

FILE NUMBER: Z201-288(LG)

DATE FILED: June 23, 2021

LOCATION: North line of West Mockingbird Lane, west of Maple Avenue

COUNCIL DISTRICT: 2

MAPSCO: 34 N

SIZE OF REQUEST: ±2.7 acres

CENSUS TRACT: 4.06

REPRESENTATIVE: William S. Dahlstrom, Jackson Walker, LLP

APPLICANT: Mockingbird Venture Partners, LLC

OWNER: Greenway-Mockingbird LP

REQUEST: An application for an amendment to Planned Development District No. 1028 for IR Industrial Research District uses and a general merchandise or food store greater than 3,500 square feet use.

SUMMARY: The purpose of the request is to modify standards primarily related to permitted uses allowed by right on the site.

CPC RECOMMENDATION: Approval, subject to conditions.

STAFF RECOMMENDATION: Approval, subject to conditions.

BACKGROUND INFORMATION:

- On January 22, 2020, the City Council approved the creation of Planned Development District No. 1028.
- The area of request is zoned Planned Development District No. 1028, consists of three parcels and a portion of the 2.7-acre site is currently undeveloped. The remainder contains three one-story buildings and developed with restaurant uses.
- On April 22, 2021, the City Plan Commission approved a request for a waiver of the two-year waiting period (W201-002) to amend PD No. 1028.
- The applicant is requesting to amend Sec. 51P-1028.107 Main Uses Permitted to include the following uses: liquor store and nursery, garden shop or plant sales. The only use permitted by right in PD No. 1028 is a general merchandise or food store greater than 3,500 square feet [limited to a maximum of 7,000 square feet] and IR Industrial Research uses.

Zoning History: There have been three zoning changes in the area in the past five years including the area of request.

1. **Z156-279:** On November 9, 2016, City Council approved an amendment to Planned Development District No. 759 on property generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue.
2. **Z167-308:** On September 26, 2018, City Council deferred indefinitely an application to amend Planned Development District No. 917 on property located on the northwest line of manor Way, between Maple Avenue and Denton Drive.
3. **Z189-304:** On January 22, 2020, the City Council approved the creation of Planned Development District No. 1028 on property zoned IR Industrial Research District on the west corner of West Mockingbird Lane and Maple Avenue. [subject site]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
West Mockingbird Lane	Principal Arterial	100 feet
Maple Avenue	Community Collector	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested renewal and determined it will not significantly impact the surrounding street system.

STAFF ANALYSIS:**Comprehensive Plan:**

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

The applicant's request complies with the following goals and policies of the Comprehensive Plan.

ECONOMIC ELEMENT**GOAL 2.1 PROMOTE BALANCED GROWTH**

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

Surrounding Land Uses:

	Zoning	Land Use
Site	Planned Development District No. 1028	Undeveloped, Restaurant with Drive-Through Service, Restaurant Without Drive-Through Service
Northwest	IR Industrial Research and PD No. 759 (Subdistrict 1)	Warehouse, Undeveloped Land
North	IR Industrial Research	Restaurants with Drive-Through Service
Northeast	IR Industrial Research	Motor Vehicle Fueling Station, Mini-Warehouse
East/ Southeast	MU-2 Mixed-Use	Multifamily
Southwest	PD No. 759 (Subdistrict 1)	Vacant Building
West	PD No. 759 (Subdistrict 1)	Undeveloped Land

Land Use Compatibility:

The 2.7-acre area of request is zoned PD No. 1028 and is partially developed with two one-story buildings containing a restaurant with drive-through service, a restaurant without drive-through service and additional vacant suites.

Uses surrounding the area of request include a vacant building to the southwest, undeveloped tracts of land to the west and northwest, a warehouse use is also to the northwest. Restaurant with drive-through service uses are to the north across Maple Avenue and a mini-warehouse use are located to the northeast as well. Lastly, a large multifamily use is found to the east and southeast across West Mockingbird Lane.

The applicant is requesting to add the additional uses to complement the surrounding uses and allow for future development for the whole site to be successfully activated. The additional uses are liquor store and nursery, garden shop, and plant sales. Staff does not see these additional uses to detrimental to the surrounding areas, therefore, staff is in support of this request.

The applicant had previously proposed additional design standards for the PD, which includes parking only in the rear or on the sides of a proposed building and no off-street parking spaces to be located between the front façade of a building and adjacent West Mockingbird Lane or Maple Avenue in Phase II. The standards will also have provisions for service areas to be not visible from the public right of way and screening for shopping carts. However, the applicant has removed these design standards with the most recently submitted PD conditions.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Primary Uses
	Front	Side/Rear				
Existing: PD No. 1028	5'	30' adjacent to residential OTHER: No Min.	200' 15 stories	80%	2.0 FAR overall 0.75 office/ retail 0.5 retail	General merchandise or food store greater than 3,500 square feet (max. size: 7,000 SF); IR Industrial Research uses
Proposed: PD No. 1028	5'	30' adjacent to residential OTHER: No Min.	200' 15 stories	80%	2.0 FAR overall 0.75 office/ retail 0.5 retail	Business school; convenience store w/ drive-through; liquor store; nursery, garden shop or plant sales; GMFS greater than 3,500 SF (max:7,000 SF); IR Industrial Research uses

Parking:

The proposed parking ratio is of four spaces per 1,000 square feet of floor area [or one space per 250 square feet of floor area] for retail and personal service uses, except for restaurants. For other uses, the applicant must comply with the use regulations in Division

51A-4.200 for the specific off-street parking and loading requirements. The applicant is not requesting any changes to the parking requirements in PD 1028 with this request.

