

**HONORABLE MAYOR & CITY COUNCIL**

**WEDNESDAY, APRIL 14, 2021**

**ACM: Dr. Eric A. Johnson**

**FILE NUMBER:** Z190-336(JK)

**DATE FILED:** August 13, 2020

**LOCATION:** On the west line of Pemberton Hill Road, south of Lake June Road

**COUNCIL DISTRICT:** 7

**MAPSCO:** 57 L

**SIZE OF REQUEST:** Approximately 17.93

**CENSUS TRACT:** 93.03

---

**REPRESENTATIVE:** Evo Sadowsky

**APPLICANT/OWNER:** Diana & David Jasso

**REQUEST:** An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

**SUMMARY:** The purpose of the request is to allow for the development of a nursery with volunteered deed restrictions to prohibit certain uses.

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

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

## BACKGROUND INFORMATION

- The area of request is currently undeveloped.
- The applicant is proposing to rezone the property to a CR Community Retail District to develop the property with a nursery, garden shop, or plant sales.
- Nursery, garden shop, or plant sales is defined as a facility for the growing, display or sale of plant stock, seeds, or other horticultural items.

**Zoning History:** There have been no zoning requests in the surrounding area in the past five years.

### **Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Pemberton Hill Road	Community Collector	60 ft

### **Traffic:**

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

### **Comprehensive Plan:**

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request compiles with the following land use goals and policies of the Comprehensive Plan.

### **Economic Element**

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.

**STAFF ANALYSIS:****Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-7.5(A)	Vacant
<b>North</b>	R-7.5(A), LI	Single Family Residential
<b>East</b>	TH-3(A), R-7.5(A)	Church, Single Family Residential
<b>South</b>	R-7.5(A)	Single Family Residential
<b>West</b>	PD No. 833 with H/147	Texas Horse Park, Big Springs site

**Land Use Compatibility:**

The area of request is currently undeveloped and zoned an R-7.5(A) Single Family District. The applicant is seeking approval for the development of a nursery, garden shop, or plant sales.

The surrounding property to the north and south are currently zoned an R-7.5(A) Single Family District. West of the property is currently zoned PD No. 833 with H/147 Historic Overlay District for the Big Springs Site. The property to the east is zoned a TH-3(A) Townhouse District and development with a church and R-7.5(A) development with single family homes.

The applicant's request for a CR Community Retail District will allow for development of a community serving retail use on site. The site would be subject to the residential proximity slope (RPS). RPS would be generated by the R-7.5(A) Single Family District lots bordering the site immediately to the north and south as well as the TH3-(A) and R-7.5(A) Districts across Pemberton Hill Road.

Although a CR Community Retail District is a moderate intensity district for the community serving retail districts, the applicant is volunteering deed restrictions to limit certain uses to reduce the impact of the proposed district and ensure consistency with the existing surrounding area.

Staff supports the applicant's request because the applicant proposes to limit certain uses which would decrease the potential of nuisance to surrounding properties and the applicant will also comply with other provisions in the CR Community Retail District.

**Development Standards**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b><u>Density</u></b>	<b><u>Height</u></b>	<b><u>Lot Coverage</u></b>	<b><u>Special Standards</u></b>	<b><u>Primary Uses</u></b>
	<b><u>Front</u></b>	<b><u>Side/Rear</u></b>					
<b>Existing:</b> R-7.5(A) Residential	25'	5' adjacent to residential OTHER: 10'	1 Dwelling Unit/ 7,500 Sq. ft	30' No Maximum Stories	45%		Residential
<b>Proposed:</b> CR Community Retail	15'	20' Adjacent to residential OTHER No min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Residential Proximity Slope	Retail & Personal Service, Office

**Landscaping:**

Landscaping will be in accordance with the landscaping requirements in Article X, as amended.

