

FILE NUMBER: Z223-115(RM) **DATE FILED:** October 17, 2022

LOCATION: Northwest line of Empire Central Drive, northeast of Harry Hines Boulevard

COUNCIL DISTRICT: 2

SIZE OF REQUEST: Approx. 0.54 acre **CENSUS TRACT:** 48113000410

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

OWNER: Robert Cloud and Ruth Womak Trust

APPLICANT: Kaminski Development Corporation

REQUEST: An application for an MF-2(A) Multifamily District on property zoned an IR Industrial/Research District.

SUMMARY: The purpose of the request is to allow multifamily on the site.

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

STAFF RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

- The area of request is currently zoned an IR Industrial/Research District and is undeveloped.
- The applicant proposes to develop the property with multifamily.
- To accomplish this, they are request an MF-2(A) Multifamily District.
- The applicant has not indicated an intent to provide affordable units as part of the development. However, an MF-2(A) District would be entitled to development bonuses if affordable units are provided. These bonuses are detailed in the report.

Zoning History:

There have been three zoning cases in the area in the last five years.

1. **Z189-149:** On March 25, 2020, City Council approved an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned a CS Commercial Service District east of Harry Hines Boulevard, at the terminus of Mail Avenue, to the southeast.
2. **Z201-201:** On August 11, 2021, City Council approved an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned an IR Industrial/Research District on the northwest side of the intersection of Empire Central Drive and Forest Park Road.
3. **Z223-103:** On October 4, 2022, staff received an application for an MU-2 Mixed Use District on property zoned an IR Industrial/Research District on the southeast line of Empire Central Drive, northeast of Harry Hines Boulevard. [under consideration in a public hearing]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Empire Central Drive	Community Collector	60 feet
Harry Hines Boulevard	Principal Arterial	130 feet

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. Staff will continue review of engineering plans at permitting to comply

with city standards.

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 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

NEIGHBORHOOD PLUS

POLICY 5.1 Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.

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

Land Use:

	Zoning	Land Use
Site	IR	Undeveloped
Northwest	CS, MF-2(A)	General merchandise or food store greater than 3,500 square feet, surface parking, single family
Northeast	IR	Vehicle display, sales, and service
Southeast	IR, MU-2	Office, commercial parking lot or garage
Southwest	IR	Hotel or motel

Land Use Compatibility:

The area of request is currently undeveloped. To the northwest is a general merchandise or food store greater than 3,500 square feet zoned a CS Commercial Service District as well as surface parking and single family uses zoned an MF-2(A) District. Northeast of

the request area is a vehicle display, sales, and service use zoned an IR District. To the southeast across Empire Central Drive is an office zoned an IR District, plus a commercial parking lot or garage zoned an MU-2 District. Southwest is a hotel or motel zoned an IR District. Although surrounding zoning districts and land uses are varied, staff finds the applicant’s request to be compatible with surrounding uses in the area.

Staff supports the applicant’s request and finds the proposed downzoning from an IR District to an MF-2(A) District to be compatible with the surrounding area, which is transitioning from heavy commercial and industrial zoning to multifamily and mixed use zoning. Although the applicant has not indicated an intent to provide affordable units as part of the development, an MF-2(A) District would be entitled to development bonuses if affordable units are provided. These development bonuses, and the development standards of the existing and proposed zoning districts, are detailed below.

Development Standards

District	Setback		Density	Height	Lot Cvrg.	Special Standards	Primary Uses
	Front	Side/Rear					
Ex: IR	15'	30' adj to res Other: No min	No max	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution and storage, supporting office and retail
Prop: MF-2(A)	15'	15'	Min lot 1,000 sf 800 sf – E 1,000 sf – 1BR 1,200 sf – 2BR +150 sf each add BR	36'	60%	Proximity Slope	Multifamily, duplex, single family
MIH: MF-2(A)*			No min lot area per dwelling unit	85'	85%	Proximity Slope U-form Setback	

* Property is located in an “H” MVA area. Would require 5% at 81-100%.