Landscaping:

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

Market Value Analysis:

Market Value Analysis (MVA) is a tool to aid residents and policymakers 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 target intervention strategies more precisely 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 area of request is considered to be uncategorized. However, it is in proximity to an “E” MVA Cluster to the southeast across W Mockingbird Lane.

CPC ACTION

October 21, 2021

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 1028 for IR Industrial Research District uses and a general merchandise or food store greater than 3,500 square feet use, subject to revised conditions; as briefed, on the north line of West Mockingbird Lane, west of Maple Avenue.

Maker: Hampton

Second: Rubin

Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Anderson, Shidid,
Carpenter, Jackson, Blair, Jung, Suhler, Haqq,
Stanard, Kingston, Rubin

Against: 0

Absent: 0

Vacancy: 2 - District 3, District 10

Notices: Area: 500 Mailed: 22

Replies: For: 3 Against: 0

Speakers: For: Jonathan Vinson, 2323 Ross Ave., Dallas, TX, 75201

For (Did not speak): Jorge Ramirez, 8117 Preston Rd., Dallas, TX, 75225

Against: None

CPC ACTION

September 23, 2021

Motion: In considering an application for an amendment to Planned Development District No. 1028 for IR Industrial Research District uses and a general merchandise or food store greater than 3,500 square feet use on the north line of West Mockingbird Lane, west of Maple Avenue, it was moved to **hold** this case under advisement until October 21, 2021.

Maker: Hampton
Second: Suhler
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Shidid, Carpenter,
Jackson, Blair, Jung, Suhler, Schwope, Murphy*,
Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 2 - District 4, District 10

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 22
Replies: For: 0 Against: 0

Speakers: For: Jonathan Vinson, 2323 Ross Ave., Dallas, TX, 75201
For (Did not speak): Jorge Ramirez, 8117 Preston Rd., Dallas, TX, 75225
Against: None

List of Officers/Partners/Principals

Mockingbird Venture Partners, LLC

A Delaware Limited Liability Company

Sole Managing Member: Highridge Asset Management, Inc.

A California Corporation.

Highridge Asset Management, Inc.

- John S. Long President
- Steven A Berlinger Executive VP/CFO
- Jack L Mahoney VP
- Eugene S. Rosenfield VP
- Parviz Vaghti VP
- Linda Kasai VP/Secretary

Highridge Asset Management, LLC – Directors

- John S. Long
- Steven A Berlinger

Greenway-Mockingbird, LP

A Texas Limited Partnership

General Partner: Greenway-Mockingbird GP, LLC

A Texas Limited Liability Company

Greenway-Mockingbird GP, LLC – Officers

- Gerald Stool, Manager
- Todd Petty, Vice-President of General Partners

CPC RECOMMENDED PD CONDITIONS

ARTICLE 1028.

PD 1028.

SEC. 51P-1028.101. LEGISLATIVE HISTORY.

PD 1028 was established by Ordinance No. 31436, passed by the Dallas City Council on January 22, 2020. (Ord. 31436)

SEC. 51P-1028.102. PROPERTY LOCATION AND SIZE.

PD 1028 is established on property located at the west corner of Maple Avenue and Mockingbird Lane. The size of PD 1028 is approximately 2.723 acres. (Ord. 31436)

SEC. 51P-1028.103. 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 nonresidential zoning district. (Ord. 31436)

SEC. 51P-1028.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 1028A: conceptual plan.
- (2) Exhibit 1028B: Phase I development plan. (Ord. 31436)

SEC. 51P-1028.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 1028A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls. (Ord. 31436)

SEC. 51P-1028.106. DEVELOPMENT PLAN.

(a) Phase I. Development and use of the Property must comply with the Phase I development plan (Exhibit 1028B). If there is a conflict between the text of this article and the Phase I development plan, the text of this article controls.

(b) Phase II. A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this phase. If there is a conflict between the text of this article and the development plan, the text of this article controls. (Ord. 31436)

SEC. 51P-1028.107. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the IR Industrial/Research District, subject to the same conditions applicable in the IR Industrial/Research District, as set out in Chapter 51A. For example, a use permitted in the IR Industrial/Research 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 IR Industrial/Research District is subject to DIR in this district; etc.

- General merchandise or food store greater than 3,500 square feet *[limited to a maximum of 7,000 square feet]*. (Ord. 31436)
- Liquor Store [limited to a maximum of 3,500 square feet].
- Nursery, garden shop, or plant sales [limited to a maximum of 7,000 square feet].

