

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, JANUARY 12, 2022

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z201-320(CT)

DATE FILED: August 10, 2021

LOCATION: North line of Ridge Center Drive, west of Cedar Ridge Drive

COUNCIL DISTRICT: 3

MAPSCO: 4 O

SIZE OF REQUEST: ±22 acres

CENSUS TRACT: 165.21

REPRESENTATIVE: David Martin, Winstead PC

APPLICANT: JPI Real Estate Acquisition, LLC

OWNER: RaceTrac Petroleum, Inc.

REQUEST: An application for the termination of deed restrictions [Z834-127] on property zoned Planned Development District No. 1036.

SUMMARY: The purpose of the request is to allow for a multifamily development with an increased height on the site.

CPC RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

- The subject site contains approximately 22 acres. The existing zoning is Planned Development District No. 1036.
- The purpose is to remove deed restrictions restricting multifamily use, the height structures to 24 feet, and the requirement to not seek a building permit for any development before the approval of a landscape by the City Plan Commission.
- The site is currently undeveloped.
- On September 9, 2020, City Council approved an application for a Planned Development District (PD No. 1036) for multifamily uses on the subject site.
- On August 5, 2021, the City Plan Commission approved a two-year waiver (W201-003) for the site that enabled the applicant to submit this request.

Zoning History: There has been one zoning requests in the surrounding area in the past five years:

1. **Z190-231:** On September 9, 2020, City Council approved a Planned Development District for MF-2(A) Multifamily District uses on property zoned RR Regional Retail and NO(A) Neighborhood Office. [subject site]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Ridge Center Drive	Local	50 feet
Cedar Ridge Drive	Minor Arterial	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway 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 request complies with land use goals and policies of the Comprehensive Plan.

GOAL 1.1 Align land use strategies with economic development priorities.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

NEIGHBORHOOD PLUS PLAN

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

Surrounding Land Uses:

	Zoning	Land Use
Site	Planned Development District No. 1036	Undeveloped
North	A(A) Agricultural District	Undeveloped, Interstate Highway
East	RR Regional Retail	Fueling Station Auto Service Center
South	MF-1(A) Multifamily District SUP No.1474 RR – Regional Retail	Public School Undeveloped
West	NO(A) Neighborhood Office District	Undeveloped

Land Use Compatibility:

The subject site contains approximately 22 acres. The existing zoning is Planned development District No. 1036. The purpose of the request is to remove deed restrictions that restrict multifamily use, the height structures (24 feet), and the requirement to seek a building permit before the approval of a landscape plan before the issuance of a permit.

The current deed restriction will not allow for the development of the approved Planned Development District which allows multifamily uses and a maximum base height of 36 feet and a maximum height of 51 feet should the development meet mixed housing income bonus conditions. Surrounding land uses include a school to the south, undeveloped tracts to the west and north, and single family east across Cedar Ridge Drive in the City of Duncanville.

Staff supports the removal of the deed restrictions on the site to allow for the previously approved development of the site.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
Proposed: PD No. 1036	15'	0' for SF 5-15' Others	No maximum	36' 51' with MIHB	60% for res. 50% for non res.	MIHB Open Space	Multifamily

Per the previously approved Planned Development District, the subject has a base height of 36 feet and a maximum height of 51 feet should the development minimum of five percent of the total number of units are provided at income band 2.

Parking:

Pursuant to the ordinance for Planned Development District No. 1036, off-street parking must be provided in accordance with Division 51A-4.200. Multifamily developments are parked at one parking space per bedroom and requires 592 parking spaces for this development, based on the development plan parking has been met as the site is providing 612 parking spaces for the site.

Landscaping:

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

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 to the southeast are within Category "E."

