

CITY PLAN COMMISSION**THURSDAY, SEPTEMBER 7, 2023****Planner: Jennifer Muñoz**

FILE NUMBER: Z212-332(JM) **DATE FILED:** August 31, 2022

LOCATION: North line of Dowdy Ferry Road, northeast of the Lyndon B. Johnson Freeway [I-20]

COUNCIL DISTRICT: 8

SIZE OF REQUEST: 2.063 acres **CENSUS TRACT:** 48113011603

OWNER: 635 Dowdy Venture

APPLICANT: Bill Foose

REPRESENTATIVE: Mike Coker

REQUEST: An application for a CS Commercial Service District with consideration of an MU-1 Mixed Use District on property zoned an A(A) Agricultural District.

SUMMARY: The purpose of the request is to allow for development of the site under the uses and standard regulations of CS Commercial Service District with consideration of an MU-1 Mixed Use District.

STAFF RECOMMENDATION: Approval of an MU-1 District, in lieu of a CS District.

PRIOR CPC HISTORY: On August 3, 2023, the City Plan Commission held this case under advisement pending updates. At the time of this report, no updates had been provided.

BACKGROUND INFORMATION:

- The area of request is currently zoned an A(A) Agricultural District.
- The applicant is proposing to develop the site with a general merchandise or food store with fueling station and/or other commercial and industrial uses permitted by the proposed CS Commercial Service District.
- The CS Commercial Service District allows several heavy commercial and light industrial uses that could have tangible land use impacts on the adjacent natural areas/creekways, floodplain, and residential properties.
- The alternative MU-1 Mixed Use District allows for development of the site with consideration of the low-density and residential nature of the area, while meeting development goals of the area plan.

Zoning History:

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

1. Z212-297 – On July 6, 2023, the City Plan Commission recommended denial of an application for a CS Commercial Service District on property zoned an R-10(A) Single Family District, on the east line of Dowdy Ferry Road, south of LBJ Freeway. The case was reconsidered on August 17, 2023 as a CS District with deed restrictions volunteered by the applicant.

2. Z212-298 – On August 31, 2022, staff received an application for an IR Industrial/Research District which was amended for a CS Commercial Service District with consideration of an MU-1 Mixed Use District on property zoned an A(A) Agricultural District, on the northeast corner of Dowdy Ferry Road and LBJ Freeway. [Pending CPC August 3, 2023]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Dowdy Ferry Road	Principal Arterial	80 feet / 100 feet Bike Plan
LBJ Freeway	Highway	-

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. Further review will be conducted when permits are requested for future development.

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 *conflicts* with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

GOAL 1.4 COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT

Policy 1.4.3 Embrace environmental sustainability.

URBAN DESIGN ELEMENT

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

Policy 5.1.1 Promote pedestrian friendly streetscapes.

Policy 5.1.3 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.

Policy 5.2.3 Ensure attractive gateways into the city.

The proposed change does not further the goals of the Comprehensive Plan in regard to complementary building forms, appropriate development, or sustainability.

Area Plan:

I-20 Freeway Corridor Land Use Plan

The study was initiated in the spring of 1999 with the City of Dallas Planning and Development Department coordinating project efforts to:

- 1) Review land use and opportunities for redevelopment including road infrastructure, water, wastewater, and zoning;
- 2) Identify the impact of this planning effort and its resulting implementation on the study area;
- 3) Review draft recommendations to ensure that the scope of the study addresses planning issues and neighborhood concerns; and
- 4) Work with the community and other outside agencies to finalize recommendations for City Plan Commission and City Council consideration.

The I-20 Freeway Corridor Land Use Study Steering Committee developed the following mission statement to help guide the committee as they embarked upon this land use study: "Development of a land use plan that addresses future economic development, transportation, public utility, and other public/private development initiatives along the Interstate-20 freeway corridor."

The I-20 Freeway Corridor land use study area boundary is generally located along I-20 from Houston School Road (western boundary) to Beltline Road (eastern boundary) and extends approximately 1/8 to 1/2 mile on either side of the freeway.

