

**FILE NUMBER:** Z190-320(PD)

**DATE FILED:** July 27, 2020

**LOCATION:** Southwest corner of Cockrell Hill Road and Red Bird Lane

**COUNCIL DISTRICT:** 3

**MAPSCO:** 62 R

**SIZE OF REQUEST:** ± 2.50 acres

**CENSUS TRACT:** 165.20

**REPRESENTATIVE:** Peter Kavanagh, Zone Systems, Inc.

**APPLICANT/OWNER:** Cockrell Hill Partners, Inc.

**REQUEST:** An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an NS(A) Neighborhood Service District.

**SUMMARY:** The applicant proposes to construct a general merchandise or food store use greater than 3,500 square feet with a motor vehicle fueling station.

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

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

**BACKGROUND:**

- The request site consists of three undeveloped parcels.
- The request site is at the intersection of two six lane thoroughfares [Cockrell Hill Road and Red Bird Lane]. The applicant intends to develop the property with a retail use greater than 3,500 square feet with a permitted fueling station use.
- Currently retail uses greater than 3,500 square feet are not allowed in the NS(A) District; therefore, the applicant is seeking to rezone the property to a CR Community Retail District. However, a fueling station use is currently allowed by SUP in the NS(A) District but will be allowed by right in the CR District.

**Zoning History:** There have been no zoning requests in the vicinity within the last five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Red Bird Lane	Principal Arterial	100 feet
Cockrell Hill Road	Principal Arterial	100 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department reviewed the request and determined that the proposed request will not have a negative impact on the surrounding street 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.

**LAND USE ELEMENT**

**GOAL 1.1** Align land use strategies with economic development priorities.

**Policy 1.1.15** Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

**Implementation measure 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.

## **ECONOMIC ELEMENT**

### **GOAL 2.1 PROMOTE BALANCED GROWTH**

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

## **URBAN DESIGN**

### **GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE**

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

#### **Surrounding Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
Site	NS(A)	Undeveloped
North	R-7.5(A), NO(A)	Single Family
Northeast	IR	Undeveloped
East	CS, CR w/DR Z889-208	Undeveloped
South	NS(A)	Undeveloped
West	City of Duncanville	Warehouse

#### **Land Use Compatibility:**

The site currently consists of three undeveloped parcels fronting along the intersection of two major thoroughfares consisting of six lanes divided by a median. The request to rezone the site is to allow for a retail use greater than 3,500 square feet with a fueling station. Ultimately the proposal seeks to construct a shopping center with approximately 14,000 square feet or floor area that will include an anchor tenants, a convenience store, and fueling station.

The request site is currently zoned an NS(A) Neighborhood Service District that allows a fueling station by SUP but does not allow retail uses greater than 3,500 square feet. The request site is surrounded by residential uses to the north across W. Red Bird Lane, undeveloped tracts to the northeast and east across S. Cockrell Hill Road and an undeveloped tract immediately adjacent to the south. The property immediately

## Z190-320(PD)

adjacent to the west lies within the Duncanville City limits and observed to be developed with warehouse uses. Additionally, deed restrictions exist on the properties to the west within the CS and CR Districts. The deed restricts restrict the following:

- 1) the combined floor area ratio for retail, office and lodging uses to .50 and may not exceed 75.
- 2) lot coverage may not exceed 70 percentage; and,
- 3) the following uses are prohibited: ambulance service; animal shelter or clinic with outside runs; bar, lounge, or tavern; liquor store; and building mover's temporary storage yard.

The proposed CR Community Retail District is described as being able to accommodate community-serving retail, personal services and office uses principally servicing and at a scale and intensity compatible with residential communities. Generally, this district is similar to an NS(A) District since both districts are envisioned to serve adjacent neighborhoods and communities. However, the CR District is more intensive since the district allows more density, height and lot coverage compared to the NS(A) District. Additionally, staff supports the request because the subject property is consistent with the zoning patterns existing along two principal arterial roads with minimum widths of 100-feet that can support a slightly more intensive district.

