

HONORABLE MAYOR AND CITY COUNCIL

WEDNESDAY, JANUARY 13, 2021

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z190-108(AU)

DATE FILED: October 14, 2019

LOCATION: Southeast corner of East Mockingbird Lane and Abrams Road

COUNCIL DISTRICT: 9

MAPSCO: 36 M

SIZE OF REQUEST: Approximately 10.2 acres

CENSUS TRACT: 80.00

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

APPLICANT / OWNER: Bristol Holds LLC, Mockingbird Square LTD, Riverbend Real Estate Group LLC

REQUEST: An application to amend Planned Development District No. 79 to update to CR Community Retail District regulations

SUMMARY: The applicant is requesting to update the uses and revise the regulations to reflect the existing development and reduce the parking and landscaping standards.

CPC RECOMMENDATION: **Approval**, subject to a revised development plan, a revised landscape plan, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised development plan, revised landscape plan, and staff's recommended conditions.

Background Information

- The request site is comprised of three parcels and is currently developed with five one- and two-story buildings totaling approximately 111,000 square feet. The uses are retail and personal service.
- PD No. 79 was established in 1975 and generally defaults to Shopping Center District uses and standards in Chapter 51. PD No. 79 directly refers to Ordinance 14898 for parking requirements, passed in 1975. Ordinance 14898 amended Chapter 51 parking requirements.
- The applicant is requesting to amend PD No. 79 and update it to standards for CR Community Retail District. The main purpose of the request is to allow the site to use the parking requirements under CR District, slightly modified, and introduce a mixed-use development parking chart, thus to allow the existing shopping center a mix of retail and personal service uses. The applicant is also requesting the modification to the landscape standards to reflect the existing development which is not in compliance with the approved Landscape Plan.

Zoning History

There have been no zoning cases requested in the area in the past five years.

Thoroughfares/Streets

Thoroughfares/Street	Type	Existing ROW / Proposed ROW
East Mockingbird Lane	Principal Arterial	100 ft. Bike Plan
Abrams Road	Community Collector	60 ft. Bike Plan

Traffic

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the existing roadway system.

Comprehensive Plan

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies that can serve as a framework for assisting in evaluating the applicant's request. The applicant's request is consistent with the following 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. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

STAFF ANALYSIS

Surrounding Land Uses

	Zoning	Land Use
Site	PD No. 79	Retail and personal services
Northwest North	CR	Retail and personal services
Northeast	D(A)	Single family
East	PD No.185 R-7.5(A)	Office (dental) Single family
South Southeast Southwest	R-7.5(A)	Single family
West	D(A) CR	Single family Retail and personal services

Land Use Compatibility

The most significant change regarding the uses lies in the difference between the existing zoning and the proposed one is the general difference between how uses were categorized by Chapter 51 versus the categories in Chapter 51A. Chapter 51 detailed and identified the retail and personal service uses, Chapter 51A is more general regarding the retail and personal service uses, recognizing the dynamic and changes of these types of uses in general.

The following chart compares the uses as allowed by the existing PD No. 79 – SC District, per Chapter 51, with the uses allowed by the proposed PD No. 79 – CR District, per Chapter 51A.

P indicates permitted by right.

SUP indicates permitted with a Specific Use Permit.

RAR indicates permitted, but subject to Residential Adjacency Review.

LMTD indicates permitted, but subject to limitations.

DIR indicates permitted by special authorization of the building official; or director approval.

Italic font indicated use as mentioned in Development Code Chapter 51 per PD 79.

	EXISTING PD 79 Shopping Center SC (Standards per Chapter 51)	PROPOSED PD79 CR Community Retail (Standards per Chapter 51A)
Agricultural Uses		
Crop production		P
<i>Farm or ranch</i>	P	
Commercial and business service uses		
Building repair and maintenance shop		RAR
Catering service	P	P
Custom business service		P
Electronics service center		P
Medical or scientific laboratory	P	SUP
Tool or equipment rental	P (inside only)	P
<i>Duplication shop</i>	P	
Industrial uses		
Gas drilling and production	P	SUP
Temporary concrete or asphalt batching plant		LMTD
<i>Mining</i>	SUP	
Institutional and community service uses		
Adult day-care facility	P	P
Cemetery or mausoleum	SUP	SUP
Child-care facility	P	P
Church	P	P
College, university or seminary	P	P
Community service center		SUP
Covent or monastery	P	P

Foster home	P	
Hospital	P	SUP
Library, art gallery, or museum	P	P
Open-enrollment charter school or private school	P	SUP
Public school other than open-enrollment charter school	P	RAR
<i>Rectory</i>	P	
Lodging uses		
Extended stay hotel or motel	SUP	
Hotel or motel	LMTD	SUP
Lodging or boarding house		SUP
Overnight general purpose shelter	SUP	LMTD
Miscellaneous uses		
Attached non-premise sign		SUP
Carnival or circus (temporary)		LMTD
Temporary construction or sales office	P	P
Office uses		
Alternative financial establishment		SUP
Financial institution without drive-in window	P	P
Financial institution with drive-in window	P	DIR
Medical clinic or ambulatory surgical center	P	P
Office	P	P
<i>Veterinarian's office</i>	P	
Recreation uses		
Country club with private membership		P
Private recreation center, club, or area	P	P
Public park, playground, or golf course	P (except golf course)	P
<i>Community, welfare, or health center</i>	P	
<i>Game court center</i>	P	
Residential uses		
College dormitory, fraternity, or sorority house	P	P
<i>*SC allows residential uses PD 79 does not allow any residential uses</i>		
Retail and personal service uses		
Alcoholic beverage establishments	SUP	P
Ambulance service		RAR
Animal shelter or clinic without outside runs	P	RAR
Auto service center	P	RAR
Business school	P	P
Car wash	P	DIR
Commercial amusement (inside)	P	SUP may be required
Commercial amusement (outside)	SUP	SUP
Commercial parking lot or garage		RAR
Convenience store with drive-through		SUP
Dry cleaning or laundry store	P	P
Furniture store	P	P

General merchandise or food store 3,500 square feet or less		P
General merchandise or food store 3,500 square feet or more		P
General merchandise or food store 100,000 square feet or more		SUP
Home improvement center, lumber, brick or building materials sales yard	P (home improvement center only)	DIR
Household equipment and appliance repair	P	P
Liquor store		P
Mortuary, funeral home, or commercial wedding chapel	P (commercial wedding chapel only)	P
Motor vehicle fueling station		P
Nursery, garden shop, or plant sales	P	P
Paraphernalia shop		SUP
Personal service uses		P
Restaurant without drive-in or drive-through service	P	RAR
Restaurant with drive-in or drive-through service		DIR
Swap or buy shop		SUP
Temporary retail use		P
Theater	P	P
<i>Optical shop</i>	P	These uses are allowed under retail, personal service uses, institutional uses,
<i>Medical appliance fitting sales</i>	P	
<i>Wax museum</i>	P	
<i>Carnival or circus (temporary)</i>	LMTD	
<i>Private club (51A includes this in CA(i))</i>	P	
<i>Barber and beauty shop</i>	P	
<i>Health studio</i>	P	
<i>Custom cleaning shop</i>	P	
<i>Key shop</i>	P	
<i>Shoe repair</i>	P	
<i>Tailor, custom sewing, and millinery</i>	P	
<i>Travel bureau</i>	P	
<i>Broadcasting or recording studio</i>	P	
<i>Instructional art studio</i>	P	
<i>Handcrafted artwork studio</i>	P	
<i>Handcrafted bookbinding</i>	P	
<i>Photography studio</i>	P	
<i>Safe deposit boxes</i>	P	
<i>Antique shop</i>	P	
<i>Retail food store</i>	P	
<i>Bakery or confectionary shop</i>	P	
<i>Book and stationary store</i>	P	
<i>Camera shop</i>	P	
<i>Cigar, tobacco, and candy store</i>	P	