SEC. 51P-1028.108. 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. (Ord. 31436)

SEC. 51P-1028.109. 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 IR Industrial/Research District apply.

(b) Front yard. Minimum front yard is five feet along Mockingbird Lane and Maple

Avenue. (Ord. 31436)

SEC. 51P-1028.110. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For retail and personal service uses, except for restaurant uses, 4.0 spaces per 1,000 square feet of floor area are required. (Ord. 31436)

SEC. 51P-1028.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 31436)

SEC. 51P-1028.112. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition. (Ord. 31436)

SEC. 51P-1028.113. SIGNS.

(a) In general. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) Phase I. One additional monument sign is permitted in the location shown on the conceptual plan. The monument sign may be a maximum of seven feet in height and six feet in width. Section 51A-7.304(b)(5) does not apply.

(c) Phase II. One monument sign is permitted along each street frontage of the Property for a maximum of two monument signs. Monument signs on the same premise may be a minimum of 100 feet apart. (Ord. 31436)

SEC. 51P-1028.114. ADDITIONAL PROVISIONS.

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

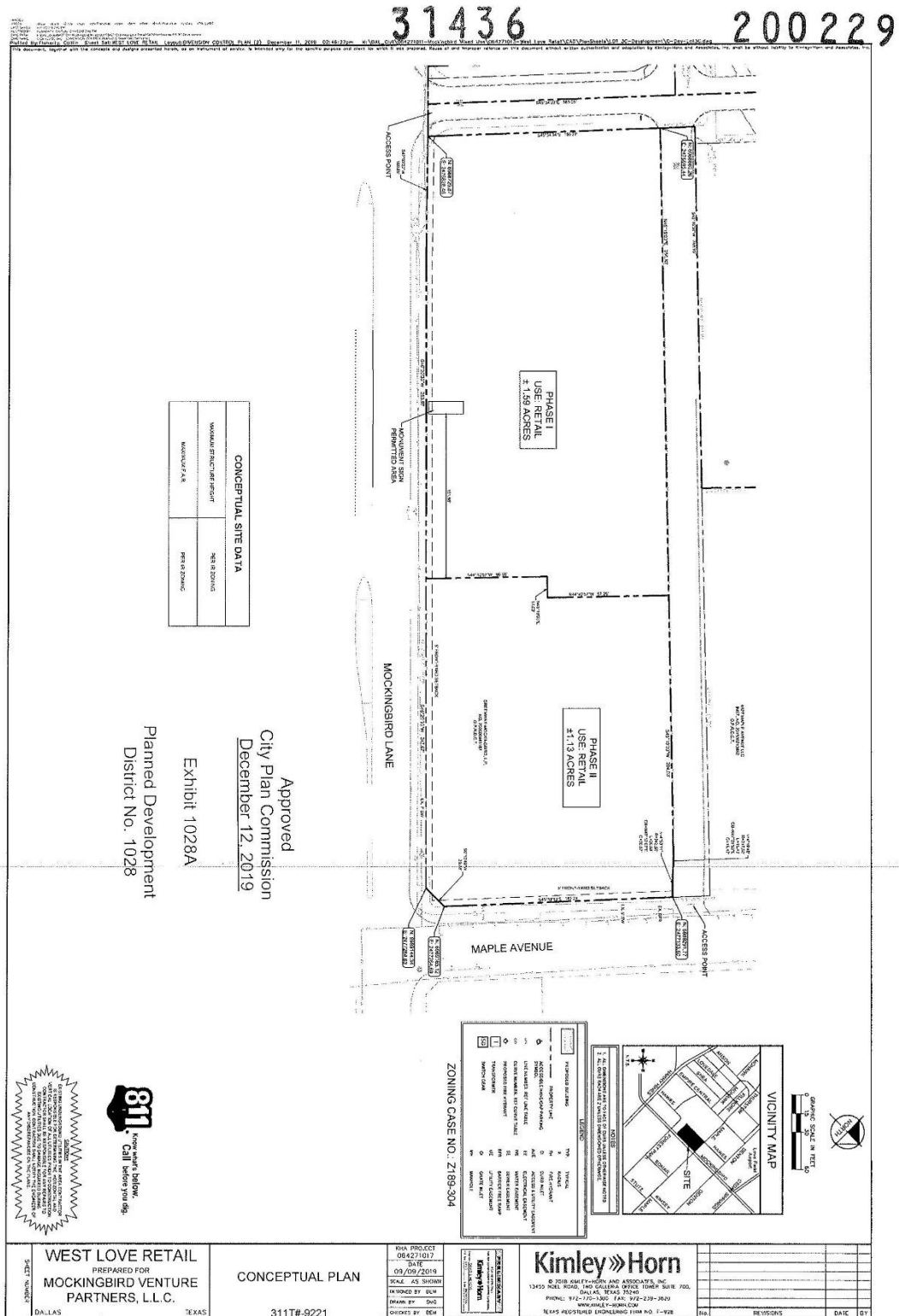
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. 31436)

