUGLAS AVE	MP PRESTON CENTER OWNER LLC
O	A17	6141 SHERRY LN	BV SHERRY III LP
O	A18	6147 SHERRY LN	THP SHERRY LANE LTD
O	A19	8200 DOUGLAS AVE	MILLCREEK SHERRY DOUGLAS
O	A20	8214 WESTCHESTER DR	8214 WESTCHESTER LLC

09/02/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A21	6125 SHERRY LN	CONCORD SHERRY LANE LP
O	A22	8307 PRESTON RD	ROBBINS SERAFINA ETAL
O	A23	8301 WESTCHESTER DR	ALPINE PRESTON CENTER LLC
O	A24	6110 LUTHER LN	ALPINE LUTHER LANE LLC
O	A25	8300 DOUGLAS AVE	ALPINE DOUGLAS LLC
O	A26	8235 DOUGLAS AVE	GPI DOUGLAS LP
X	A27	8111 WESTCHESTER DR	BV CP PRESTON CENTER LP
O	A28	8181 DOUGLAS AVE	BURFORD SCOTT & PAULA