

**FILE NUMBER:** Z212-298(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:** 51.88 acres **CENSUS TRACT:** 48113011603

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**OWNER:** 635 Dowdy Venture

**APPLICANT:** Bill Foose

**REPRESENTATIVE:** Mike Coker

**REQUEST:** An application for a CS Commercial Service District with deed restrictions volunteered by the applicant and 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 with uses and underdevelopment standards permitted in the CS District.

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

**CPC RECOMMENDATION:** **Denial** without prejudice.

**BACKGROUND INFORMATION:**

- The area of request is currently zoned an A(A) Agricultural District.
- The applicant is proposing to develop the site with warehouse 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.

2. **Z212-332** – On October 25, 2023, City Council approved a CS District with deed restrictions volunteered by the applicant on property zoned an A(A) Agricultural District, on the northeast corner of Dowdy Ferry Road and LBJ Freeway.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing/Proposed ROW</b>
Dowdy Ferry Road	Principal Arterial	60 feet / 100 feet Bike Plan
Teagarden Road	Minor Arterial	Proposed 60 foot ROW 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.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	A(A) Agricultural District	Undeveloped
<b>North</b>	IR Industrial Research District with Deed Restrictions [Z990-115] and A(A) Agricultural District	Batch plant, single family, and undeveloped/agricultural
<b>East</b>	A(A) Agricultural District	Natural area/creekway [undeveloped] and single family
<b>South</b>	A(A) Agricultural District and R-10(A) Single Family District	Undeveloped, agricultural, and single family
<b>West</b>	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 a batch plant immediately 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 warehouses or other commercial/industrial related uses. 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 while continuing a shift in the area from the adjacent property to the north which was rezoned to an LI Light Industrial District with deed restrictions volunteered by the applicant that limit allowable uses on the site, yet remains 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 400 feet away. 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' <sup>1</sup>	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

<sup>1</sup> 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
#	Use deed restricted by applicant

	Existing	Proposed	In-Lieu
Use	A(A)	CS	MU-1
<b>AGRICULTURAL USES</b>			
Animal production			
Commercial stable			
Crop production	•	•	•
Private stable			
<b>COMMERCIAL AND BUSINESS SERVICE USES</b>			
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	
<b>INDUSTRIAL USES</b>			
Alcoholic beverage manufacturing			
Gas drilling and production	S	S	S
Gas pipeline compressor station			
Industrial (inside)			
Industrial (inside) for light manufacturing		•	



	Existing	Proposed	In-Lieu
Use	A(A)	CS	MU-1
Industrial (outside)			
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	★	•
<b>INSTITUTIONAL AND COMMUNITY SERVICE USES</b>			
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
<b>LODGING USES</b>			
Extended stay hotel or motel		S	S
Hotel or motel		★ # Min of 80 Rooms	R/S
Lodging or boarding house		•	
Overnight general purpose shelter		★	
<b>MISCELLANEOUS USES</b>			
Carnival or circus (temporary)	★	★	•
Hazardous waste management facility			
Placement of fill material			
Temporary construction or sales office	•	•	•
<b>OFFICE USES</b>			
Alternative financial establishment		S	

	Existing	Proposed	In-Lieu
Use	A(A)	CS	MU-1
Financial institution without drive-in window		•	•
Financial institution with drive-in window		•	D
Medical clinic or ambulatory surgical center		•	•
Office		•	•
<b>RECREATION USES</b>			
Country club with private membership	S	•	•
Private recreation center, club, or area	S	•	•
Public park, playground, or golf course	•	•	•
<b>RESIDENTIAL USES</b>			
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	•		•
<b>RETAIL AND PERSONAL SERVICE USES</b>			
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		• # 3,200 sq ft. or less	•
General merchandise or food store greater than 3,500 square feet		•	•

