

FILE NUMBER: Z212-119 (OA)

DATE FILED: October 22, 2021

LOCATION: Southwest line of North Garrett Avenue, north of the intersection of Ross Avenue and Bennett Avenue

COUNCIL DISTRICT: 2

MAPSCO: 36 W

SIZE OF REQUEST: ± 0.20 acres

CENSUS TRACT: 9.00

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

OWNER/APPLICANT: TG Miller, LLC

REQUEST: An application for a CR Community Retail District with volunteered deed restrictions, on property zoned LO-1 Limited Office District.

SUMMARY: The purpose of the request is to allow the expansion of the adjacent car wash on the site.

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

STAFF RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

- The subject site is currently developed with an office use.
- The purpose of the request is to expand the adjacent Car Wash.
- At the December 16, 2022, the applicant volunteered deed restrictions to further limit the allowable uses on site.

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

1. **Z212-123:** An application for an MF-2(A) Multifamily District on property zoned a CR Community Retail District on the Northeast line of North Garrett Avenue, northwest of Ross Avenue. [Under review]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
North Garrett Avenue	Local	-
Ross Avenue	Community Collector	-

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. 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 1.2 Promote Desired Development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

GOAL 2.1 Promote Balanced Growth.

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

GOAL 2.4 Create and Maintain an environment Friendly to businesses and Entrepreneurs.

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Surrounding Land Uses:

	Zoning	Land Use
Site	LO-1 Light Office	Office
North	LO-1 Light Office NS(A) Neighborhood Service	Child-care facility, commercial parking / Multifamily
East	CR Community Retail	Car Wash
South	CR Community Retail NO(A) Neighborhood Office	Retail
West	NS(A) Neighborhood Service	Retail and office

Land Use Compatibility:

The purpose of the request is to allow for the expansion of the existing car wash use abutting the property to the east of the site. The site is currently developed with a one-story medical office structure, the lot is approximately 8,712 square feet in area, and the existing zoning is LO-1 Limited Office District. The uses surrounding the site consist of the parking lot of a church and retail uses to the west, a Car Wash use to the south, a child-care facility to the north and a commercial parking lot and retail to the east.

The proposed site is located adjacent to CR Community Retail District to the East, South, and west, NS(A) Neighborhood Service uses to the north. The proposed CR Community Retail District is an appropriated zoning district for the site and has the potential to be utilized better with the adjacent sites with the conversion to CR Community Retail.

Therefore, the staff is in support of the proposed zoning since these uses are compatible with the proposed CR Community Retail District and future land uses and the request complies with land use goals and policies of ForwardDallas Comprehensive Plan by ensuring that zoning is flexible enough to respond to changing economic conditions. Furthermore, the proposed expansion of the car wash will require a Development Impact Review (DIR) before the issuance of a permit to build.

Use Comparison Table:

Following is a comparison table showing differences in the permitted uses between the existing and proposed zoning districts.

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

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

	Existing LO-1	Proposed CR	Deed Restriction
Use			Use prohibited
Industrial (outside)			
Medical/infectious waste incinerator			
Metal salvage facility			
Mining			
Municipal waste incinerator			
An organic compost recycling facility			
Outside salvage or reclamation			
Pathological waste incinerator			
Temporary concrete or asphalt batching plant	★	★	
INSTITUTIONAL AND COMMUNITY SERVICE USES			
Adult daycare facility	L	•	
Cemetery or mausoleum	S	S	
Child-care facility	L	•	
Church	•	•	
College, university, or seminary	•	•	
Community service center	S	S	
Convalescent and nursing homes, hospice care, and related institutions			
Convent or monastery	•	•	
Foster home			
Halfway house			
Hospital		S	
Library, art gallery, or museum	•	•	
Public or private school	R/S	S	
LODGING USES			
Extended stay hotel or motel			
Hotel or motel		S	
Lodging or boarding house		S	
Overnight general-purpose shelter	•	★	
MISCELLANEOUS USES			
Carnival or circus (temporary)	★	★	
Hazardous waste management facility			
Attached non-premise sign		S	
Temporary construction or sales office	•	•	
OFFICE USES			
Alternative financial establishment	•	S	
A financial institution without a drive-in window	•	•	
A financial institution with a drive-in window	S	DIR	
A medical clinic or ambulatory surgical center	•	•	

