

CITY PLAN COMMISSION

THURSDAY, FEBRUARY 6, 2025

Planner: Martin Bate

FILE NUMBER: Z234-352(MB) **DATE FILED:** September 24, 2024

LOCATION: Between Marsh Lane and Betty Jane Lane, north of Walnut Hill Lane.

COUNCIL DISTRICT: 13

SIZE OF REQUEST: Approx. 1.974 acres **CENSUS TRACT:** 48113009500

REPRESENTATIVE: Prabha Cinclair [Cinclair Law, PLLC]

OWNER/APPLICANT: MM 10056 Marsh, LLC

REQUEST: An application for a Planned Development District for TH-3(A) Townhouse District uses on property zoned a CR Community Retail District with deed restrictions [Z889-234] on a portion.

SUMMARY: The purpose of the request is to allow modified development standards primarily related to setbacks, dwelling unit density, height, lot coverage, lot size, and landscaping.

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and conditions.

BACKGROUND INFORMATION:

- The area of request is currently zoned a CR Community Retail District and is developed with a vacant office building.
- The existing deed restrictions [Z889-234] on a portion of the property require a masonry wall along Betty Jane Lane for any CR Community Retail uses. The applicant does not propose to modify this.
- The request site is approximately 1.97 acres in size.
- The applicant wishes to develop attached single-family houses on the site in a shared access development configuration.
- To build to the desired conceptual plan, the applicant requests modifications to the base TH-3(A) Townhouse District. These modifications include increased rear yard setbacks, increased dwelling unit density, increased lot coverage, decreased lot size, landscaping, and changes to shared access development standards.

Zoning History:

There has been one zoning case in the area within the last five years.

1. Z234-319: On December 11, 2024, City Council approved Specific Use Permit No. 2570 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the north line of Walnut Hill Lane, west of Marsh Lane.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Marsh Lane	Principal Arterial	100 feet
Betty Jane Lane	Local street	-

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system. Staff will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:**Comprehensive Plan:**

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

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

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

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

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

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

NEIGHBORHOOD PLUS

GOAL 4 ATTRACT AND RETAIN MIDDLE CLASS

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

The proposed project has the potential to meet several goals of the comprehensive plan related to providing affordable housing and expanding homeownership opportunities.

Land Use:

	Zoning	Land Use
Site	CR Community Retail	Office (vacant)
North	R-7.5(A) Single Family	Church
South	CR	General merchandise or food store > 3,500 sqft, restaurant with drive-thru
East	R-16(A) Single Family, PD 584	Single family
West	CR	Retail

Necessity for a Planned Development District:

According to Sec. 4.702, the purpose of a planned development district is to provide flexibility in the planning and construction of development projects by allowing a combination of land uses developed under a uniform plan that protects contiguous land uses and preserves significant natural features.

Planned development districts are appropriate where the existing code may not accommodate a use or a development within the bounds of a conventional zoning district, or where unique site characteristics may necessitate relief or modification of certain base code provisions.

Applicant's proposed planned development district is intended to provide attached single-family housing in a small-lot configuration. Under the city's existing development code, the only zoning districts that allow for lots of this size are the MF-1(A) and MF-2(A) Multifamily Districts, which allow duplex and multifamily uses in addition to single family. The TH-3(A) Townhouse District the proposal is based on requires a minimum lot size of 2,000 square feet. Additionally, the TH-3(A) Townhouse District limits dwelling unit density to 12 units per acre.

In considering a request for a PD, it is important to consider both the benefits and drawbacks of proposed deviations and enhancements. The proposed development would provide denser housing than what is possible in a base district while respecting the character of the single family neighborhoods to the east of the site. Additionally, the proposed design standards enhance the pedestrian realm, improving walkability in front of the site.

Land Use Compatibility:

The area of request is currently developed with a vacant office building.

The immediate surroundings of the site are a mix of residential and retail uses, with residential to the east, northeast, and southeast. To the north is a church within a residential district. To the south is a large shopping center, and immediately west across Marsh Lane is an additional shopping center. As the site will be accessed via a principal arterial, the impact of this additional housing is minimized.

The proposed conditions allow for greater density than would typically be allowable in a standard TH-3(A) Townhouse District. The conditions also include provisions that limit the height for structures on the eastern side of the lot, closest to the existing single family housing along Betty Jane Lane.

In addition to the deviations from base code, the applicant proposes design standards that will improve the public realm and desirability of the development. These include pedestrian-scale lighting that must be provided along public sidewalks and adjacent to public streets, and open space within the development. Lighting within the development is also required to be down-facing, reducing the impact on surrounding properties. As such, staff finds that the proposed use is compatible with the surrounding land uses.

Development Standards

<u>DISTRICT</u>	<u>SETBACKS</u>		<u>Lot Size / Dwelling Unit Density</u>	<u>FAR</u>	<u>Height</u>	<u>Lot Coverage</u>
	<u>Front</u>	<u>Side/Rear</u>				
<u>Existing CR</u>	15 feet adjacent to thoroughfare, no min. otherwise	20' adjacent to residential, no min. otherwise	None	0.5 office / 0.75 all uses combined	45 feet ¹	80% max.
<u>Base TH-3(A)</u>	None	Side: none for single family Rear: none for single family	Min. 2,000 sqft for single family	No max	36 feet	Residential: 60%
<u>Proposed new PD</u>	None	Side: none for single family Rear: 20'*	Min. 1,800 sqft	No max	36 feet ²	All structures: 60% max.