	Existing	Proposed	In-Lieu
Use	A(A)	CS	MU-1
General merchandise or food store 100,000 square feet or more.			S
Mortuary, funeral home, or commercial wedding chapel.		•	•
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 # requires all queueing on property	D
Surface parking			
Swap or buy shop		S	S
Taxidermist		•	
Temporary retail use		•	•
Theater		•	•
Truck stop		S	
Vehicle display, sales, and service		R	
<b>TRANSPORTATION USES</b>			
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	★	•
<b>UTILITY AND PUBLIC SERVICE USES</b>			
Commercial radio or television transmitting station		•	•
Electrical generating plant			

	Existing	Proposed	In-Lieu
Use	A(A)	CS	MU-1
Electrical substation	S	•	•
Local utilities	★	★	•
Police or fire station	S	•	•
Post office		•	•
Radio, television, or microwave tower	S	R	•
Refuse transfer station			
Sanitary landfill			
Sewage treatment plant			
Tower/antenna for cellular communication	★	★	•
Utility or government installation other than listed	S	S	•
Water treatment plant	S		
<b>WHOLESALE, DISTRIBUTION, AND STORAGE USES</b>			
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 warehouse use is one space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet. 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 "G" MVA clusters to the northwest.

**CPC Action**

**January 18, 2024**

**Motion:** It was moved to recommend **denial without prejudice** of a CS Commercial Service District with consideration of an MU-1 Mixed Use District on property zoned an A(A) Agricultural District, on the north line of Dowdy Ferry Road, northeast of the Lyndon B. Johnson Freeway [I-20].

Maker: Blair  
Second: Rubin  
Result: Carried: 13 to 1

For: 13 - Chernock, Hampton, Herbert, Shidid,  
Carpenter, Blair\*, Sleeper, Housewright,  
Treadway, Haqq, Hall, Kingston, Rubin

Against: 1 - Wheeler-Reagan  
Absent: 0  
Vacancy: 1 - District 4

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 22  
**Replies:** For: 0 Against: 1