<i>Clothing store</i>	P	
<i>Drug store</i>	P	
<i>Liquor store</i>	P	
<i>Florist store</i>	P	
<i>Pet shop</i>	P	
<i>Retail stores other than listed</i>	P	
<i>Second-hand store</i>	P	
<i>Pawn shop</i>	P	
<i>Hardware or sporting goods store</i>	P	
<i>Hobby and art supplies store</i>	P	
<i>Paint and wallpaper store</i>	P	
<i>Auto glass, muffler, or seat cover shop</i>	P	
<i>Auto part sales (inside only)</i>	P	
<i>Auto repair garage (inside)</i>	P	
<i>Service station</i>	P	
Transportation uses		
Helistop	SUP	
Transit passenger shelter	P	P
Transit passenger station or transfer center		P
<i>Airport or landing field</i>	P	
<i>STOL (short takeoff or landing) port</i>	P	
Utility and public service uses		
Commercial radio or television transmitting station	P	P
Electrical substation	P	P
Local utilities	LMTD	SUP or RAR
Police or fire station		P
Post office	P	P
Radio, television, or microwave tower	P	SUP
Tower/antenna for cellular communication	LMTD	P
Utility or government installation, other than listed	P	SUP
Commercial radio or television transmitting station	P	P
<i>Sewage pump station</i>	P	
<i>Sewage treatment plant</i>	SUP	
<i>Telephone exchange, switching, and transmitting equipment</i>	P	
<i>Water reservoir, well, or pumping station</i>	P	
<i>Water treatment plant</i>	P	
Wholesale, distribution, and storage uses		
Mini-warehouse		SUP
Recycling buy-back center		P
Recycling collection center	P (aluminum collection)	P
Recycling drop-off container		P
Recycling drop-off for special occasion collection		P

<i>Diamond and precious stone sales (wholesale only)</i>	P	
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More explicitly, among the additional uses that will become allowable are: custom business service, electronics service center, community service center, lodging or boarding house, country club with private membership, ambulance service, commercial parking lot or garage, convenience store with drive-through, general merchandise or food store 3,500 square feet or less, general merchandise or food store 3,500 square feet or more, general merchandise or food store 100,000 square feet or more, liquor store, mortuary, funeral home, or commercial wedding chapel, motor vehicle fueling station, restaurant with drive-in or drive-through service, police or fire station. The applicant did not indicate pursuing any of these uses with this application.

Considering the necessity for a diverse mix of uses in the area and the benefits of bringing this area to the regulations and standards of the updated Chapter 51 A, staff supports the proposed zoning change.

Development Standards

The following chart compares the standards as allowed by the existing PD No. 79 – SC District per Chapter 51, with the standards allowed by the proposed PD No. 79 – CR District, per Chapter 51A.

	PD No. 79 SC Shopping Center (Standards per Chapter 51)	PD No. 79 CR Community Retail (Standards per Chapter 51A)
Front yard (min)	30'	15'
Side & Rear yard (min)	20' if adjacent to R, D, TH, CH Otherwise: none	20' if adj or across R, D, TH, CH, MF Otherwise: none
Lot Coverage (max)	40% 60% for institutional	60% (aboveground parking is included; surface and garage parking are not)
Height (max)	24' (by PD) (SC: 240')	27' (by PD) (CR: 54' with RPS, 4 stories)
FAR (max)	0.75:1 for office uses 1:1 for all other uses combined	0.5:1 for office uses 0.75:1 for all other uses combined
Other	Screening walls: 6' high along Hillside Drive 8' high along the southern property line Lighting: must be contained in the property Vehicular access Fire Lanes Paving	Development impact review: if the estimated trip generation for all uses collectively \geq 6,000 trips/day and 500 trips/acre/day Visual intrusion: for facing single family, duplex, townhome, and multifamily districts.

The most significant change is the increase in lot coverage from 40% to 60%, combined with a reduction in front yard from 30 feet to 15 feet, to ensure an allowable larger footprint. PD No. 79 limited the height to 24 feet, and the proposed height is increased to a maximum of 27 feet with a maximum of 12 feet encroachments to align the standards with the existing buildings on site.

The applicant is not proposing any expansion or redevelopment with this request. The main purpose of the request is to allow the site to use the parking requirements under CR District, slightly modified, and introduce a mixed-use development parking chart, thus to allow the existing shopping center a mix of retail and personal service uses.

Considering that the area of request is already developed and is regulated by the proposed development plan, staff supports the request to change development standards. Staff also took into consideration the location of the area of request at the intersection of major thoroughfares. The property located at the of Mockingbird Lane and Abrams Road is zoned a CR Community Retail District.

Parking

The proposed conditions default to Division 51A-4.200 for parking and loading ratios for each use. The proposed changes to the parking regulations overall are an update from Chapter 51 and are meant to support existing uses and better balance the real parking demand of the existing mix of uses to allow future tenants in the existing units.

PD No. 79 directly refers to Ordinance 14898 for parking requirements, passed in 1975. Ordinance 14898 amended Chapter 51 parking requirements. Currently there are 660 parking spaces on site.

The Mixed-Use Development table is a shared parking analysis that provides a methodical application of appropriate hourly adjustments to individual off-street parking requirement ratios for a combination of land uses. Shared parking analyses derive from the concept developed in the Urban Land Institute (ULI) Shared Parking methodology in 1983 and most recently revised in 2020. It integrates provisions for hourly profiles obtained from single land use studies. The shared parking methodology evaluates the parking demand for a mix of uses considering the time-of-day compatibility for a specific development program. The use of the Mixed-Use Development table can be summarized in four steps:

1. Identify land use categories as shown on Certificate of Occupancy or determined by Building Official.
2. Apply corresponding off-street parking requirement for each individual land use identified in Step 1.
3. Apply parking adjustment by time of day. Each factor reflects unique time-of-day parking needs adjusted for each land use for typical weekdays and weekends.
4. After calculating hourly parking demand for each use based upon its corresponding parking rates and hourly adjustments, parking adjustment columns are tabulated

to produce sums that represent the aggregate parking demand for the development for each corresponding time of day. The largest of these total sums (from both weekday and weekend) is the net total adjusted off-street parking requirement for the development.

PD No. 79 default to the mixed-use parking chart in the Dallas Development Code as updated and allow the flexibility to share parking without a parking agreement. Staff acknowledges the requirement for an agreement as a hurdle to shared parking and considers the fact that the area of request, although being formed by three lots, is actually a contiguous shopping center.

The application of the City of Dallas Mixed Use Development tables (using current off-street parking ratios straight from Chapter 51A) for Lakewood Village calculates a total off-street parking requirement of 468 spaces.

Landscaping

PD No. 79 includes a landscape plan approved in December 1975. The plan indicates a combination of approximately 100 trees located in the back of the site to create a residential buffer zone, along all streets, on both private property and within the parkway along Hillside Drive, and at the terminus of each parking isle in the interior parking lot.

The area of request has become non-compliant with the approved landscape plan either because of a deficient irrigation system, or right-of-way widening, especially along Abrams Road. The site is currently non-compliant with the required interior landscaping, few of the interior trees did not survive, and with the perimeter tree buffer zones on all three streets. The approved trees in the parkway along Hillside Drive are incomplete as well, the lost trees never being replaced.

CPC is recommending the applicant's updated landscape plan to reflect more accurately the existing situation and allow the replacement of the required interior trees with smaller trees in locations with deficient existing tree wells, and to significantly reduce the required street trees buffers along all three streets. Staff cannot confirm that additional new trees are possible in the public right-of-way at this stage in the process, hence staff is recommending increasing the street tree buffer zoned inside the property along Hillside Drive. The proposed plan indicates approximately 100 trees, of all canopy size and type, throughout the site.

Compared to the existing approved landscape plan from 1975, the proposed landscape plan is deficient, especially to the residential and street buffer zones.

While staff is generally supportive of the changes in size for the trees in all interior landscape islands, staff is recommending landscape enhancements and additional trees along the three streets. Staff is recommending new landscape islands with trees on private property along all streets and a ten-foot street zone buffer along Mockingbird Lane. Staff's recommendation is partially aligned with the intent of Article X.

If staff's recommended landscape enhancements are followed, approximately 30 parking spaces will be converted to landscape islands with trees. Considering the fact that, by following the Code's MUD Chart, the site will continue to have excess parking of more than 100 spaces, staff's recommendation will not interfere with the needed parking and will generally improve the site.