The subject property is located in Subdistrict 2 of the land use study. The future land use and visioning map designated the property on the northeast side of I-20 as Retail/Commercial and surrounding areas as Vacant, Undeveloped, Agricultural. Across Dowdy Ferry Road to the west is designated Public Parks, Recreation, Open Space. The plan identifies the surrounding areas with significant natural open space, due to the presence of Prairie Creek and the Trinity River. The proposed CS Commercial Service District zoning at this site is not consistent with the Retail/Commercial character as called for by the plan. As such, the proposed change conflicts with the approved area plan. Staff has recommended an MU-1 District in lieu of the requested CS District to add a compatible mix of uses in consideration of the natural resources, floodplain, investment into the adjacent public park and trail system [Great Trinity Forest Gateway Park and Horse Trails], and existing low density single-family uses.

Ultimately, the plan calls for no industrial uses in Subdistrict 2, however accounts for industrial uses within a majority of Subdistrict 1, on the southeast side of I-20, on both sides of Bonnie View Road.

Land Use:

	Zoning	Land Use
Site	A(A) Agricultural District	Undeveloped
North	IR Industrial Research District with Deed Restrictions [Z990-115] and A(A) Agricultural District	Batch plant, single family, and undeveloped/agricultural
East	A(A) Agricultural District	Natural area/creekway [undeveloped] and single family
South	A(A) Agricultural District and R-10(A) Single Family District	Undeveloped, agricultural, and single family
West	A(A) Agricultural District	Public park [Great Trinity Forest Gateway and Horse Trails] and undeveloped

Land Use Compatibility:

The subject property is currently undeveloped. The property is situated between Dowdy Ferry Road and the Prairie Creek floodplain to the east, which exists as a natural area. Surrounding uses consist of undeveloped land in the creekway/floodplain which is a part of a joint application [Z212-298], a batch plant adjacent to the north, followed by single family and undeveloped/agricultural properties farther north; natural area/creekway undeveloped floodplain and single family to the east; undeveloped, agricultural, and single family to the south; and, a public park [Great Trinity Forest Gateway and Horse Trails] and undeveloped uses to the west across Dowdy Ferry Road.

The applicant has requested a CS District to permit possible development of a general merchandise or food store and fueling station or other commercial/industrial related uses. The original application was for a planned development district to allow a truck stop use. The applicant no longer seeks to develop the site with a truck stop use. The proposed CS District and staff recommended MU-1 District in-lieu both allow a general merchandise or food store use up to 100,000 square feet and fueling station uses by right. The differences occur in the heavier commercial and industrial uses added by the CS District proposed.

The purpose of the CS Commercial Service District is, as stated in the Dallas Development Code, "To provide for the development of commercial and business serving uses that may involve outside storage, service, or display. This district is not intended to be located in areas of low and medium density residential development."

The proposed CS District allows significantly more intense uses than the existing A(A) District. Rezoning to a CS District could fuel a shift in the area from rural/natural resources and low-density residential, to industrial uses similar to the property to the north. The northern parcel was rezoned to an LI Light Industrial District with deed restrictions volunteered by the applicant in 2000 to permit a concrete batch plant use, which is incompatible with surrounding agricultural and residential uses and natural resources including the creekway/floodplain.

The proposed change would have direct residential adjacency to multiple properties to the east and north of the concrete batch plant where a single-family neighborhood established in the 1940s exists 1,000 feet away from the subject site. The proposed and potential uses in the CS District could likely have quality of life impacts on surrounding properties and overall investments including the Great Trinity Forest Gateway and Horse Trails park.

Additional commercial employment and traffic associated with commercial zoning in a space with limited transit and pedestrian infrastructure could also present significant access issues. When considering alternative districts that could potentially accommodate the proposed use, a CS District is the least intense district that still allows the warehouse use. Staff finds the potential heavy commercial and industrial uses of the CS District proposed by the applicant incompatible with the existing neighborhood and future land use goals established by the area plan.

Rather than recommend denial, staff finds the alternative MU-1 Mixed Use District as a suitable district in lieu of the CS District requested by the applicant. The purpose of the MU-1 District is, as stated in the Dallas Development Code, "To provide for the development of moderate density retail, office, and/or multifamily residential uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel."

The MU-1 District would allow an array of land uses for prospective buyers while enhancing the area by providing services in scale and uses which are compatible with retail/commercial and residential, meeting the goals for the future vision of this area. Additionally, the MU-1 District is the least intensive mixed-use district, remaining sensitive to the natural resources of the area by reducing the scale of development potential. This is further identified in the table of compared development standards on the following page.

