

**HONORABLE MAYOR & CITY COUNCIL**

**WEDNESDAY, APRIL 12, 2023**

**ACM: Majed Al-Ghafry**

**FILE NUMBER:** Z212-331(JM)

**DATE FILED:** August 31, 2022

**LOCATION:** West line of Dennis Road at the terminus of Sundial Drive, between Northaven Road and Satsuma Drive

**COUNCIL DISTRICT:** 6

**SIZE OF REQUEST:** ±2.34 acres

**CENSUS TRACT:** 48113009610

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**REPRESENTATIVE:** Karl Crawley, Masterplan

**OWNER/APPLICANT:** 11301 Dennis Property, LLC

**REQUEST:** An application for an MU-1 Mixed Use District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District

**SUMMARY:** The purpose of this request is to allow for multifamily and mixed-use development with certain uses prohibited voluntarily by the applicant.

**CPC RECOMMENDATION:** **Approval**, subject to deed restrictions volunteered by the applicant.

**STAFF RECOMMENDATION:** **Approval**, subject to deed restrictions volunteered by the applicant.

**BACKGROUND INFORMATION:**

- The purpose of the current zoning of Industrial Research District is to provide for research and development, light industrial, office and supporting commercial uses in an industrial research park setting. No residential uses are permitted.
- The proposed Mixed-Use District provides for the development of high density, retail, office, hotel, and/or multifamily residential uses in combination of single or contiguous building sites.
- The applicant has requested the MU-1 District, which is the least intense Mixed-Use District. The applicant proposes a 100-unit mixed-income housing development with a small mixed-use component.
- Additionally, the applicant has volunteered deed restrictions prohibiting 67 of the 79 uses permitted within an MU-1 District.

**Zoning History:** There has been one zoning change in the surrounding area in the past five years.

1. **Z190-297:** On November 10, 2020, the City Council approved an application for an MU-1 District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, located on the west side of Dennis Road, between Northaven Road and Satsuma Drive. [*Adjacent to the north*]

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type                | Existing ROW | Required ROW |
|---------------------|---------------------|--------------|--------------|
| Dennis Road         | Community Collector | 40 feet      | 60 feet      |

**Traffic:**

The Engineering Division of 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 ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 outlining 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 1.1    ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

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

##### **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.

##### **GOAL 2.5    FOSTER A CITY OF GREAT NEIGHBORHOODS**

**Policy 2.5.1** Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

**Policy 2.5.2** Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

#### **URBAN DESIGN ELEMENT**

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

**Policy 5.1.1** Promote pedestrian friendly streetscapes.

**Policy 5.1.2** Define urban character in downtown and urban cores.

**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 5.2.2** Promote the character of the city's significant districts, linkages, and areas.

**GOAL 5.3** ESTABLISHING WALK-TO CONVENIENCE

**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

**NEIGHBORHOOD PLUS**

**GOAL 6.1** Raise the quality of rental property through better design standards, proactive and systematic code enforcement, and zero tolerance toward chronic offenders.

**GOAL 6.2** Expand affordable housing options and encourage its distribution throughout the city and region.

**Land Use:**

|              | <b>Zoning</b>                                                           | <b>Land Use</b>                                       |
|--------------|-------------------------------------------------------------------------|-------------------------------------------------------|
| <b>Site</b>  | IR Industrial Research                                                  | Undeveloped                                           |
| <b>North</b> | MU-1 District with deed restrictions [Z190-297] and MF-2(A) Multifamily | Undeveloped and Multifamily                           |
| <b>East</b>  | R-7.5(A)                                                                | Single Family                                         |
| <b>South</b> | IR Industrial Research                                                  | Auto service center and Office showroom/warehouse     |
| <b>West</b>  | IR Industrial Research                                                  | Mini-warehouse, Retail, and Office showroom/warehouse |

**Land Use Compatibility:**

The 2.34-acre site is zoned an IR Industrial Research District and is currently undeveloped. Uses surrounding the property consist of undeveloped land and multifamily to the north; single family to the east; auto service center and office showroom/warehouse to the south; and mini-warehouse, retail, and office showroom/warehouse uses to the west.

The purpose of requesting an MU-1 Mixed Use District is to allow for the development of 100 mixed-income multifamily dwelling units with a small area for retail uses. The current zoning does not allow for residential uses.

Although the requested MU-1 District is the least intense of the mixed-use districts, the applicant is additionally volunteering deed restrictions to reduce the impact of the proposed district on the low-density residential uses to the east.

The applicant proposes to prohibit 67 of the 79 uses allowed in the MU-1 District. The uses remaining to be allowed are as follows:

- Child-care facility.
- Church
- Open-enrollment charter school or private school. *[SUP]*
- Public school other than an open-enrollment charter school. *[RAR]*
- Medical clinic or ambulatory surgical center.
- Office.
- Multifamily.
- Retirement housing.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Specified personal service uses **excluding** tattoo parlors, body piercing salons, and massage establishments.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Local utilities.

Currently, the IR District focuses on commercial and business service, industrial, and commercial uses. The proposed MU-1 District with volunteered deed restrictions permits select uses that will transition the area to a more residential and mixed-use land use pattern, creating a more vibrant neighborhood suitable for residential use. The addition of mixed-income multifamily units provides a new housing option and the added bonus of permitting a minor assortment of supplemental uses due to the deed restrictions volunteered. Overall, the remaining uses will compliment the neighborhood and are not foreseen as having a negative impact on the surrounding uses.

Staff supports the applicant's request for an MU-1 Mixed Use District because 1) it complies with elements of the Comprehensive Plan and more specifically the Neighborhood Plus Plan; 2) the change in zoning is consistent with the changing pattern of the area that is transitioning to urban mixed-use by allowing compatible uses in close proximity; and 3) the volunteered deed restrictions seek to reduce any negative impact in the existing zoning surrounding the area of request.