List of Partners/Principals/Officers

RaceTrac Petroleum, Inc. (Owner)

Robert Dumbacher - Director

Carl Bolch, Jr. - Chairman

Susan Bolch - Director

Max Lenker - Director

Allison Moran - Director

Bill Milam - President

Melanie Isbill - Director

Natalie Morhous - Director

Joedan Bolch - Director

Max McBrayer, Jr. - Chief Financial Officer

Joseph Akers - Chief Legal Officer

JPI Acquisition, LLC

Payton Mayes, Chief Executive Officer

Mollie Fadule, Chief Financial Officer & Chief Investment Officer

Missy Hubbell, Chief People Officer

Michael Shepard, Chief Innovation Officer

Patty Bartlett, Executive Vice President

Miller Sylvan, Senior Vice President

Blake Taylor, Senior Vice President

David Potter, Vice President

Beth Beach, Senior Vice President

CPC ACTION
NOVEMBER 4, 2021

Motion: It was moved to recommend **approval** of the termination of deed restrictions [Z834-127] on property zoned Planned Development District No. 1036, on the north line of Ridge Center Drive, west of Cedar Ridge Drive.

Maker: Blair
Second: Suhler
Result: Carried: 12 to 0

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

Against: 0
Absent: 0
Vacancy: 3 - District 1, District 3, District 10

Notices: Area: 400 Mailed: 12
Replies: For: 1 Against: 1

Speakers: For: David Martin, 2728 N. Harwood St., Dallas, TX, 75201
Rusty Ross, 600 E. Las Colinas Blvd., Irving, TX, 75039
Tommy Mann, 500 Winstead Building, Dallas, TX, 75201
Against: None

CPC ACTION
October 21, 2021

Motion: In considering an application for the termination of deed restrictions [Z834-127] on property zoned Planned Development District No. 1036, on the north line of Ridge Center Drive, west of Cedar Ridge Drive, it was moved to **hold** this case under advisement until November 4, 2021.

Maker: Blair
Second: Suhler
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: 400 Mailed: 12
Replies: For: 1 Against: 1

Speakers: For: David Martin, 2728 N. Harwood St., Dallas, TX, 75201
Against: None

Deed Restrictions (to be terminated)

841807

DEED RESTRICTIONS

0513

9,000 DEED
105/01/84

THE STATE OF TEXAS
COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, TODD & HUGHES CONSTRUCTION CORPORATION, is the owner of the following described property situated in Dallas County, Texas, being in particular a 31.735 acre tract of land out of the A. J. Wilson Survey, Abstract No. 1534, recorded in Vol. 84028, Page 0085, of the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit "A" (attached hereto and incorporated herein for all purposes) and hereinafter referred to as the "Original Tract."

That the undersigned does hereby impress the Original Tract with the following deed restriction, to-wit:

The undersigned, its successors and/or assigns, do hereby agree that there shall be no multiple family dwelling units constructed or multiple family uses conducted on the property.

That the undersigned does hereby impress 20.00 acres of the Original Tract, being more particularly described in Exhibit "B" (attached hereto and incorporated herein for all purposes), hereinafter referred to as the "Subject Tract," with the following deed restrictions, to-wit:

1. The undersigned, its successors and/or assigns, do hereby agree that no structure on the property shall exceed twenty-four (24) feet in height, except for structures containing hotel/motel uses which shall not exceed seventy-two (72) feet in height; and
2. The undersigned, its successors and/or assigns, do hereby agree not to seek a building permit for any development on the Subject Tract until a landscape plan is submitted to the City of Dallas and is approved by its City Plan Commission.

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein.

These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City

DEED RESTRICTIONS - Page 1 of 2

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2834-127/3406-5

34108 4794

841807

of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the property described herein.

The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

These restrictions inure to the benefit of the City of Dallas, and the undersigned owners hereof do grant to the City of Dallas the right to prosecute, at law and in equity, against the person violating or attempting to violate such restrictions, either to prevent him from so doing and to correct such violation and for further remedy, the City of Dallas may withhold the Certificate of Occupancy necessary for the lawful use of the property until such restrictions described herein are fully complied with.

These restrictions are hereby declared covenants running with the land and shall be fully binding upon the persons acquiring property within the described tract, and any person by acceptance of title to any of the described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

TODD & HUGHES CONSTRUCTION CORPORATION

By: [Signature]
Its: VICE PRES

THE STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Cliff Todd, VICE PRES. of TODD & HUGHES CONSTRUCTION CORPORATION, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said TODD & HUGHES CONSTRUCTION CORPORATION, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 17 day of May, 1984.