To obtain the development bonuses listed above, the applicant would also need to 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

Following is a comparison table showing differences in 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	Proposed
Use	IR	MF-2(A)
AGRICULTURAL USES		
Animal production		
Commercial stable		
Crop production	•	•
Private stable		
COMMERCIAL AND BUSINESS SERVICE USES		
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	★	
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	•	
INDUSTRIAL USES		
Alcoholic beverage manufacturing	R	
Gas drilling and production	S	S
Gas pipeline compressor station		
Industrial (inside)	★	

Use	IR	MF-2(A)
Industrial (inside) for light manufacturing	•	
Industrial (outside)	★	
Medical/infectious waste incinerator	S	
Metal salvage facility		
Mining		
Municipal waste incinerator	S	
Organic compost recycling facility	S	
Outside salvage or reclamation		
Pathological waste incinerator	S	
Temporary concrete or asphalt batching plant	★	★
INSTITUTIONAL AND COMMUNITY SERVICE USES		
Adult day care facility	•	S
Cemetery or mausoleum	S	S
Child-care facility	•	S
Church	•	•
College, university, or seminary	•	S
Community service center	•	S
Convalescent and nursing homes, hospice care, and related institutions		R
Convent or monastery		•
Foster home		•
Halfway house		
Hospital	R	S
Library, art gallery, or museum		S
Public or private school	S	S
LODGING USES		
Extended stay hotel or motel	S	
Hotel or motel	R	
Lodging or boarding house	•	•
Overnight general purpose shelter	★	
MISCELLANEOUS USES		
Carnival or circus (temporary)	★	★
Hazardous waste management facility	★	
Placement of fill material		
Temporary construction or sales office	•	•
OFFICE USES		
Alternative financial establishment	S	
Financial institution without drive-in window	•	
Financial institution with drive-in window	R	
Medical clinic or ambulatory surgical center	•	
Office	•	

Use	IR	MF-2(A)
RECREATION USES		
Country club with private membership	•	R
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		
Ambulance service		
Animal shelter or clinic without outside runs	•	
Animal shelter or clinic with outside runs	★	
Auto service center	R	
Business school	•	
Car wash	R	
Commercial amusement (inside)	★	
Commercial amusement (outside)		
Commercial motor vehicle parking	★	
Commercial parking lot or garage	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	•	
General merchandise or food store greater than 3,500 square feet		
Home improvement center, lumber, brick or building materials sales yard	R	
Household equipment and appliance repair	•	
Liquefied natural gas fueling station	★	
Motor vehicle fueling station	•	
Nursery, garden shop, or plant sales		
Outside sales		
Paraphernalia shop	S	

Use	IR	MF-2(A)
Pawn shop	•	
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	•	
Truck stop	S	
Vehicle display, sales, and service	R	
TRANSPORTATION USES		
Airport or landing field	S	
Commercial bus station and terminal	R	
Heliport	R	
Helistop	R	
Private street or alley		
Railroad passenger station	S	
Railroad yard, roundhouse, or shops		
STOL (short take-off or landing port)	S	
Transit passenger shelter	•	•
Transit passenger station or transfer center	★	S
UTILITY AND PUBLIC SERVICE USES		
Commercial radio or television transmitting station	•	
Electrical generating plant		
Electrical substation	•	S
Local utilities	★	★
Police or fire station	•	S
Post office	•	
Radio, television, or microwave tower	R	S
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	
WHOLESALE, DISTRIBUTION, AND STORAGE USES		
Auto auction		
Building mover's temporary storage yard		
Contractor's maintenance yard		
Freight terminal	R	

Use	IR	MF-2(A)
Livestock auction pens or sheds		
Manufactured building sales lot	R	
Mini-warehouse	•	
Office showroom/warehouse	•	
Outside storage	R	
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	R	

Landscaping:

Landscaping will 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 multifamily is one space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

If the applicant provides affordable units as part of the development, the off-street parking requirement for multifamily can be reduced to a minimum of 0.5 space per dwelling unit, provided that at least 15 percent of the required parking is 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.

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, but there is an “H” MVA cluster to the north.

List of Officers

Robert Cloud and Ruth Womak Trust

Thomas Denman, Trustee

Kaminski Development Corporation

Scott Eller, PLLC

Bruce Kaminski, Owner

CPC Action
March 23, 2023

Motion: It was moved to recommend **approval** of an MF-2(A) Multifamily District, subject to deed restrictions volunteered by the applicant to include the following: 1) buildings facing Empire Central must be oriented toward Empire Central, must have an individual entrance facing Empire Central and a walkway leading to the sidewalk built along Empire Central; 2) 6 foot wide sidewalk with a 6 foot wide planting strip required between the sidewalk and the back of curb; 3) a designated location for trash pickup required to be located behind the front yard setback and out of the access drive or in a dumpster on property zoned an IR Industrial/Research District, on the northwest line of Empire Central Drive, northeast of Harry Hines Boulevard.