### **Development Standards:**

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
NS(A) Neighborhood Service	15'	20' adjacent to residential OTHER: No Min.	.50 FAR	35' for a gable, hip, or gambrel roof 30' all other	40%	Proximity Slope Visual Intrusion	Retail & personal service, office
Proposed							
CR Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

## Z190-320(PD)

A comparison chart of uses allowed in the proposed CR Community Retail District and the existing NS(A) Neighborhood Service District follows.

**Comparison Use Chart**

	Proposed	Existing
Use	CR	NS(A)
Crop production.	X	X
Building repair and maintenance shop.	RAR	
Catering Service.	X	
Custom business services.	X	
Electronics service center.	X	
Medical or scientific laboratory.	SUP	
Tool or equipment rental.	X	
Gas drilling and production	SUP	SUP
Temporary concrete or asphalt batching plant.	See Use Regs	See Use Regs
Adult daycare facility.	X	
Cemetery or mausoleum.	SUP	SUP
Child-care facility.	X	X
Church	X	X
College, university, or seminary.	X	SUP
Community service center.	SUP	SUP
Convent or monastery.	X	X
Hospital.	SUP	
Library, art gallery, or museum.	X	X
Open-enrollment charter school or private school.	SUP	SUP
Public school other than an open-enrollment charter school	RAR	RAR
Hotel and motel.	SUP	
Lodging or boarding house.	SUP	
Overnight general purpose shelter.	See Use Regs	
Attached non-premise sign.	SUP	SUP
Carnival or circus (temporary).	See Use Regs	See Use Regs
Temporary construction or sales office.	X	X

Z190-320(PD)

Alternative financial establishment	<b>SUP</b>	
Financial institution without drive-in window	<b>X</b>	<b>X</b>
Financial institution with drive-in window.	<b>See Use Regs</b>	
Medical clinic or ambulatory surgical center.	<b>X</b>	<b>X</b>
Office.	<b>X</b>	<b>X</b>
Country club with private membership.	<b>X</b>	<b>X</b>
Private recreation center, club, or area.	<b>X</b>	<b>SUP</b>
Public park, playground, or golf course.	<b>X</b>	<b>X</b>
College dormitory, fraternity, or sorority house.	<b>X</b>	<b>SUP</b>
Alcoholic beverage establishments.	<b>See Use Regs</b>	
Ambulance service.	<b>RAR</b>	
Animal shelter or clinic without outside runs.	<b>RAR</b>	
Auto service center.	<b>RAR</b>	
Business school.	<b>X</b>	
Car wash.	<b>See Use Regs</b>	
Commercial amusement (inside).	<b>See Use Regs</b>	
Commercial amusement (outside).	<b>SUP</b>	
Commercial parking lot or garage.	<b>RAR</b>	<b>RAR</b>
Convenience store with drive-through.	<b>SUP</b>	
Dry cleaning or laundry store.	<b>X</b>	<b>X</b>
Furniture store.	<b>X</b>	
General merchandise or food store less than 3,500 square feet.	<b>X</b>	<b>X</b>
General merchandise or food store greater than 3,500 square feet.	<b>X</b>	
General merchandise or food store 100,000 square feet or more.	<b>SUP</b>	
Home improvement center, lumber, brick or building materials sales yard.	<b>L</b>	
Household equipment and appliance repair.	<b>L</b>	
Liquor store.	<b>X</b>	
Mortuary, funeral home, or commercial wedding chapel.	<b>X</b>	
Motor vehicle fueling station.	<b>X</b>	<b>SUP</b>
Nursery, garden shop, or plant sales.	<b>X</b>	
Pawn shop.	<b>X</b>	