	Existing LO-1	Proposed CR	Deed Restriction
Use			Use prohibited
Office	•	•	
RECREATION USES			
Country club with private membership	•	•	
A private recreation center, club, or area	S	•	
Public park, playground, or golf course	•	•	
RESIDENTIAL USES			
College dormitory, fraternity, or sorority house	•	•	
Duplex			
Group residential facility			
Handicapped group dwelling unit			
Manufactured home park, manufactured home subdivision, or campground			
Multifamily			
Residential hotel			
Retirement housing			
Single family			
RETAIL AND PERSONAL SERVICE USES			
Alcoholic beverage establishments.	•	•	
Animal shelter or clinic without outside runs		•	
Ambulance service		•	
Auto service center		•	
Business school	•	•	
Car wash		•	
Commercial amusement (inside)		SUP	
Commercial amusement (outside)		SUP	
Commercial motor vehicle parking			
Commercial parking lot or garage		•	
Convenience store with a drive-through		•	
Dry cleaning or laundry store	•	•	
Furniture store		•	
General merchandise or food store 3,500 square feet or less	•	•	
General merchandise or food store greater than 3,500 square feet		SUP	
Home improvement center, lumber, brick or building materials sales yard		•	
Household equipment and appliance repair		•	
Liquor store		•	
The motor vehicle fueling station		•	
Nursery, garden shop, or plant sales		•	

	Existing LO-1	Proposed CR	Deed Restriction
Use			Use prohibited
Mortuary, funeral home, or commercial wedding chapel		•	
Paraphernalia shop		S	
Pawnshop			
Personal service use	•	•	
Restaurant without drive-in or drive-through service	•	R	
Restaurant with drive-in or drive-through service		D	
Surface parking			
Swap or buy shop		•	
Taxidermist			
Temporary retail use		•	
Theater		•	
Truckstop			
Vehicle display, sales, and service			
TRANSPORTATION USES			
Airport or landing field			
Commercial bus station and terminal			
Heliport			
Helistop			
Private street or alley	S		
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	S	
UTILITY AND PUBLIC SERVICE USES			
Commercial radio or television transmitting station	•	•	
Electrical generating plant	•		
Electrical substation	•	•	
Local utilities	•	S	
Police or fire station	S	•	
Post office	S	•	
Radio, television, or microwave tower	S	S	
Refuse transfer station			
Sanitary landfill			
Sewage treatment plant			
Tower/antenna for cellular communication	•	★	
Utility or government installation other than listed		SUP	
Water treatment plant			
WHOLESALE, DISTRIBUTION, AND STORAGE USES			

	Existing LO-1	Proposed CR	Deed Restriction
Use			Use prohibited
Auto auction			
Building mover's temporary storage yard			
Contractor's maintenance yard			
Freight terminal			
Livestock auction pens or sheds			
Manufactured building sales lot			
Mini-warehouse		S	
Office showroom/warehouse			
Outside storage			
Petroleum product storage and wholesale			
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			
Trade center			
Vehicle storage lot			
Warehouse			

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
Existing: LO-1 Limited Office	15' or an additional 20' if the structure is over 45' in height.	20' if adjacent to any residential zoning 0' for all others	1.0	70' RPS applies	80%	Office/Personal Service
Proposed: CR	15'	20' Adjacent or directly across an alley from residential OTHER: No Min.	FAR .5 for office uses 0.75 for all uses combined	54' RPS applies	60%	Retail/Personal Service

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading spaces must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. For a car wash use, no parking spaces are required if the floor area is between 0 to 10,000 square feet, 1 parking space is required if the floor area is between 10,000 to 60,000 square feet, and 1 additional for each additional 60,000 or fraction thereof. The applicant must meet this section of the code at the permitting stage of the development.

Landscaping:

Landscaping of the property must be provided in accordance with 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 strengths or weaknesses. 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.

**CPC ACTION
DECEMBER 16, 2021**

Motion: It was moved to recommend **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant on property zoned LO-1 Limited Office District, on the southwest line of North Garrett Avenue, north of the intersection of Ross Avenue and Bennett Avenue.

Maker: Hampton
Second: Rubin
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid,
Carpenter, Jackson, Blair, Jung, Haqq,
Kingston, Rubin

Against: 0
Absent: 2 - Suhler, Stanard
Vacancy: 2 - District 3, District 10

Notices: Area: 200 Mailed: 53
Replies: For: 0 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

List of Partners/Principals/Officers

KIMBERLY W MILLER, secretary

KIMBERLY W MILLER, director

THOMAS G MILLER, president

THOMAS G MILLER, director

TOM MILLER, agent

DEED RESTRICTIONS

THE STATE OF TEXAS)
) KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS)

I.