**Development Standards.**

|                                                             | Existing                                                | Proposed MU-1 District and MIHDB                    |                                                                                                                                                                                                                                                                                    |                            |                               |
|-------------------------------------------------------------|---------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------------------|
|                                                             | IR                                                      | MU-1 Base                                           | MIH in Category E: Projects must include residential uses to be eligible for incentive zoning.                                                                                                                                                                                     |                            |                               |
| Percentage of units reserved at percentage of median income | no requirement                                          | no requirement                                      | 5% at 61-80%                                                                                                                                                                                                                                                                       | 10% at 61-80%              | 10% at 61-80% & 5% at 81-100% |
| Front Yard Setback                                          | 15'                                                     | 15' plus 20' urban form above 45'                   | no changes                                                                                                                                                                                                                                                                         |                            |                               |
| Side and Rear Yard Setbacks                                 | 30' adjacent to residential<br>OTHER:<br>No Min.        | 20' adjacent to residential<br>OTHER:<br>No Min.    | no changes                                                                                                                                                                                                                                                                         |                            |                               |
| Density                                                     | No residential                                          | 15-25                                               | current + 65=<br>80 to 90                                                                                                                                                                                                                                                          | current + 80=<br>95 to 105 | current + 105=<br>120 to 130  |
| Floor area ratio                                            | 2.0 FAR overall<br>0.75 office/<br>retail<br>0.5 retail | 3.0 FAR maximum for MUP w/res.                      | Remove FAR requirement for residential uses                                                                                                                                                                                                                                        |                            |                               |
| Height                                                      | 200'                                                    | 120'                                                | no changes                                                                                                                                                                                                                                                                         |                            |                               |
| Max stories                                                 | 15                                                      | 9                                                   | no changes                                                                                                                                                                                                                                                                         |                            |                               |
| Lot coverage                                                | 80%                                                     | 80%                                                 | no changes                                                                                                                                                                                                                                                                         |                            |                               |
| Min lot area/unit                                           | none                                                    | n/a                                                 | no changes                                                                                                                                                                                                                                                                         |                            |                               |
| Res. Prox. Slope                                            | required                                                | required                                            | no changes                                                                                                                                                                                                                                                                         |                            |                               |
| Parking                                                     | per use/no residential                                  | min. 1 per DU; 1 per bedroom plus guest if assigned | Residential uses: <b>One-half</b> space per <b>unit</b> . Of the <b>required</b> parking, at least 15 percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents. All other uses parked per code. |                            |                               |
| Transit Oriented Development                                |                                                         |                                                     | Additional 15 units/acre on density and max lot coverage of 85%. One-half parking space per unit. Of the required parking, at least 15 percent must be available for guest parking.                                                                                                |                            |                               |

Overall, the height is significantly reducing. Residential proximity slope does apply, leaving the site with a maximum height of 47 feet at the 15-foot front yard setback line. The urban form setback applies at a height of 45 feet, making the extra two-feet-in-height setback another 20 feet from the property line (35 feet total).

The density boost could equate to a minimum of 187 units and a maximum of 304 units based on the lot area of 2.34 acres. In comparison, with no MIHDB, the minimum number of dwelling units is 35 and the maximum would be 59. Other variables apply including the mix of uses which increase the density base permitted in the MU-1 District, and the Income Band provided to be eligible for the relating bonus. If the MIHDB is utilized, there are three options which could provide affordable housing units ranging from 10-16 units (5% at 61-80%), 23-25 units (10% at 61-80%), or 43-46 units (10% at 61-80% and 5% at 81-100%). These are minimum and maximums per bonus category.

To obtain development bonuses, the applicant must also adhere to the design standards for mixed-income housing provided in Chapter 51A. In general, these standards prioritize pedestrians and follow design principles compatible with the City of Dallas Complete Streets program. Development must also follow additional regulations related to fencing, parking location and design, transparency, and ground-floor doorways. Development must also include sidewalks, pedestrian lighting, and open space.

### **Land Use Comparison**

The chart below includes the list of uses allowed in the existing IR Industrial Research District, those allowed in the proposed MU-1 Mixed-Use District, and the uses prohibited by the volunteered deed restrictions.

| <b>MU-1—Proposed</b>                                                                                                                                                                        | <b>Deed Restrictions</b>                                                                                                                                                                                                                     | <b>IR—Existing</b>                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (A) <u>Agricultural uses.</u><br>Crop production.                                                                                                                                           | (A) <u>Agricultural uses.</u><br><del>Crop production.</del>                                                                                                                                                                                 | (A) <u>Agricultural uses.</u><br>Crop production.                                                                                                                                                                                                                                                                                                                                                                                               |
| (B) <u>Commercial and business service uses.</u><br>Catering service.<br>Custom business services.<br>Electronics service center.<br>Labor hall. [SUP]<br>Medical or scientific laboratory. | (B) <u>Commercial and business service uses.</u><br><del>Catering service.</del><br><del>Custom business services.</del><br><del>Electronics service center.</del><br><del>Labor hall.</del><br><del>Medical or scientific laboratory.</del> | (B) <u>Commercial and business service uses.</u><br>Building repair and maintenance shop. [RAR]<br>Bus or rail transit vehicle maintenance or storage facility. [RAR]<br>Catering service.<br>Commercial cleaning or laundry plant. [RAR]<br>Custom business services.<br>Custom woodworking, furniture construction, or repair.<br>Electronics service center.<br>Job or lithographic printing. [RAR]<br>Labor hall. [SUP may be required. See |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Section <u>51A-4.202</u> (8.1).]</p> <p>Machine or welding shop. [RAR]</p> <p>Machinery, heavy equipment, or truck sales and services. [RAR]</p> <p>Medical or scientific laboratory.</p> <p>Technical school.</p> <p>Tool or equipment rental.</p> <p>Vehicle or engine repair or maintenance.</p>                                                                                                                                                                                                                                                                                                                    |
| <p>(C) <u>Industrial uses.</u></p> <p>Gas drilling and production. [SUP]</p> <p>Temporary concrete or asphalt batching plant. [By special authorization of the building official.]</p>                                                                                                                                                                                                                                                                                                                  | <p>(C) <u>Industrial uses.</u></p> <p><del>Gas drilling and production. [SUP]</del></p> <p><del>Temporary concrete or asphalt batching plant. [By special authorization of the building official.]</del></p>                                                                                                                                                                                                                                                                                                           | <p>(C) <u>Industrial uses.</u></p> <p>Alcoholic beverage manufacturing. [RAR]</p> <p>Gas drilling and production. [SUP]</p> <p>Industrial (inside). [See Section <u>51A-4.203(b)(1)</u>.]</p> <p>Industrial (inside) for light manufacturing.</p> <p>Industrial (outside). [See Section <u>51A-4.203(b)(2)</u>.]</p> <p>Medical/infectious waste incinerator. [SUP]</p> <p>Municipal waste incinerator. [SUP]</p> <p>Organic compost recycling facility. [SUP]</p> <p>Pathological waste incinerator. [SUP]</p> <p>Temporary concrete or asphalt batching plant. [By special authorization of the building official.]</p> |
| <p>(D) <u>Institutional and community service uses.</u></p> <p>Adult day care facility.</p> <p>Cemetery or mausoleum. [SUP]</p> <p>Child-care facility.</p> <p>Church.</p> <p>College, university or seminary.</p> <p>Community service center. [SUP]</p> <p>Convalescent and nursing homes, hospice care, and related institutions. [RAR]</p> <p>Convent or monastery.</p> <p>Foster home.</p> <p>Hospital. [SUP]</p> <p>Library, art gallery, or museum.</p> <p>Open-enrollment charter school or</p> | <p>(D) <u>Institutional and community service uses.</u></p> <p><del>Adult day care facility.</del></p> <p><del>Cemetery or mausoleum. [SUP]</del></p> <p><del>College, university or seminary.</del></p> <p><del>Community service center. [SUP]</del></p> <p><del>Convalescent and nursing homes, hospice care, and related institutions. [RAR]</del></p> <p><del>Convent or monastery.</del></p> <p><del>Foster home.</del></p> <p><del>Hospital. [RAR]</del></p> <p><del>Library, art gallery, or museum.</del></p> | <p>(D) <u>Institutional and community service uses.</u></p> <p>Adult day care facility.</p> <p>Cemetery or mausoleum. [SUP]</p> <p>Child-care facility.</p> <p>Church.</p> <p>College, university, or seminary.</p> <p>Community service center.</p> <p>Hospital. [RAR]</p> <p>Public or private school. [SUP]</p>                                                                                                                                                                                                                                                                                                        |