1: Subject to Residential Proximity Slope (RPS)

2: Limited to 27 feet within 70 feet of eastern property line

*Setbacks for a shared access development are assessed as a whole for the entire development.

Design Standards

The proposed PD includes the following design standards:

- Six foot wide sidewalk with minimum five foot wide buffer along Marsh Lane, with sidewalk allowed up to 25 feet behind curb when crossing driveway
- Enhanced crosswalk requiring colored concrete, stamped or patterned concrete, or brick pavers; must be level.
- Pedestrian scale lighting must be provided along public sidewalks and adjacent to public streets. All lighting must face down.
- A minimum of 10% of the site must be dedicated to open space.

The proposed design standards enhance the pedestrian realm by creating an environment that is more appealing to street users, including pedestrians. Additionally, the lighting requirements within the development reduce the visual impact to neighboring properties.

Landscaping:

Landscaping must be provided in accordance with Article X, with the following enhancements:

- An eight-foot-tall masonry wall is required at least 10 feet from Betty Jane Lane property line.
- Grass sod, bushes, and at least seven three-inch caliper trees are required on the eastern side of the masonry wall adjacent to Betty Jane Lane.

Parking:

The proposed conditions follow the base development code off-street parking requirements in 51A-4.200. One space is required per dwelling unit. Additional guest parking is provided per the conceptual plan.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more

precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is within a “B” MVA area.

List of Officers

MM 10056 MARSH, LLC:

Ownership interests:

MMM Ventures, LLC owns 1%
2M Holdings, LP owns 99%

Deed of Trust:

Document No. 202400177621

Recorded: September 4, 2024

**PROPOSED
PD CONDITIONS.**

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No._____, passed by the Dallas City Council on _____.

SEC. 51P-____.102. PROPERTY LOCATION AND SIZE.

PD ____ is established on property located along the east line of Marsh Lane north of Walnut Hill Lane. The size of PD _____ is approximately 1.98 acres.

SEC. 51P-____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

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

(c) This district is considered to be a residential zoning district.

SEC. 51P-____.104. EXHIBITS.

The following exhibits are incorporated into this article: Exhibit ____A: conceptual plan.

SEC. 51P-____.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit ____A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-____.106. DEVELOPMENT PLAN.

(a) For single family uses, a final plat may serve as the development plan. A final plat for a single family development may make minor deviations from the lot and street configuration shown on the preliminary plat provided that the final plat does not increase the number of lots or increase the number of access points.

(b) For all other uses, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district.

(c) If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-____.107. MAIN USES PERMITTED.

The only main uses permitted are those main uses permitted in the TH-3(A) Townhouse District, subject to the same conditions applicable in the TH-3(A) Townhouse District, as set out in Chapter 51A. For example, a use permitted in the TH-3(A) Townhouse District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the TH-3(A) Townhouse District is subject to DIR in this district; etc.

SEC. 51P-____.108 ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-____.109. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

- (a) In general. Except as provided in this section, the yard, lot, and space regulations for the TH-3(A) Townhouse District apply.
- (b) Rear yard. Along the eastern Property line, minimum rear yard is 20 feet.
- (c) Density. Maximum dwelling unit density is 16 units per acre. Maximum number of dwelling units is 31.
- (d) Height.
 - (1) Except as provided in this subsection, maximum structure height is 36 feet, except the maximum height is 27 feet within 70 feet of the eastern property line.
 - (3) The following structures may project a maximum 12 feet above the maximum structure height:
 - (A) Elevator penthouse or bulkhead.
 - (B) Mechanical equipment room.
 - (C) Cooling tower.

- (D) Tank designed to hold liquids.
- (E) Ornamental cupola or dome.
- (F) Skylights.
- (G) Clerestory.
- (H) Visual screens which surround roof mounted mechanical equipment.
- (I) Chimney and vent stacks.
- (J) Amateur communications tower.
- (K) Parapet wall, limited to a height of four feet.

(e) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(f) Lot size. Minimum lot size is 1,800 square feet.

(g) Stories.

(1) Except as provided in this subsection , the maximum number of stories above grade is three.

(2) For single family structures adjacent to the eastern Property line, the maximum number of stories above grade is two.

SEC. 51P- _____.110. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P- _____.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- _____.112 LANDSCAPING.

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

(b) An eight-foot-tall masonry wall must be provided at least 10 feet but no more than 15 feet from the Betty Jane Lane Property line.

(c) Grass sod, bushes, and at least seven three-inch calliper trees are required along the eastern side of the masonry wall adjacent to Betty Jane Lane.

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

SEC. 51P- ____ .113. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P- ____ .114. REQUIREMENTS FOR A RESIDENTIAL DEVELOPMENT.

(a) Shared access. Up to 16 residential lots per acre are allowed with a single shared access development.

(b) Sight visibility triangles. Sight visibility triangles are 45 feet on Marsh Lane and 20 feet on shared access easements.

(c) Sidewalks. A minimum unobstructed sidewalk width of six feet with a minimum five-foot-wide buffer is required along Marsh Lane, except where the sidewalk crosses the driveway, where the sidewalk can be located up to 25 feet behind the curb.

(d) Driveways. At driveway and sidewalk intersections, driveways must be clearly marked by colored concrete, patterned or stamped concrete, or brick pavers for pedestrian crossing. Sidewalks must be level across all driveways, curb cuts, and entrances or exits to loading areas.

(e) Open space.

(1) At least 10 percent of the building site must be reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping.