Also, considering the immediate proximity with a creek branch from Williamson Branch, that is absorbing the runoff from the surface parking lot, the applicant is proposing additional grates to all on-site inlets to help filtrate the debris. The proposed conditions include provisions for the maintenance of the on-site inlets to City standards. Staff is not supporting this request because the on-site inlets are part of the public stormwater system, located within utilities easements, and are the responsibility of the City. The City is building and maintaining the public stormwater systems to City maintenance standards to ensure the proper water runoff. The maintenance of the surface parking lot, free of trash and debris, is the property owner responsibility.

During the community meetings the issue of truck idling on the rear of the property during the nights was voiced as concern by the neighbors. City Plan Commission included language to prohibit staging, loading, or idling of commercial vehicles on the property overnight and included hours of operation for such vehicles. Staff does not support this recommendation because it is a property management issue that cannot be enforced by the city.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policymakers 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

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I). While the request site is uncategorized, areas immediately adjacent to the south and east, and further north and west are located within an "C" MVA cluster.

LIST OF PARTNERS

Bristol Holds LLC

Jim Noblin – **Manager**
Blayne Bristol – **Manager**
Mark Langfan – **Manager**

Mockingbird Sqaure LLC

Madison Mockingbird LLC

Susan B Reese – **Member**
Larry Vineyard – **Member**

Riverband Real Estate Group, LLC

Nazeer Kajani – **Member**
Douglas Sanders – **Member**

CPC Action
November 5, 2020

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 79 to update to CR Community Retail District regulations, subject to a revised development plan, applicant's revised landscape plan and staff's recommended conditions with the following adjustments: 1) In section 51P-79.108, regarding landscaping, delete subsections (d) and (e), 2) Delete section 51P-79.109(b), regarding reduced parking for the animal clinic use, 3) Add a new subsection at an appropriate location in the PD conditions, titled "Commercial vehicles." to read as follows: "(1) Staging, loading, or idling of commercial vehicles within 100 feet of the eastern property line is prohibited between the hours of 7:00 p.m. and 9:00 a.m., Monday through Sunday. Signs must be posted indicating prohibited hours of staging, loading, and idling every 100 feet adjacent to the areas affected. (2) Ingress and egress of commercial motor vehicles is prohibited between the hours of 10:00 p.m. and 7:00 a.m. (3) Overnight parking of commercial motor vehicles is prohibited. (4) For the purpose of this section, "commercial motor vehicle" means a motor vehicle with two or more rear axles, such as trucks, truck tractors, and similar vehicles.", and 4) In section 51P-79.117, regarding paving, include subsection (a), subsection (b) as recommended by staff, and subsection (c) as recommended by the applicant, on the southeast corner of East Mockingbird Lane and Abrams Road.

Maker: Jung
Second: Hampton
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Jung, Myers,
Suhler, Murphy, Garcia, Rubin

Against: 0
Absent: 2 - Blair, Schwope
Vacancy: 0

Notices: Area: 500 Mailed: 147
Replies: For: 4 Against: 4

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

**CPC RECOMMENDED
PLANNED DEVELOPMENT CONDITIONS**

**ARTICLE
79.**

PD 79.

SEC. 51P-79.101. LEGISLATIVE HISTORY.

PD 79 was established by Ordinance No. 14898, passed by the Dallas City Council on May 27, 1975. Ordinance No. 14898 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas, as amended. Ordinance No. 14898 was amended by Resolution No. 75-3651, passed by the Dallas City Council on December 15, 1975, and Resolution No. 76-1178, passed by the Dallas City Council on May 3, 1976. (Ord. Nos. 10962; 14898; 25423; Res. Nos. 75-3651; 76-1178)

SEC. 51P-79.102. PROPERTY LOCATION AND SIZE.

PD 79 is established on property generally located at the southeast corner of Mockingbird Lane and Abrams Road. The size of PD 79 is approximately 10.2 acres. (Ord. Nos. 14898; 25423)

SEC. 51P-79.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A. (Ord. 25423)

(c) This district is considered to be a nonresidential zoning district.

SEC. 51P-79.104. SITE DEVELOPMENT PLAN.

~~Development of the property must generally conform with a city plan commission approved site plan which must be attached to and made a part of Ordinance No. 14898 (Exhibit 79A). (Ord. Nos. 14898; 25423; Res. 76-1178)~~

Development and use of the Property must comply with the development plan (Exhibit 79A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P- 79.10... EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 79A: development plan.

(2) Exhibit 79B: landscape plan.

SEC. 51P-79.105. SUBDIVISION PLAT.

~~Before the issuance of any building permit for construction within the boundaries of this PD, a subdivision plat must be approved by the city plan commission and filed for record with the County Clerk's Office. (Ord. Nos. 14898; 25423)~~

SEC. 51P-79.106. STREET DEDICATION.

~~In conjunction with the platting of the property, as provided for in Section 51P-79.105, 60 feet of right of way must be dedicated to the city for the extension of Hillside Drive between Mockingbird Lane and Winton Street. Necessary property must also be dedicated to provide for sufficient right-of-way (50 feet) from the centerline of Mockingbird Lane and Abrams Road to the new property line. (Ord. Nos. 14898; 25423; 26102)~~

SEC. 51P-79.107. USES ALLOWED MAIN USES PERMITTED.

~~Usage of the property is limited to those uses allowed by right in the Shopping Center District, except that no residential uses are allowed. (Ord. Nos. 14898; 25423)~~

The only main uses permitted are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. For example, a use permitted in the CR Community Retail District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the CR Community Retail District is subject to DIR in this district; etc.

SEC. 51P-79.108.

LANDSCAPING.

(a) Landscaping must be provided as shown on the approved site **landscape** plan and in accordance with the following conditions.

~~(b) — The parkway along Mockingbird Lane must extend inside the north property line a minimum of three feet and must be landscaped with a minimum of 15 trees, consisting of a combination of six to eight foot high Cherry Laurels and 12 to 14 foot high Cedar Elms that are three inches in caliper.~~

~~(c) — The parkway along Abrams Road must extend inside the west property line a minimum of three feet and must be landscaped with a minimum of eight trees consisting of a combination of six to eight foot high Cherry Laurels and 12 to 14 foot high Cedar Elms that are three inches in caliper. Twenty two three inch caliper Cedar Elms planted 40 feet on center, 12 to 14 feet in height at the time of planting, must be planted along the southern property line with a hardy ground cover such as Asiatic Jasmine, Hedera Helix or Mondo Japonica Dwarf.~~

~~(d) — Landscaping along Hillside Drive must be provided as follows:~~

~~(1) — A minimum of eight, six to eight foot high Cherry Laurels or 12 to 14 foot high Cedar Elms must be planted along and between the screening wall and the east property line.~~

~~(2) — A minimum of six, six to eight foot high Cherry Laurels or 12 to 14 foot high Cedar Elms must be planted along the west side of the screening wall.~~

~~(3) — Planting as specified in Paragraphs (1) and (2) above must be supplemented with numerous shrubs and ornamentals along both sides of the screening wall.~~

~~(e) — Twenty landscaped islands, each a minimum of 54 square feet and containing 2 1/2 to 3 inch caliper Quercus Virginiana 12 to 14 feet high and a hardy ground cover, must be provided at the locations shown on the approved site plan.~~

~~(f) — A minimum of four landscaped islands, each at least 36 square feet in area and containing a minimum of one 2 1/2 to 3 inch caliper Quercus Virginiana 12 to 14 feet high and a hardy ground cover, must be provided along the head in parking spaces in front of the stores as shown on the approved site plan.~~

~~(g) — A detailed landscape plan for property around the building designated on the approved site plan as a “savings and loan” use must be approved by the city plan commission and approved by resolution of the city council and attached to and made a part of Ordinance No. 14898 prior to the issuance of a building permit for this building. A certificate of occupancy may not be issued for this building until all of the landscaping is in place as shown on the approved landscape plan. The detailed landscape plan for the property is provided as Exhibit 79B.~~

~~(h) — Except as provided for in Subsection (g) above, all landscaping must be in place prior to the issuance of a certificate of occupancy for any building on this property.~~

~~(i) — No trees, shrubs, or ornamentals may be planted within any public rights of way.~~

CPC recommendation:

~~(a) — Landscaping must be provided as shown on the approved site landscape plan and in accordance with the following conditions.~~

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) For the existing development, landscaping must be provided as shown on the landscape plan (Exhibit ...). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(c) Any replacement trees within parking lot islands may be substituted for medium trees or small trees if a utility conflict exists or existing landscape bed does not have adequate planting area and would prevent a large replacement tree. Any existing tree in conflict with a utility may be removed and the replacement tree be installed in the nearest practical location or in a perimeter location along a street frontage identified on the landscape plan.