[Signature]
Notary Public in and For
The State of Texas

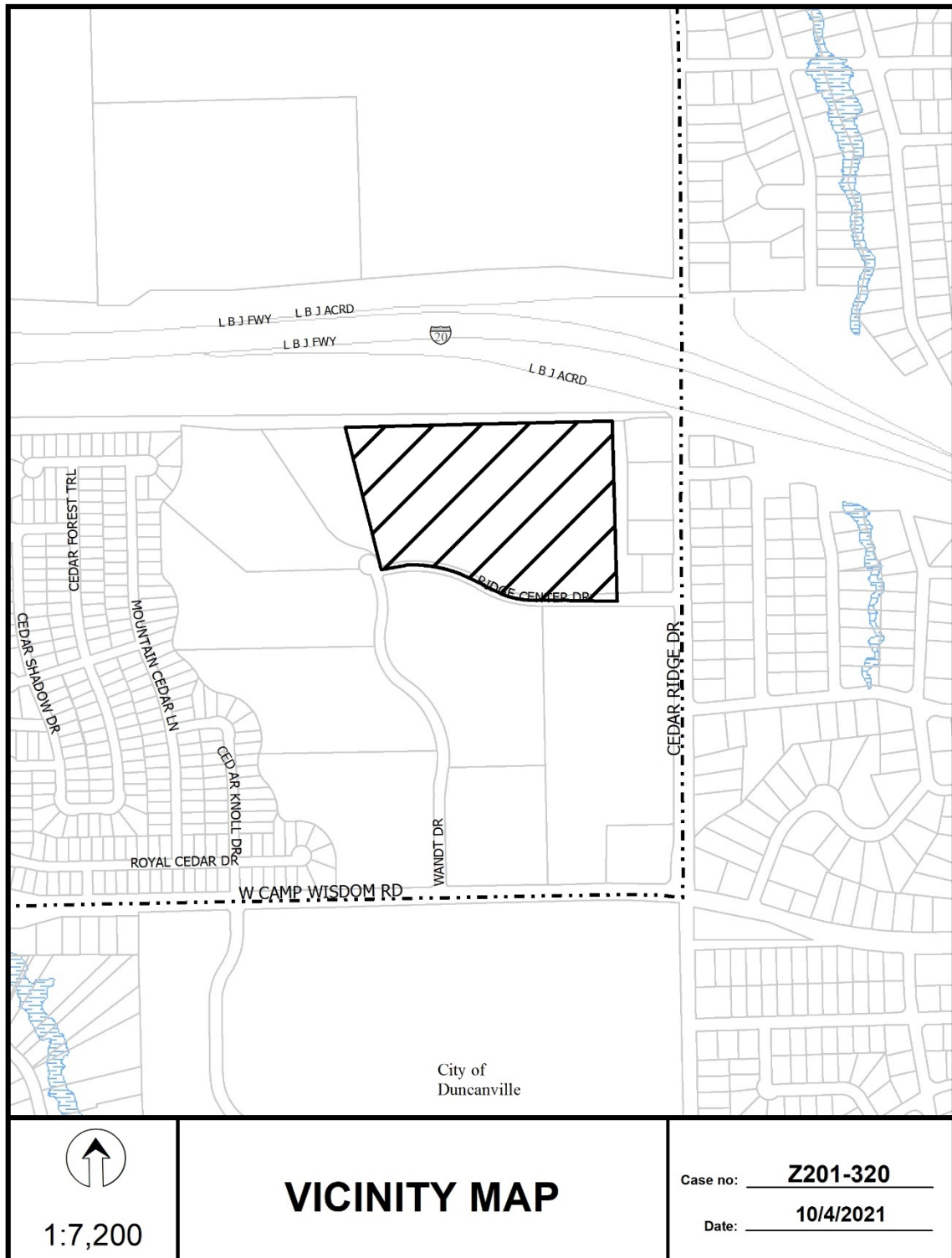
KATHRYN ROAN
(Print Name of Notary Public Here)