The undersigned, T.G. Miller, LLC a Texas limited liability company ("the Owner"), is the owner of the following described property ("the Property"), being all of Lot 34, Block 4/673 of College Hill Addition, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Marlisa Limited Partnership, by deed dated September 13, 2021, and recorded in Instrument Number 202100273061 in the Deed Records of Dallas County, Texas.

II.

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

- (a) The following uses are prohibited:
- (1) Commercial and business service uses.
 - Catering service.
 - Custom business services.
 - Electronics service center.
 - Medical or scientific laboratory.
 - Tool or equipment rental.
 - (2) Institutional and community service uses.
 - College, university, or seminary.
 - Community service center.
 - Hospital.
 - Open-enrollment charter school or private school.
 - (3) Lodging uses.
 - Hotel or motel.
 - Lodging or boarding house.
 - Overnight general purpose shelter.
 - (4) Office uses.
 - Alternative financial establishment.

(Deed Restrictions) - Page 1

- Financial institution with drive-in window.
- (5) Recreation uses.
 - Private recreation center, club, or area.
- (6) Residential uses.
 - College dormitory, fraternity, or sorority house.
- (10) Retail and personal service uses.
 - Alcoholic beverage establishments.
 - Ambulance service.
 - Animal shelter or clinic without outside runs.
 - Business school.
 - Commercial amusement (inside).
 - Commercial amusement (outside).
 - Commercial parking lot or garage.
 - Convenience store with drive-through.
 - Furniture store.
 - General merchandise or food store greater than 3,500 square feet.
 - General merchandise or food store 100,000 square feet or more.
 - Home improvement center, lumber, brick, or building materials sales yard.
 - Household equipment and appliance repair.
 - Liquor store.
 - 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.
 - Temporary retail use.
 - Theater.
- (11) Utility and public service uses.
 - Commercial radio or television transmitting station.
 - Electrical substation.
 - Police or fire station.
 - Post office.
- (13) Wholesale, distribution, and storage uses.
 - Mini-warehouse.
 - Recycling buy-back center.
 - Recycling collection center.

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.

(Deed Restrictions) - Page 3

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.

EXECUTED this the ____ day of _____, 2022.