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| private school. <i>[SUP]</i><br>Public school other than an open-enrollment charter school. <i>[RAR]</i>                                                                                                            |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                             |
| (E) <u>Lodging uses.</u><br>Extended stay hotel or motel. <i>[SUP]</i><br>Hotel or motel. <i>[RAR]</i> or <i>[SUP]</i> <i>[See Section 51A-4.205(1).]</i>                                                           | (E) <u>Lodging uses.</u> <i>[See Section 51A-4.205]</i><br><del>Extended stay hotel or motel.</del> <i>[SUP]</i><br><del>Hotel or motel.</del>                                                                                                       | (E) <u>Lodging uses.</u><br>Extended stay hotel or motel. <i>[SUP]</i><br>Hotel or motel. <i>[RAR]</i><br>Lodging or boarding house.<br>Overnight general-purpose shelter. <i>[See Section 51A-4.205(2.1).]</i>                                                                                                             |
| (F) <u>Miscellaneous uses.</u><br>Attached non-premise sign. <i>[SUP]</i><br>Carnival or circus (temporary). <i>[By special authorization of the building official.]</i><br>Temporary construction or sales office. | (F) <u>Miscellaneous uses.</u><br><del>Attached non-premise sign.</del> <i>[SUP]</i><br><del>Carnival or circus (temporary).</del> <i>[By special authorization of the building official.]</i><br><del>Temporary construction or sales office.</del> | (F) <u>Miscellaneous uses.</u><br>Attached non-premise sign. <i>[SUP]</i><br>Carnival or circus (temporary). <i>[By special authorization of the building official.]</i><br>Hazardous waste management facility. <i>[Except when operated as a hazardous waste incinerator.]</i><br>Temporary construction or sales office. |
| (G) <u>Office uses.</u><br>Financial institution without drive-in window.<br>Financial institution with drive-in window. <i>[DIR]</i><br>Medical clinic or ambulatory surgical center.<br>Office.                   | (G) <u>Office uses.</u><br><del>Financial institution without drive-in window.</del><br><del>Financial institution with drive-in window.</del> <i>[DIR]</i>                                                                                          | (G) <u>Office uses.</u><br>Alternative financial establishment. <i>[SUP]</i><br>Financial institution without drive-in window.<br>Financial institution with drive-in window. <i>[RAR]</i><br>Medical clinic or ambulatory surgical center.<br>Office.                                                                      |
| (H) <u>Recreation uses.</u><br>Country club with private membership.<br>Private recreation center, club, or area.<br>Public park, playground, or golf course.                                                       | (H) <u>Recreation uses.</u><br><del>Country club with private membership.</del><br><del>Private recreation center, club, or area.</del><br><del>Public park, playground, or golf course.</del>                                                       | (H) <u>Recreation uses.</u><br>Country club with private membership.<br>Private recreation center, club, or area.<br>Public park, playground, or golf course.                                                                                                                                                               |
| (I) <u>Residential uses.</u><br>College dormitory, fraternity, or sorority house.<br>Duplex.<br>Group residential facility. <i>[See</i>                                                                             | (I) <u>Residential uses.</u><br><del>College dormitory, fraternity, or sorority house.</del><br><del>Duplex.</del><br><del>Group residential facility.</del> <i>[See</i>                                                                             | (I) <u>Residential uses.</u><br>None permitted.                                                                                                                                                                                                                                                                             |