Finally, the MU-1 District allows for the inclusion of a variety of housing types, including multifamily and mixed-income housing, furthering the housing goals of the city to support additional housing types and accessibility for all residents.

Development Standards:

Following is a comparison between the development standards of the current A(A) District and the proposed CS District. The comparison table includes additional consideration of an MU-1 District, as recommended by staff.

District	Setback		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: A(A)	50'	Side: 20' Rear: 50' for SF 10' for others	1 du/3 ac	24'	10% res. 25% nonres.	None	Agricultural, single family
Proposed: CS	15' ¹	20' adj to res Other: No min	0.75 FAR overall 0.5 office/ lodging/retail combined	45' 3 stories	80%	RPS Visual Intrusion	Commercial and business service; supporting retail, personal service, and office
In Lieu: MU-1	15'	20' when adjacent to res. Other no min. (tower spacing)	Base 15 unit/acre MUP (2):20 Units/acre. MUP(3): 25 Units/acre	80'no MUP 90' MUP no retail 120' MUP with retail	80%	RPS Urban Form Setback Tower Spacing	Office, retail, personal service, lodging, residential

¹ 15 feet where adjacent to an expressway or a thoroughfare; no minimum in all other cases.

Although the development standards of a CS District would, in this context, be limited by residential proximity slope and blockface continuity, they would still be out of scale of the established pattern and entitled standards throughout the block. The expanded lot coverage would not be in keeping with the area plan's aim of preservation of open space in this area. However, development of the site under the proposed MU-1 District standards limited by adjacent A(A) District properties and single family uses adjacent to the area of request is more suitable in consideration of the area plan goals. Ultimately, the constraints of the roadway, floodplain, and surrounding residential adjacency will limit the development of this property.

Land Use Comparison:**LEGEND**

	Use prohibited
•	Use permitted by right
S	Use permitted by Specific Use Permit
D	Use permitted subject to Development Impact Review
R	Use permitted subject to Residential Adjacency Review
★	Consult the use regulations in Section 51A-4.200 as applicable

	Existing	Proposed	In-Lieu
Use	A(A)	CS	MU-1
AGRICULTURAL USES			
Animal production			
Commercial stable			
Crop production	•	•	•
Private stable			
COMMERCIAL AND BUSINESS SERVICE USES			
Building repair and maintenance shop		R	
Bus or rail transit vehicle maintenance or storage facility		R	
Catering service		•	•
Commercial cleaning or laundry plant		R	
Custom business services		•	•
Custom woodworking, furniture construction, or repair		•	
Electronics service center		•	•
Job or lithographic printing		R	
Labor hall		S	S
Machine or welding shop		R	
Machinery, heavy equipment, or truck sales and services		R	
Medical or scientific laboratory		•	•
Technical school		•	
Tool or equipment rental		•	
Vehicle or engine repair or maintenance		R	
INDUSTRIAL USES			
Alcoholic beverage manufacturing			
Gas drilling and production	S	S	S
Gas pipeline compressor station			
Industrial (inside)			
Industrial (inside) for light manufacturing		•	
Industrial (outside)			

	Existing	Proposed	In-Lieu
Use	A(A)	CS	MU-1
Medical/infectious waste incinerator			
Metal salvage facility			
Mining			
Municipal waste incinerator			
Organic compost recycling facility			
Outside salvage or reclamation			
Pathological waste incinerator			
Temporary concrete or asphalt batching plant	S	★	•
INSTITUTIONAL AND COMMUNITY SERVICE USES			
Adult day care facility	S	•	•
Cemetery or mausoleum	S	S	S
Child-care facility	S	•	•
Church	•	•	•
College, university, or seminary	•	•	•
Community service center	S	S	S
Convalescent and nursing homes, hospice care, and related institutions			R
Convent or monastery	S	•	•
Foster home	S		•
Halfway house		S	
Hospital		R	S
Library, art gallery, or museum	S		•
Open enrollment charter school or private school	S	S	S
Public school other than an open enrollment charter school	S	R	R
LODGING USES			
Extended stay hotel or motel		S	S
Hotel or motel		★	R/S
Lodging or boarding house		•	
Overnight general purpose shelter		★	
MISCELLANEOUS USES			
Carnival or circus (temporary)	★	★	•
Hazardous waste management facility			
Placement of fill material			
Temporary construction or sales office	•	•	•
OFFICE USES			
Alternative financial establishment		S	
Financial institution without drive-in window		•	•
Financial institution with drive-in window		•	D