(d) For improvements of the existing development, all regulations within Division 51A-10.120 apply.

(e) For new development and improvements of the existing development, the parking lot and driveways between the structure and the street frontage must be included in an artificial lot if used for development.

Staff recommendation:

~~(a) — Landscaping must be provided as shown on the approved site landscape plan and in accordance with the following conditions.~~

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) For the existing development, landscaping must be provided as shown on the landscape plan (Exhibit ...). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(c) Any replacement trees within parking lot islands may be substituted for medium trees or small trees if a utility conflict exists or existing landscape bed does not have adequate planting area and would prevent a large replacement tree. Any existing tree in conflict with a utility may be removed and the replacement tree be installed in the nearest practical location or in a perimeter location along a street frontage identified on the landscape plan.

(d) A minimum of four landscape islands are required along Abrams Road and Hillside Drive. The landscape islands must be on private property, outside of the public right-of-way. Large canopy trees must be installed in the required landscape islands.

(e) A minimum ten-foot wide street buffer zone must be installed along Mockingbird Lane. Small or medium canopy trees must be installed in the street buffer zone. Provisions of Sec. 51A-10.125(b)(1) apply to the frontage along Mockingbird Lane.

(f) For improvements of the existing development, all regulations within Division 51A-10.120 apply.

(g) For new development and improvements of the existing development, the parking lot and driveways between the structure and the street frontage must be included in an artificial lot if used for development.

(...) Landscaping shown on the landscaping plan must be installed within six months of approval of the landscape plan.

(j) All landscaped areas must be properly maintained and kept in a healthy, growing condition at all times. Any plant which dies must be replaced with a plant of similar size and variety. (Ord. Nos. 14898; 25423; Res. 75-3651)

SEC. 51P-79.109 **OFF-STREET PARKING.**

~~Off-street parking must be provided, based on the use of the building, in accordance with provisions of the Comprehensive Zoning Ordinance. (Ord. Nos. 14898; 25423)~~

(a) Except as provided, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For the purposes of off-street parking and loading, the Property is considered one lot.

(c) Provisions within Sec 51A-4.324(e) for the special parking regulations are applicable to the District.

(d) For the purposes of off-street parking and loading, the Property is considered one lot. All uses within the District may share parking at mutually exclusive or compatibly overlapping normal hours of operation without a parking agreement.

SEC. 51P-79.140. **HEIGHT YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Except as provided in this section, the yard, lot, and space regulations for the CR Community Retail District apply.

(b) Except as provided, ~~N-no~~ building in this PD may exceed 24 27 feet in height.

(c) The following structures on top of a building may project a maximum of 12 feet above the maximum structure height

(i) Elevator penthouse or bulkhead.

(ii) Mechanical equipment room.

(iii) Cooling tower.

(iv) Tank designed to hold liquids.

(v) Ornamental cupola or dome.

(vi) Skylights.

(vii) Clerestory.

(viii) Visual screens which surround roof mounted mechanical equipment.

(ix) Chimney and vent stacks.

~~SEC. 51P-79.111. SETBACKS.~~

~~Building setbacks must be provided as shown on the city plan commission approved site plan. (Ord. Nos. 14898; 25423)~~

SEC. 51P-79.142. SIGNS.

~~All signs must conform with the "Business" category of Chapter 41 of the 1960 Revised Code of Civil and Criminal Ordinances of the city. (Ord. Nos. 14898; 25423; 26102)~~

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. 51P-79.143. SCREENING.

Screening walls must be provided and continuously maintained as follows:

(1) A six-foot-high solid masonry screening wall must be constructed three feet west of the east property line parallel to Hillside Drive.

(2) An eight-foot-high solid masonry screening wall must be constructed along the entire southern property line.

(3) The required screening walls must be in place before the issuance of any building permit for any building on the property. (Ord. Nos. 14898; 25423)

SEC. 51P-79.114. LIGHTING.

Exterior lighting must be directed toward the interior of the property and must not reflect onto any adjoining residentially zoned property. (Ord. Nos. 14898; 25423)

SEC. 51P-79.115. ACCESS.

~~(a) Vehicular access to and from this property must be provided as follows:~~

~~(1) one means of access on Hillside Drive;~~

~~(2) three means of access on Mockingbird Lane; and~~

~~(3) two means of access on Abrams Road.~~

(b) All access must be provided in accordance with the approved site development plan. ~~No median openings are permitted in Abrams Road for access to this site.~~ (Ord. Nos. 14898; 25423)

SEC. 51P-79.116. FIRE LANE.

Fire lanes must be provided as specified in Section 16-61 of the city Fire Code. (Ord. Nos. 14898; 25423; 26102)

SEC. 51P-79.117. PAVING.

(a) All driveways, entrances, and parking areas must have a minimum surfacing of six inches of compacted gravel and two coats of penetration asphalt. The developer shall bear the total cost of all improvements, including curb and drainage structures that may be necessary.

(b) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications adopted for such purpose **and maintained** to the satisfaction of the director of public works and transportation. (Ord. Nos. 14898; 25423; 26102)

CPC recommendation:

<p>(c) All stormwater inlets shall be maintained in an unobstructed condition free of trash and debris.</p>

Staff recommendation

~~(c) All stormwater inlets shall be maintained in an unobstructed condition free of trash and debris.~~

CPC recommendation

SEC. 51P-79..... COMMERCIAL VEHICLES

(a) Staging, loading, or idling of commercial vehicles within 100 feet of the eastern property line is prohibited between the hours of 7:00 p.m. and 9:00 a.m., Monday through Sunday. Signs must be posted indicating prohibited hours of staging, loading, and idling every 100 feet adjacent to the areas affected.

(b) Ingress and egress of commercial motor vehicles is prohibited between the hours of 10:00 pm and 7:00 am.

(c) Overnight parking of commercial motor vehicles is prohibited.

(d) For the purpose of this section, “commercial motor vehicle” means a motor vehicle with two or more rear axles, such as trucks, truck tractors, and similar vehicles.

**Staff recommendation and
Applicant’s request**

SEC. 51P-79..... COMMERCIAL VEHICLES

~~(a) Staging, loading, or idling of commercial vehicles within 100 feet of the eastern property line is prohibited between the hours of 7:00 p.m. and 9:00 a.m., Monday through Sunday. Signs must be posted indicating prohibited hours of staging, loading, and idling every 100 feet adjacent to the areas affected.~~

~~(b) Ingress and egress of commercial motor vehicles is prohibited between the hours of 10:00 pm and 7:00 am.~~

~~(c) Overnight parking of commercial motor vehicles is prohibited.~~

~~(d) For the purpose of this section, “commercial motor vehicle” means a motor vehicle with two or more rear axles, such as trucks, truck tractors, and similar vehicles.~~

SEC. 51P-79.148. GENERAL REQUIREMENTS.

Development of this property must comply with the requirements of all departments of the city. (Ord. Nos. 14898; 25423; 26102)

SEC. 51P-79.119.

COMPLIANCE WITH CONDITIONS.

No certificate of occupancy shall be issued by the building official until there has been full compliance with this article in accordance with the requirements of the building for which the certificate is issued, and any applicable provisions of the zoning ordinance and the building codes. (Ord. Nos. 14898; 25423)

SEC. 51P-79.120.