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| <p><del>Section 51A-4.209(3).]</del><br/> Handicapped group dwelling unit. <del>[See Section 51A-4.209 (3.1).]</del><br/> Multifamily.<br/> Residential hotel.<br/> Retirement housing.<br/> Single family.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><del>Section 51A-4.209(3).]</del><br/> Handicapped group dwelling unit.<br/> Residential hotel. <del>[See Section 51A-4.209, b. 5.1]</del><br/> Retirement housing.<br/> Single Family.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>(J) <u>Retail and personal service uses.</u><br/> Alcoholic beverage establishments. <del>[See Section 51A-4.210(b)(4).]</del><br/> Animal shelter or clinic without outside runs. <del>[RAR]</del><br/> Auto service center. <del>[RAR]</del><br/> Business school.<br/> Car wash. <del>[RAR]</del><br/> Commercial amusement (inside). <del>[SUP may be required. See Section 51A-4.210(b)(7)(B).]</del><br/> Commercial amusement (outside). <del>[SUP]</del><br/> Commercial parking lot or garage. <del>[RAR]</del><br/> Dry cleaning or laundry store.<br/> Furniture store.<br/> General merchandise or food store 3,500 square feet or less.<br/> General merchandise or food store greater than 3,500 square feet.<br/> General merchandise or food store 100,000 square feet or more. <del>[SUP]</del><br/> Mortuary, funeral home, or commercial wedding chapel.<br/> Motor vehicle fueling station.<br/> Nursery, garden shop, or plant sales.<br/> Paraphernalia shop. <del>[SUP]</del><br/> Personal service uses.<br/> Restaurant without drive-in or drive-through service. <del>[RAR]</del><br/> Restaurant with drive-in or drive-through service. <del>[DIR]</del></p> | <p>(J) <u>Retail and personal service uses.</u><br/> Alcoholic beverage establishments. <del>[SUP]</del><br/> Animal shelter or clinic without outside runs. <del>[RAR]</del><br/> Auto service center<br/> Business school.<br/> Carwash.<br/> Commercial amusement (inside). <del>[SUP may be required. See Section 51A-4.210(b)(7)(B).]</del><br/> Commercial amusement (outside). <del>[SUP]</del><br/> Commercial parking lot or garage. <del>[RAR]</del><br/> Dry cleaning or laundry store.<br/> Furniture store.<br/> General merchandise or food store 100,000 square feet or more. <del>[SUP]</del><br/> Mortuary, funeral home, or commercial wedding chapel.<br/> Motor vehicle fueling station.<br/> Nursery, garden shop, or plant sales.<br/> Personal service uses specific to tattoo parlor, body piercing salons, and massage establishments, all other personal service uses are allowed.<br/> Restaurant with drive-in or drive-through service. <del>[DIR]</del><br/> Swap or buy shop. <del>[SUP]</del><br/> Temporary retail use.<br/> Theater.</p> | <p>(J) <u>Retail and personal service uses.</u><br/> Alcoholic beverage establishments. <del>[See Section 51A-4.210(b)(4).]</del><br/> Animal shelter or clinic without outside runs.<br/> Animal shelter or clinic with outside runs. <del>[SUP may be required. See Section 51A-4.210(b)(2).]</del><br/> Auto service center. <del>[RAR]</del><br/> Business school.<br/> Car wash. <del>[RAR]</del><br/> Commercial amusement (inside). <del>[SUP may be required. See Section 51A-4.210(b)(7)(B).]</del><br/> Commercial motor vehicle parking. <del>[By SUP only if within 500 feet of a residential district.]</del><br/> Commercial parking lot or garage. <del>[RAR]</del><br/> Convenience store with drive-through. <del>[SUP]</del><br/> Dry cleaning or laundry store.<br/> Furniture store.<br/> General merchandise or food store 3,500 square feet or less.<br/> Home improvement center, lumber, brick or building materials sales yard. <del>[RAR]</del><br/> Household equipment and appliance repair.<br/> Liquefied natural gas fueling station. <del>[By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]</del><br/> Motor vehicle fueling station.<br/> Paraphernalia shop. <del>[SUP]</del></p> |

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| Swap or buy shop. [SUP]<br>Temporary retail use.<br>Theater.                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Pawn shop.<br>Personal service uses.<br>Restaurant without drive-in or drive-through service. [RAR]<br>Restaurant with drive-in or drive-through service. [DIR]<br>Taxidermist.<br>Temporary retail use.<br>Theater.<br>Truck stop. [SUP]<br>Vehicle display, sales, and service. [RAR]                                                                                                                                                                                         |
| (K) <u>Transportation uses.</u><br>Transit passenger shelter.<br>Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]                                                                                                                                                                                                                                                                      | (K) <u>Transportation uses.</u><br><del>Transit passenger shelter.</del><br><del>Transit passenger station or transfer center. [By SUP or City Council resolution. See Section 51A-4.211.]</del>                                                                                                                                                                                                                                                                                                                                        | (K) <u>Transportation uses.</u><br>Airport or landing field. [SUP].<br>Commercial bus station and terminal. [RAR].<br>Heliport. [RAR]<br>Helistop. [RAR]<br>Railroad passenger station. [SUP]<br>STOL (short takeoff or landing) port. [SUP]<br>Transit passenger shelter.<br>Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]                                                                                         |
| (L) <u>Utility and public service uses.</u><br>Commercial radio or television transmitting station.<br>Electrical substation.<br>Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]<br>Police or fire station.<br>Post office.<br>Radio, television, or microwave tower. [SUP]<br>Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]<br>Utility or government installation other than listed. [SUP] | (L) <u>Utility and public service uses.</u><br><del>Commercial radio or television transmitting station.</del><br><del>Electrical substation.</del><br><del>Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]</del><br><del>Police or fire station.</del><br><del>Post office.</del><br><del>Radio, television, or microwave tower. [SUP]</del><br><del>Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]</del><br><del>Utility or government installation other than listed. [SUP]</del> | (L) <u>Utility and public service uses.</u><br>Commercial radio or television transmitting station.<br>Electrical substation.<br>Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]<br>Police or fire station.<br>Post office.<br>Radio, television, or microwave tower. [RAR]<br>Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]<br>Utility or government installation other than listed. [SUP]<br>Water treatment plant. [SUP] |
| (M) <u>Wholesale, distribution, and</u>                                                                                                                                                                                                                                                                                                                                                                                                         | (M) <u>Wholesale, distribution,</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | (M) <u>Wholesale, distribution, and</u>                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>storage uses.</u><br>Mini-warehouse. [SUP]<br>Recycling buy-back center [See Section 51A-4.213 (11).]<br>Recycling collection center. [See Section 51A-4.213 (11.1).]<br>Recycling drop-off container. [See Section 51A-4.213 (11.2).]<br>Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).] | <u>and storage uses.</u><br><del>Mini warehouse. [SUP]</del><br><del>Recycling buy-back center [See Section 51A-4.213 (11).]</del><br><del>Recycling collection center. [See Section 51A-4.213 (11.1).]</del><br><del>Recycling drop-off container. [See Section 51A-4.213 (11.2).]</del><br><del>Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]</del> | <u>storage uses.</u><br>Freight terminal. [RAR]<br>Manufactured building sales lot. [RAR]<br>Mini-warehouse.<br>Office showroom/warehouse.<br>Outside storage. [RAR]<br>Recycling buy-back center. [See Section 51A-4.213(11).]<br>Recycling collection center. [See Section 51A-4.213(11.1).]<br>Recycling drop-off container. [See Section 51A-4.213(11.2).]<br>Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]<br>Trade center.<br>Warehouse. [RAR] |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### **Parking:**

At the time of development, off-street parking will be required in accordance with the Dallas Development Code, as amended.

