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<b>FILE NUMBER:</b>	Z190-315(LG)	<b>DATE FILED:</b>	July 22, 2020
<b>LOCATION:</b>	North line of Empire Central, west of Harry Hines Boulevard		
<b>COUNCIL DISTRICT:</b>	2	<b>MAPSCO:</b>	33 R
<b>SIZE OF REQUEST:</b>	3.396 Acres	<b>CENSUS TRACT:</b>	100.00

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**REPRESENTATIVE:** Dallas Cothrum, MASTERPLAN

**APPLICANT/OWNER:** Vibrio Properties I LP

**REQUEST:** An application for an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, with consideration for a Planned Development District for IR Industrial Research District uses.

**SUMMARY:** The purpose of the request is to utilize the site as a contractor's maintenance yard [Marlin Landscaping] with certain uses such as industrial uses, wholesale, distribution and storage uses, and utility and public service uses prohibited with the volunteered deed restrictions. The Planned Development District that is being considered will serve similar purposes.

**CPC RECOMMENDATION:** **Approval** of a Planned Development District, subject to a development plan, an outside storage exhibit, and conditions.

**STAFF RECOMMENDATION:** **Approval** of a Planned Development District, subject to a development plan, an outside storage exhibit, and conditions.

## **BACKGROUND INFORMATION**

- The area of request is zoned an IR Industrial Research District and previously held certificates of occupancies for companies with transportation and logistics uses.
- The current owner moved into the building in 2018 and obtained a certificate of occupancy for an office/showroom/warehouse use. The applicant was cited by the City of Dallas for operating an illegal land use, a contractor's maintenance yard, in July 2020.
- The applicant initially requested a zoning change to an IM Industrial Manufacturing District to allow for the operation of a contractor's maintenance yard in conjunction with its current uses as an office and showroom/warehouse. Per instructions from the City Plan Commission, the applicant has amended their request to propose a new planned development district with IR Industrial Research uses. The proposed PD conditions are included in this report.
- A contractor's maintenance yard means a facility for the storage and maintenance of contractor's supplies and operational equipment. This use is permitted by right in an IM Industrial Manufacturing District and requires a residential adjacency review. This use must also be surrounded by screening. The applicant is requesting a planned development district for a contractor's maintenance yard to be permitted with IR Industrial Research District uses by right.

## **Zoning History**

There have been no zoning change requests in the area in the last five years.

## **Thoroughfares/Streets**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing/Proposed ROW</b>
Harry Hines Boulevard	Principal Arterial	130'
Empire Central Place	Community Collector	60'

## **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.

## **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 applicant's request is not consistent with the goals and policies of the Comprehensive Plan.

### **LAND USE ELEMENT**

#### **GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

**Policy 1.1.1** Implement the Trinity River Corridor Plan.

### **Area Plan**

*Trinity River Corridor Comprehensive Land Use Study* was adopted by City Council in March 2005, and then revised in December 2009.

The 2050 Vision Statement for the Trinity River Corridor in Dallas The Trinity River Corridor is a unified collection of diverse neighborhoods and business centers at the heart of a unified and thriving Dallas, connected by a ribbon of blue water and green spaces that is the Trinity River. Additionally, The Trinity River Corridor is the City's model for economic growth without physical, social or economic barriers, which attracts residents and visitors to live, learn, work, shop and play within a cosmopolitan urban core, and alongside the river's meandering environment.

Five objectives for future development in the Trinity Corridor add detail to the 2050 Vision Statement. They provide guidance that shapes this plan's recommendations for each part of this very large corridor. The five objectives are:

- Reconnect North and South Dallas
- Establish the role of economic development along the Trinity River.
- Create a vibrant central city.
- Establish the Trinity River floodplain as the front yard of the City.
- Enhance the City's urban form to increase the appeal of urban life.

The request site is located within the Stemmons District and within a commercial corridor development and regional employment districts as identified by the land use plan. For the commercial corridor portion, the Plan recommends a mix of 50% community retail and regional office as primary uses, with the rest being mixed use, residential multifamily, entertainment, civic, parks and opens spaces and neighborhood retail. For the regional employment portion, the Plan recommends 30% employment center as a primary use, with the rest being mixed use, residential multifamily, regional retail, regional office, entertainment, civic, parks and opens spaces.