**Speakers:** For: Michael Coker, 3111 Canton St., Dallas, TX, 75226  
Against: None

**LIST OF PARTNERS / PRINCIPALS / OFFICERS**

**635 Dowdy Ventures Partners**

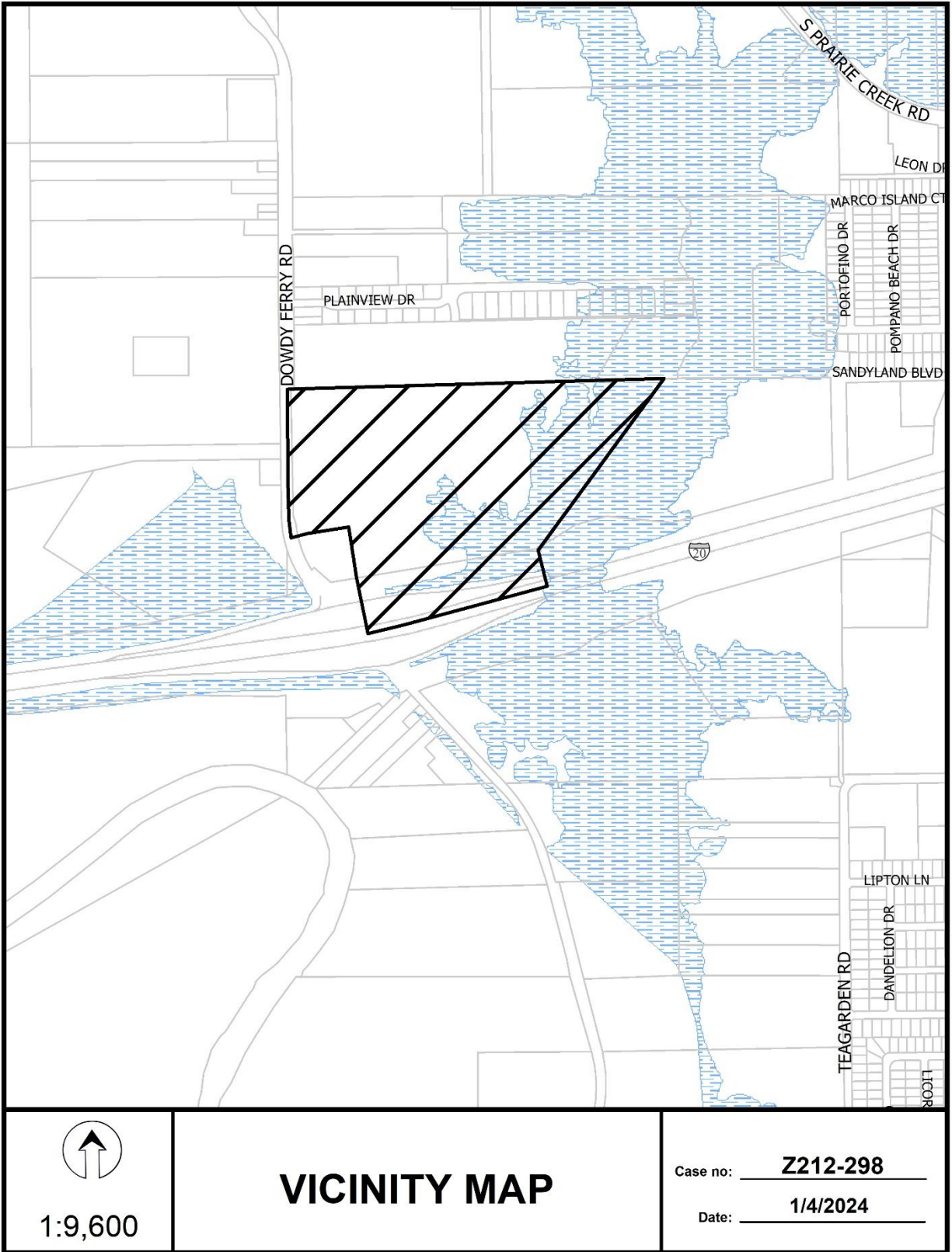
Bill Foose  
Warren Wingert  
Jason Wingert  
Adelaide Wingert  
Hugh Rucker Trust  
Dowdy LTD. (Jim Dunaway)  
Stanley Goldstein  
Bulldog Holdings, LLC  
M.W. Connell  
Connell Properties, Inc.  
Barbara Stewart  
Rebekah Nix  
John Nix  
Carl Nix

**APPLICANT'S VOLUNTEERED DEED RESTRICTIONS**

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions") to wit:

- (1) Hotel or motel uses must have a minimum of 80 rooms.
- (2) Overnight parking for commercial vehicles is not allowed on the Property.
- (3) Queuing for all restaurants with drive-in or drive through service must be located on the property.