	Existing	Proposed	In-Lieu
Use	A(A)	CS	MU-1
Medical clinic or ambulatory surgical center		•	•
Office		•	•
RECREATION USES			
Country club with private membership	S	•	•
Private recreation center, club, or area	S	•	•
Public park, playground, or golf course	•	•	•
RESIDENTIAL USES			
College dormitory, fraternity, or sorority house		•	•
Duplex			•
Group residential facility			•
Handicapped group dwelling unit	★		•
Manufactured home park, manufactured home subdivision, or campground			
Multifamily			•
Residential hotel			
Retirement housing			•
Single family	•		•
RETAIL AND PERSONAL SERVICE USES			
Alcoholic beverage establishments.		S	S
Ambulance service		R	
Animal shelter or clinic without outside runs		R	•
Animal shelter or clinic with outside runs		R	
Auto service center		R	R
Business school		•	•
Car wash		R	R
Commercial amusement (inside)		★	S
Commercial amusement (outside)		D	S
Commercial motor vehicle parking		★	
Commercial parking lot or garage		R	R
Convenience store with drive-through		S	
Dry cleaning or laundry store		•	•
Furniture store		•	
General merchandise or food store 3,500 square feet or less		•	•
General merchandise or food store greater than 3,500 square feet		•	•
General merchandise or food store 100,000 square feet or more.			S
Mortuary, funeral home, or commercial wedding chapel.		•	•

	Existing	Proposed	In-Lieu
Use	A(A)	CS	MU-1
Home improvement center, lumber, brick or building materials sales yard		R	
Household equipment and appliance repair		•	
Liquefied natural gas fueling station		S	
Motor vehicle fueling station		•	•
Nursery, garden shop, or plant sales		•	•
Outside sales			
Paraphernalia shop		S	S
Pawn shop		•	
Personal service use		•	•
Restaurant without drive-in or drive-through service		R	R
Restaurant with drive-in or drive-through service		D	D
Surface parking			
Swap or buy shop		S	S
Taxidermist		•	
Temporary retail use		•	•
Theater		•	•
Truck stop		S	
Vehicle display, sales, and service		R	
TRANSPORTATION USES			
Airport or landing field			
Commercial bus station and terminal		D	
Heliport		S	
Helistop	S	S	
Private street or alley			
Railroad passenger station			
Railroad yard, roundhouse, or shops			
STOL (short take-off or landing port)			
Transit passenger shelter	•	•	•
Transit passenger station or transfer center	S	★	•
UTILITY AND PUBLIC SERVICE USES			
Commercial radio or television transmitting station		•	•
Electrical generating plant			
Electrical substation	S	•	•
Local utilities	★	★	•
Police or fire station	S	•	•
Post office		•	•
Radio, television, or microwave tower	S	R	•
Refuse transfer station			

	Existing	Proposed	In-Lieu
Use	A(A)	CS	MU-1
Sanitary landfill			
Sewage treatment plant			
Tower/antenna for cellular communication	★	★	•
Utility or government installation other than listed	S	S	•
Water treatment plant	S		
WHOLESALE, DISTRIBUTION, AND STORAGE USES			
Auto auction		S	
Building mover's temporary storage yard		S	
Contractor's maintenance yard		R	
Freight terminal		R	
Livestock auction pens or sheds			
Manufactured building sales lot		R	
Mini-warehouse		•	S
Office showroom/warehouse		•	
Outside storage		R	
Petroleum product storage and wholesale		S	
Recycling buy-back center		★	
Recycling collection center		★	•
Recycling drop-off container	★	★	•
Recycling drop-off for special occasion collection	★	★	•
Sand, gravel, or earth sales and storage		S	
Trade center		•	
Vehicle storage lot		S	
Warehouse		R	

Landscaping:

Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store 3,500 square feet or less use requires one parking space per 200 square feet of floor area. A general merchandise or food store greater than 3,500 square feet use requires one parking space per 200 square feet of floor area up to 10,000 square feet of floor area, one space per 220 square feet of floor area between 10,000 and 40,000 square feet of floor area, and one space per 250 square feet

of floor area greater than 40,000 square feet. The maximum floor area is 100,000 square feet. The motor vehicle fueling station requires two additional parking spaces. However, since this is a general zone change, the parking regulations in Section 51A-4.200 containing the specific off-street parking requirements for all permitted uses would be applicable.