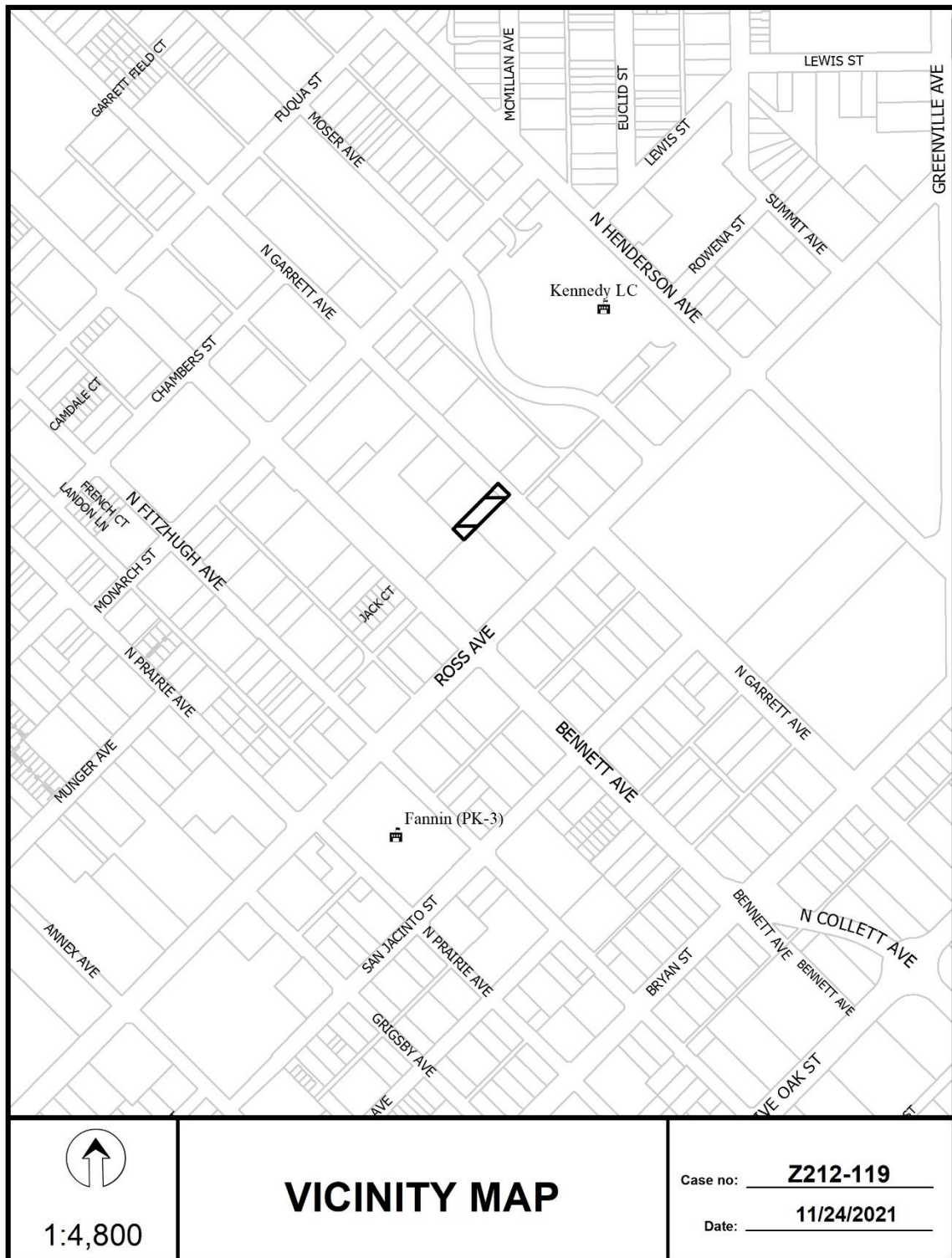
T.G. Miller, LLC

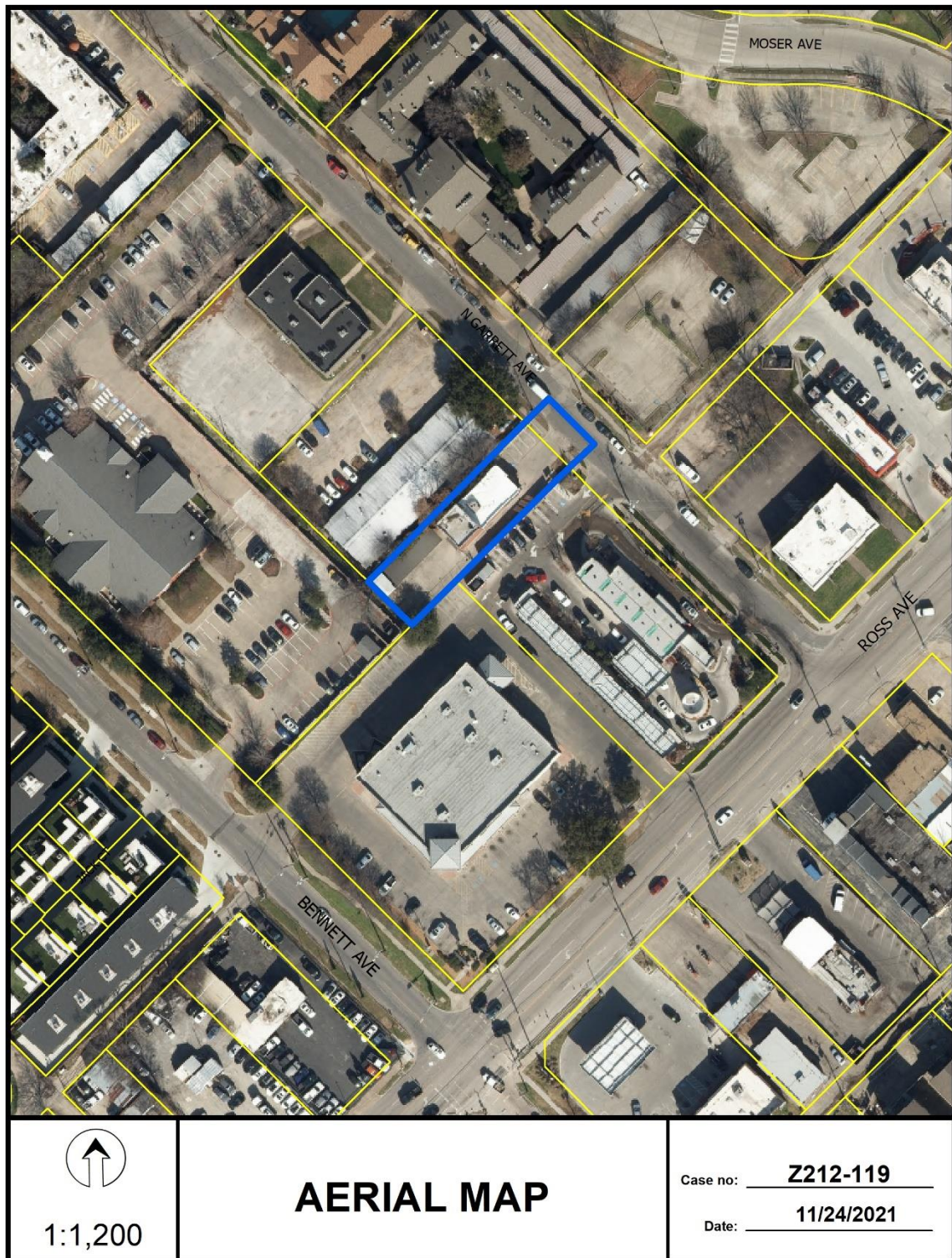
Owner

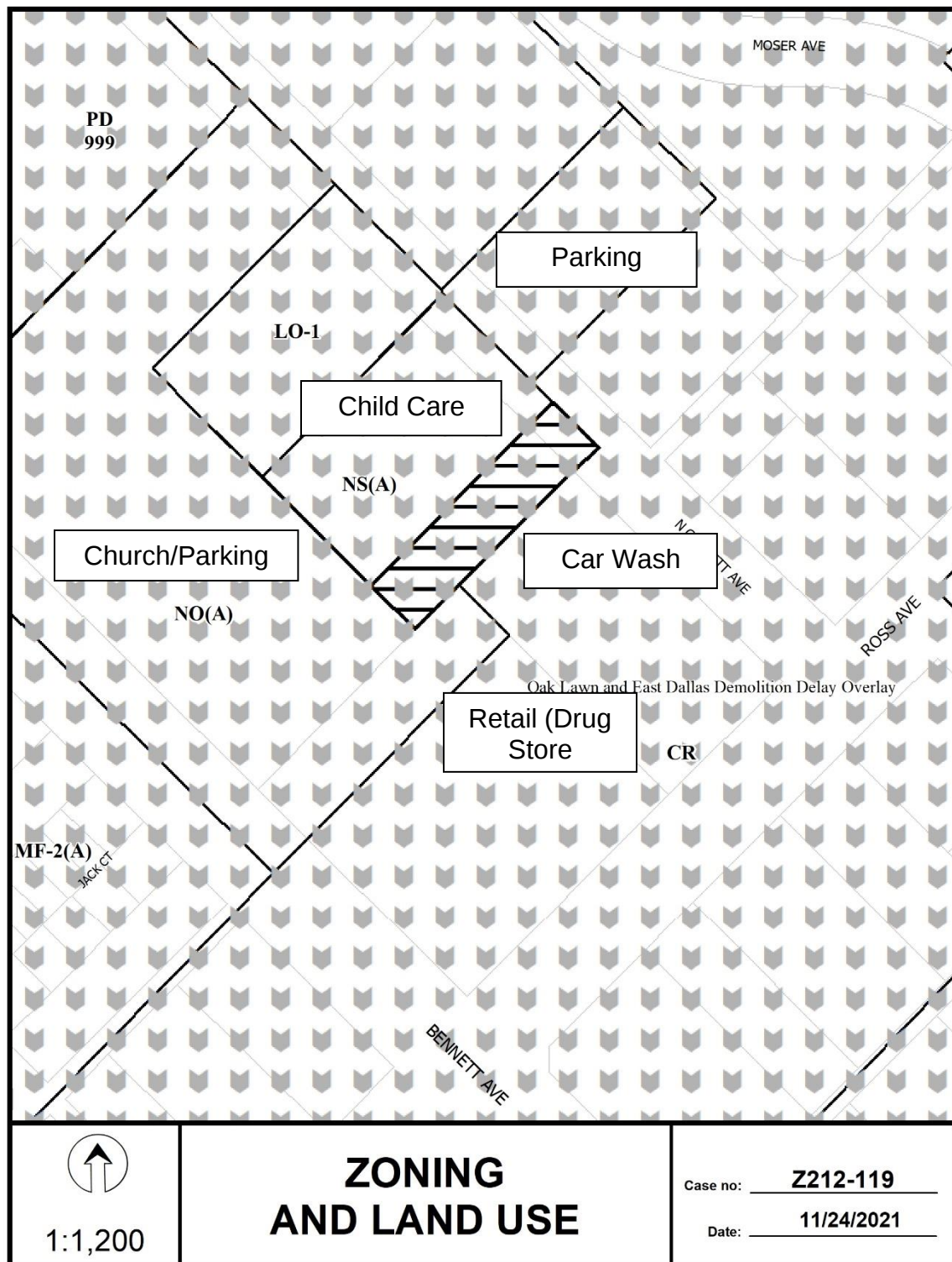
By: _____

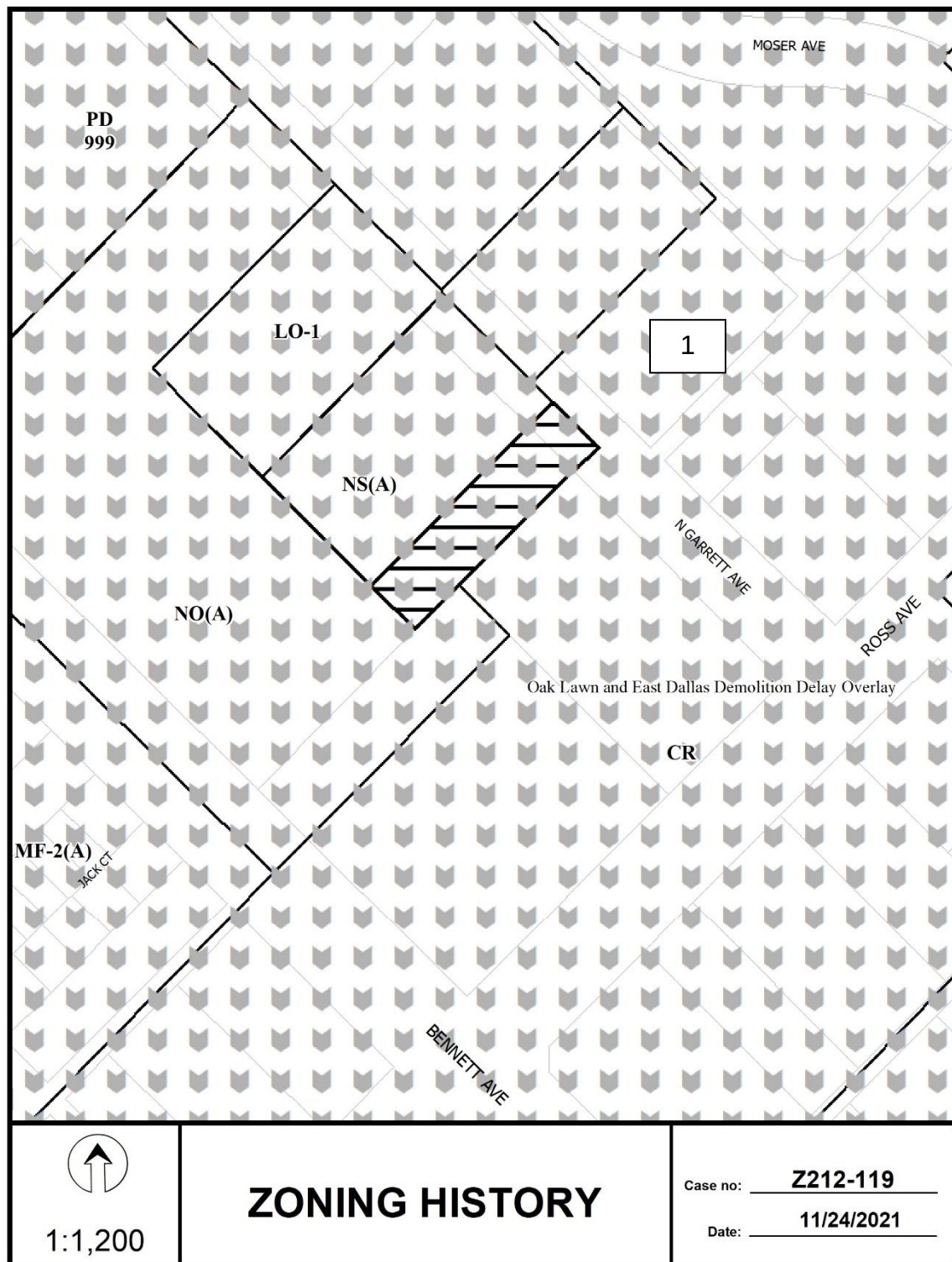
Printed Name: _____

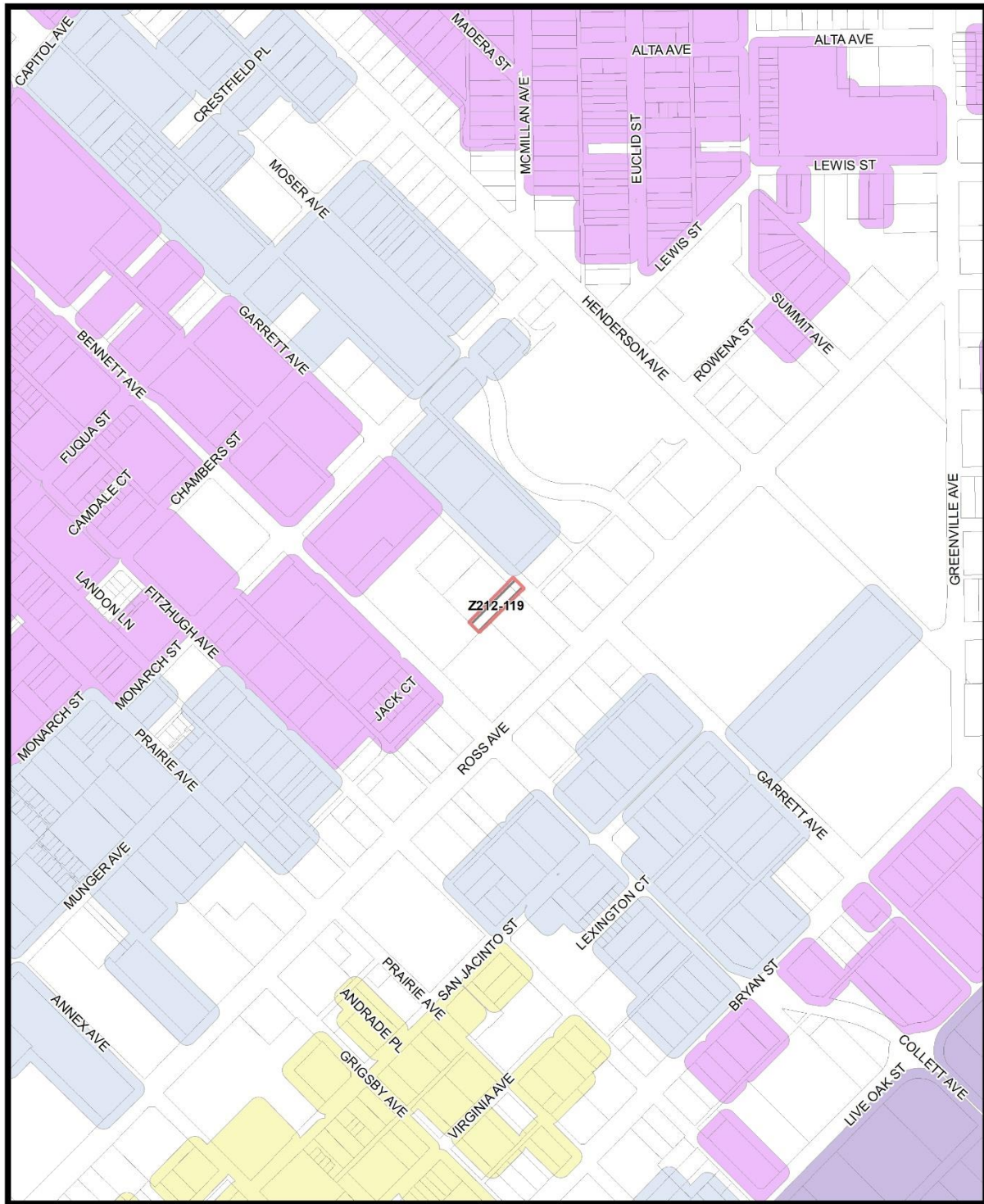
Title: _____











Market Value Analysis

A B C D E F G H I NA



1:4,800

Market Value Analysis

Printed Date: 11/24/2021



12/15/2021

Reply List of Property Owners***Z212-119******53 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1805 N GARRETT AVE	MEDHANFALEM ERITREAN