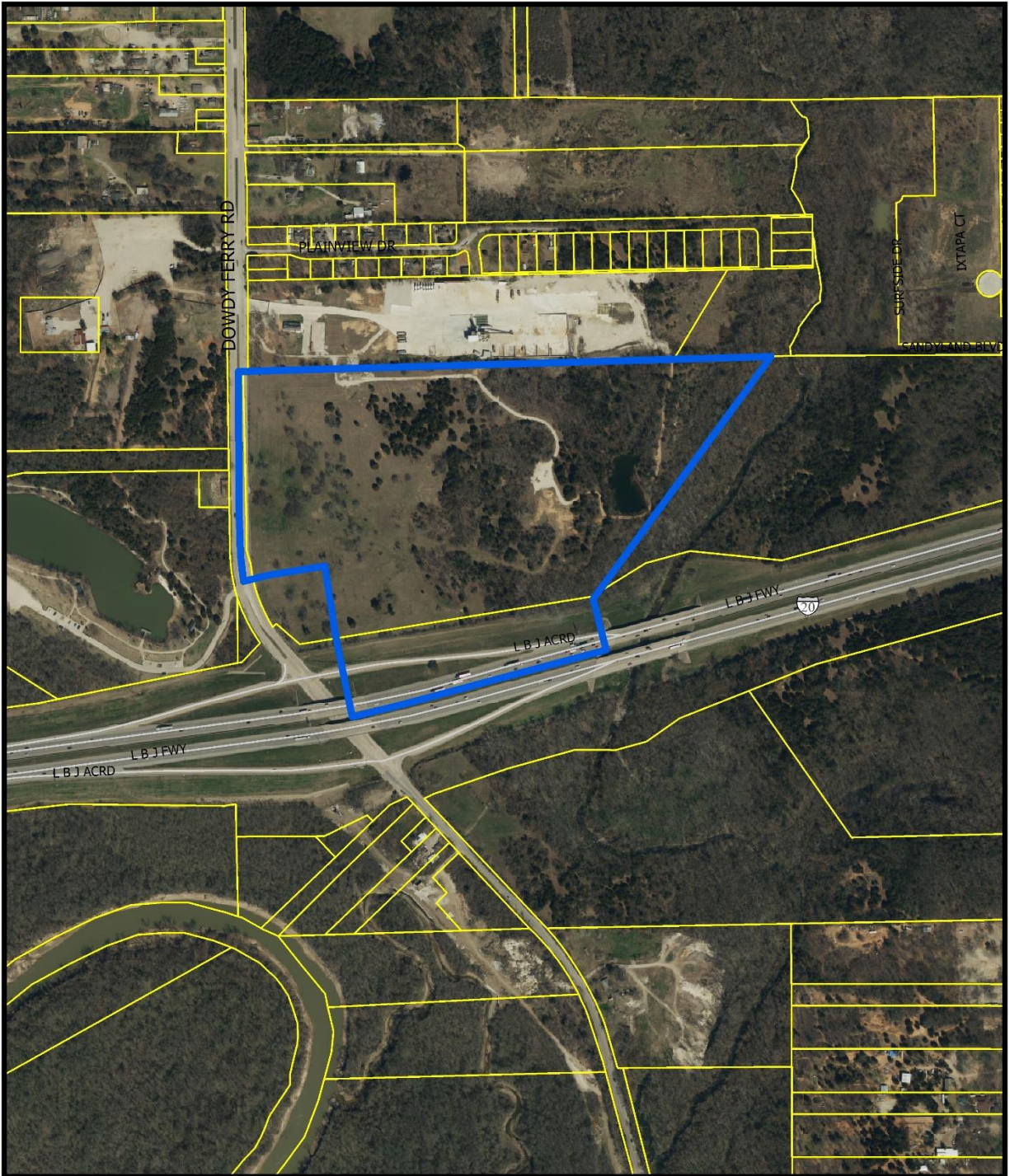




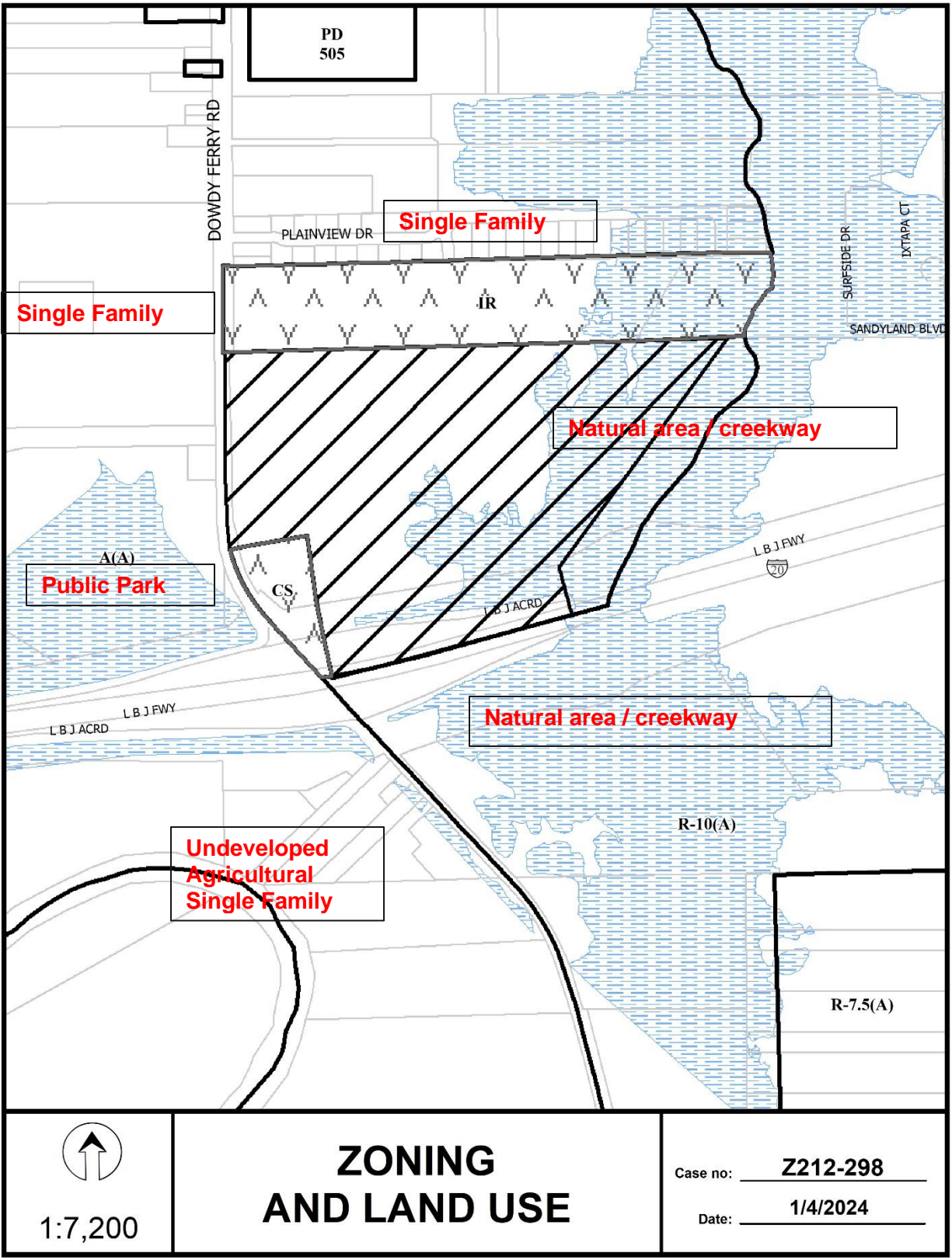