SEC. 51P-1028.115. 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. (Ord. 31436)

EXISTING CONCEPTUAL PLAN (No Changes)



EXISTING DEVELOPMENT PLAN FOR PHASE I (No Changes)

31436

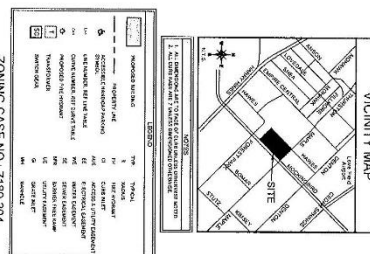
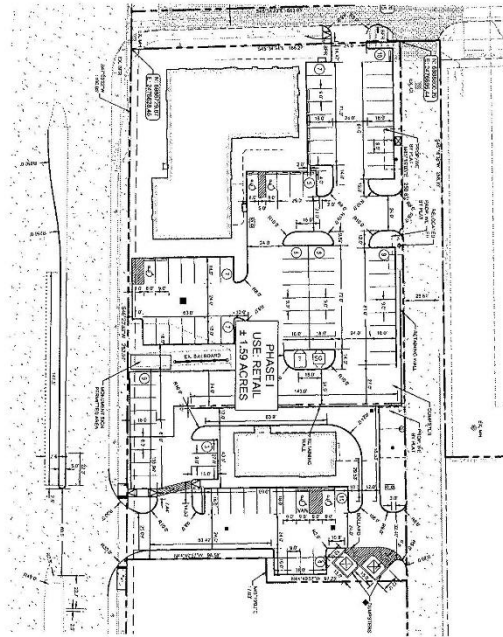
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Approved
City Plan Commission
December 12, 2019

Exhibit 1028B
Planned Development
District No. 1028

DEVELOPMENT SITE DATA	
SITE AREA	13.8 AC (59.14 S.F.)
TOTAL BUILDING FOOTPRINT	65,942 S.F. (3,008 S.F.)
CORPORATE	64,442 S.F. (2,918 S.F.)
LOT COVERAGES RATIO PARKING	100:25:20:25 S.F. (25:14:16:17%)
DEVELOPER FOR SALE	5,000 S.F.
LOCAL ZONING	5.00B (1:1) (25:14 S.F. 0.4:1.2%)
BLDG HEIGHTS	25' MAX. 24' MIN.

DEVELOPMENT PARKING DATA	
PARKING REQUIRED	NUMBER OF PARKING SPACES
OFFICE, RETAIL, PARKING	40
ADA PARKING	1
TOTAL PARKING REQUIRED	41
PARKING PROVIDED:	
ON-SITE PARKING	43
ADA PARKING	1
TOTAL PARKING PROVIDED	44



ZONING CASE NO.: Z189-304

SEVERAL MONTHS LATER, THE SELF-CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE ADDITIONAL AND NECESSARY PERMITS FOR THE CONSTRUCTION OF THE CONCRETE SLAB. THE CONTRACTOR'S OBLIGATION TO OBTAIN THE PERMITS IS DERIVED FROM THE CONTRACT DOCUMENTS, NOT FROM THE BUILDING DEPARTMENT'S REGULATION. THE CONTRACTOR'S OBLIGATION TO OBTAIN THE PERMITS IS DERIVED FROM THE CONTRACT DOCUMENTS, NOT FROM THE BUILDING DEPARTMENT'S REGULATION.