Maker: Hampton
Second: Carpenter
Result: Carried: 12 to 0

For: 12 - Hampton, Herbert, Anderson, Shidid,
Carpenter, Wheeler-Reagan, Blair, Jung,
Treadway, Haqq*, Kingston, Rubin*

Against: 0
Absent: 2 - Housewright, Stanard
Vacancy: 1 - District 1

*out of the room, shown voting in favor

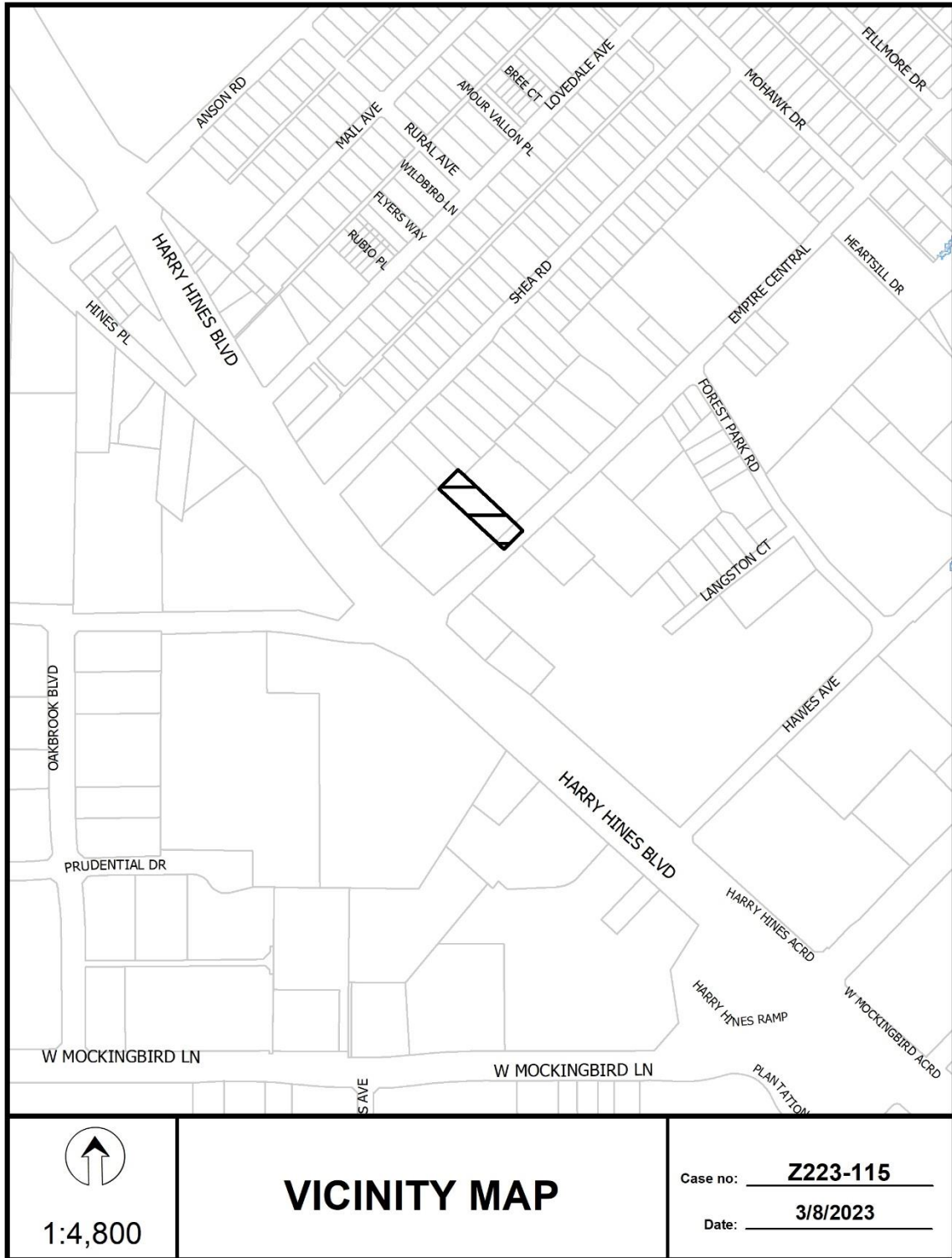
Notices: Area: 200 Mailed: 12
Replies: For: 3 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Bruce Kaminski, 6304 Pipper St., Plano, TX, 75093