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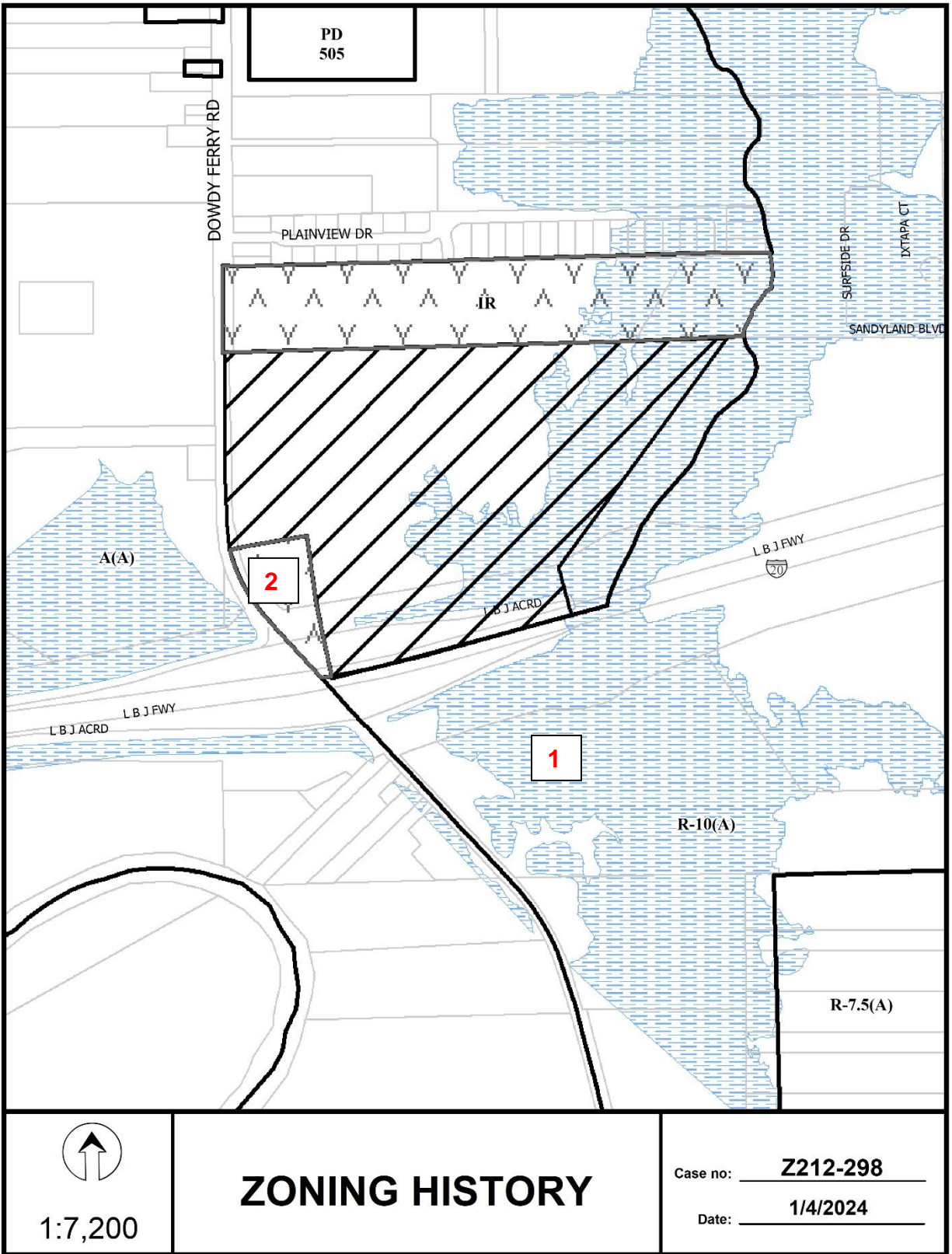
### VICINITY MAP