(2) No structures except for architectural elements; playground equipment; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of windowsills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed; otherwise, open space must be open to the sky.

(3) Open space may contain primarily grass, vegetation, or open water; be primarily used as a ground-water recharge area; or contain pedestrian amenities such as fountains, benches, paths, or shade structures.

(4) Open space may be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

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

(6) Except for emergency and grounds maintenance vehicles, operation or parking of vehicles within open space is prohibited.

(7) Open space must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.

(f) Lighting.

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

(2) Pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 footcandles must be provided along public sidewalks and adjacent to public streets. The design and placement of both the standards and fixtures must be approved by the director of transportation.

SEC. 51P-____.115. ADDITIONAL PROVISIONS.

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

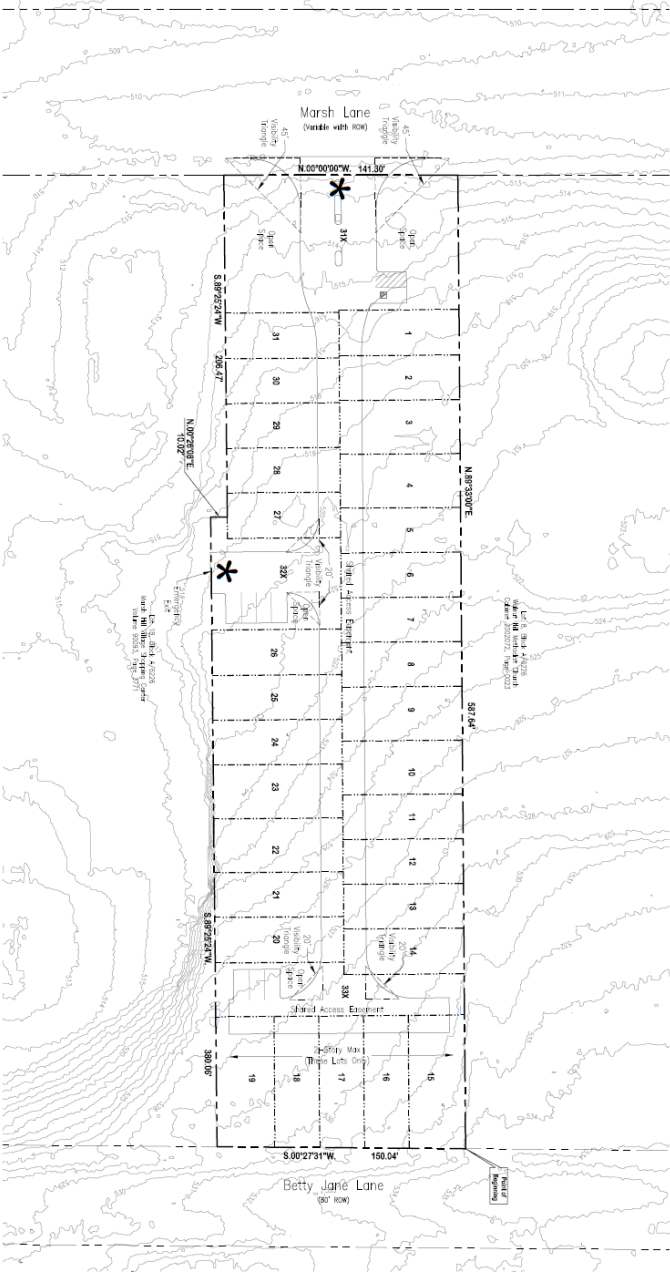
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-____.116. COMPLIANCE WITH CONDITIONS.

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

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

PROPOSED CONCEPTUAL PLAN



DEVELOPMENT

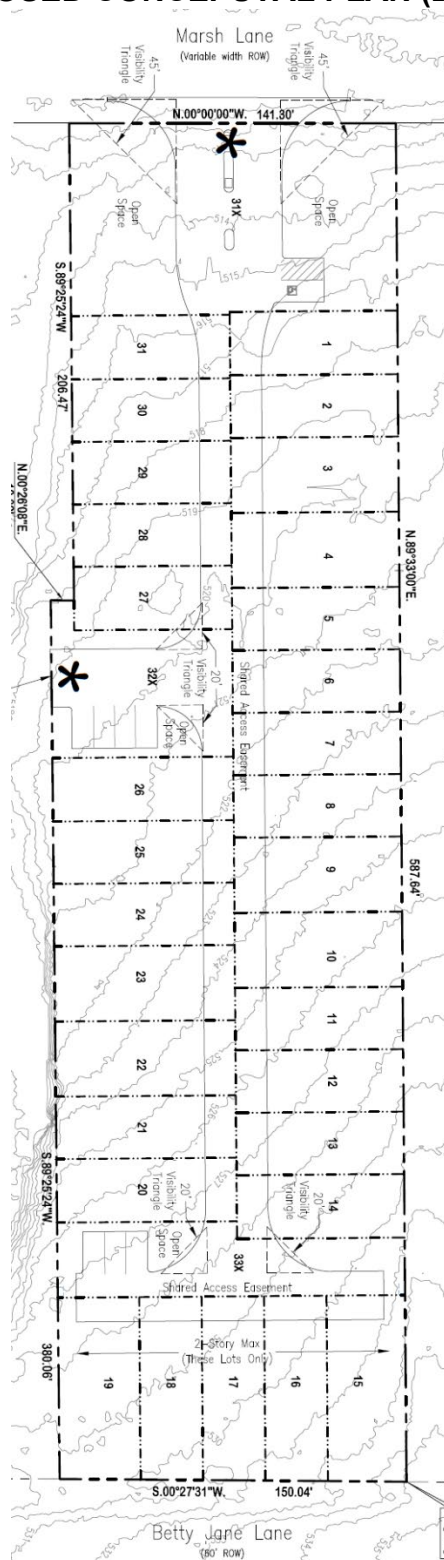
Existing Zoning	C-1
Proposed Zoning	P2 (P2-10)
Total Area	1,000 ac
Net Lot Area	1,000 ac
Total Density	10 units/acre
Net Lot Density	10 units/acre
Net Lot Coverage	10%
Net Lot Setback	100 ft
Net Lot Setback	100 ft
Open Space Requirement	0.25 acres/acre
Trailing Requirement	5 acres
Net Lotting Height	45 ft