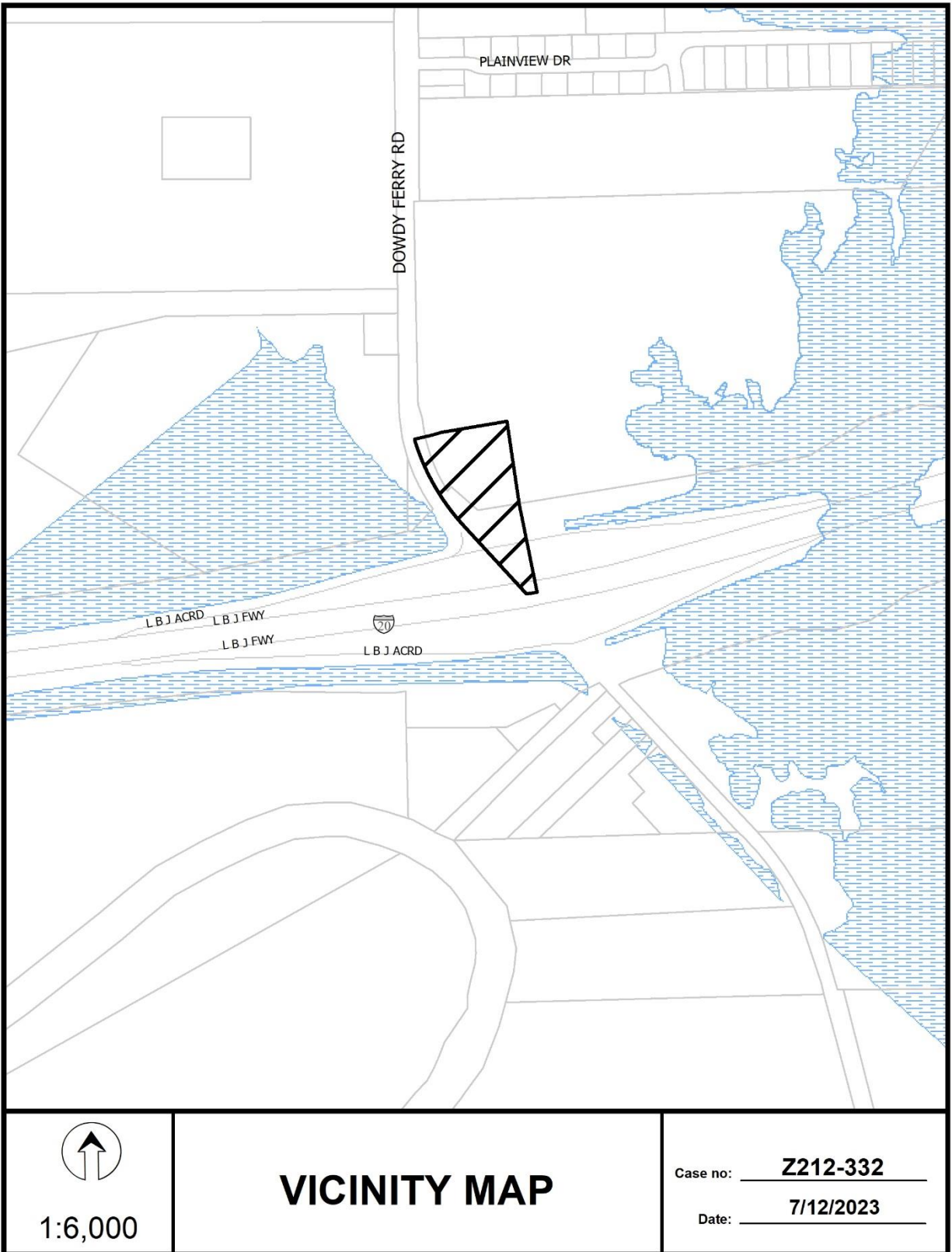
Market Value Analysis:

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

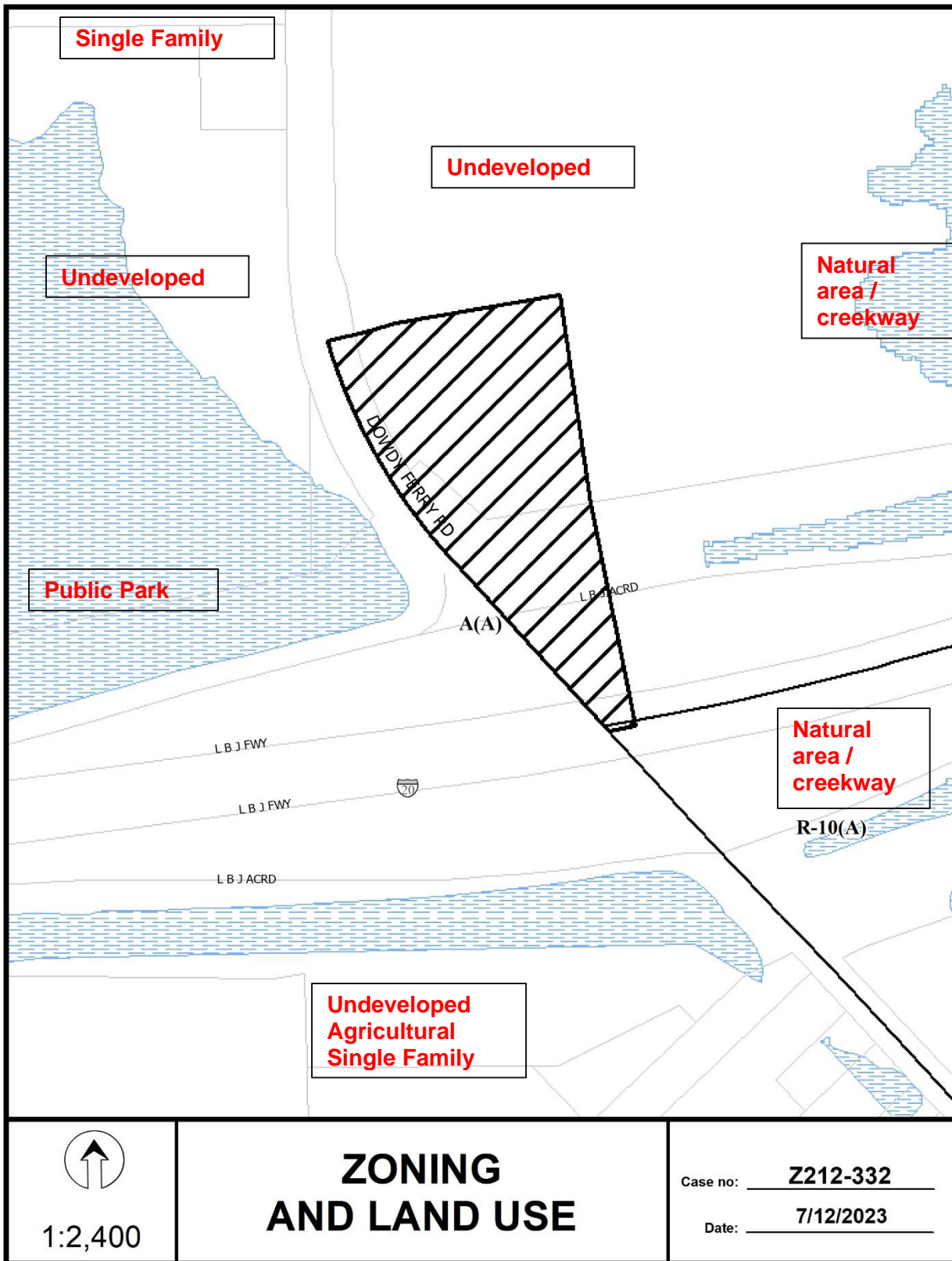
LIST OF PARTNERS / PRINCIPALS / OFFICERS

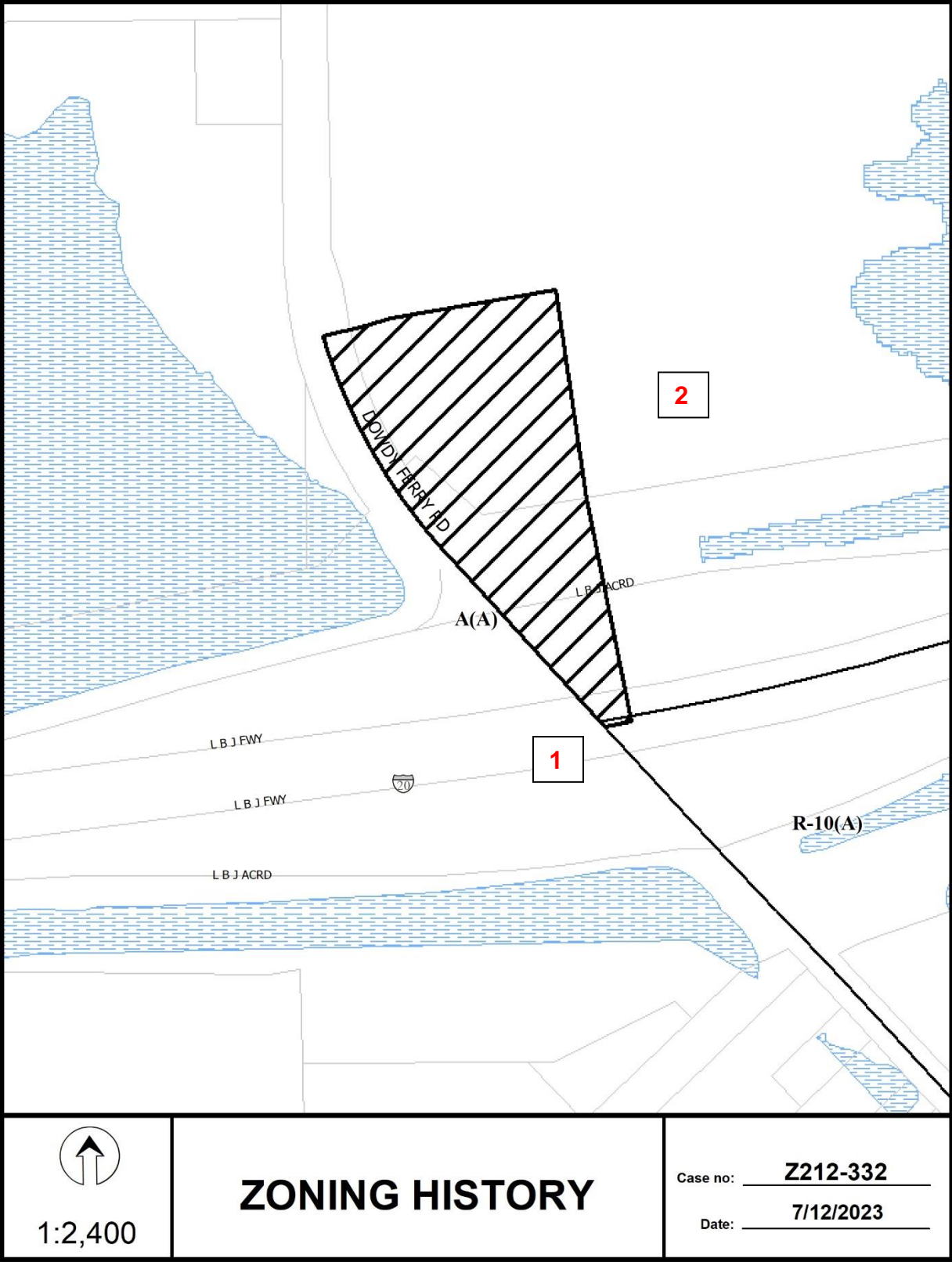
635 Dowdy Ventures Partners

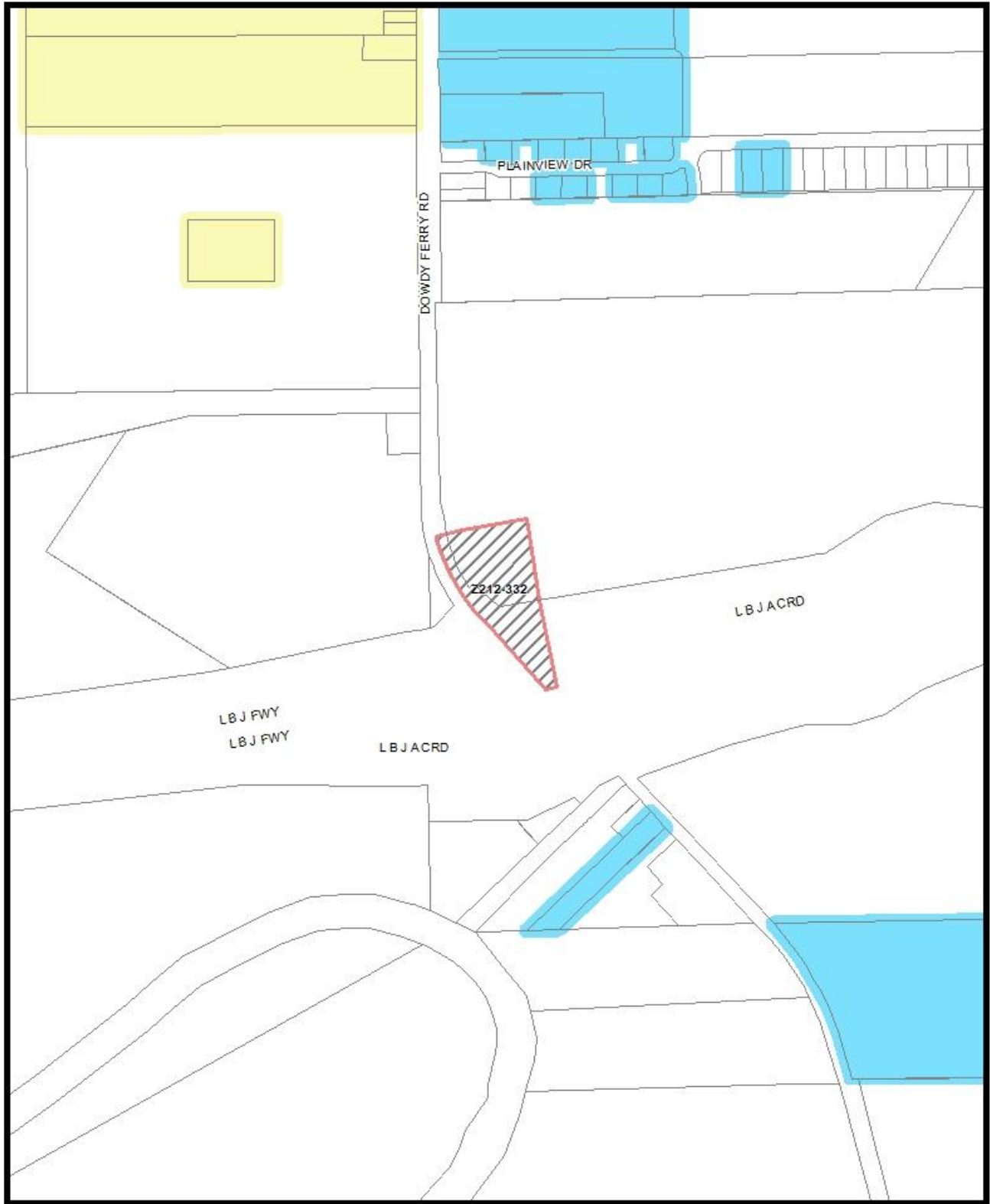
Bill Foose
Warren Wingert
Jason Wingert
Adelaide Wingert
Hugh Rucker Trust
Dowdy LTD. (Jim Dunaway)
Stanley Goldstein
Bulldog Holdings, LLC
M.W. Connell
Connell Properties, Inc.
Barbara Stewart
Rebekah Nix
John Nix
Carl Nix











Market Value Analysis A B C D E F G H I NA



1:6,000

Market Value Analysis

Printed Date: 7/12/2023

<p>The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.</p>	<p>El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.</p>
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The number '0' indicates City of Dallas Ownership

 <p>1:2,400</p>	<h2 style="margin: 0;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px; text-align: center;">300'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px; text-align: center;">1</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	<p>Case no: Z212-332</p> <p>Date: 7/12/2023</p>
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Z212-332(JM)

07/12/2023

Notification List of Property Owners

Z212-332

1 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2200 DOWDY FERRY RD	635 DOWDY VENTURE