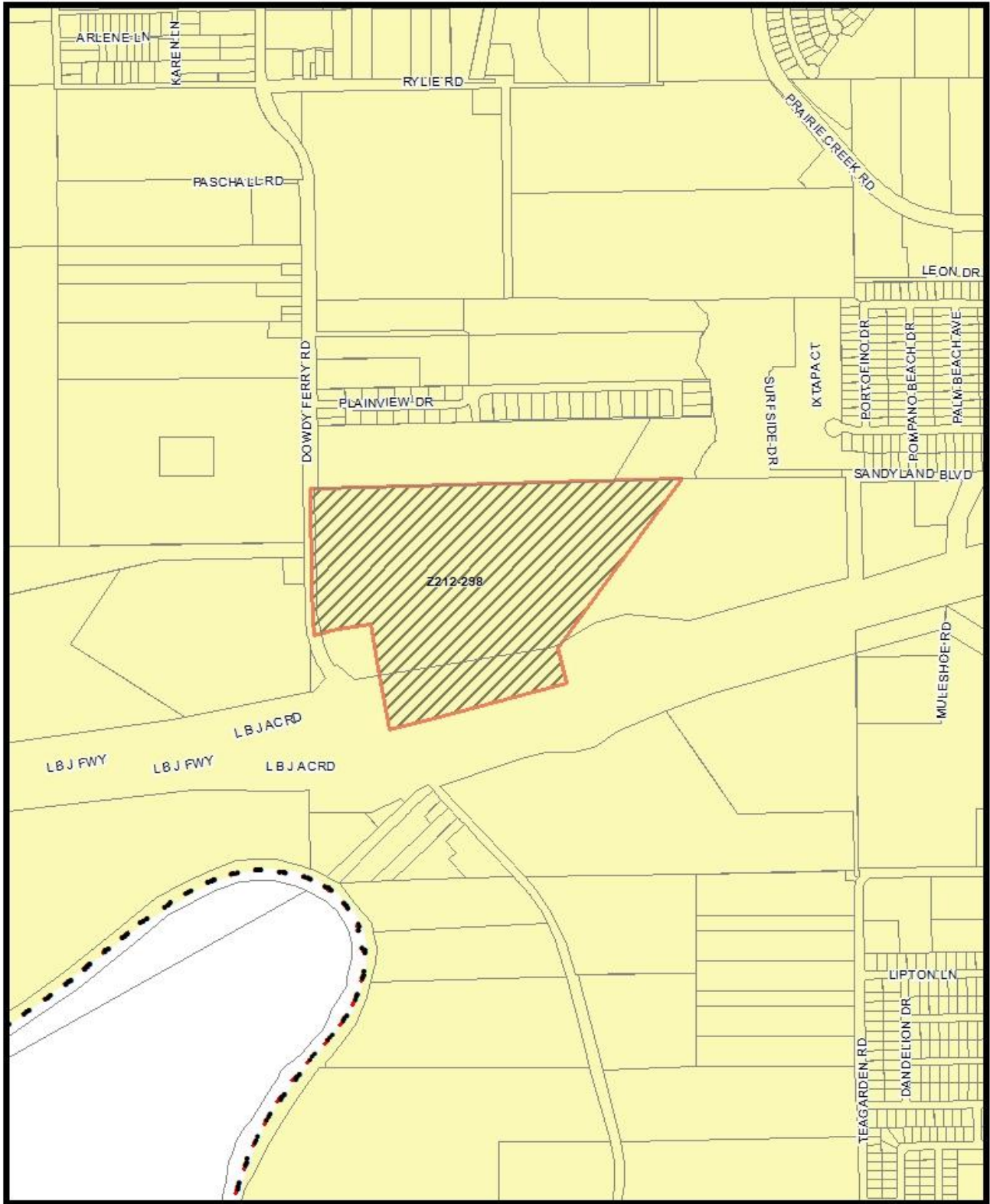
Case no:     Z212-298      
Date:     1/4/2024