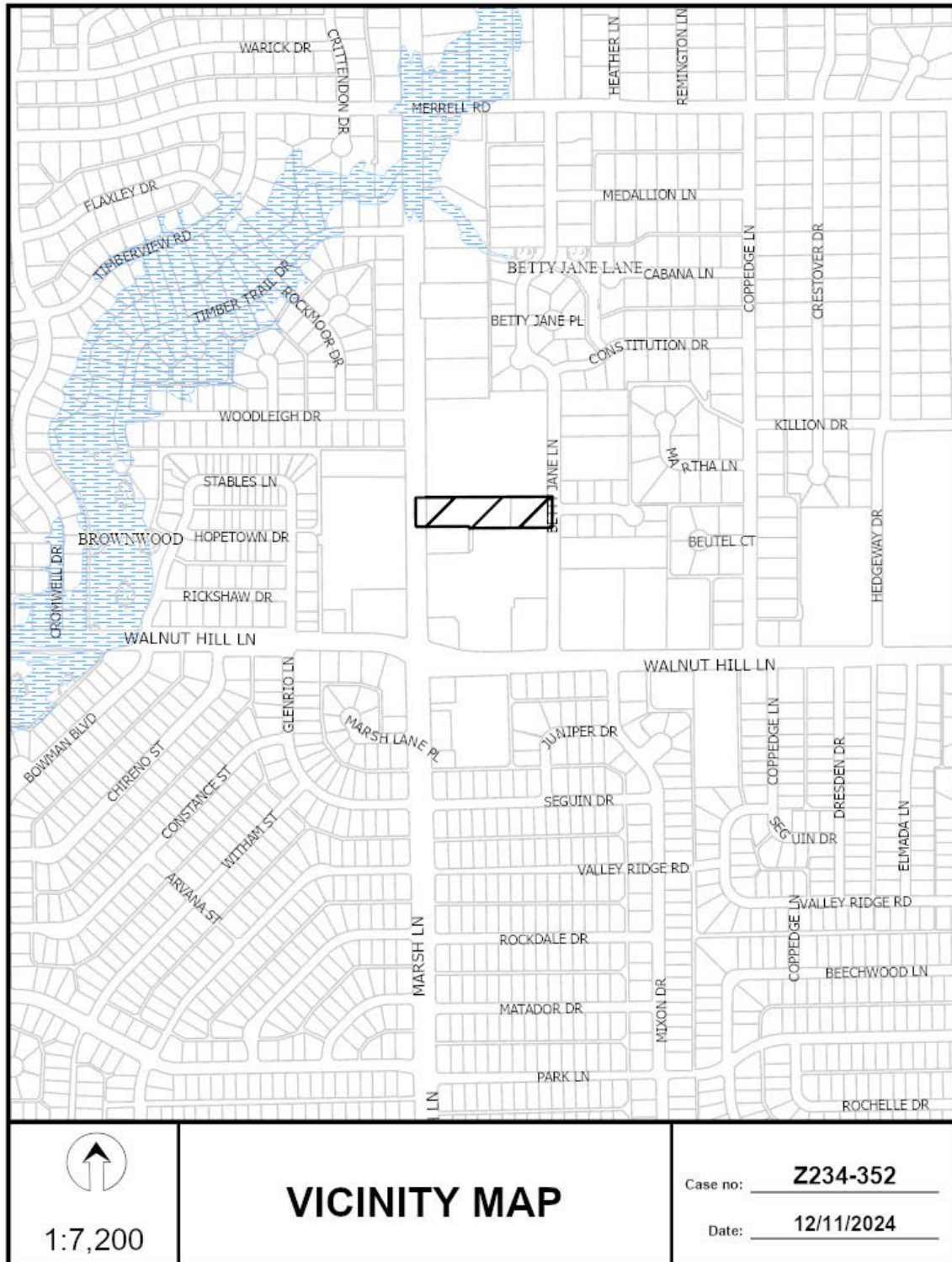
*Note: All lots to be developed shall be at least 100 ft wide.