	2	1721 N GARRETT AVE	COMUNIDAD DE ESPERANZA
	3	1717 N GARRETT AVE	MARLISA LTD PARTNERSHIP
	4	5101 ROSS AVE	DIOSCORIDES & AVICENNA HOLDINGS LLC
	5	5001 ROSS AVE	MV1 PROPERTIES LLC
	6	5021 ROSS AVE	MILLER BLAKEWELL LLC
	7	1800 BENNETT AVE	CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
	8	5111 ROSS AVE	WAFFLE HOUSE INC
	9	1810 N GARRETT AVE	RODRIGUEZ ESPERANZA &
	10	1810 N GARRETT AVE	AMADOR LUDMILA & ANA
	11	1810 N GARRETT AVE	C&C RESIDENTIAL PROPERTIES INC
	12	1810 N GARRETT AVE	THOMPSON LOIS J & JOSE J MEJIA
	13	1810 N GARRETT AVE	EARLY VIRGINIA
	14	1810 N GARRETT AVE	LOPEZ JUAN PABLO MARQUEZ
	15	1810 N GARRETT AVE	WOLF BEE HOLDINGS LLC
	16	1810 N GARRETT AVE	C&C RESIDENTIAL PROPERTIES INC
	17	1810 N GARRETT AVE	MARTTULS LLC
	18	1810 N GARRETT AVE	OCONNOR PATRICK D
	19	1810 N GARRETT AVE	VILLAGOMEZ MARIA
	20	1810 N GARRETT AVE	RATLIFF HARVEY LOCKE &
	21	1810 N GARRETT AVE	CUELLAR PRECILIANO &
	22	1810 N GARRETT AVE	RATLIFF HARVEY LOCKE
	23	1810 N GARRETT AVE	RODRIGUEZ MARIA CRUZ
	24	1810 N GARRETT AVE	CUELLARMARTINEZ PRECILIANO &
	25	1810 N GARRETT AVE	CALEY KATHRYN
	26	1810 N GARRETT AVE	GUITERREZ VICTOR & MARIA