For the proposed dwelling units, parking will be calculated based on the number of bedrooms as it is required for a multifamily use [three or more dwelling units located on one lot] with an additional .25 spaces per dwelling unit required for guests.

The applicant is not required to submit a site plan for this type of request; therefore, information regarding the number of bedrooms in each dwelling unit and overall floor area for the mixed-use component was not made available to staff at this point.

With typical base zoning and the MIHDB, the applicant would have the option to use the mixed income housing parking ratio for multifamily in Division 51A-4.1100. This ratio requires a minimum one-half space per dwelling unit, which equates to a total of 23 spaces required for multifamily. Under this ratio, at least 15 percent of the required parking must be available for guest parking. This would simply be the *minimum* number of required spaces – the applicant could still provide additional spaces in excess of the required minimum.

### **Landscaping:**

At the time of development, landscaping must be provided in accordance with Article X, of the Dallas Development Code, 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 (A through C) to orange, representing the weakest markets (G through I). The area of request is not currently within an MVA cluster; however, the request site is adjacent to an “E” MVA Category to the north and an “F” MVA Category to the east across Dennis Road.

**CPC Action**  
**February 16, 2023**

**Motion:** It was moved to recommend **approval** of an MU-1 Mixed Use District with deed restrictions volunteered by the applicant, subject to deed restrictions volunteered by the applicant, revised as briefed; on property zoned an IR Industrial Research District on the west line of Dennis Road at the terminus of Sundial Drive, between Northaven Road and Satsuma Drive.

Maker: Anderson  
Second: Carpenter  
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid,  
Carpenter, Wheeler-Reagan, Blair, Jung,  
Housewright, Treadway, Haqq\*, Stanard,  
Kingston, Rubin

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

\*out of the room, shown voting in favor

**Notices:** Area: 300 Mailed: 37  
**Replies:** For: 1 Against: 1

**Speakers:** For: None  
For (Did not speak): Karl Crawley, 2201 Main St., Dallas, TX, 75201  
Against: None

**List of Partners and Principals**

11301 Dennis Property LLC

John Chong, Managing Member

|                                                                                             |
|---------------------------------------------------------------------------------------------|
| <p style="text-align: center;"><b>CPC RECOMMENDED<br/>VOLUNTEERED DEED RESTRICTIONS</b></p> |
|---------------------------------------------------------------------------------------------|

I.

The undersigned, 11301 Dennis Property LLC ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Franklin Bowles Survey, Abstract No. 69, part of City Block 6607, City of Dallas ("City"), Dallas County, Texas, and being those same tracts of land conveyed to the Owner by Oncor Electric Delivery Company, LLC , by deed dated October 9, 2020, and recorded in Instrument #202000277898, in the Deed Records of Dallas County, Texas, and by 11211 Dennis Rd. Development LLC, by deed dated September 7, 2021 and recorded in Instrument #202100266163 and being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

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

(1) In this document:

(A) MESSAGE ESTABLISHMENT and MESSAGE mean a massage established or massage as defined by Texas Occupations Code Chapter 455.

(B) SHORT-TERM RENTAL LODGING means a full or partial unit containing one or more kitchens, one or more bathrooms, and one or more bedrooms that is rented to occupants for fewer than 30 consecutive days per rental period.

(C) TATTOO or BODY PIERCING STUDIO means a business in which tattooing or body piercing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scapples, or other related equipment. BODY PIERCING means the piercing of body parts, other than ears, for purpose of allowing the insertion of jewelry.

(2) The following main uses prohibited on the property:

(A) Agricultural uses.  
-- Crop production.

(B) Commercial and business service uses.  
-- Catering service.  
-- Custom business services.  
-- Electronics service center.  
-- Labor hall.  
-- Medical or scientific laboratory.

- (C) Industrial uses.
  - Gas drilling and production.
  - Temporary concrete or asphalt batching plant.
- (D) Institutional and community service uses.
  - Adult day care facility.
  - Cemetery or mausoleum.
  - College, university or seminary.
  - Community service center.
  - Convalescent and nursing homes, hospice care, and related institutions.
  - Convent or monastery.
  - Foster home.
  - Hospital.
  - Library, art gallery, or museum.
- (E) Lodging uses.
  - Extended stay hotel or motel.
  - Hotel or motel.
  - Short-term rental lodging
- (F) Miscellaneous uses.
  - Attached non-premise sign.
  - Carnival or circus (temporary).
  - Temporary construction or sales office.
- (G) Office uses.
  - Financial institution without drive-in window.
  - Financial institution with drive-in window.
- (H) Recreation uses.
  - Country club with private membership.
  - Private recreation center, club, or area.
  - Public park, playground, or golf course.
- (I) Residential uses.
  - College dormitory, fraternity, or sorority house.
  - Duplex.
  - Group residential facility.
  - Handicapped group dwelling unit.
  - Residential hotel.
  - Single family.
- (J) Retail and personal service uses.
  - Alcoholic beverage establishments.
  - Animal shelter or clinic without outside runs.

- Auto service center.
- Business school.
- Car wash.
- Commercial amusement (inside).
- Commercial amusement (outside).
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 100,000 square feet or more.
- Massage establishment.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop.
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.
- Tattoo or body piercing studio.
- Temporary retail use.
- Theater.

(K) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center.

(L) Utility and Public Service Uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower.
- Tower/antenna for cellular communication.
- Utility or government installation other than listed.

(M) Wholesale, distribution, and storage uses.

- Mini-warehouse.
- Recycling buy-back center
- Recycling collection center.
- Recycling drop-off container.
- Recycling drop-off for special occasion collection.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

**THE OWNER AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY FROM AND AGAINST ALL CLAIMS OR LIABILITIES ARISING OUT OF OR IN CONNECTION WITH THE PROVISIONS OF THIS DOCUMENT.**

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

XII.