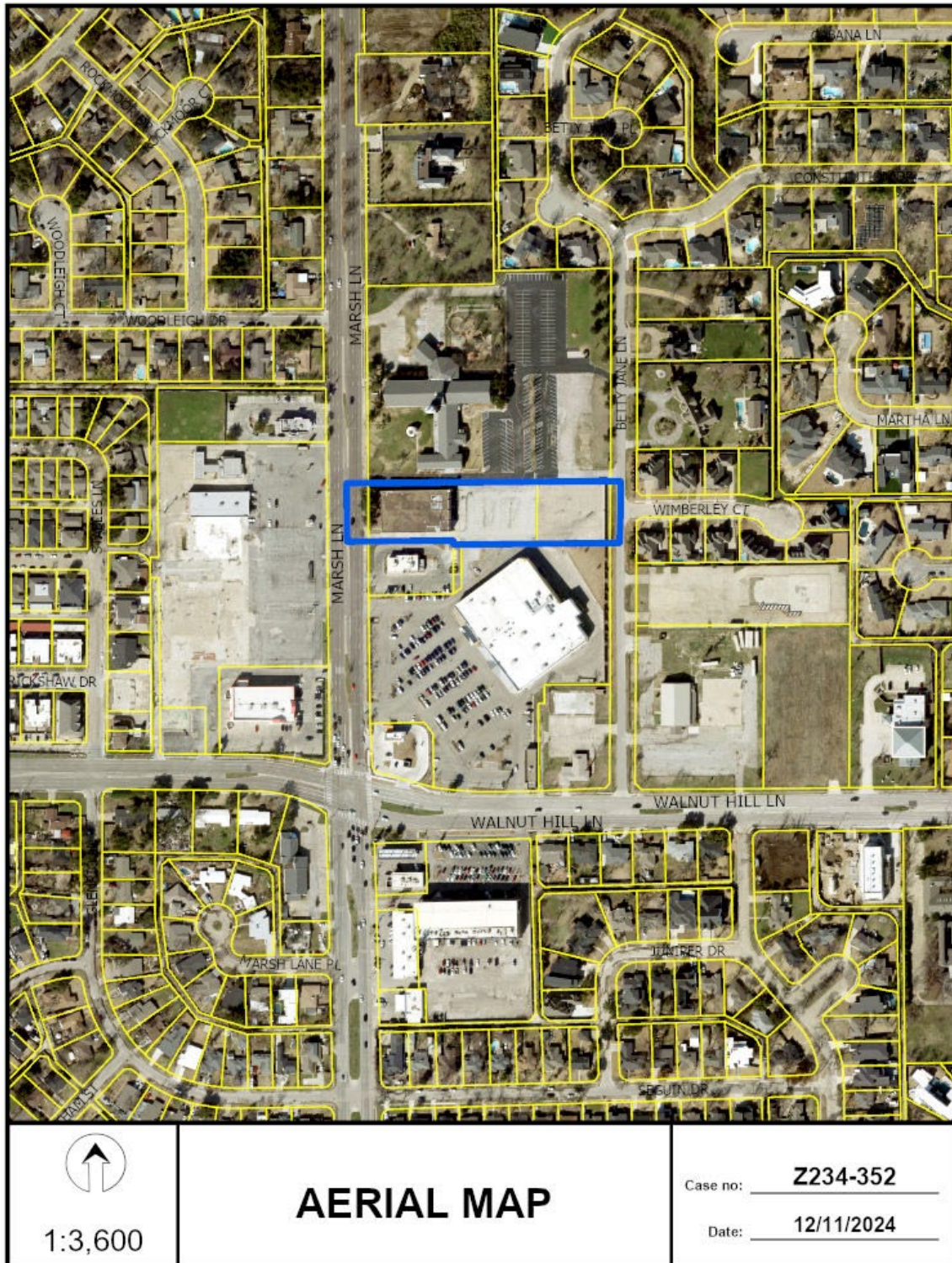


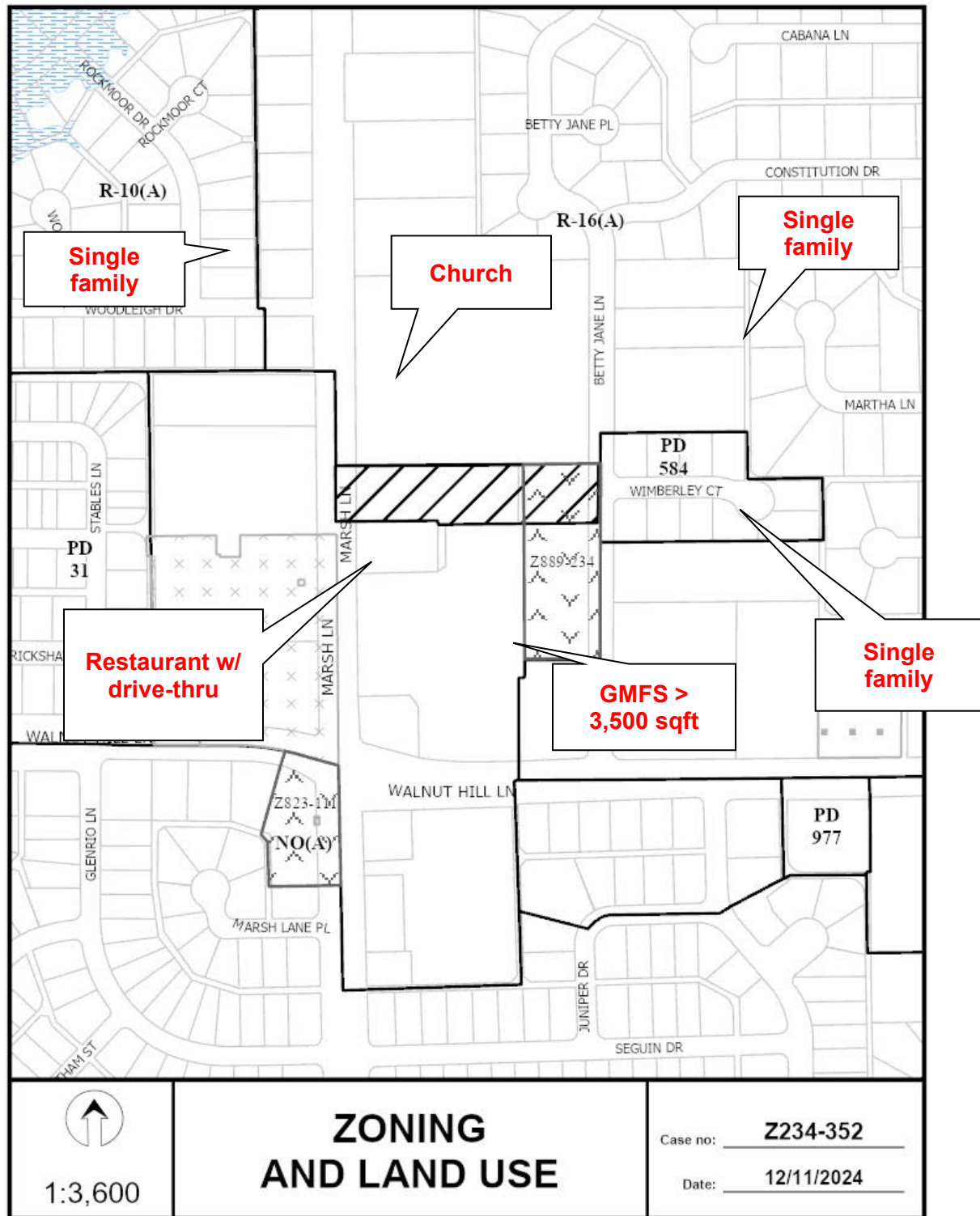