12/15/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1810 N GARRETT AVE	OWEN FRED D
	28	1810 N GARRETT AVE	FUSSELMAN ELAINE
	29	1810 N GARRETT AVE	MAKARA MIKE
	30	1810 N GARRETT AVE	SARMIENTO ANA MARIA
	31	1810 N GARRETT AVE	GUTIERREZ NORMA IRENE
	32	1810 N GARRETT AVE	MORALES ROSALIA
	33	1810 N GARRETT AVE	SIKES ROBERT C LLC &
	34	1810 N GARRETT AVE	HOUNG WINNIE
	35	1810 N GARRETT AVE	MACIAS GUSTAVO
	36	1810 N GARRETT AVE	FLORES JUAN & MARIA
	37	1810 N GARRETT AVE	GARZA MANUEL & FATIMA A CANO
	38	1810 N GARRETT AVE	DIJKMAN CELIA MARIA TRUST
	39	1810 N GARRETT AVE	REYES SYLVIA
	40	1810 N GARRETT AVE	MAKARA MICHAEL
	41	1810 N GARRETT AVE	MACIAS GUSTAVO
	42	1810 N GARRETT AVE	GUTIERREZ NORMA I
	43	1810 N GARRETT AVE	FLORES LETICIA
	44	1810 N GARRETT AVE	TBPR PROPERTIES LLC
	45	1810 N GARRETT AVE	HUBER WILLIAM R
	46	1810 N GARRETT AVE	ESTRELLA YOJAIDA
	47	1810 N GARRETT AVE	ZAK PAUL A
	48	1810 N GARRETT AVE	FLORES JUANITA L
	49	1810 N GARRETT AVE	ANDINO JUAN FRANCISCO &
	50	1810 N GARRETT AVE	WEST DON M &
	51	1810 N GARRETT AVE	YBARRA ALFONZO R
	52	1810 N GARRETT AVE	YBARRA AL
	53	1810 N GARRETT AVE	GUTIERREZ NORMA IRENE