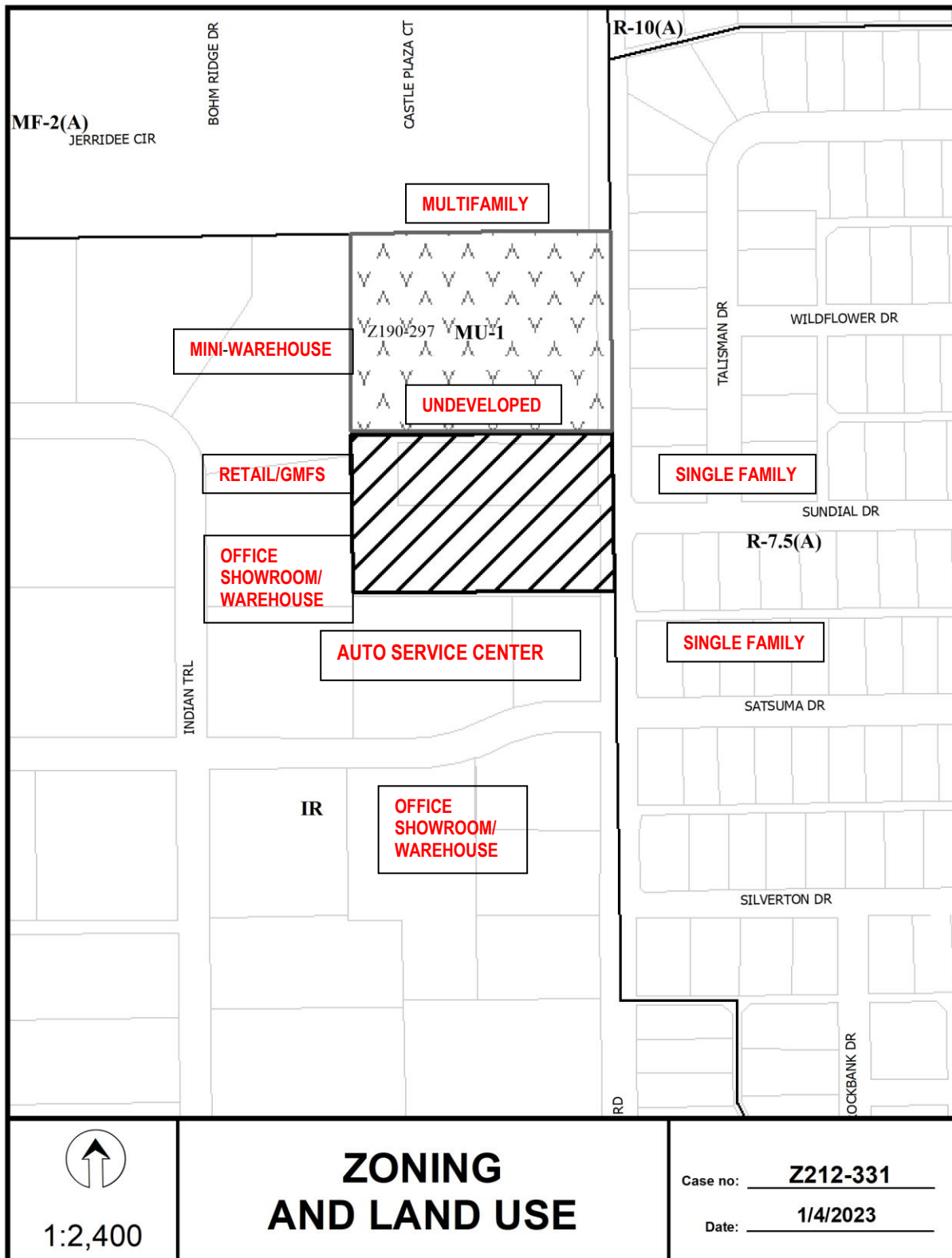
The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

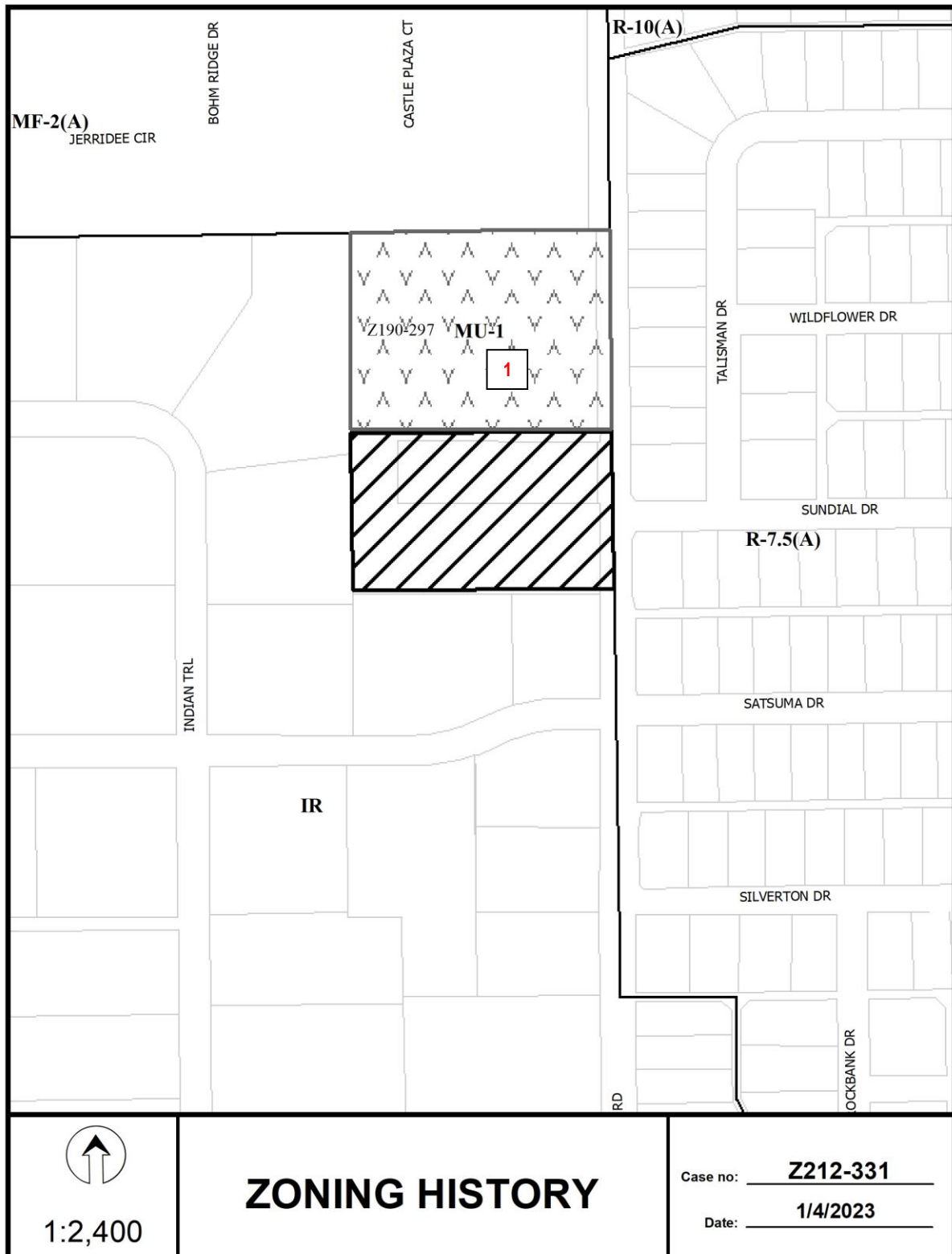
Z212-331(JM)