PROPOSED CONCEPTUAL PLAN

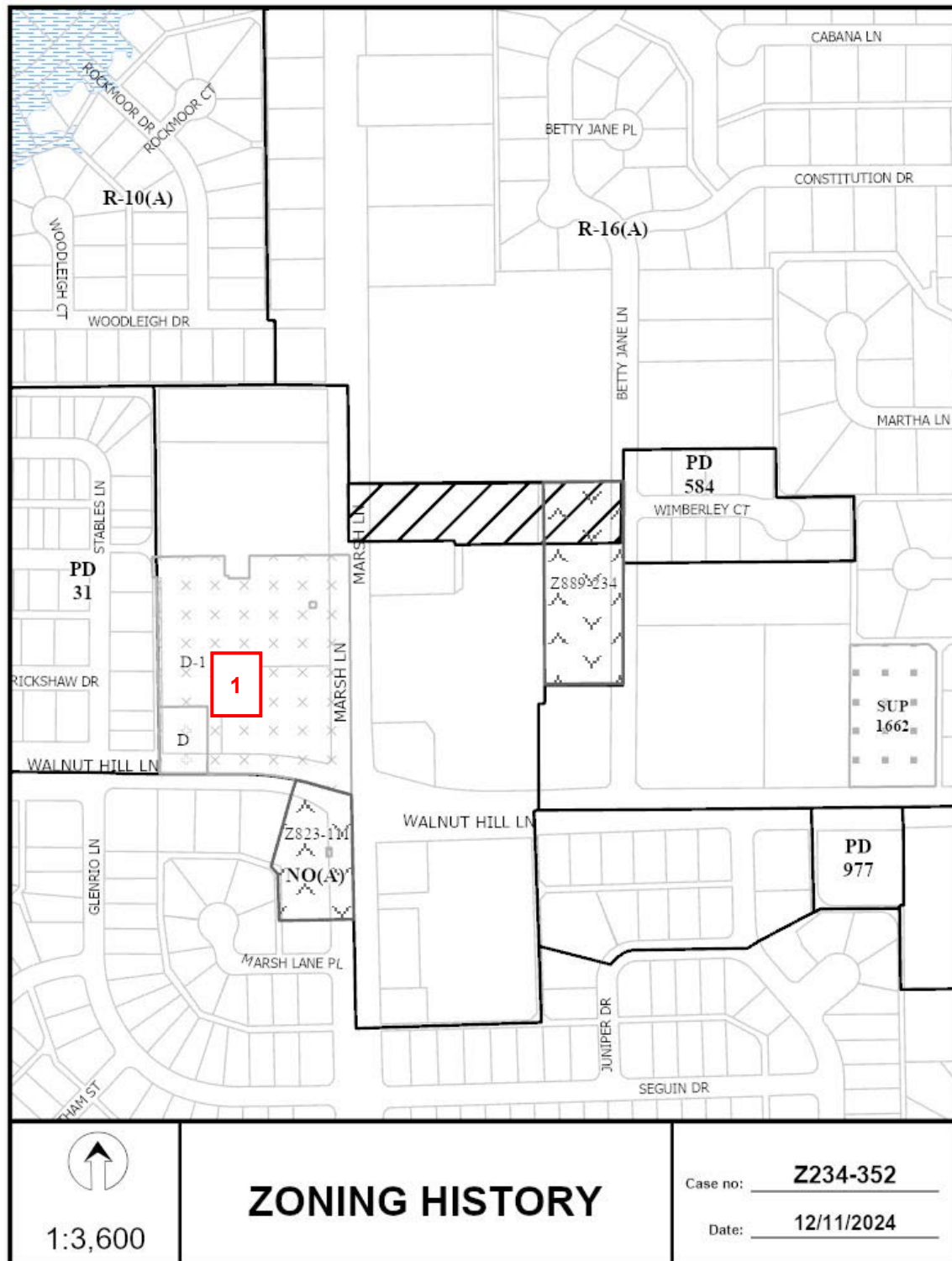
PROPOSED CONCEPTUAL PLAN (DETAIL)