**Parking:**

Parking will be in accordance with the Dallas Development Code, as amended. Parking for nursery, garden shop, or plant sales will require one space per 500 square feet of floor area, plus one space per 2,000 square feet of outside sales and display area.

**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. The area of request Site is not within an identifiable MVA Category; however, it is in proximity to a "I" MVA Cluster to the north and south of the area of request.

**CPC Action**  
**January 21, 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 an R-7.5(A) Single Family District, on the west line of Pemberton Hill Road and south of Lake June Road.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 10

<b>Notices:</b>	Area:	400	Mailed:	15
<b>Replies:</b>	For:	0	Against:	0

**Speakers:** For: None  
For (Did not speak): Evo Sadowsky, 9041 Flicker Ln., Dallas, TX, 75238  
Against: None

<b>Volunteered Deed Restrictions</b>
--------------------------------------

II.

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

The following uses are prohibited:

(b) Community retail (CR) district

- (1) Commercial and Business service uses
  - Medical or scientific laboratory
- (2) Industrial uses
  - Gas drilling and production
  - Temporary concrete or asphalt batching plant
- (3) Institutional and Community Service Uses
  - Cemetery or mausoleum
  - Hospital
- (4) Lodging uses
  - Hotel or motel
  - Lodging or boarding house
  - Overnight general purpose shelter
- (5) Miscellaneous uses
  - Attached non-premise sign
  - Carnival or circus (temporary)
  - Temporary construction or sales office
- (6) Office uses
  - Medical clinic or ambulatory surgical center
- (7) Recreation Uses
  - Country Club with private membership
- (8) Residential uses
  - College dormitory, fraternity, or sorority house
- (9) Retail and Personal Service Uses
  - Ambulance service
  - Auto service center
  - Car Wash
  - Commercial parking lot or garage
  - Liquor store
  - Motor Vehicle Fueling station
  - Paraphernalia shop
  - Pawn shop
- (10) Transportation Uses
  - Transit passenger shelter
  - Transfer passenger station or transfer center
- (11) Utility and Public Service Uses