## Z190-320(PD)

Personal service uses.	X	X
Restaurant without drive-in or drive-through service.	RAR	X
Restaurant with drive-in or drive-through service.	See Use Regs	
Swap or buy shop.	SUP	
Temporary retail use.	X	
Theater.	X	
Transit passenger shelter.	X	X
Transit passenger station or transfer center.	SUP or City Council resolution	SUP or City Council resolution
Commercial radio and television transmitting station.	X	
Electrical substation.	X	SUP
Local utilities	SUP or RAR	SUP or RAR
Police or fire station.	X	SUP
Post office.	X	SUP
Radio, television, or microwave tower.	SUP	SUP
Tower/antenna for cellular communication.	See Use Regs	See Use Regs
Utility or government installation other than listed.	SUP	SUP
Mini-warehouse.	SUP	
Recycling buy-back center.	See Use Regs	
Recycling collection center.	See Use Regs	
Recycling drop-off container.	See Use Regs	See Use Regs
Recycling drop-off for special occasion collection.	See Use Regs	See Use Regs
Accessory community center (private).	L	L
Home occupation.	L	L
Private stable.	L	L
Accessory helistop.	L	L
Accessory medical/infectious water incinerator.	L	L
<p><i>X indicates permitted by right.</i>  <i>SUP indicates permitted with a Specific Use Permit.</i>  <i>L indicates use permitted by right as limited use</i>  <i>See Use Regs indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.</i>  <i>Blank indicates prohibited use</i></p>		

**Parking:**

Parking requirements will be contingent on the use and provided according to the Dallas Development Code.

**Landscaping and Screening:**

Landscaping and screening will be provided per 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 strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not categorized as being within an MVA cluster, surrounding properties immediately adjacent to the north is located within an “F” MVA category across W. Red Bird Lane and a “G” MVA category to the east across S. Cockrell Hill Road.

<b>LIST OF PARTNERS</b>
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**Member of Cockrell Hill Partners, Inc.**

Aslam Hemani

Salman Arab

Faroq Mohammad Wazirali

**CPC ACTION  
NOVEMBER 5, 2020**

**Motion:** It was moved to recommend **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant to prohibit pawn shop, liquor store and private club uses on property zoned an NS(A) Neighborhood Service District, on the southwest corner of Cockrell Hill Road and Red Bird Lane.

Maker: Stinson  
Second: MacGregor  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson,  
Shidid, Carpenter, Jackson, Jung, Myers,  
Suhler, Schwope, Murphy, Garcia, Rubin