811 Know what's below.
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MOCKINGBIRD VENTURE
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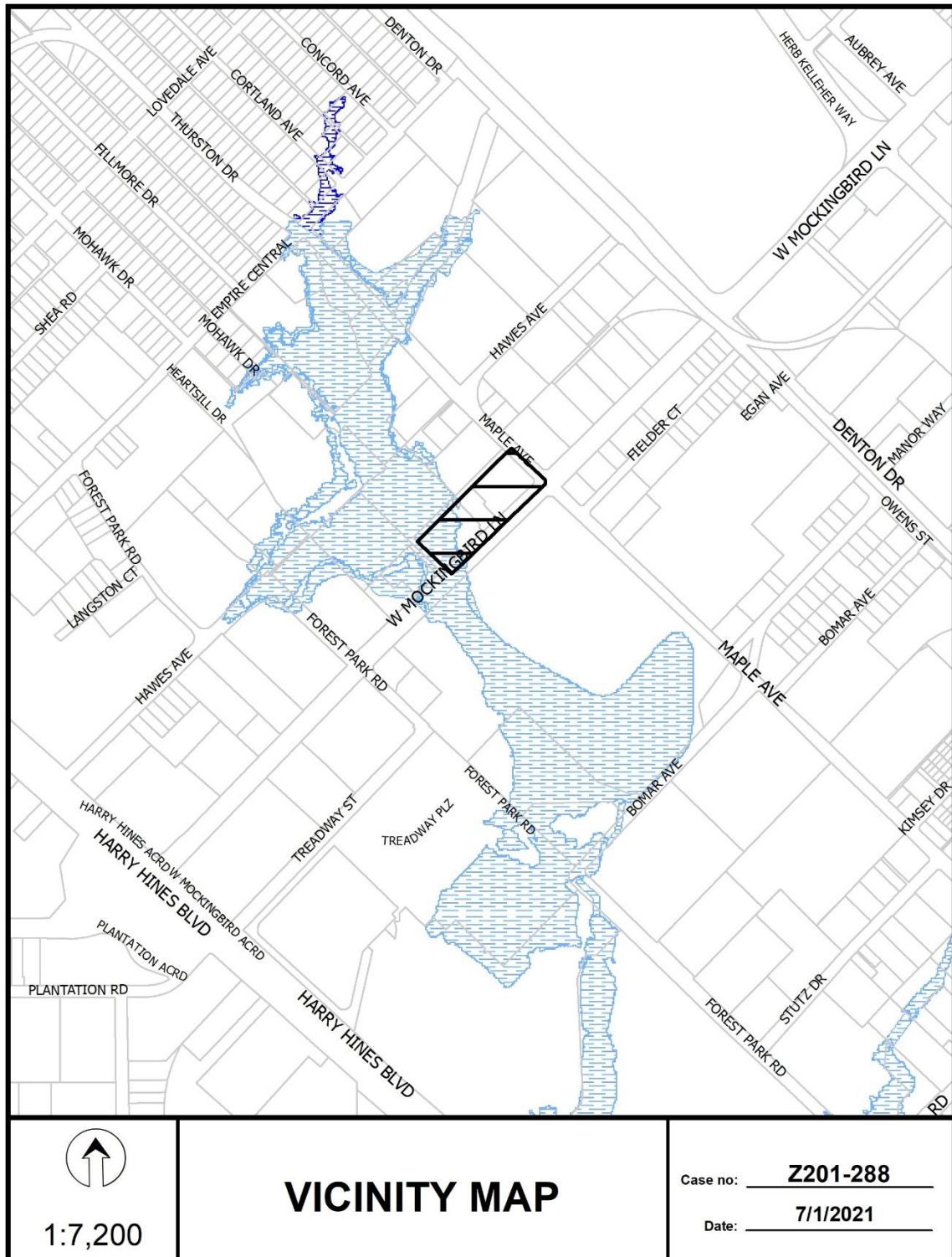
PHASE I
DEVELOPMENTAL PLAN