~~ZONING MAP.~~

~~PD 79 is located on Zoning Map No. H-8. (Ord. 25423)~~

CPC RECOMMENDED
DEVELOPMENT PLAN
(WITH STAFF COMMENTS)

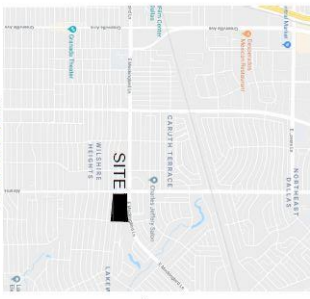


1
SCALE: 1"=40.0'



Staff recommends changes to the parking layout to add driveway length.

Remove all parallel parking spaces and replace them with increased landscape buffers.



VICINITY MAP



SITE DATA TABLE

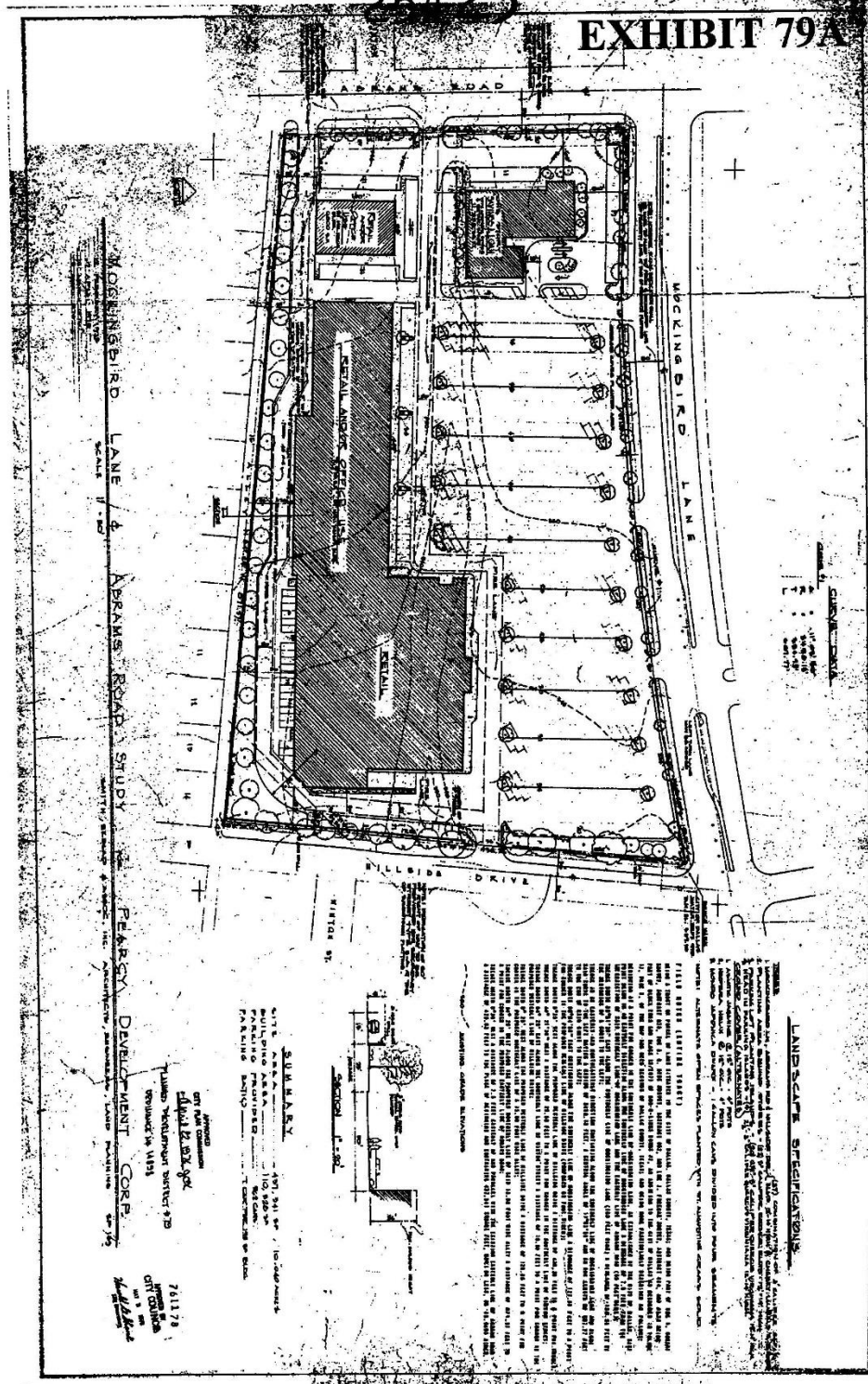
PD NO. 79

TOTAL SITE AREA		10.2 ACRES
LAND USE		RETAIL & PERSONAL SERVICE AND OFFICE
TOTAL FLOOR AREA (SF)		111,000 SF
SETBACKS		
FRONT SETBACK: ABRAMS	MIN.	PROVIDED
FRONT SETBACK: ABRAMS	15 FT	59 FT
FRONT SETBACK: MOCKINGBIRD	15 FT	69 FT
FRONT SETBACK: HILLSIDE	15 FT	48 FT
REAR SETBACK	NONE	44 FT
BULK STANDARDS		
FLOOR AREA RATIO	MAX.	PROVIDED
FLOOR AREA RATIO	0.75:1	0.25
BUILDING HEIGHT	27 FT	27 FT
BUILDING STORIES	NO MAX	2
LOT COVERAGE		
LOT COVERAGE	60%	52%
PARKING		
PARKING	REQ.	PROVIDED
PARKING	542	659