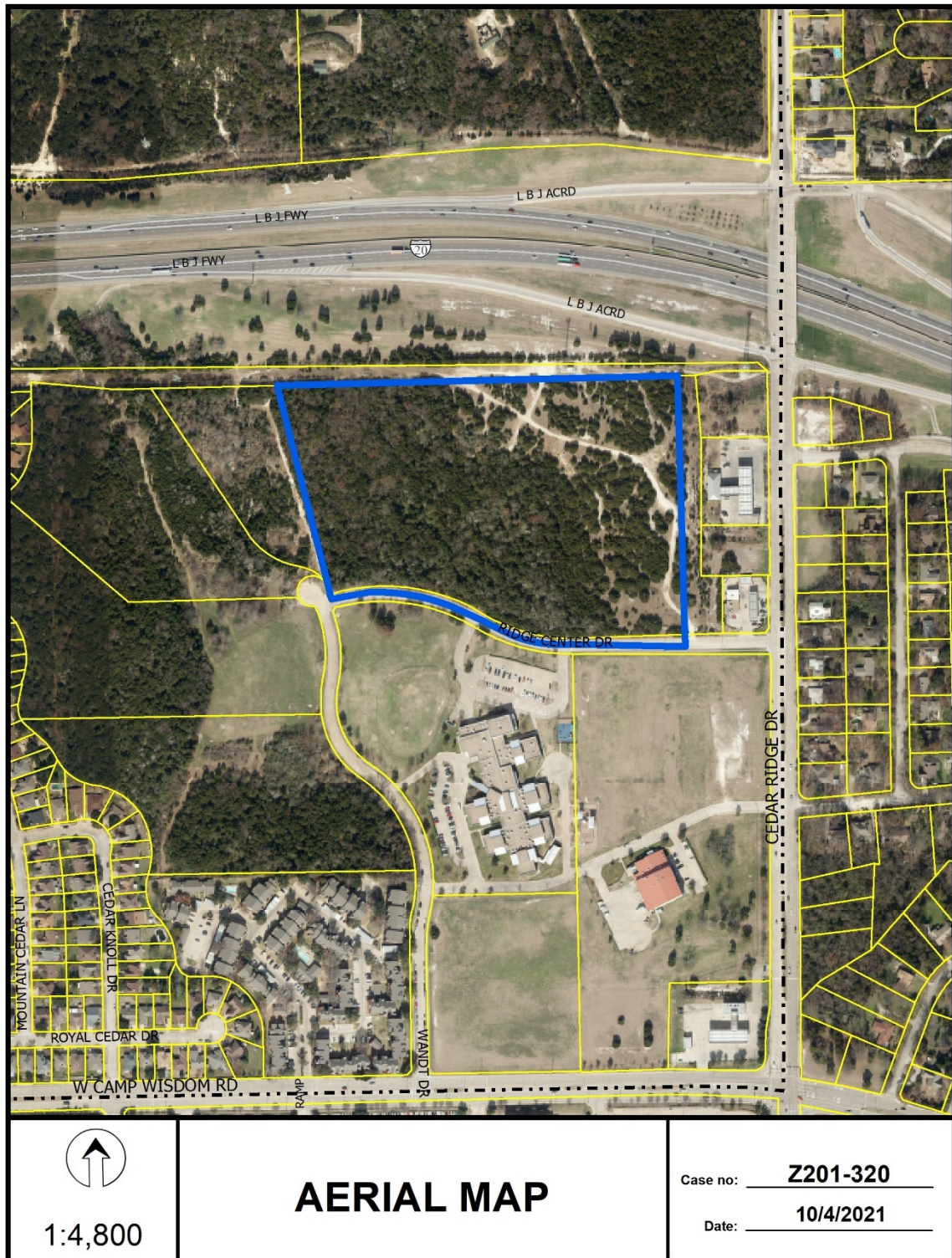
My Commission Expires:
8-25-85