311T#-9221

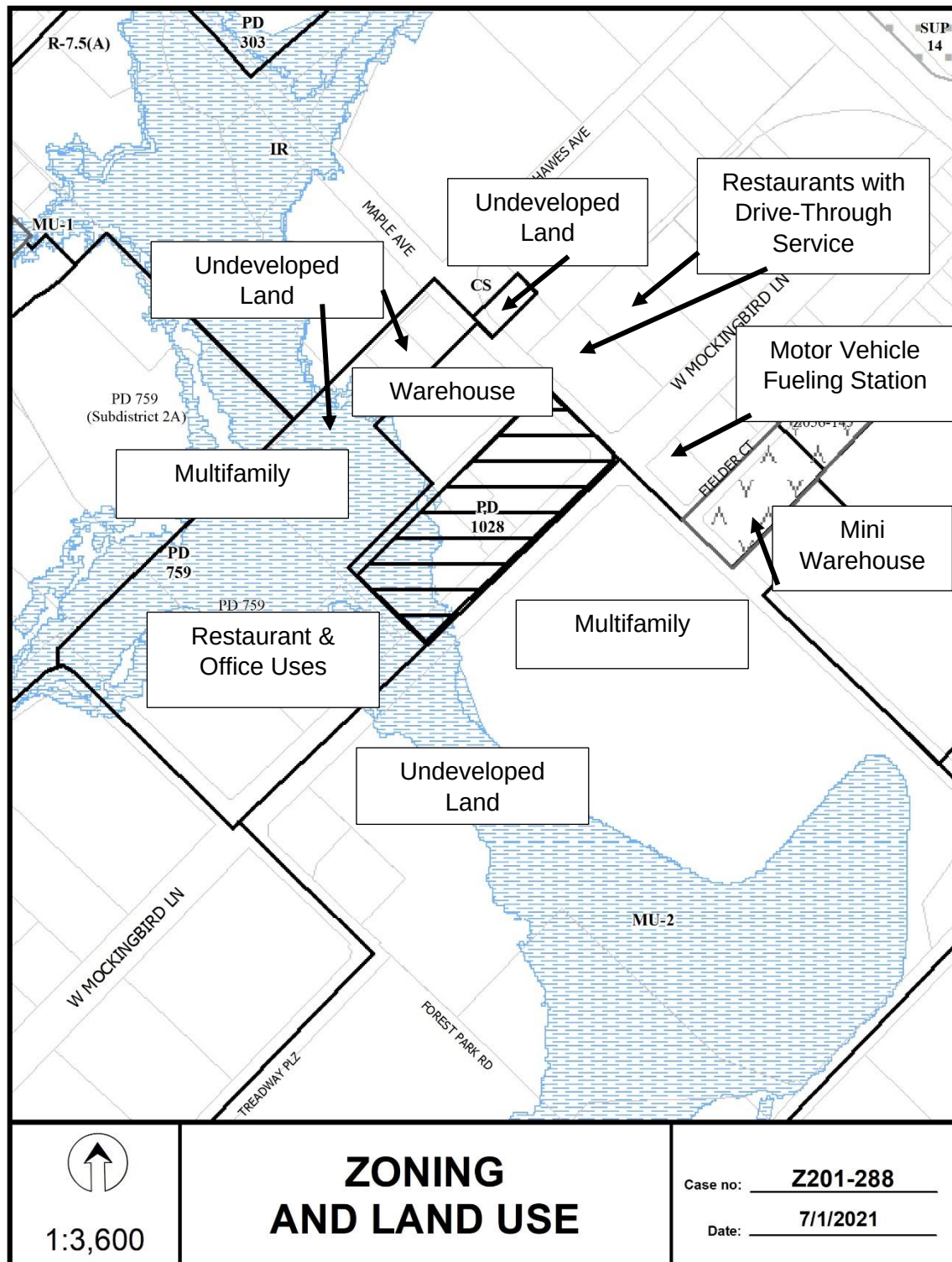
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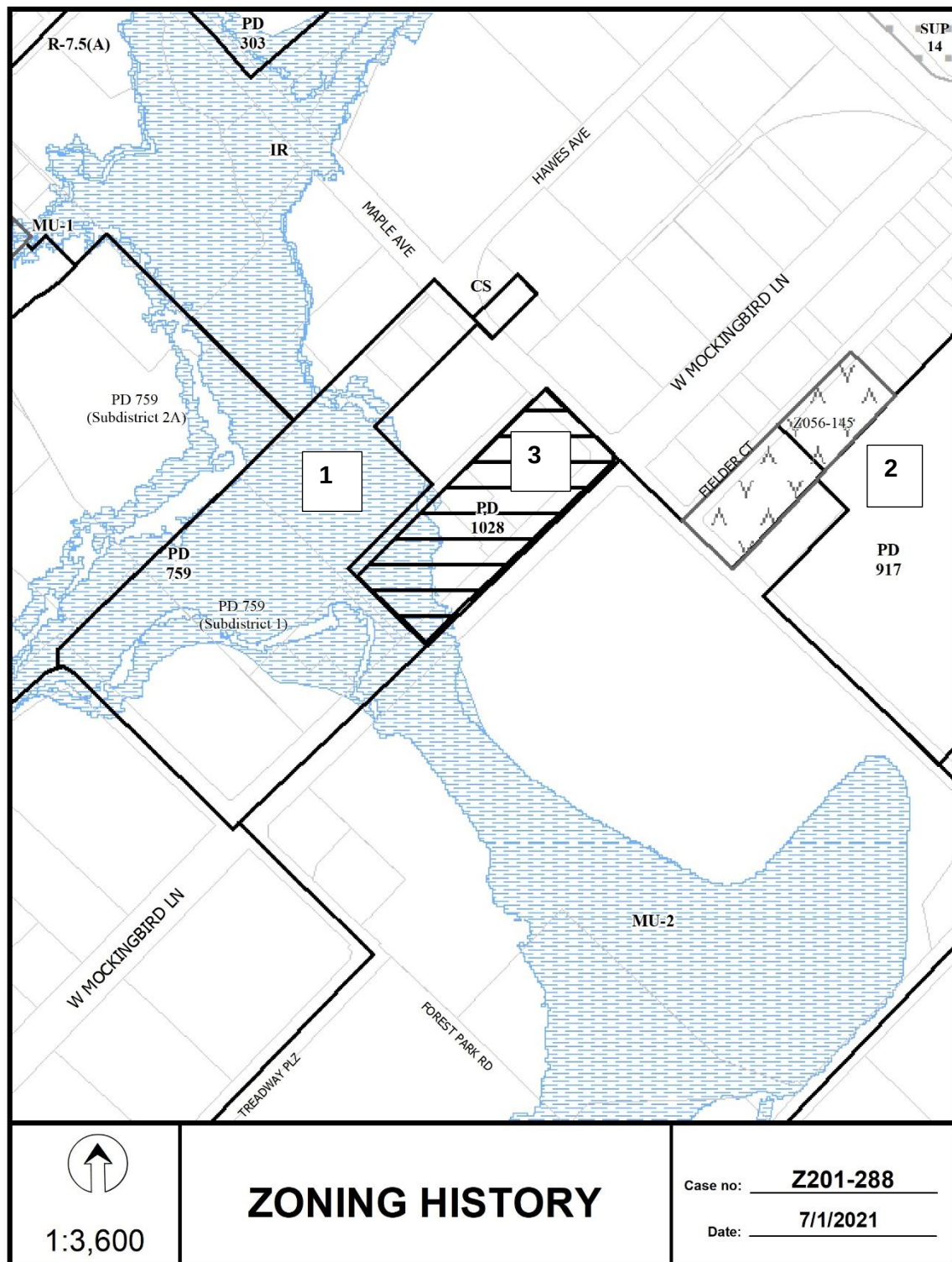
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DALLAS, TEXAS 75240
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WWW.KIMLEY-HORN.COM
TEXAS REGISTERED ENGINEERING FIRM NO. F-928