EXISTING DEVELOPMENT PLAN

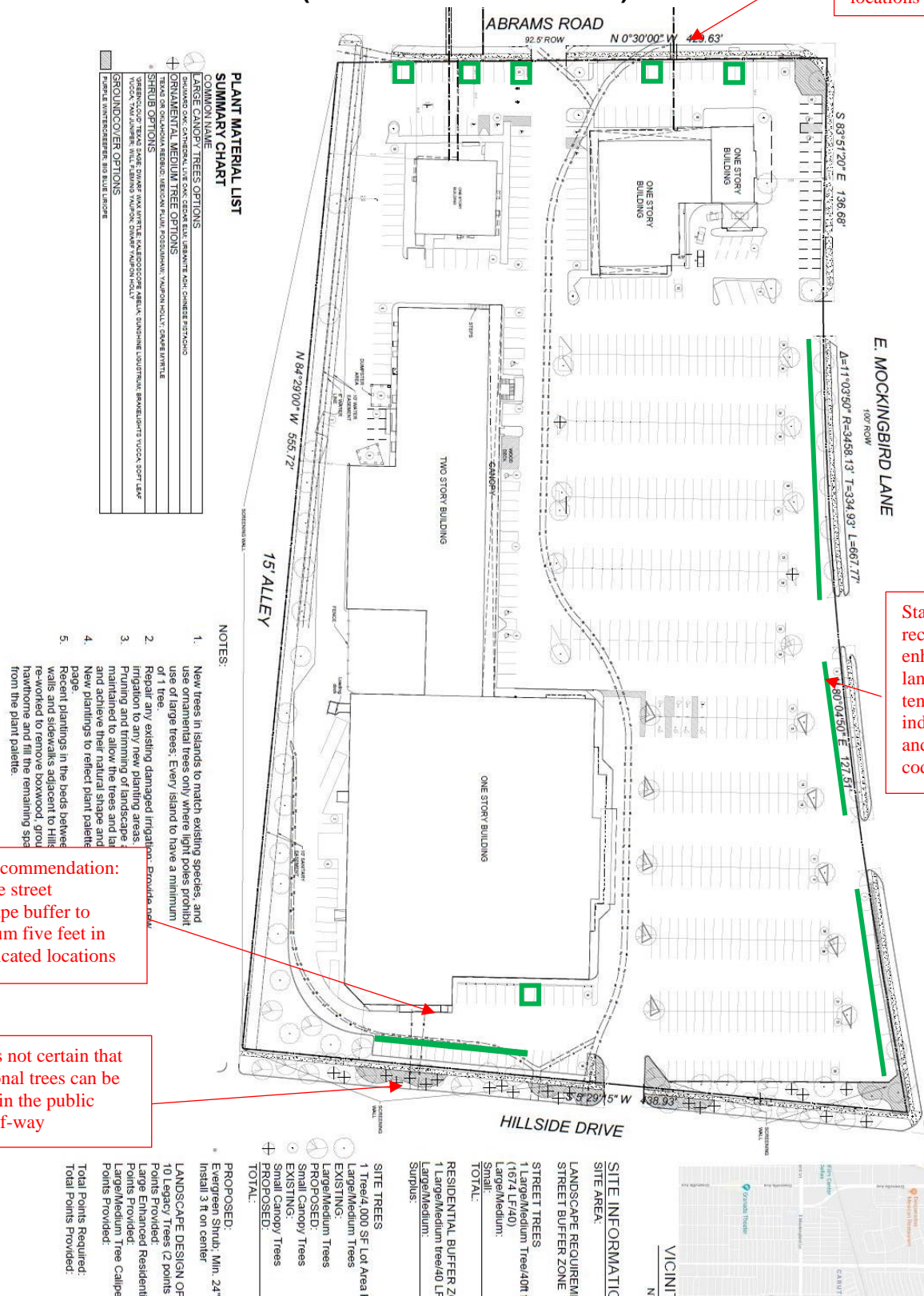
25423

032856



CPC RECOMMENDED LANDSCAPE PLAN (WITH STAFF COMMENTS)

Staff recommendation:
add landscape islands
in the indicated
locations

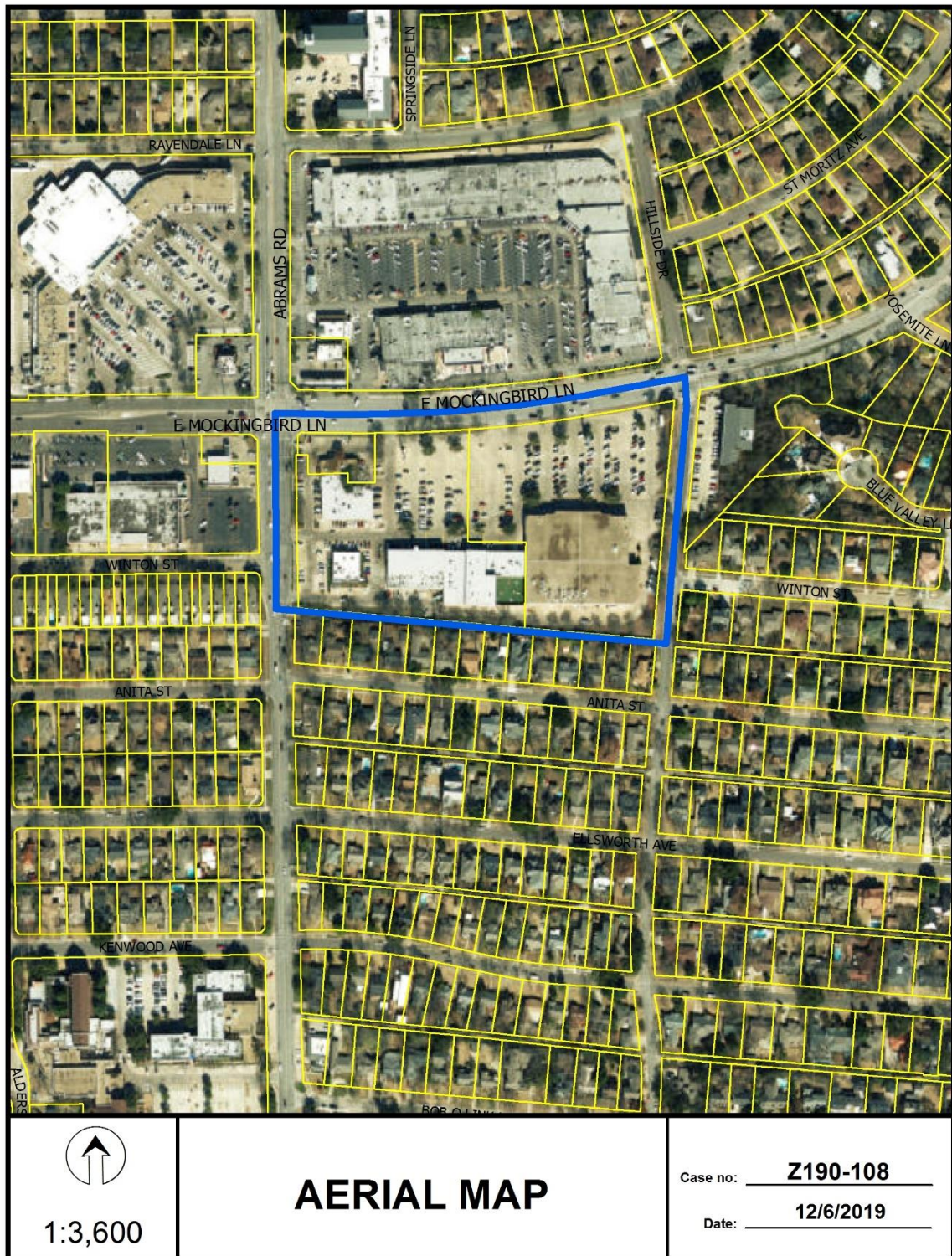


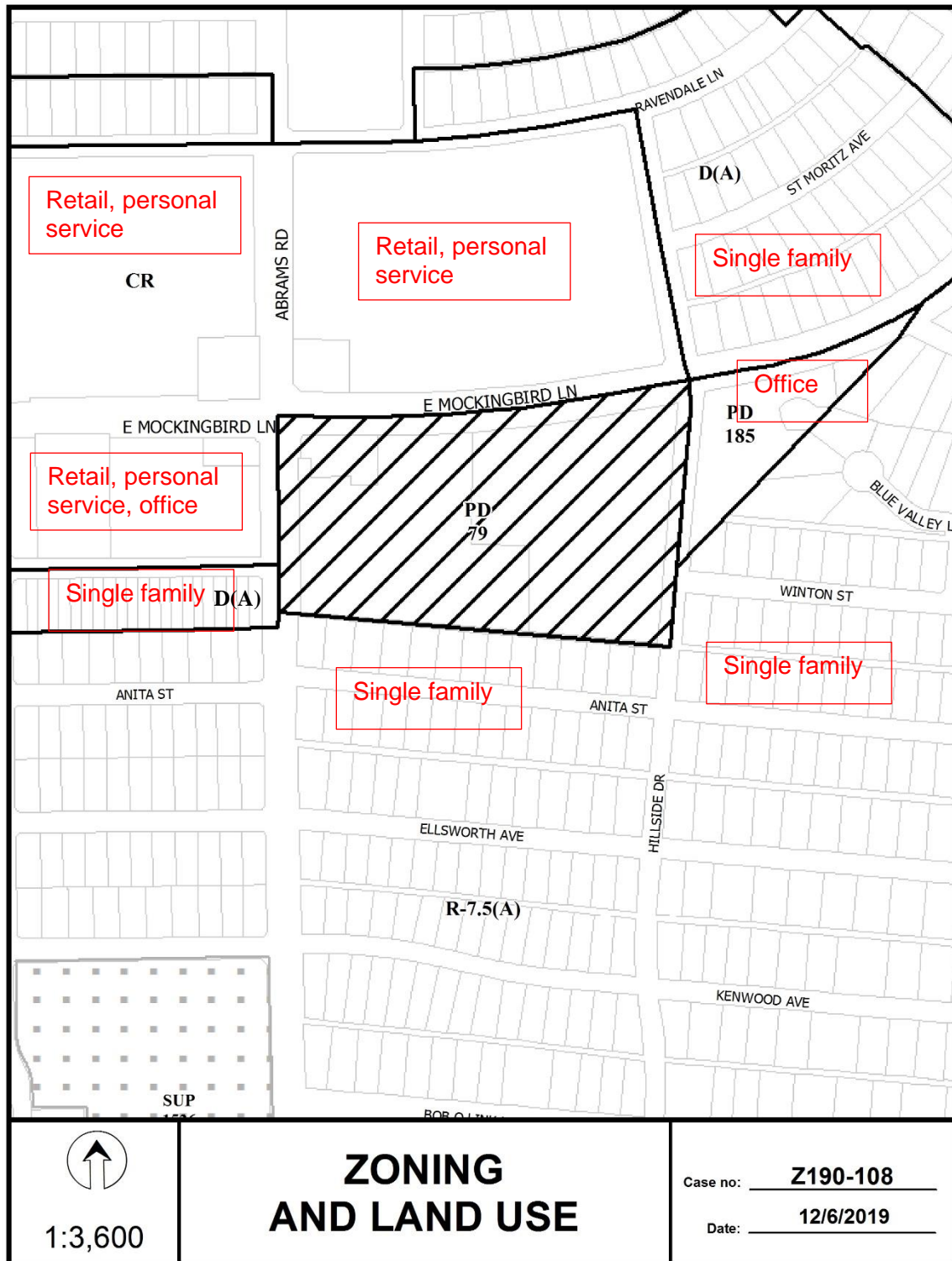
Staff recommendation:
enhance street
landscape buffer to
ten feet in the
indicated locations
and add trees per
code