 1:7,200	<h1>AERIAL MAP</h1>	Case no: <u>          Z212-298          </u> Date: <u>          1/4/2024          </u>
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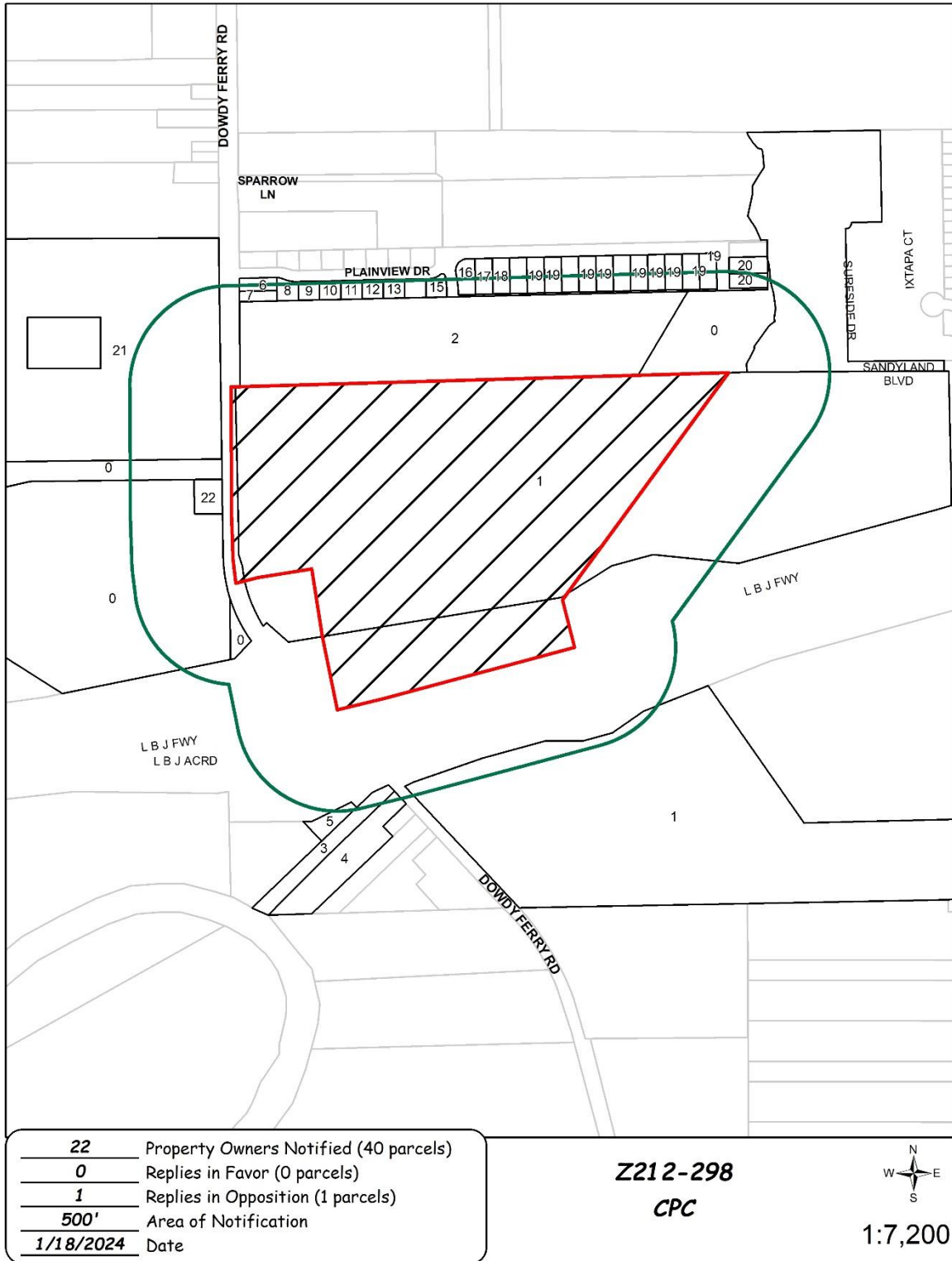
Market Value Analysis A B C D E F G H I NA