Against: 0  
Absent: 1 - Blair  
Vacancy: 0

**Notices:** Area: 300 Mailed: 19  
**Replies:** For: 0 Against: 0

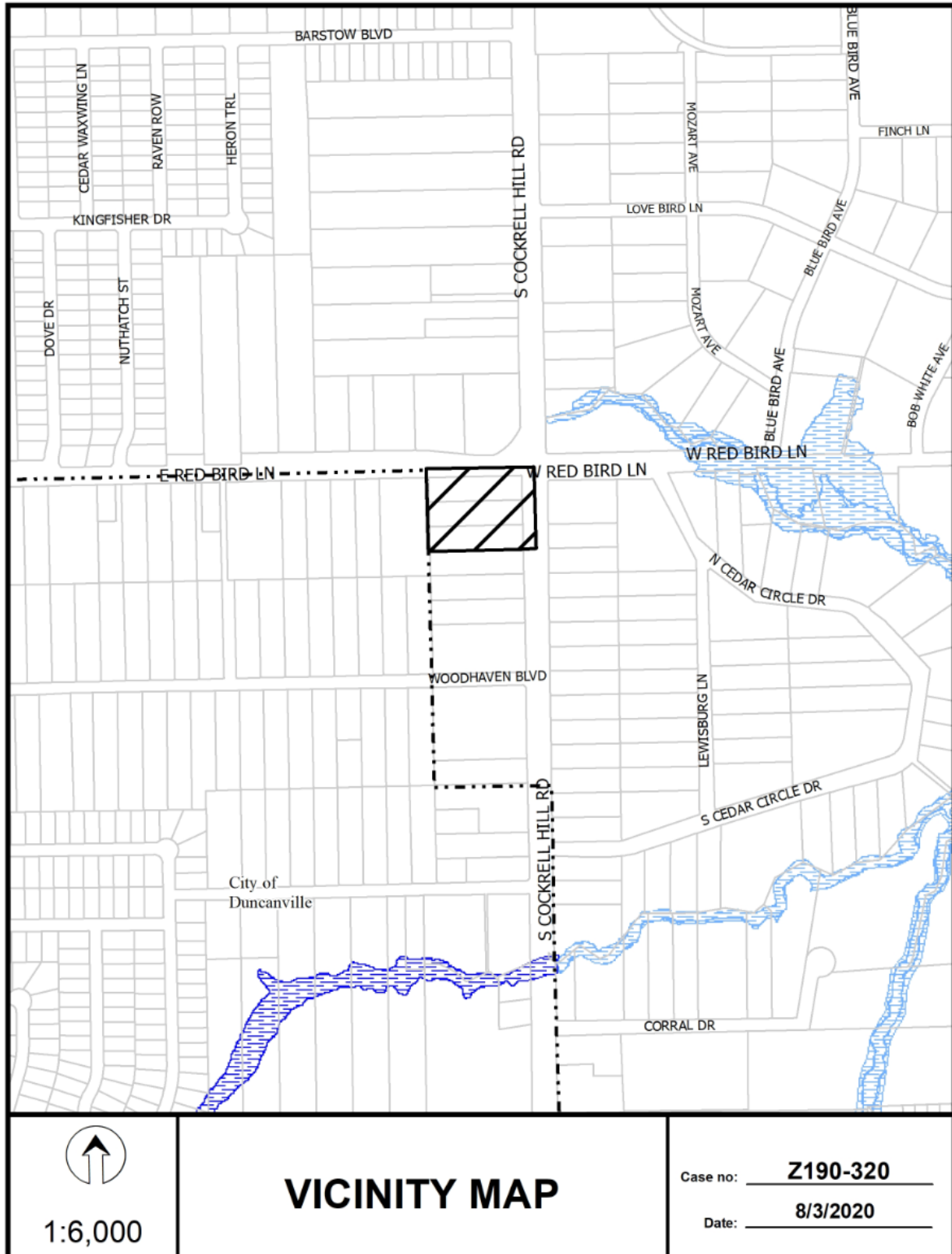
**Speakers:** For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208  
Against: None

<b>VOLUNTEERED DEED RESTRICTIONS</b>
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**The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:**