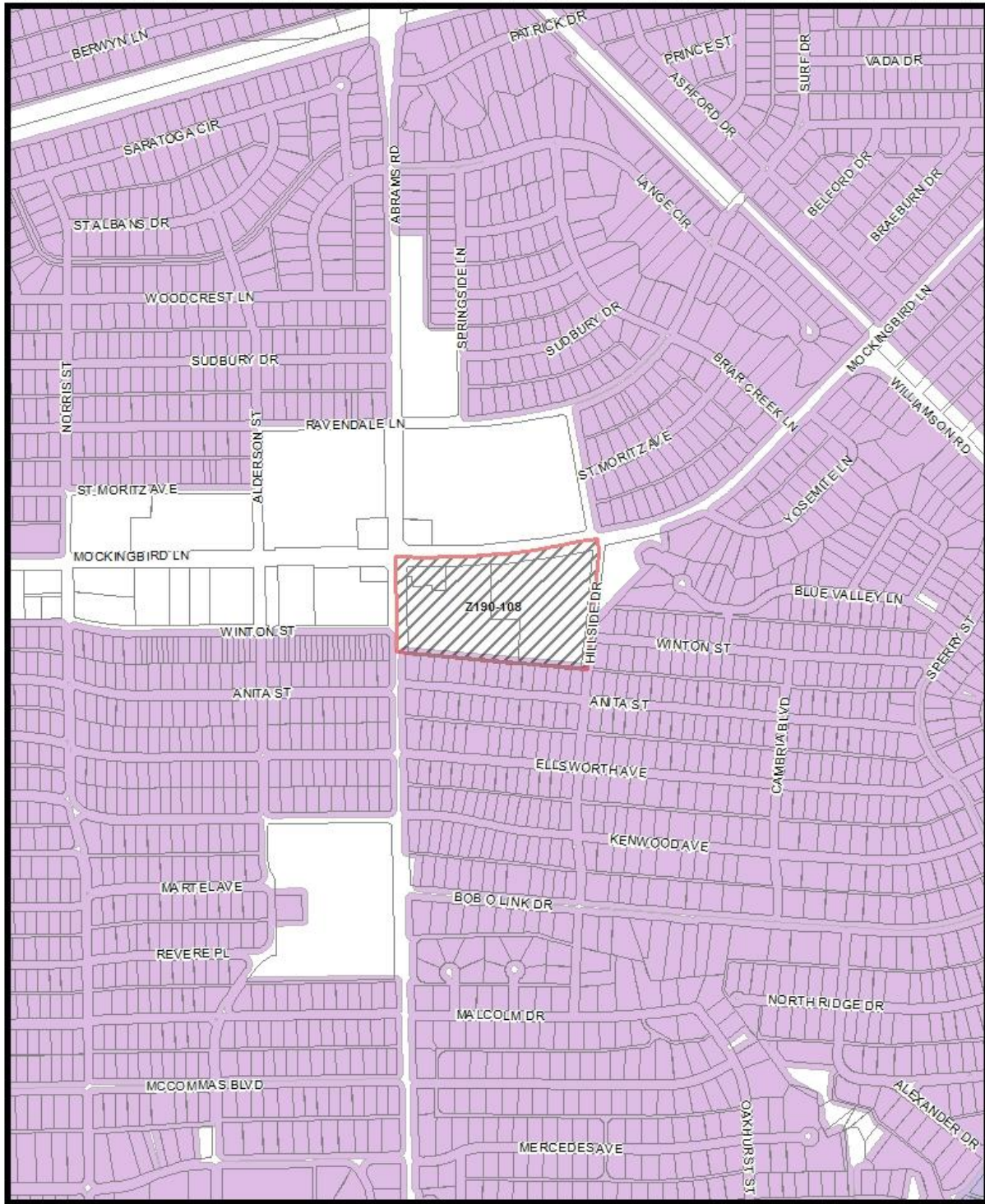
Staff recommendation:
enhance street
landscape buffer to
minimum five feet in
the indicated locations

Staff is not certain that additional trees can be added in the public right-of-way









Market Value Analysis



1:7,200

Market Value Analysis

Printed Date: 12/6/2019

A
 B
 C
 D
 E
 F
 G
 H
 I
 NA

CPC RESPONSES



11/04/2020

Reply List of Property Owners***Z190-108******147 Property Owners Notified******4 Property Owners in Favor******4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	6402 E MOCKINGBIRD LN	RIVERBEND REAL ESTATE GROUP
	2	6444 E MOCKINGBIRD LN	MOCKINGBIRD SQUARE LTD
	3	6464 E MOCKINGBIRD LN	BRISTOL HOLDING LLC
	4	6330 E MOCKINGBIRD LN	ADX REAL ESTATE LLC &
	5	6311 ANITA ST	SEELEY DANIEL L
	6	6317 ANITA ST	NAYLOR HALEY M
	7	6323 ANITA ST	COATNEY TAMARA L
	8	6329 ANITA ST	STAVINOHAN HENRY H & EMILY B
	9	6337 ANITA ST	DUVALL TRUST THE
	10	6333 ANITA ST	RPA RENTALS LLC
	11	6343 ANITA ST	GALHOTRA ASHISH K
	12	6347 ANITA ST	LEGROW WILLIAM P & LORI S
	13	6346 ANITA ST	GRUBER REBECCA D
	14	6342 ANITA ST	ELSON JULIANNE NICOLE &
	15	6338 ANITA ST	NAKAMURA ALYSON & WILLIAM L THORNTON
	16	6334 ANITA ST	BRYAN JAMES NEAL &
	17	6330 ANITA ST	WETZIG GERALD KEITH
	18	6322 ANITA ST	GERVASI RAYMOND &
	19	6318 ANITA ST	HOWELL SANDRA K
	20	6314 ANITA ST	G&L FAMILY LIVING TRUST THE
	21	6325 ELLSWORTH AVE	FIELD ALEXANDER STEPHENSON &
	22	6331 ELLSWORTH AVE	STEGE SUSAN E
	23	6335 ELLSWORTH AVE	ROSE KATIE COLLEEN
	24	6337 ELLSWORTH AVE	ORTH LAWRENCE H JR &
	25	6343 ELLSWORTH AVE	BILLINGS LINDA MCGUIRE
	26	6347 ELLSWORTH AVE	PONDT DANA H