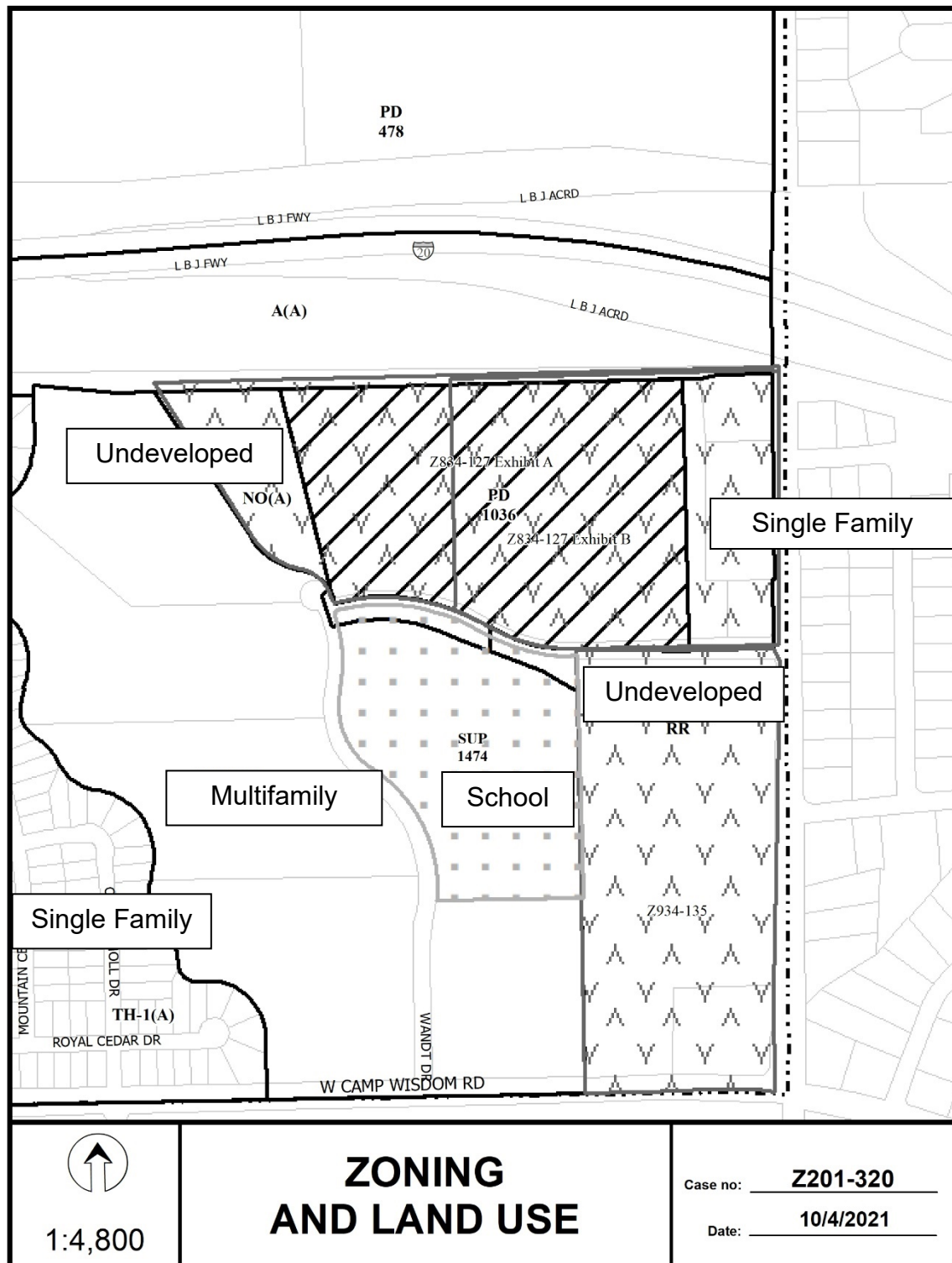
DEED RESTRICTIONS - Page 2 of 2