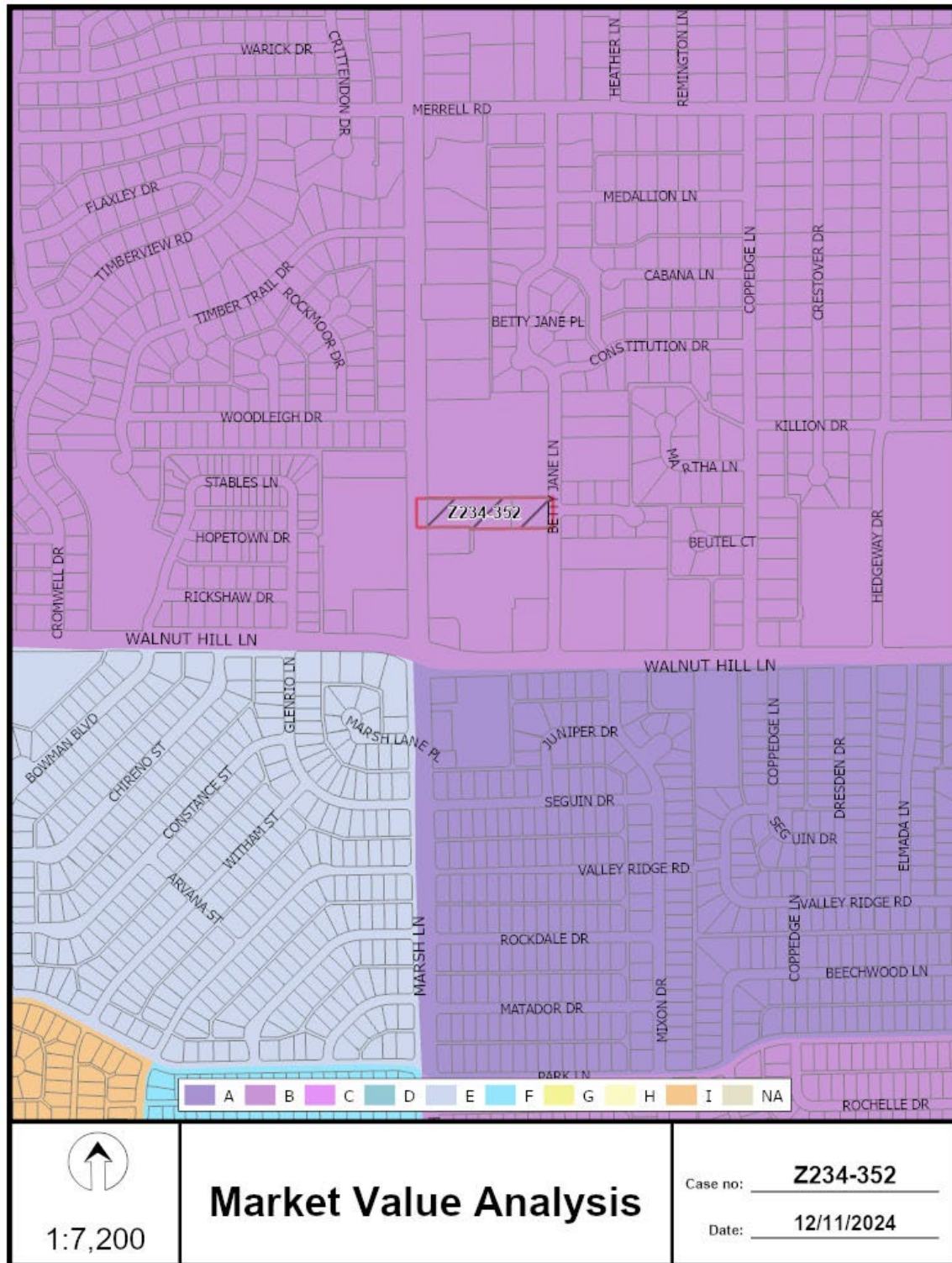


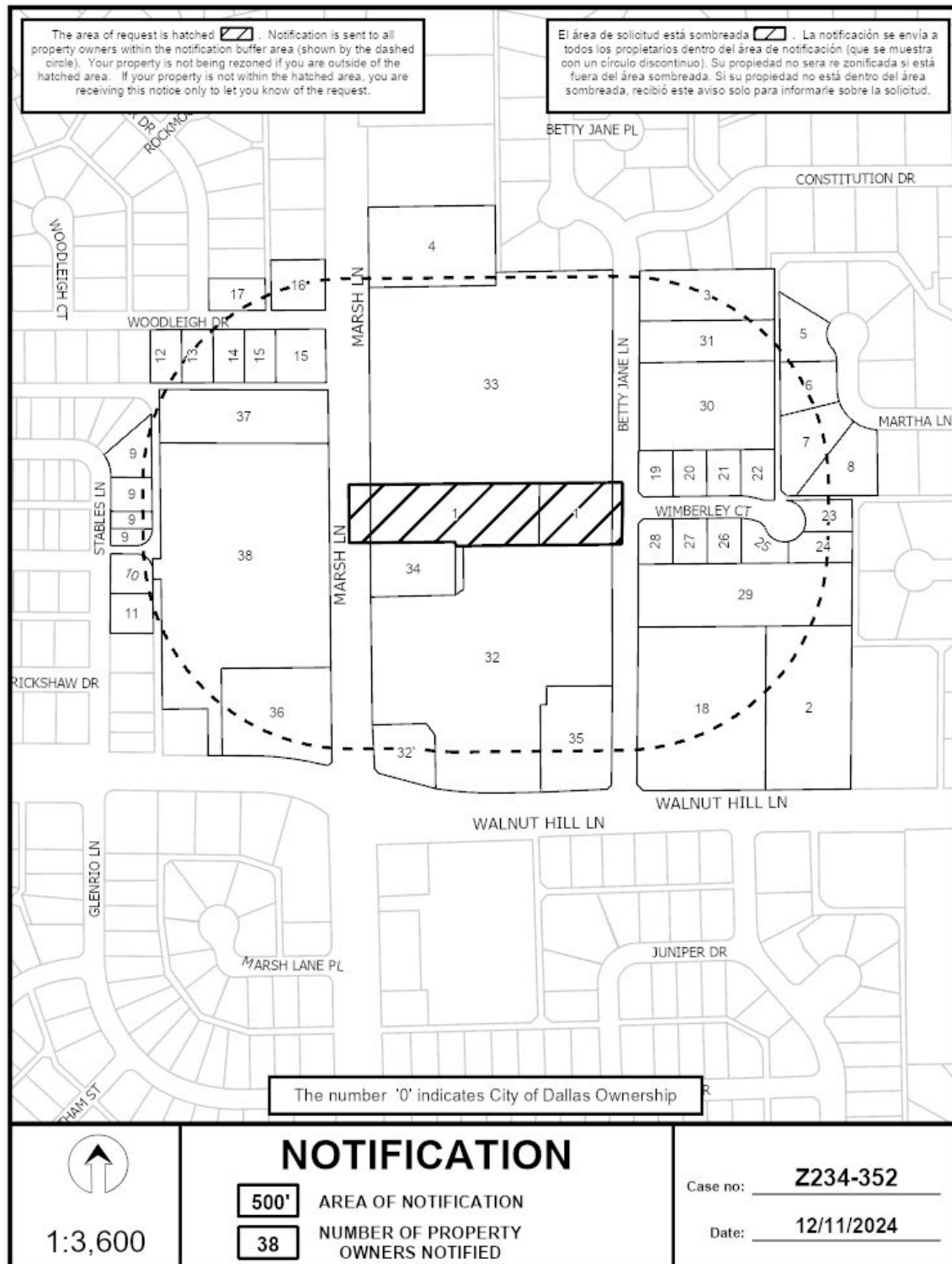












12/11/2024

Notification List of Property Owners

Z234-352

38 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10056 MARSH LN	LORD PUFFMORT LLC
2	3807 WALNUT HILL LN	FIRST MEXICAN BAPTIST
3	10120 BETTY JANE LN	NICKERSON GLENN DOUGLAS
4	10134 MARSH LN	JOE CHRISTOPHER M
5	3808 MARTHA LN	JONES WILLIAM D & ELIZABETH A
6	3816 MARTHA LN	VIRGINIA HEINZE WORLEY
7	3822 MARTHA LN	MCGOWAN SPENCER DEAN &
8	3826 MARTHA LN	PASCUAL MANDY
9	3659 STABLES LN	SMOGER ILENE J
10	10040 GLENRIO LN	KOUTSOFTAS ANDREW DEME
11	10028 GLENRIO LN	Taxpayer at
12	3622 WOODLEIGH DR	RODRIGUEZ CONNIE T
13	3628 WOODLEIGH DR	RIVERA BLANCA LEONOR
14	3634 WOODLEIGH DR	STEGALL FRANK D
15	3640 WOODLEIGH DR	MARTIN FAMILY REVOCABLE TRUST
16	10125 MARSH LN	GONZALEZ MIGUEL A
17	10104 ROCKMOOR DR	KIRKPATRICK ROGER K
18	3775 WALNUT HILL LN	FIRST SPANISH ASSEMBLY OF