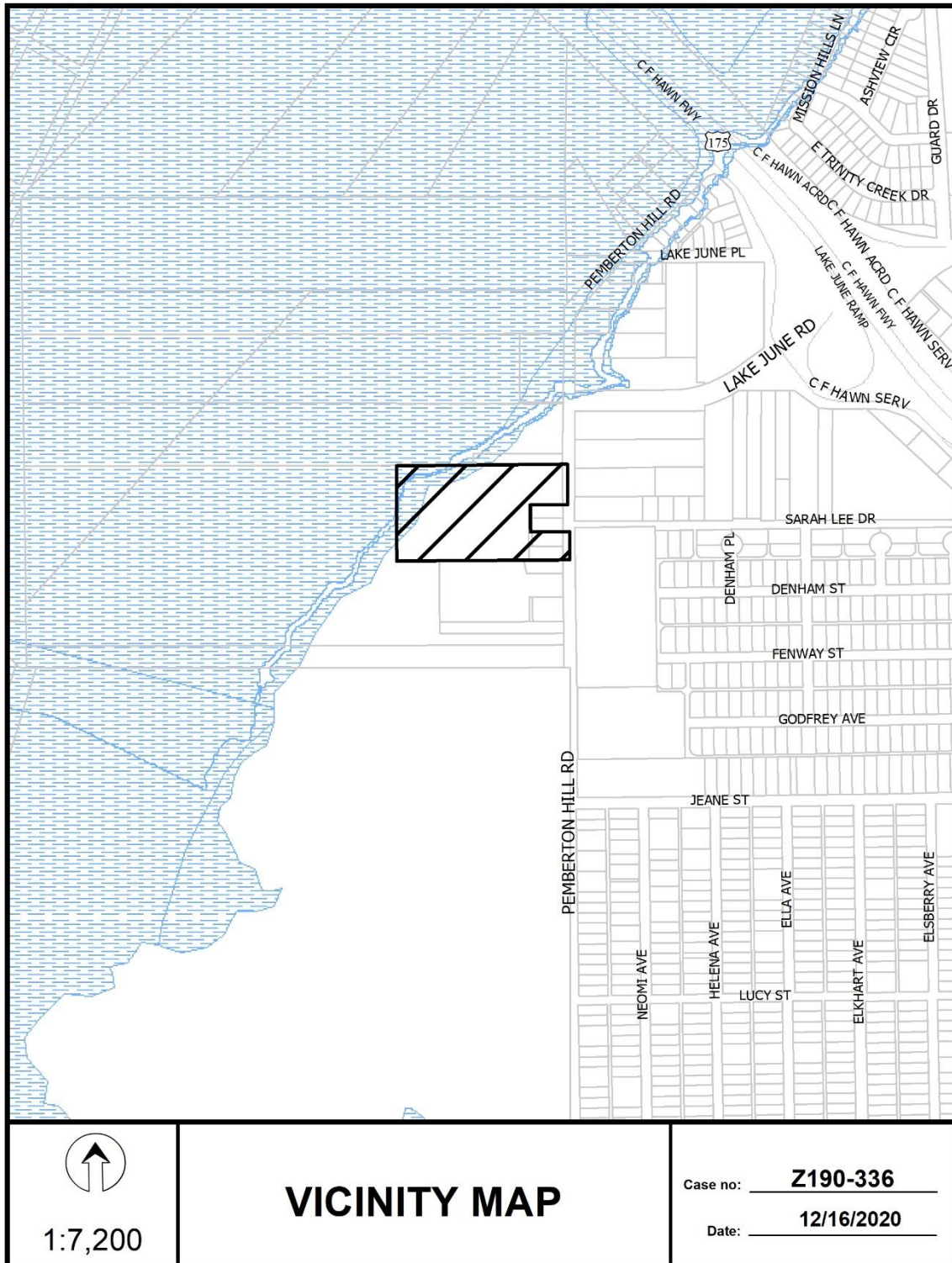
- Commercial radio and television transmitting station
- Electrical substation
- Local utilities
- Police or fire station
- Radio, television, or microwave tower
- Utility or government installation