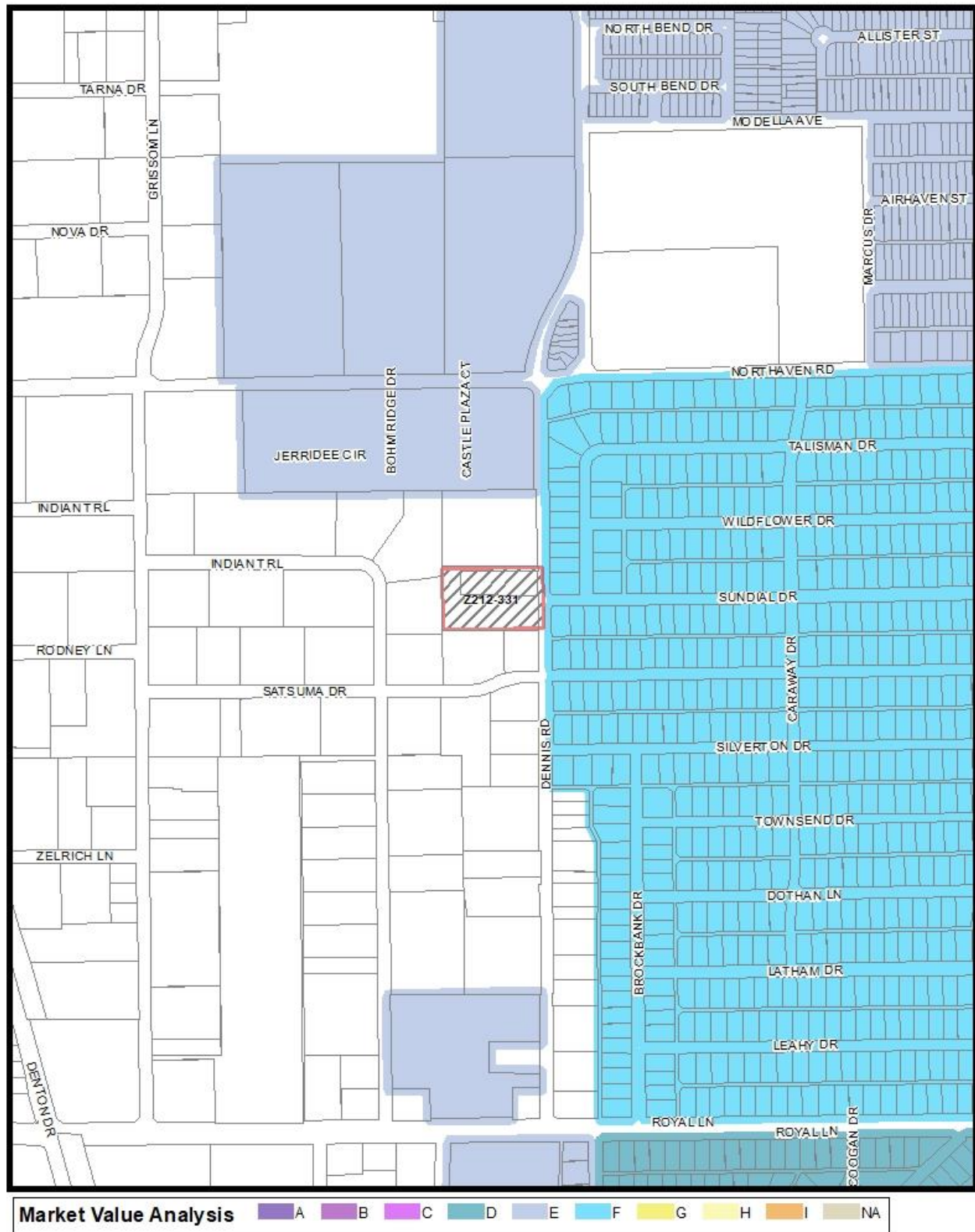
Z212-331(JM)