19	21 WIMBERLEY CT	SEOK DONG J
20	23 WIMBERLEY CT	WILKERSON MATTHEW & KRISTINA
21	25 WIMBERLEY CT	WIMBERLEY JOHN E
22	27 WIMBERLEY CT	WIMBERLEY DEV CO INC
23	29 WIMBERLEY CT	TURK DIANNE M
24	28 WIMBERLEY CT	SOMERVILLE MARY TEMPLE &
25	26 WIMBERLEY CT	FULMER SARA L &
26	24 WIMBERLEY CT	AKA CONTRACTORS LLC

12/11/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	22 WIMBERLEY CT	PITTMAN PATRICIA LYNN
28	20 WIMBERLEY CT	VIDALES JORGE A GUERRERO &
29	10010 BETTY JANE LN	PRIMERA IGLESIA BAUTISTA
30	10062 BETTY JANE LN	CAUDILL DOUGLAS W
31	10110 BETTY JANE LN	SPAK FAMILY TRUST
32	10002 MARSH LN	HOPKINS WALNUT HILL PLAZA LTD
33	10066 MARSH LN	LOVERS LANE UNITED METHODIST CHURCH
34	10046 MARSH LN	HOPKINS WALNUT HILL PLAZA LTD
35	3755 WALNUT HILL LN	IGLESIA CRISTIANA EMANUEL DIOS
36	10003 MARSH LN	CV MARSH LANE DALLAS LLC
37	10107 MARSH LN	BOWIE ROBERT TR &
38	10051 MARSH LN	HOPKINS MARSH LANE PLAZA LP