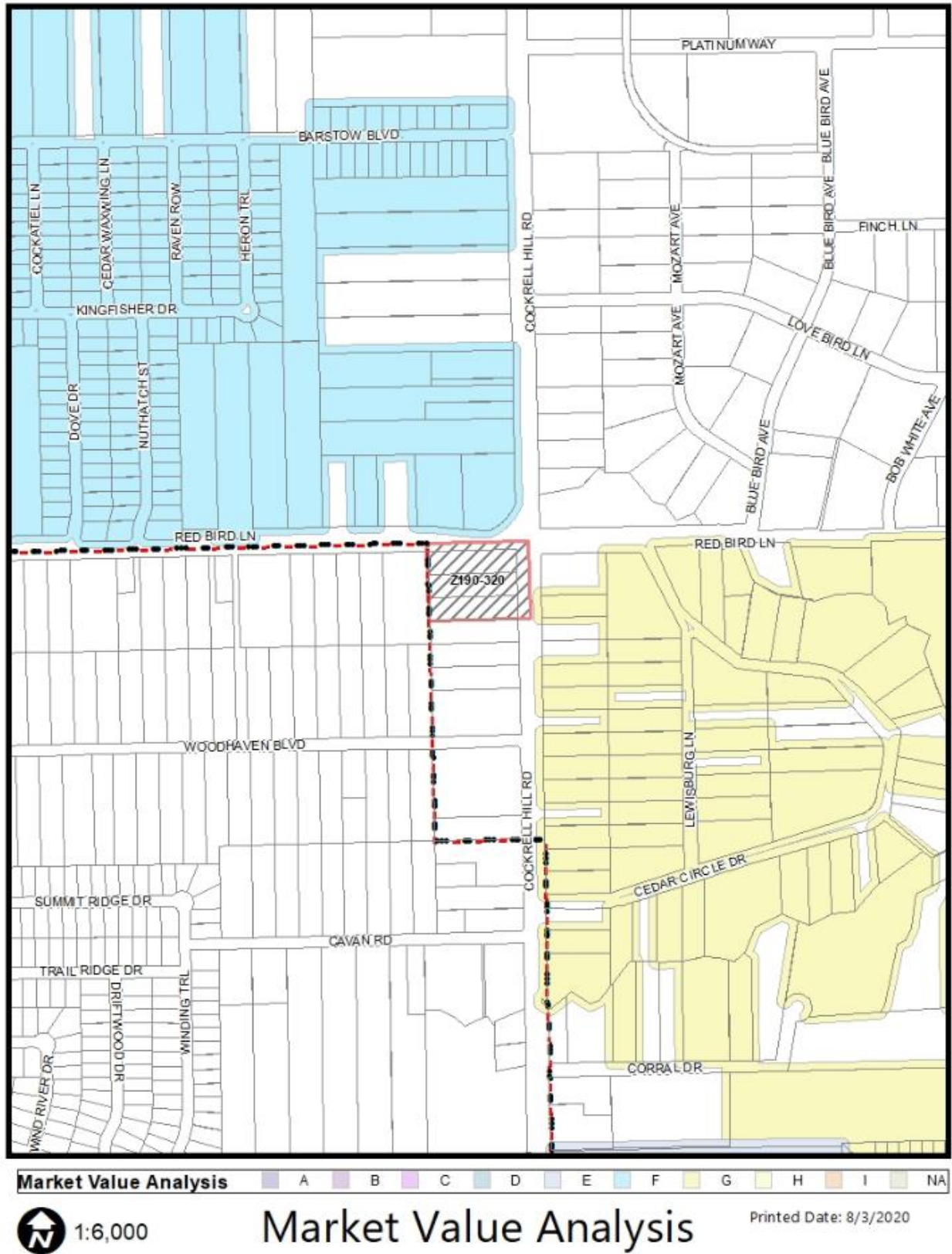
**The following uses of land as defined in Chapter 51A; Dallas Development Code as amended are not permitted:**

- 1. Liquor Store (51-A-4210(17))**
- 2. Pawn Shop (51-A-4210(22))**
- 3. Private-Club Bar (51A-4.210 (4))((iii))**









**CPC RESPONSES**



11/04/2020

## ***Reply List of Property Owners***

### ***Z190-320***

***19 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<i><b>Reply</b></i>	<i><b>Label #</b></i>	<i><b>Address</b></i>	<i><b>Owner</b></i>
1	5807	S COCKRELL HILL RD	COCKRELL HILL PTNRS INC
2	706	E RED BIRD LN	MAZAYA INVESTMENTS LLC
3	5706	S COCKRELL HILL RD	VALK DON
4	5806	S COCKRELL HILL RD	CAZARES MARIA D &
5	5822	S COCKRELL HILL RD	JOHNSON MARIE O TR
6	5826	S COCKRELL HILL RD	OJEH GIBSON & VIVIAN
7	5914	S COCKRELL HILL RD	KUYKENDALL TIMMIE SUE SEDBERRY
8	5831	S COCKRELL HILL RD	PRADO TERESA GARCIA
9	5907	S COCKRELL HILL RD	HERNANDEZ RAYMOND
10	5915	S COCKRELL HILL RD	HERNANDEZ RAYMOND M JR
11	4455	W RED BIRD LN	SANTOS IGNACIO &
12	5717	S COCKRELL HILL RD	TOLEDO YUNIER &
13	4431	W RED BIRD LN	STOKER JOHN W
14	5923	S COCKRELL HILL RD	TEMPLO PODER DE DIOS
15	620	E RED BIRD LN	612 RED BIRD LLC
16	702	E RED BIRD LN	MAURICIO LOPEZ FAMILY GROUP LP
17	711	WOODHAVEN BLVD	CROMWELL DEV CORP
18	707	WOODHAVEN BLVD	RAMIREZ BENJAMIN
19	703	WOODHAVEN BLVD	ARBAIZA JOSE HERNAN