(12) Wholesale, Distribution, and storage uses

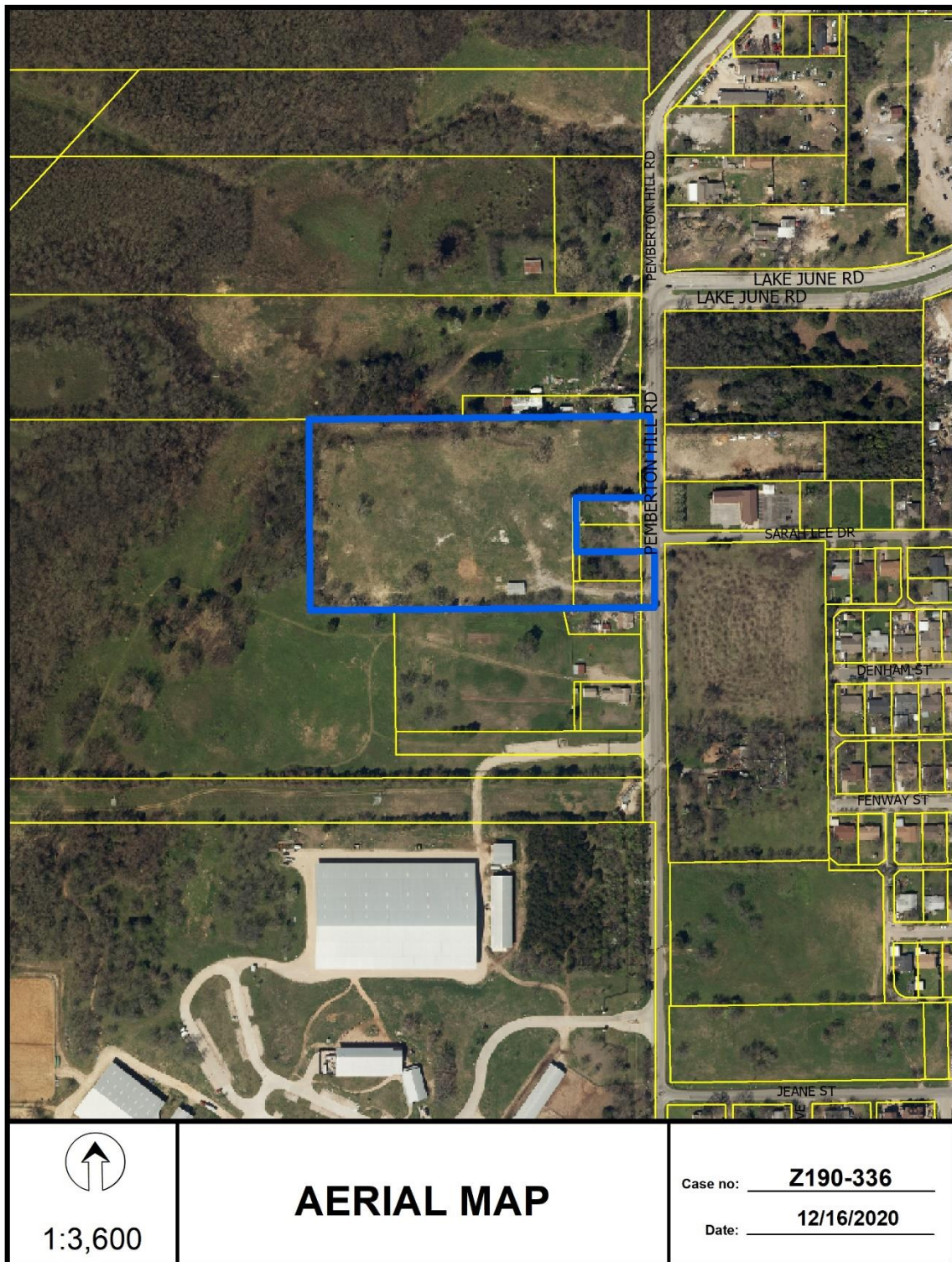
- Mini warehouse
- Recycling buy back center
- Recycling collection center
- Recycling drop-off container
- Recycling drop-off for special occasion collection