# Market Value Analysis

Printed Date: 1/4/2024

**CPC RESPONSES**



01/04/2024

01/17/2024

**Reply List of Property Owners**

**Z212-298**

**22 Property Owners Notified**

**0 Property Owners in Favor**

**1 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	2310 DOWDY FERRY RD	635 DOWDY VENTURE
	2	2040 DOWDY FERRY RD	2040 DOWDY FERRY ISF LLC
	3	2215 DOWDY FERRY RD	WITHERSPOON DONNA BETH B
	4	2219 DOWDY FERRY RD	BAILEY RALPH ET AL
	5	2205 DOWDY FERRY RD	MILLER LLOYD E
	6	2000 DOWDY FERRY RD	CORTEZ FABIOLA
	7	2028 DOWDY FERRY RD	OLVERA ERNESTO
	8	8332 PLAINVIEW DR	JARAMILLO BENEDICTO &
	9	8334 PLAINVIEW DR	MACEDO BULFRANO
	10	8336 PLAINVIEW DR	ASEGUERA CARLOS A
	11	8340 PLAINVIEW DR	BRANSON ALLINE
	12	8344 PLAINVIEW DR	SOLIS JANETT DBA SOLIS
	13	8348 PLAINVIEW DR	MONDRAGON PEDRO LOPEZ
X	14	8352 PLAINVIEW DR	CHAVERO FRANCISCO
	15	8354 PLAINVIEW DR	Taxpayer at
	16	8401 PLAINVIEW DR	CHAGOLLA BENJAMIN URIEL JR
	17	8406 PLAINVIEW DR	MUNOZ JOSE OSCAR
	18	8412 PLAINVIEW DR	RAWLINSON STONEY EUGENE &
	19	8424 PLAINVIEW DR	PARADISO LLC
	20	2010 PLAINCREEK DR	PENELTON RHETA ANN
	21	2015 DOWDY FERRY RD	Taxpayer at
	22	2065 DOWDY FERRY RD	ROBERTSON EUGENE