Against: None

APPLICANT'S VOLUNTEERED DEED RESTRICTIONS

1. Buildings facing Empire Central Drive must be oriented toward Empire Central Drive, must have an individual entrance facing Empire Central Drive, and a walkway leading to the sidewalk built along Empire Central Drive.
2. Six-foot wide sidewalk with a six-foot wide planting strip required between the sidewalk and the back of curb.
3. A designated location for trash pickup required to be located behind the front yard setback and out of the access drive or in a dumpster.



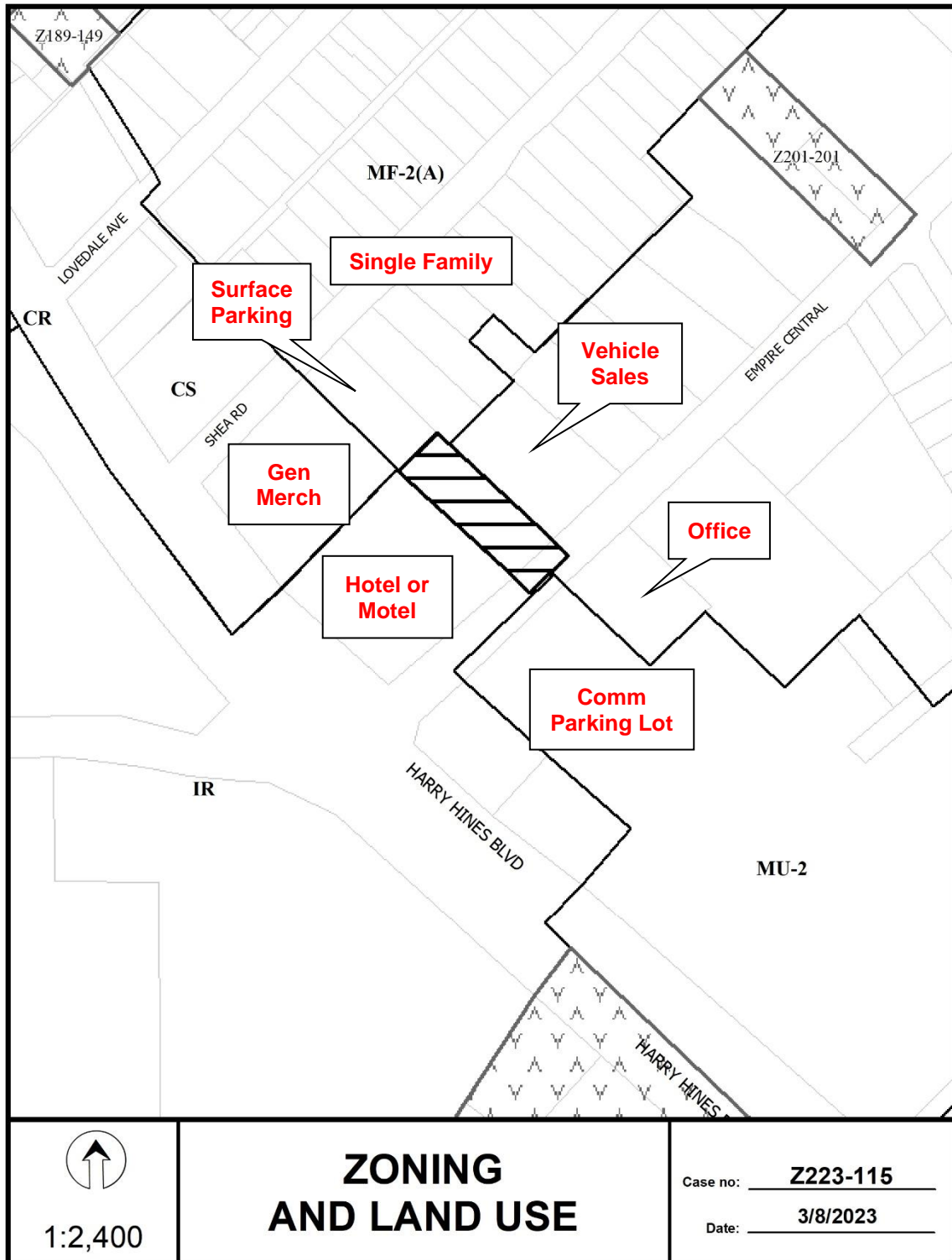


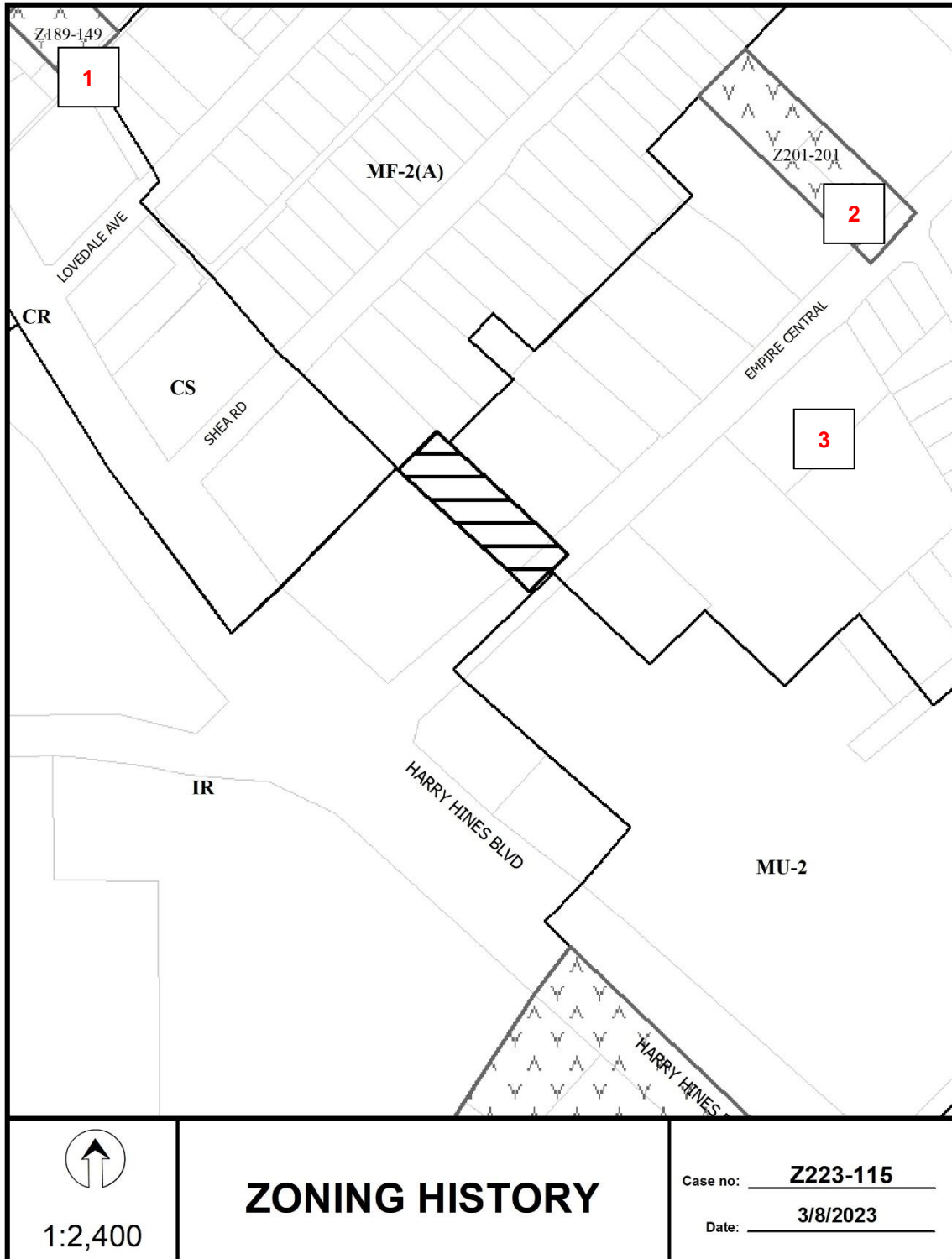
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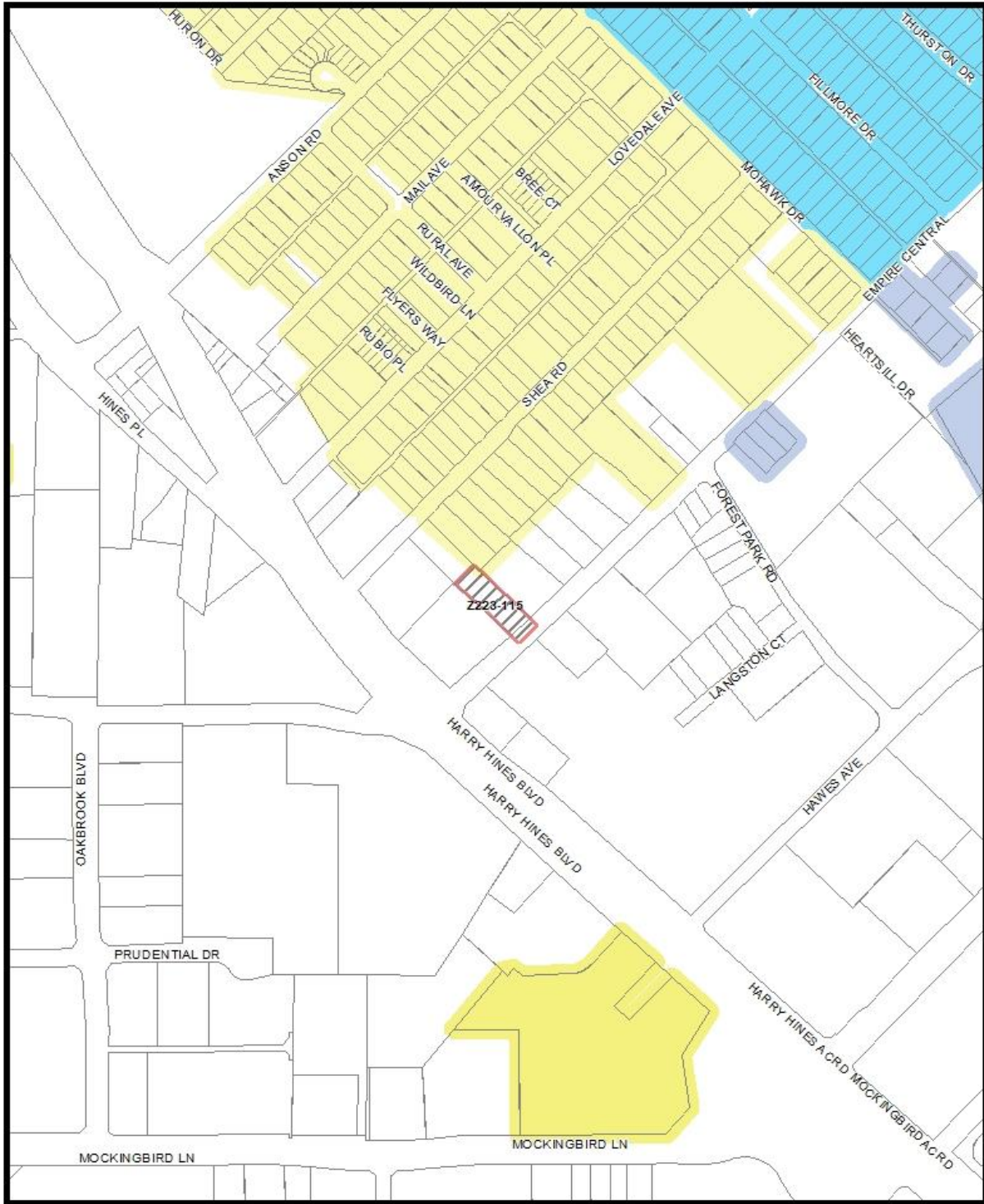
AERIAL MAP