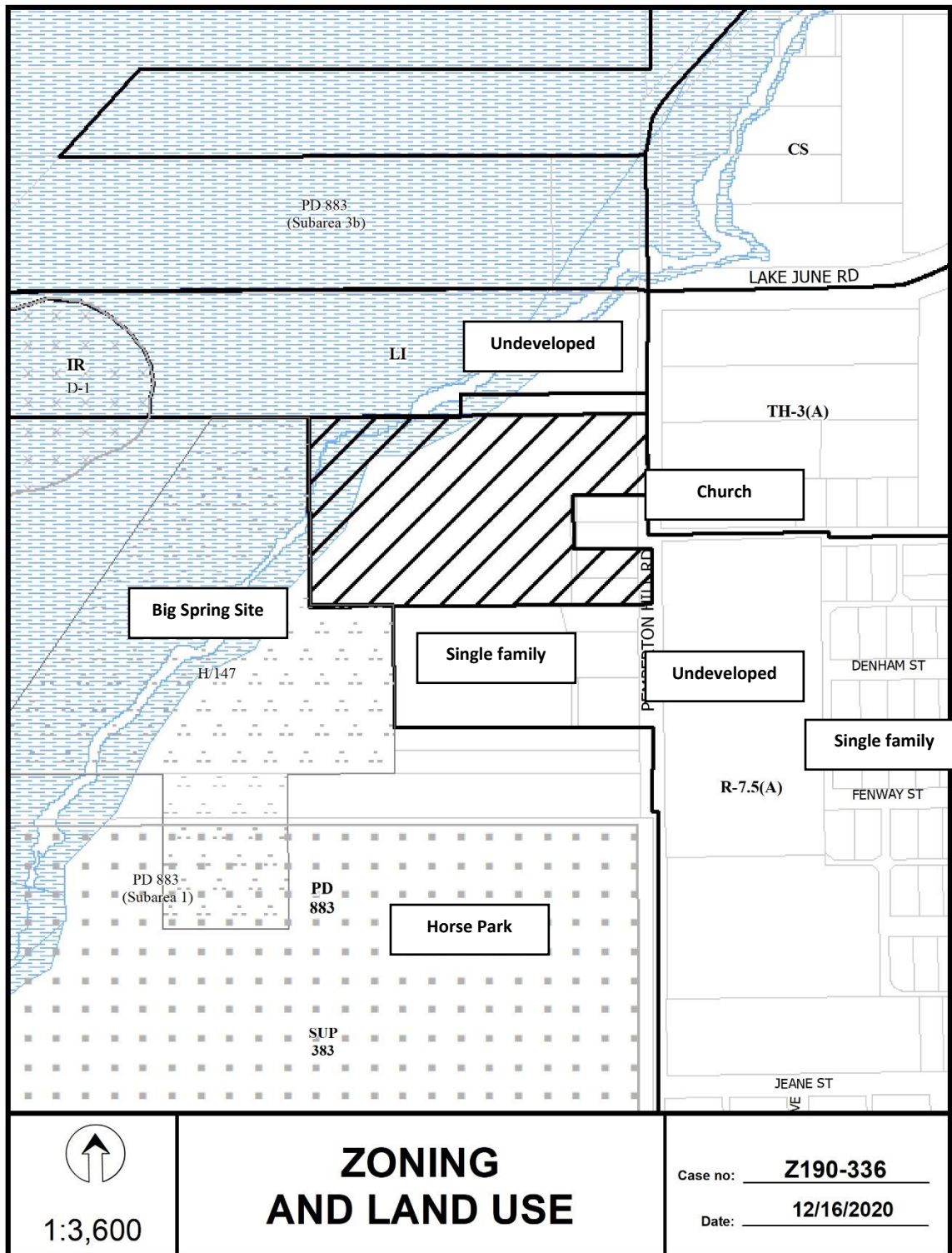
(13) Accessory Uses

- Accessory helistop
- Accessory medical/infection waste incinerator

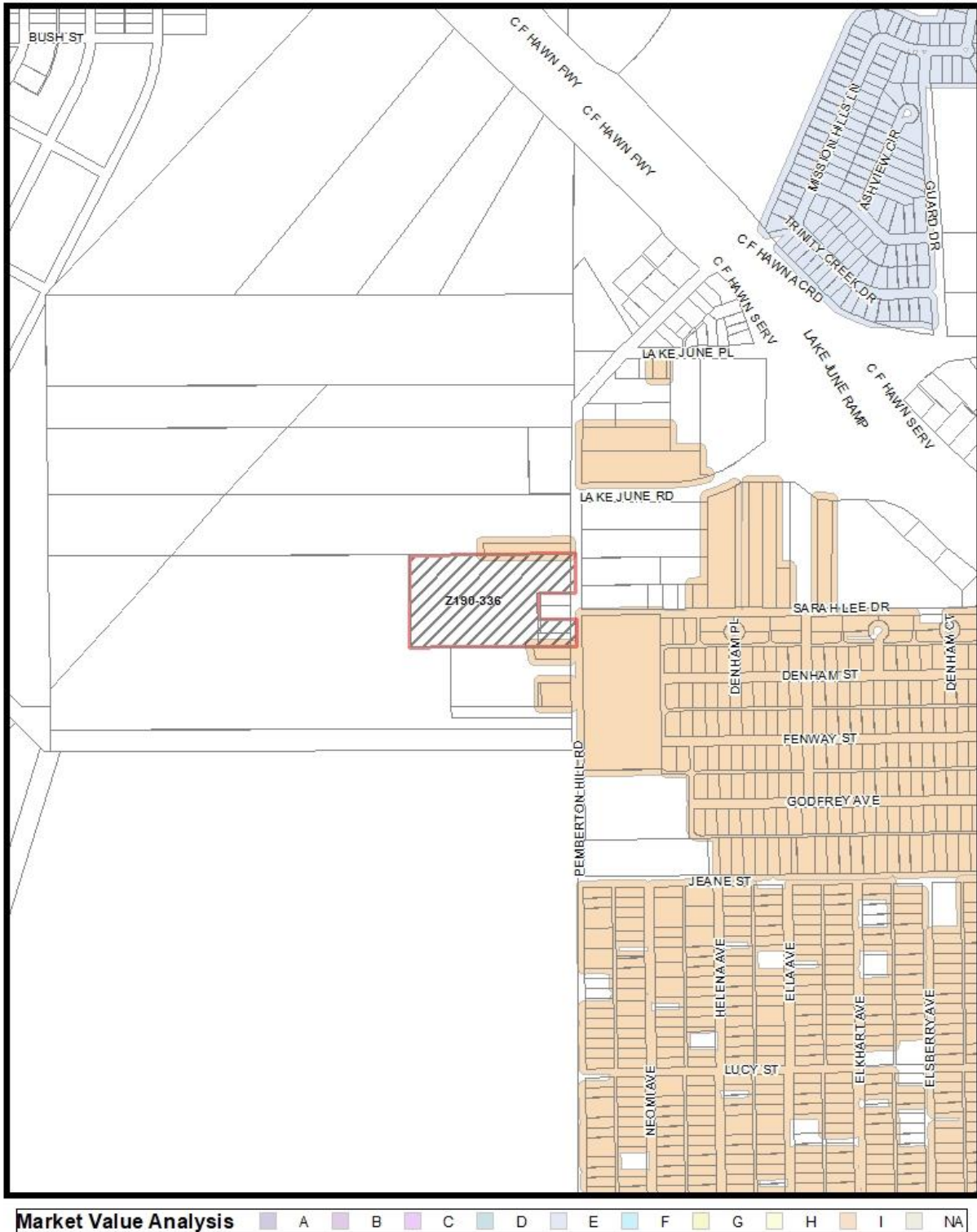








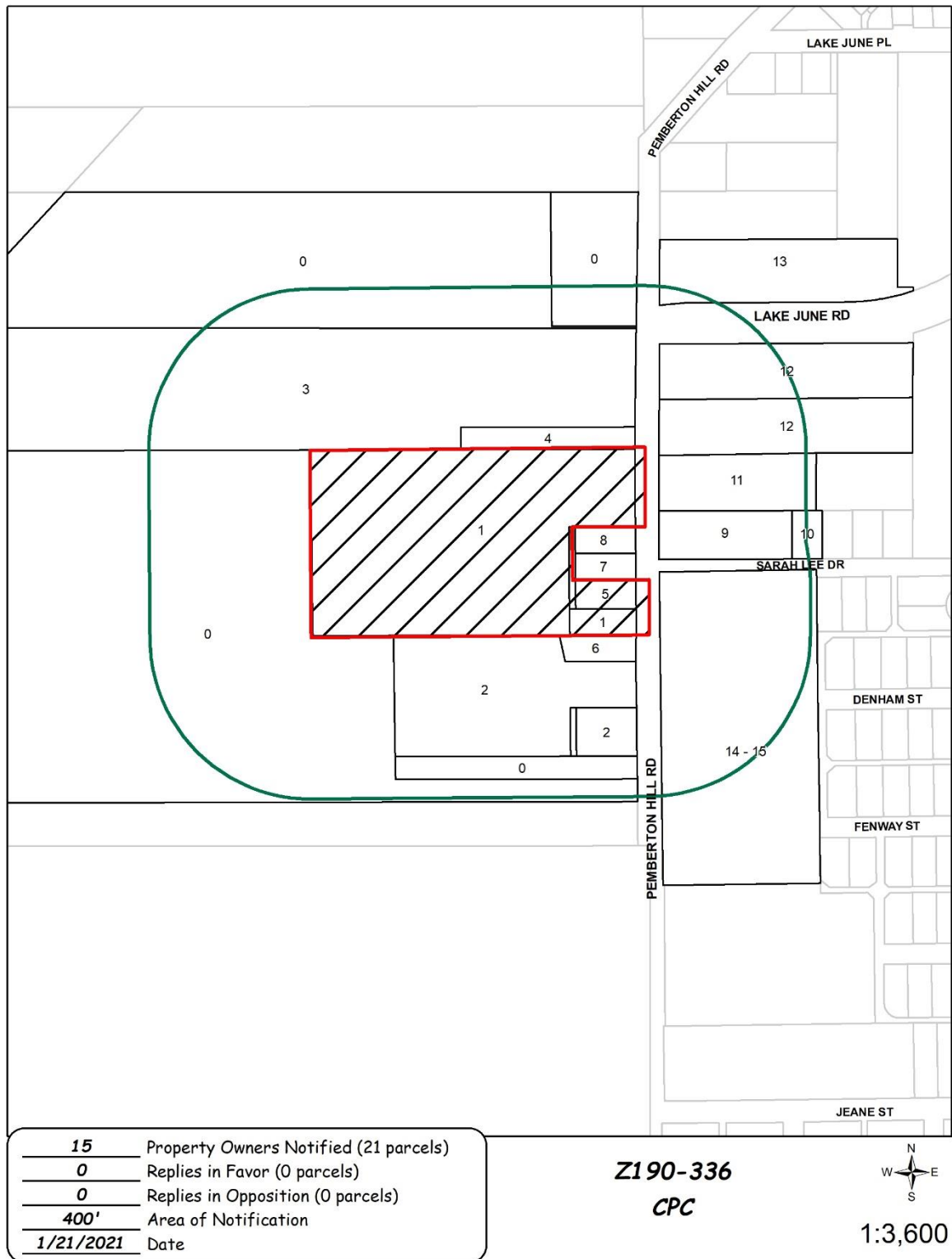




# Market Value Analysis

Printed Date: 12/16/2020

## CPC RESPONSES



12/16/2020

## ***Notification List of Property Owners***

***Z190-336***

***15 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1117 PEMBERTON HILL RD	JASSO DAVID JR
2	911 PEMBERTON HILL RD	PEMBERTON BILLY R
3	1125 PEMBERTON HILL RD	PEMBERTON PAULA HILL
4	1125 PEMBERTON HILL RD	HILL PAULA PEMBERTON
5	1031 PEMBERTON HILL RD	JASSO DIANA M
6	1019 PEMBERTON HILL RD	RODRIGUEZ MANUEL & MAURA
7	1103 PEMBERTON HILL RD	VALENZUELA MARICELA
8	1107 PEMBERTON HILL RD	CONTRERAS EDGAR
9	1100 PEMBERTON HILL RD	APOSTOLIC ASSEMBLY OF THE FAITH IN CHRIST JESUS
10	6111 SARAH LEE DR	APOSTOLIC ASSEMBLY OF THE FAITH IN CHRIST JESUS
11	1112 PEMBERTON HILL RD	ROJAS ELIAS
12	1122 PEMBERTON HILL RD	JOSEPH AMIT ANDREW &
13	1210 PEMBERTON HILL RD	RIVERA NOE
14	924 PEMBERTON HILL RD	HORAK F J ESTATE OF
15	924 PEMBERTON HILL RD	HORAK F J EST OF