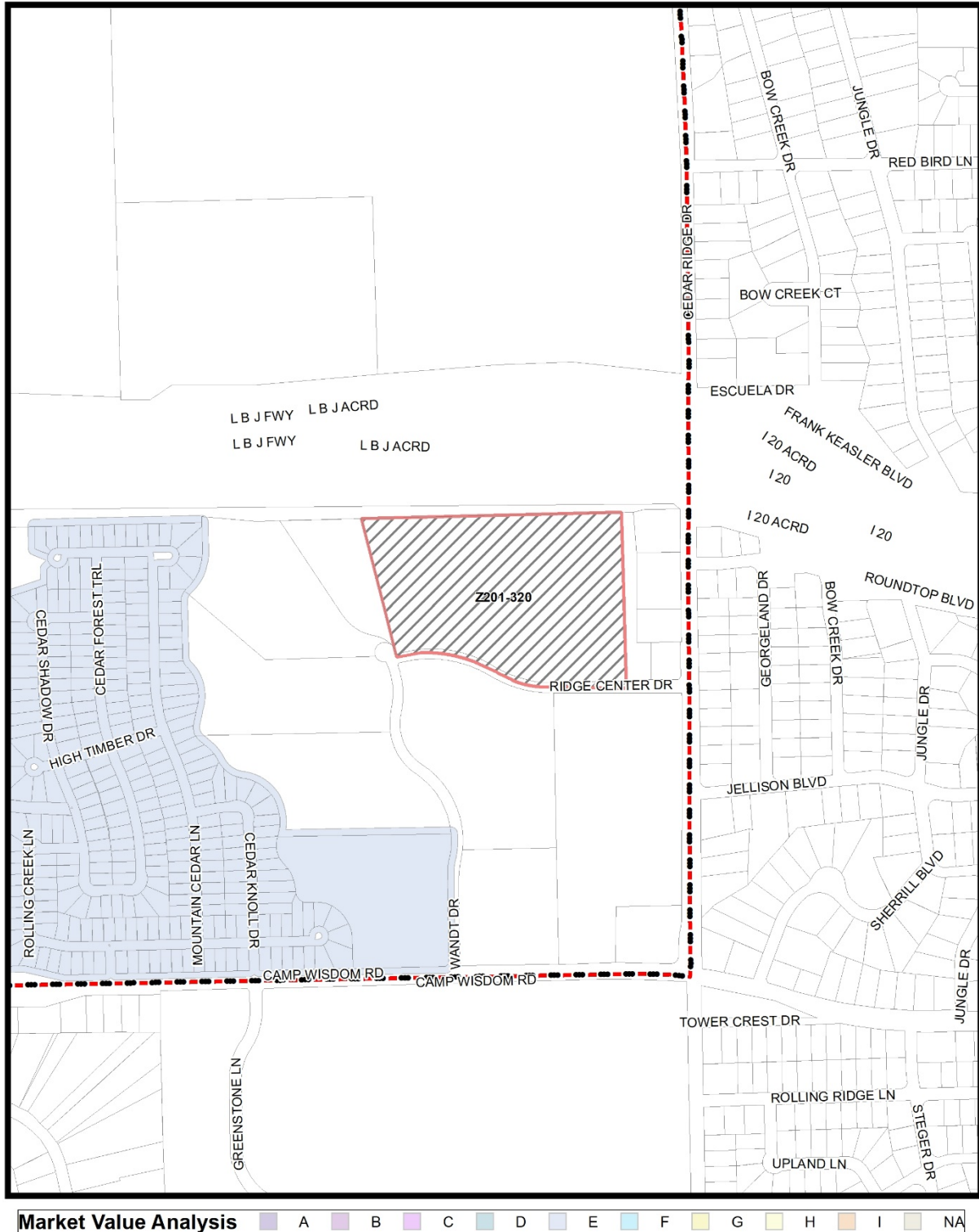
Approved and attested to:
ANALESLIE MURPHY, City Attorney