Case no: Z223-115

Date: 3/8/2023





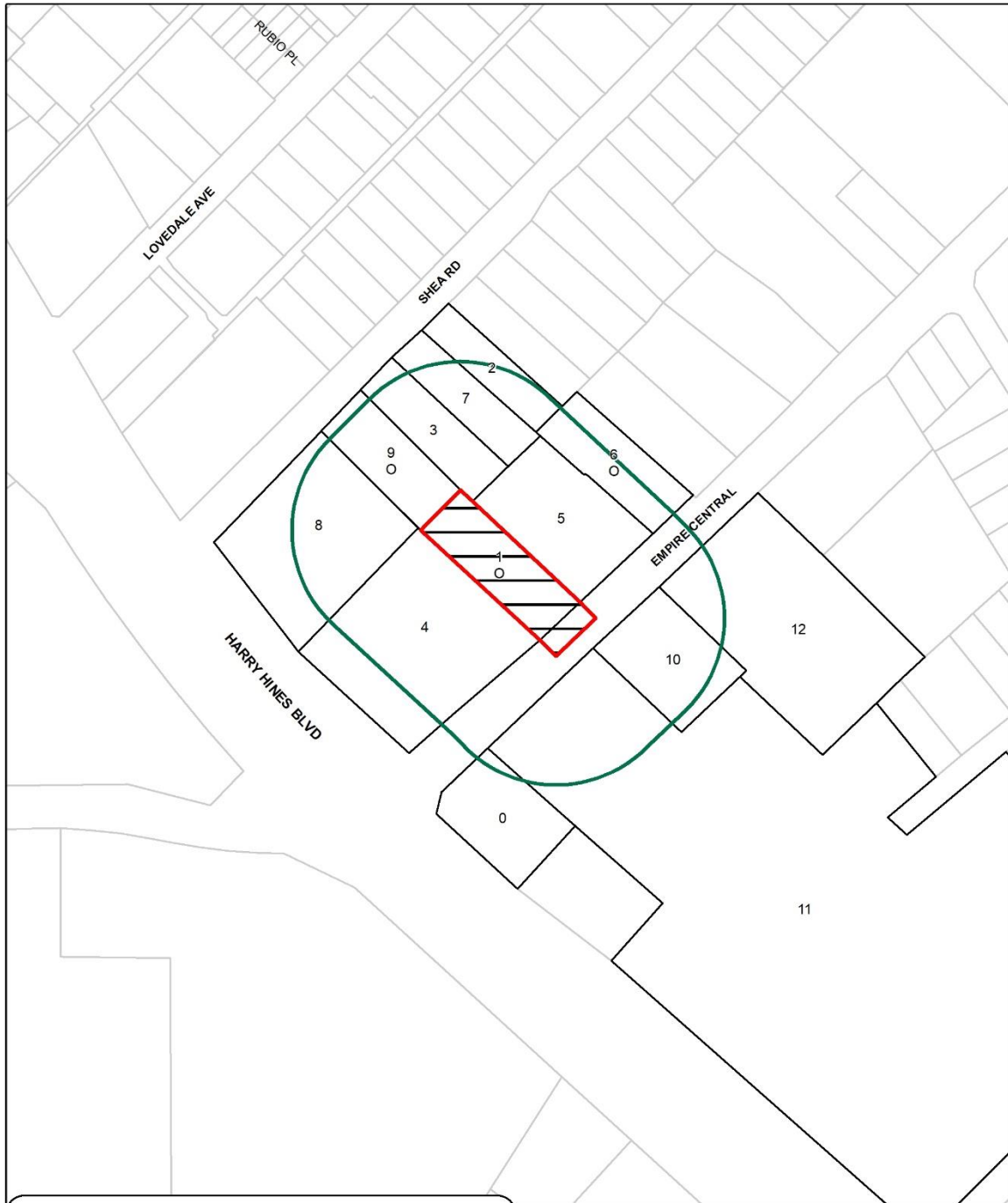


Market Value Analysis A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 3/8/2023



<u>12</u>	Property Owners Notified (13 parcels)
<u>3</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>3/23/2023</u>	Date

Z223-115
CPC



1:2,400

03/22/2023

Reply List of Property Owners

Z223-115

12 Property Owners Notified 3 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2025 EMPIRE CENTRAL	CLOUD ROBERT & RUTH WOMACK
	2	2040 SHEA RD	ONTIVEROS ELEANOR T
	3	2030 SHEA RD	Taxpayer at
	4	7002 HARRY HINES BLVD	MANOR HOSPITALITY CORP
	5	2033 EMPIRE CENTRAL	Taxpayer at
O	6	2043 EMPIRE CENTRAL	VANDELAY MUSIC LLC
	7	2034 SHEA RD	ONTIVEROS LARRY & NORA
	8	7114 HARRY HINES BLVD	Taxpayer at
O	9	2020 SHEA RD	HHS PROPERTIES LLC
	10	2030 EMPIRE CENTRAL	CIK LP
	11	6814 HARRY HINES BLVD	DLF HINES LLC
	12	2040 EMPIRE CENTRAL	GIRLS INCORPORATED OF