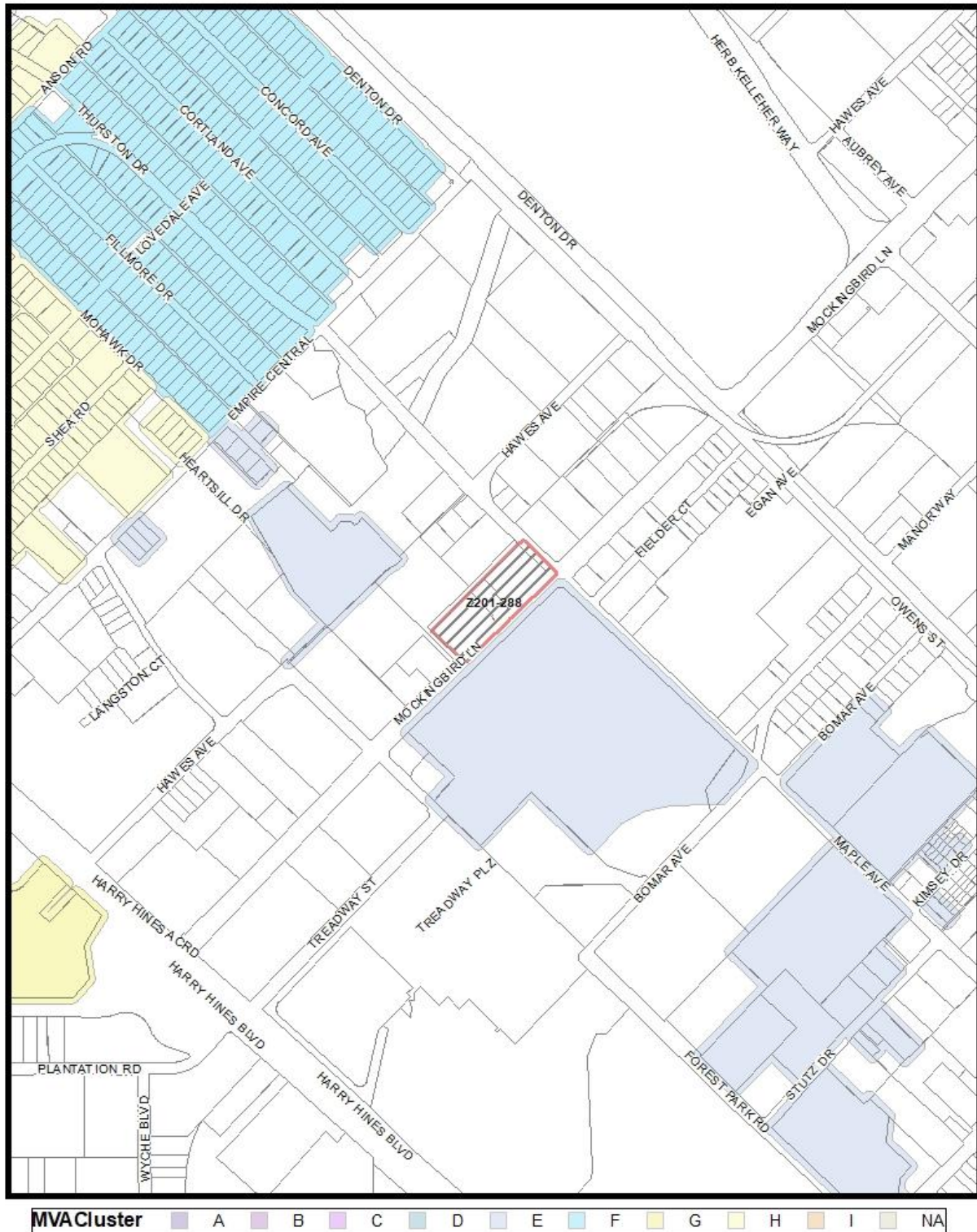
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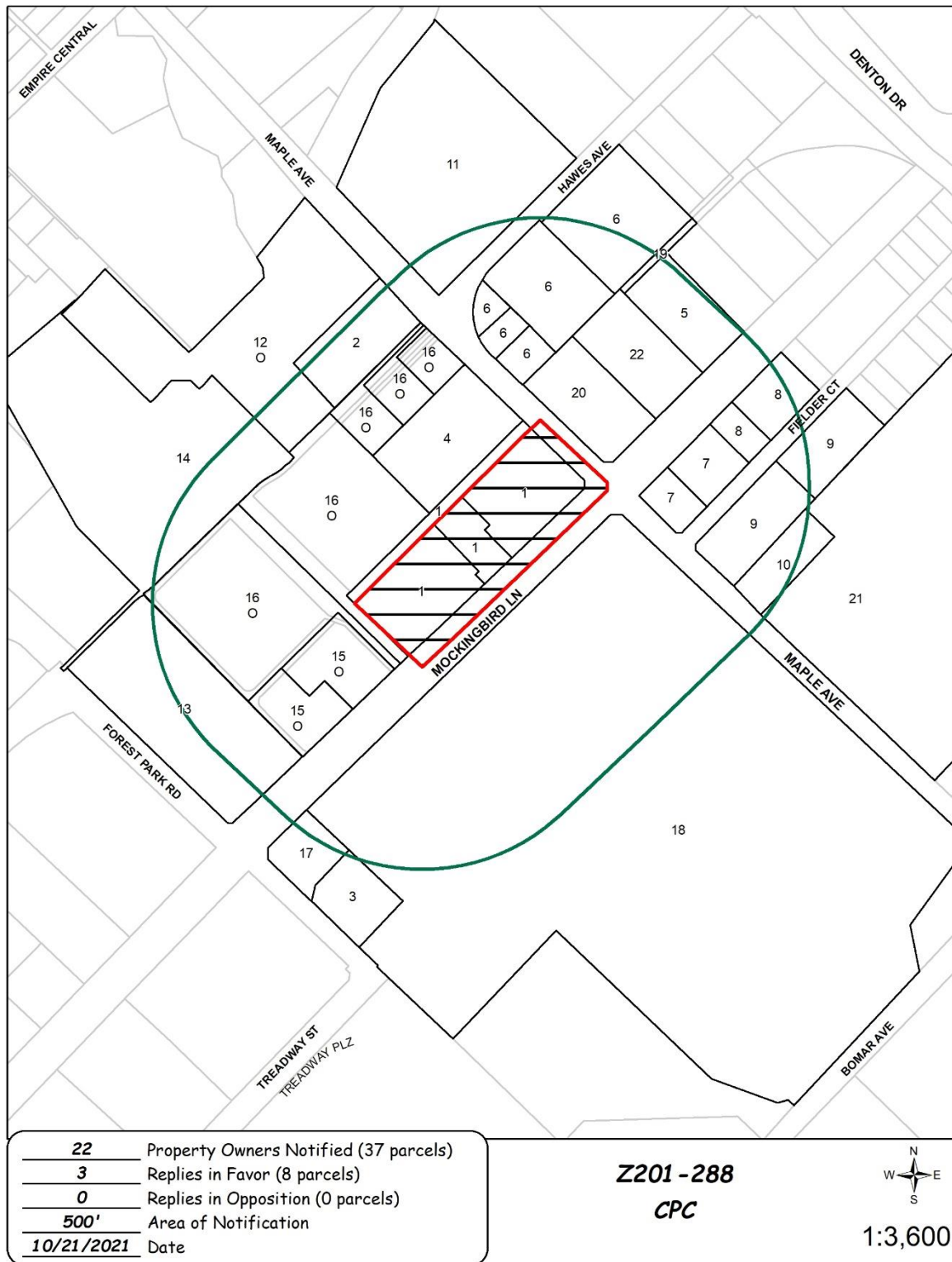