By: [Signature] 6795
Assistant City Attorney







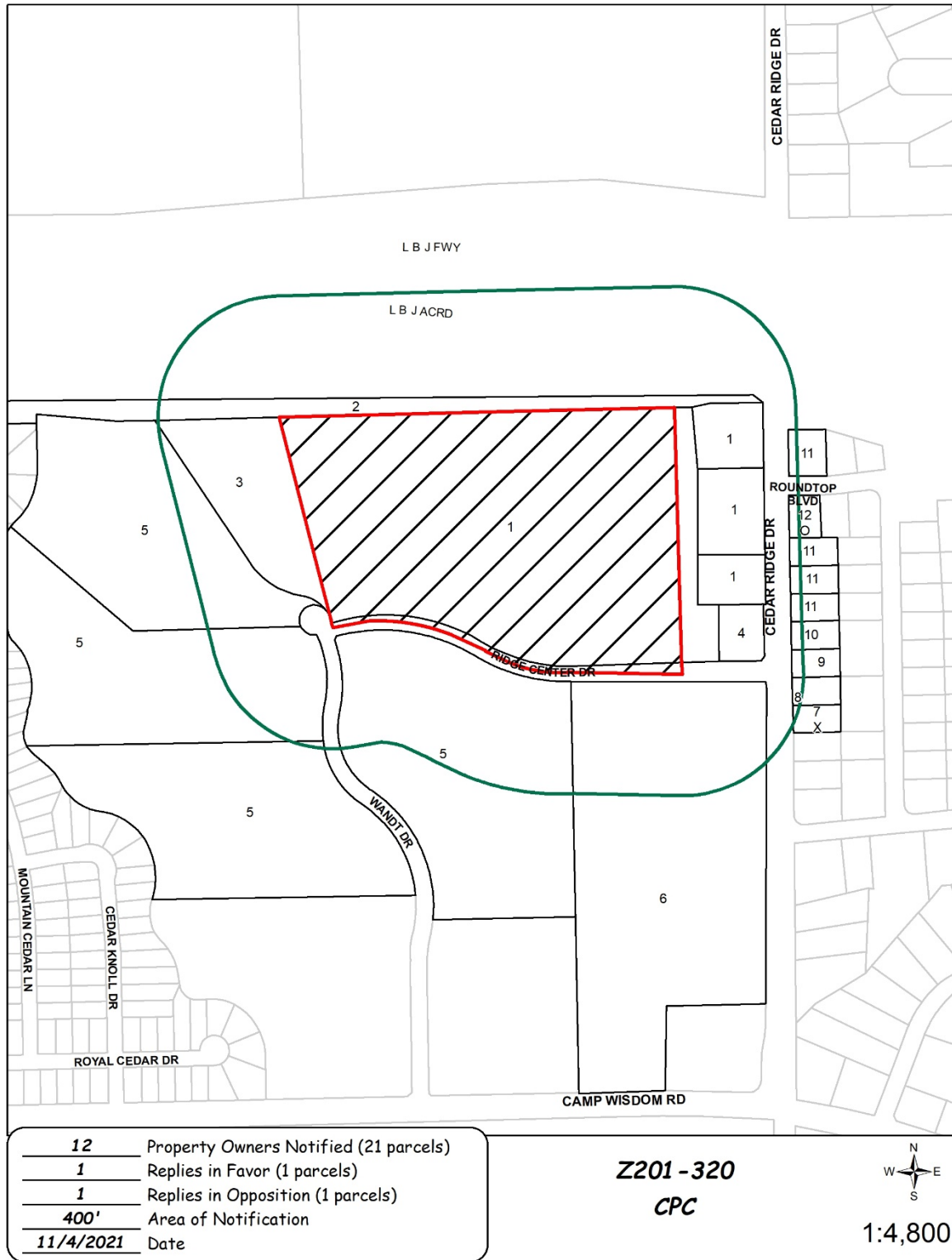


1:7,200

Market Value Analysis

Printed Date: 10/4/2021

CPC RESPONSES



11/03/2021

Reply List of Property Owners

Z201-320

12 Property Owners Notified 1 Property Owners in Favor 1 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	6675 CEDAR RIDGE DR	RACETRAC PETROLEUM INC
	2	40900 LBJ FWY	ONCOR ELECRTC DELIVERY COMPANY
	3	6200 RIDGE CENTER DR	FIGUEROA GUILLERMO
	4	6767 CEDAR RIDGE DR	FARABI INVESTMENT INC
	5	6367 W CAMP WISDOM RD	DUNCANVILLE I S D
	6	6915 CEDAR RIDGE DR	DUNCANVILLE ISD
X	7	914 N CEDAR RIDGE DR	COLLARD LESLEY JENE
	8	918 N CEDAR RIDGE DR	CHANDLER CAROLYN
	9	922 N CEDAR RIDGE DR	TITSWORTH EDISON L
	10	1002 N CEDAR RIDGE DR	ROBERTS MICHAEL A &
	11	1006 N CEDAR RIDGE DR	DENHAM HAL G & MARY ANN
O	12	722 ROUNDTOP BLVD	CARPET BROKERS INC