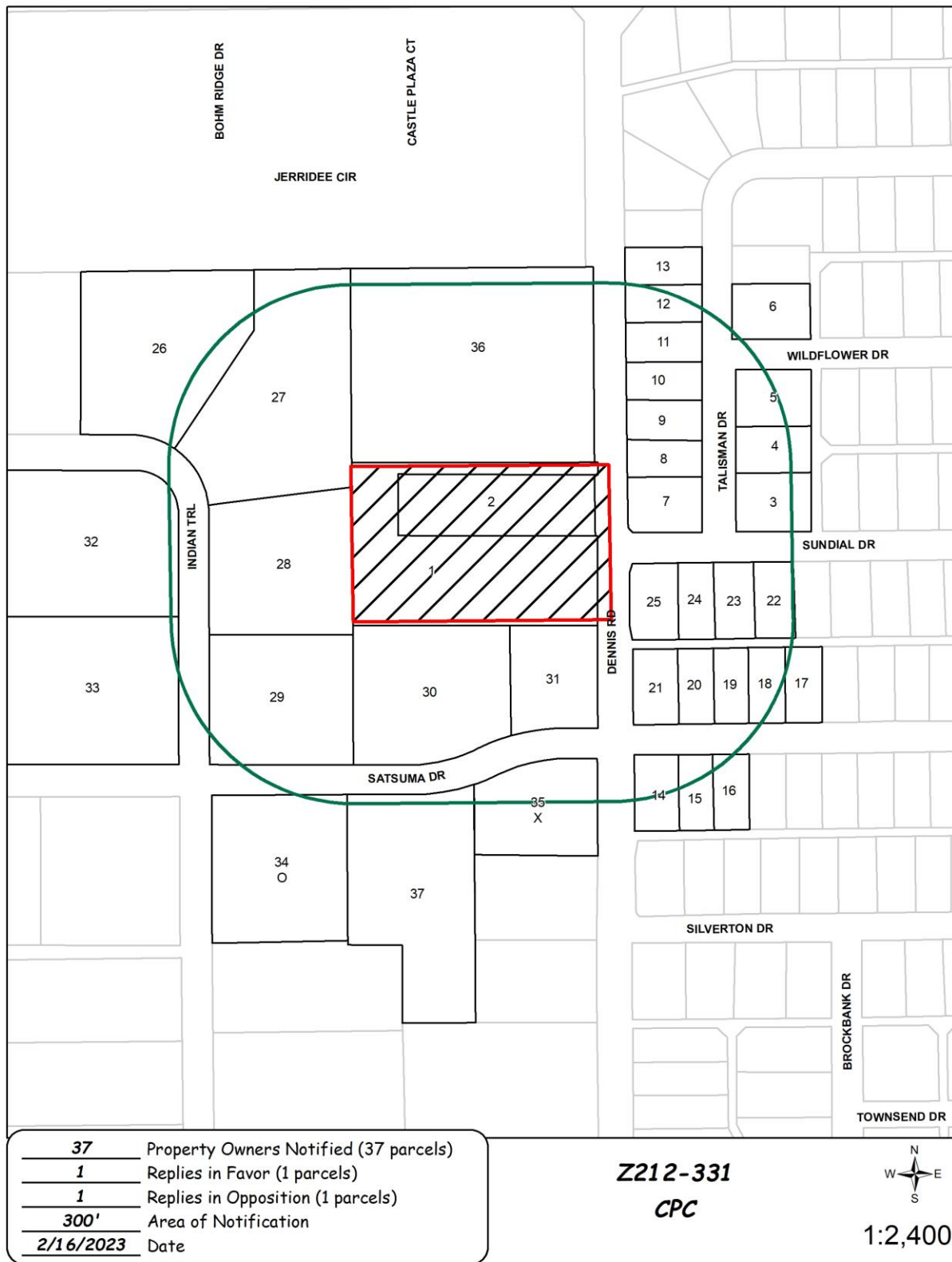




Z212-331(JM)



## **CPC RESPONSES**



02/15/2023

***Reply List of Property Owners******Z212-331******37 Property Owners Notified******1 Property Owners in Favor******1 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>          |
|---------------------|-----------------------|-----------------------|------------------------------|
| 1                   | 11211                 | DENNIS RD             | 11301 DENNIS RD PROPERTY LLC |
| 2                   | 11211                 | DENNIS RD             | 11301 DENNIS PROPERTY LLC    |
| 3                   | 2906                  | TALISMAN DR           | ZAMORA REYNA M &             |
| 4                   | 2910                  | TALISMAN DR           | ROJAS GUADALUPE & MARIA      |
| 5                   | 2916                  | TALISMAN DR           | GUTIERREZ SERGIO MARQUEZ     |
| 6                   | 2926                  | TALISMAN DR           | CREAR EBBIE L                |
| 7                   | 2905                  | TALISMAN DR           | MEDINA JAVIER &              |
| 8                   | 2909                  | TALISMAN DR           | SANDRO PROPERTIES LLC        |
| 9                   | 2915                  | TALISMAN DR           | RUBIO ANGELA LOPEZ           |
| 10                  | 2919                  | TALISMAN DR           | SALINAS ENRIQUE              |
| 11                  | 2923                  | TALISMAN DR           | GIL JUAN R EST OF &          |
| 12                  | 2927                  | TALISMAN DR           | Taxpayer at                  |
| 13                  | 2931                  | TALISMAN DR           | GALINDO ROSA TERESA          |
| 14                  | 2904                  | SATSUMA DR            | LOPEZ RAUL ANGEL             |
| 15                  | 2908                  | SATSUMA DR            | MEJIA PABLO & MARGARITA      |
| 16                  | 2914                  | SATSUMA DR            | AGUINAGA JAIME & ANDREA      |
| 17                  | 2923                  | SATSUMA DR            | MACAVILCA OMAR               |
| 18                  | 2919                  | SATSUMA DR            | VASQUEZ JESUS V              |
| 19                  | 2915                  | SATSUMA DR            | SUAREZ JOSE L & NORMA        |
| 20                  | 2909                  | SATSUMA DR            | SARILES CARLOS               |
| 21                  | 2905                  | SATSUMA DR            | MAULDIN RICHARD GLEN &       |
| 22                  | 2920                  | SUNDIAL DR            | TWO G TRUST                  |
| 23                  | 2916                  | SUNDIAL DR            | MELLENDEZ JOSE D             |
| 24                  | 2910                  | SUNDIAL DR            | GALVANHUERTA MOISES &        |
| 25                  | 2906                  | SUNDIAL DR            | MORALES ALFREDO              |
| 26                  | 11242                 | INDIAN TRAIL          | LCG21 INDIAN TRAIL LLC       |

Z212-331(JM)

02/15/2023

|  | <b>Reply</b> | <b>Label #</b> | <b>Address</b>     | <b>Owner</b>             |
|--|--------------|----------------|--------------------|--------------------------|
|  |              | 27             | 11232 INDIAN TRAIL | KNOX BROTHERS PS         |
|  |              | 28             | 11226 INDIAN TRAIL | JOBY HOLDINGS III LTD    |
|  |              | 29             | 11212 INDIAN TRAIL | F & F HOLDINGS I LTD     |
|  |              | 30             | 2831 SATSUMA DR    | SOUTHINGTON INDUSTRIAL   |
|  |              | 31             | 11155 DENNIS RD    | DUNN ROSIE               |
|  |              | 32             | 11245 INDIAN TRAIL | SARATOGA RE HOLDINGS LLC |
|  |              | 33             | 2741 SATSUMA DR    | MANNY NASER INC          |
|  | O            | 34             | 11120 INDIAN TRAIL | LENTZ RICHARD V          |
|  | X            | 35             | 2850 SATSUMA DR    | GETZENDANER W H TR ET AL |
|  |              | 36             | 11301 DENNIS RD    | KROTHAPALLI RAMAKRISHNA  |
|  |              | 37             | 2818 SATSUMA DR    | HILLTOP VENTURES LLC     |