Market Value Analysis

Printed Date: 7/1/2021

CPC RESPONSES



10/20/2021

Reply List of Property Owners***Z201-288******22 Property Owners Notified******3 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	6619 MAPLE AVE	GREENWAY-MOCKINGBIRD LP
	2	6707 MAPLE AVE	ONCOR ELECRIE DELIVERY COMPANY
	3	6516 FOREST PARK RD	Taxpayer at
	4	6627 MAPLE AVE	6627 MAPLE AVENUE LLC
	5	2601 W MOCKINGBIRD LN	SPC MOCKINGBIRD DEPOT
	6	6638 MAPLE AVE	SOUTHWEST AIRLINES CO
	7	2500 W MOCKINGBIRD LN	MELNIC LTD
	8	2526 W MOCKINGBIRD LN	TREVINO PPTIES LTD
	9	6434 MAPLE AVE	6434 MAPLE PLACE LP
	10	6418 MAPLE AVE	FURSTENBERG INV LLC
	11	6700 MAPLE AVE	AN LUXURY IMPORTS LTD
O	12	6751 MAPLE AVE	MOCKINGBIRD VENTURE PARTNERS
	13	2333 W MOCKINGBIRD LN	M&M HOTEL VENTURE LLC
	14	2293 HAWES AVE	JEFFERSON WEST LOVE OWNER LLC
O	15	2337 W MOCKINGBIRD LN	MVP RETAIL PHASE 1 LLC
O	16	2343 W MOCKINGBIRD LN	MOCKINGBIRD VENTURE PARTNERS LLC
	17	2304 W MOCKINGBIRD LN	BRIGHT SEA INVESTMENTS LLC
	18	6401 MAPLE AVE	BOARD OF REG OF UNIV OF TX SYSTEM
	19	2608 W MOCKINGBIRD LN	Taxpayer at
	20	2503 W MOCKINGBIRD LN	Taxpayer at
	21	6333 DENTON DR	Taxpayer at
	22	2525 W MOCKINGBIRD LN	Taxpayer at