11/04/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	6355 E MOCKINGBIRD LN	YANG KABBOO & KIM OK
	28	6333 E MOCKINGBIRD LN	REG8 MOCKINGBIRD COMMONS LLC
	29	6500 E MOCKINGBIRD LN	CLEMENTS RICHARD L &
	30	6521 ST MORITZ AVE	MAHON MELANIE A
	31	6513 ST MORITZ AVE	BONDS W A & PATRICIA
	32	6509 ST MORITZ AVE	VENTRE KATRINA
	33	6503 ST MORITZ AVE	VERN T LLC
	34	6502 ST MORITZ AVE	GILMORE CHARLOTTE PATRICIA
	35	6506 ST MORITZ AVE	CAMPAGNA FAMILY LP THE
	36	6510 ST MORITZ AVE	STEINBERG TEDDY C II & BETTY S TRUSTEES
	37	6516 ST MORITZ AVE	POLSER BUDDY GENE
	38	6526 ST MORITZ AVE	OH LAND BILL M
	39	6537 E MOCKINGBIRD LN	RHODES LESLIE ANN &
	40	6533 E MOCKINGBIRD LN	CAUTHEN CHRISTOPHER A
	41	6529 E MOCKINGBIRD LN	RUSSELL JASON M &
	42	6525 E MOCKINGBIRD LN	PHELPS LINDA M
	43	6519 E MOCKINGBIRD LN	SHATZ GUENNADE & LISA B
	44	6513 E MOCKINGBIRD LN	BECKNER MICHAEL D & LINDA M
	45	6507 E MOCKINGBIRD LN	ANGOTT DONNA L
	46	6402 ANITA ST	JOHNSON GARRETT
	47	6406 ANITA ST	WATSON CHRISTINA M
	48	6414 ANITA ST	HATCHER MATTHEW NICHOLAS
	49	6418 ANITA ST	DONOVAN PATRICK T &
	50	6422 ANITA ST	BREM NORMAN A
	51	6426 ANITA ST	BALLI NICOLE A
	52	6438 ANITA ST	ANTHONY BENJAMIN L JR &
	53	6442 ANITA ST	CUCCIA RICHARD A & AMY R
	54	6446 ANITA ST	LEVEY MICHAEL M & NICOLE A
	55	6452 ANITA ST	CHAPMAN CHRISTOPHER D &
	56	6458 ANITA ST	CONLEY RANDALL W & STACY L
	57	6460 ANITA ST	SPERRY STREET REAL ESTATE LLC

11/04/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	6468 ANITA ST	JINKS JOHN D & SHELBY B
	59	6403 ANITA ST	EWJ TRUST 1
	60	6407 ANITA ST	WALLACE HEATHER
	61	6411 ANITA ST	TARANGO KENNETH
	62	6419 ANITA ST	SHERMAN JULIE &
	63	6423 ANITA ST	BEST DOUGLAS DIXON &
	64	6431 ANITA ST	CAMPBELL STEWART & AMANDA
	65	6435 ANITA ST	SONKA HELEN
	66	6439 ANITA ST	DAVIS BARBARA
	67	6443 ANITA ST	BROUSSARD NEIL P & KRISTI L
	68	6447 ANITA ST	HANSEN NANCY L
	69	6455 ANITA ST	PUCKETT CHRISTOPHER NEAL &
	70	6459 ANITA ST	SMITH RUDY F
	71	6463 ANITA ST	YORK CHARLENE G
	72	6469 ANITA ST	THREADGILL GRANT & KATHERINE
	73	6502 ANITA ST	STANTON CLINTON THOMAS
	74	6506 ANITA ST	ODONOVAN THOMAS M
	75	6512 ANITA ST	PANOFF CHRISTOPHER J & ASHLEY
	76	6514 ANITA ST	SCHOPFER KATHRYN H
	77	6518 ANITA ST	PEREZ SERGIO I &
	78	6526 ANITA ST	PINKALL JASON D &
	79	6530 ANITA ST	KRIMM ZACH & EVIE
	80	6534 ANITA ST	GARNER PATTI LYNN
	81	6503 ANITA ST	TAYLOR DAVID J
	82	6507 ANITA ST	MITCHELL MITZI L
	83	6511 ANITA ST	HOWARD SUSAN
	84	6519 ANITA ST	HEY BEAR PROPERTIES LLC
	85	6523 ANITA ST	KIRBY BARBARA E &
	86	6527 ANITA ST	MAYFIELD STEPHEN D
	87	6531 ANITA ST	WORLEY MATTHEW T &
	88	6537 ANITA ST	CRANE WESLEY &

11/04/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	89	6541 ANITA ST	ALLEN BOO
	90	6602 YOSEMITE LN	GEDALIA DAVID
	91	6606 YOSEMITE LN	COPLIN DIJEA H & MASON A
	92	6513 BLUE VALLEY LN	BOYTER-WESBROOKS JOAN E
	93	6509 BLUE VALLEY LN	HCC MANAGEMENT TRUST
	94	6503 BLUE VALLEY LN	HOLLAND MARK & ERIKA
	95	6506 BLUE VALLEY LN	COCHRAN WILLIAM F
	96	6510 BLUE VALLEY LN	CATHER ROBBI L &
	97	6502 WINTON ST	DFW HOLDING LLC
O	98	6508 WINTON ST	MORSE BENJAMIN
	99	6514 WINTON ST	CAMPAGNA FAMILY LTD P THE
	100	6520 WINTON ST	MUNN TR
	101	6524 WINTON ST	COYLE GRADY E
	102	6530 WINTON ST	MCCANN LAUREN
	103	6534 WINTON ST	SQUARE ONE LIVING TRUST
X	104	6540 WINTON ST	JOHNSON MARY LOUISE SWANN
	105	6505 WINTON ST	ROOKE MOLLY
O	106	6511 WINTON ST	SEAY F MICHAEL
	107	6515 WINTON ST	TEEUWS THERESA A LIVING TRUST
	108	6521 WINTON ST	WALES JANIS RAE
	109	6525 WINTON ST	ALLEN KINGSLEY & MONIQUE
	110	6531 WINTON ST	RAFFOR DANIEL A
X	111	6535 WINTON ST	ROBERTS CAROLYN E
	112	6541 WINTON ST	HUBBARD WILLIAM JR & HELEN HILL
	113	6403 ELLSWORTH AVE	BOUNTIFUL HOME SOLUTIONS LLC &
	114	6409 ELLSWORTH AVE	SHEERIN JULIA HELM
	115	6419 ELLSWORTH AVE	BUTLER RACHEL ELIZABETH &
	116	6423 ELLSWORTH AVE	MURPHREE BRYCE E &
	117	6431 ELLSWORTH AVE	JESTER DANNY J
	118	6435 ELLSWORTH AVE	LYNCH RYAN & SOUTHERN PAIGE
			ANNETTE
O	119	6439 ELLSWORTH AVE	MOONEY DREW D

11/04/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	6443 ELLSWORTH AVE	COLEMAN MARY FRANCES
	121	6447 ELLSWORTH AVE	CARPENTER GREG
	122	6451 ELLSWORTH AVE	JOY TIMOTHY B & LISA L
	123	6457 ELLSWORTH AVE	BEVINS KIMBERLY A
	124	6465 ELLSWORTH AVE	BALLARD RONALD KYLE & JANE
O	125	6501 ELLSWORTH AVE	SPARKMAN ALAN T
	126	6509 ELLSWORTH AVE	LANG KATHERINE BIGGS
X	127	6515 ELLSWORTH AVE	GARGIULO ELIZABETH ANNE & TIMOTHY JOHN
	128	6521 ELLSWORTH AVE	HARMON JAMES R
	129	6531 ELLSWORTH AVE	PENROD KRISTEN & KEVIN
	130	6533 ELLSWORTH AVE	SDTEBLETON TONY J &
	131	6342 WINTON ST	NATHO SHEILA N
	132	6344 WINTON ST	CHOU ERIC
	133	6338 WINTON ST	ALEXANDER BARBARA NAN
	134	6340 WINTON ST	TANKSLEY COURTNEY D
	135	6334 WINTON ST	BIEN LILIAN EST OF
	136	6336 WINTON ST	REDWOOD EQUITY LLC
	137	6330 WINTON ST	PARKER JAMES OSCAR III
	138	6332 WINTON ST	FREEMAN ALAN & CHRISTINA
	139	6326 WINTON ST	KING MEGAN
	140	6328 WINTON ST	BROOKS RICK
	141	6322 WINTON ST	ONEIL ROBERT V
	142	6324 WINTON ST	HOAD EMILY L
	143	6320 WINTON ST	LEMON JOANN
	144	6318 WINTON ST	REYNOLDS JUDITH DIANE
	145	6316 WINTON ST	BENIGNUS M K
	146	6314 WINTON ST	BULLINGTON HANNAH MARIE
	147	6465 E MOCKINGBIRD LN	HSV PROPERTY OWNER LP