The subject site is located within an area that is recommended for office space and protects its surrounding uses, since this area has a mix of light industrial and office uses. It is located northwest of the Medical District. An assessment of the Stemmons District is as follows:

- This district has benefited from good access to both highway and rail transportation facilities.
- Today, many of the older commercial and industrial buildings here are no longer competitive with newer space or are not configured to meet current needs of rapidly-changing industries and technologies.
- Some thriving businesses lack available space to expand in this district.
- The existing structures have potential for adaptive reuse and the area has assets to support a change to a new mix of uses and activities.
- Since the Stemmons District is bounded on the south and west by the river, this district can take full advantage of the new Trinity River amenities and improvements.
- This district provides strong potential for riverside development possibilities.

### **Surrounding Land Uses**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	IR	Office Showroom/Warehouse
<b>North</b>	IR	Auto Related, Retail, and Personal Service Uses
<b>East</b>	IR	Warehouse
<b>South</b>	IR	Business Service
<b>West</b>	IR	Auto Related Uses

### **Land Use Compatibility**

The request area is zoned an IR Industrial Research District and is currently operating as an office/showroom/warehouse, which is a permitted use in an IR District. The applicant is proposing to change the zoning from an IR Industrial Research District to an IM Industrial Manufacturing District to allow the operation of a contractor's maintenance yard, which is not allowed in an IR District. This request also asks the City Plan Commission to consider a PD with IR Industrial Research uses along with the operation of a contractor's maintenance yard by right. Staff was initially not in support of this request, however, with the revised conditions that addresses fencing and screening of the contractor's maintenance yard, staff is supportive of the PD consideration.

The contractor's maintenance yard use will include the storage of composite granite, gravel, sand, fill dirt, mulch, topsoil and bedding mix in the rear of the site. The applicant proposes to also continue the office/showroom/warehouse use.

The applicant volunteered deed restrictions to limit the uses allowed on site. The volunteered deed restrictions propose to prohibit 18 of 125 uses permitted in an IM District. The uses the applicant volunteered in their deed restrictions are in bold and italicized in the following chart. For the PD, the only uses permitted by right are the ones permitted within the IR district, with the exception of the Contractor's Maintenance Yard added as a permitted accessory use.

IR Industrial Research District (current)	IM Industrial Manufacturing District with the volunteered deed restrictions (proposed)
<b>A) Agricultural Uses</b> <ul style="list-style-type: none"> <li>• Crop production</li> </ul>	<b>A) Agricultural Uses</b> <ul style="list-style-type: none"> <li>• Crop production</li> </ul>
<b>B) Commercial and Business Service Uses</b> <ul style="list-style-type: none"> <li>• Building repair and maintenance shop [RAR]</li> <li>• Bus or rail transit vehicle maintenance or storage facility [RAR]</li> <li>• Catering service</li> <li>• Commercial cleaning or laundry plant [RAR]</li> <li>• Custom business services</li> <li>• Custom woodworking, furniture construction, or repair</li> <li>• Electronics service center</li> <li>• Job or lithographic printing</li> <li>• Labor Hall [SUP may be required. See: 51A-4.202(8.1)]</li> <li>• Machine or welding shop [RAR]</li> <li>• Medical or scientific laboratory</li> <li>• Technical school</li> <li>• Tool or equipment rental</li> <li>• Vehicle or engine repair or maintenance [RAR]</li> </ul>	<b>B) Commercial and Business Service Uses</b> <ul style="list-style-type: none"> <li>• Building repair and maintenance shop [RAR]</li> <li>• Bus or rail transit vehicle maintenance or storage facility [RAR]</li> <li>• Catering service</li> <li>• Commercial cleaning or laundry plant [RAR]</li> <li>• Custom business services</li> <li>• Custom woodworking, furniture construction, or repair</li> <li>• Electronics service center</li> <li>• Job or lithographic printing</li> <li>• Labor Hall [SUP may be required. See: 51A-4.202(8.1)]</li> <li>• Machine or welding shop [RAR]</li> <li>• <b>Machinery, heavy equipment, or truck sales and services</b></li> <li>• Medical or scientific laboratory</li> <li>• Technical school</li> <li>• Tool or equipment rental</li> <li>• Vehicle or engine repair or maintenance [RAR]</li> </ul>
<b>C) Industrial Uses</b> <ul style="list-style-type: none"> <li>• Alcoholic beverage manufacturing [RAR]</li> <li>• Gas drilling and production [SUP]</li> <li>• Industrial (inside) [See Sec. 51A4.203(b)(1)]</li> <li>• Industrial (inside) for light manufacturing</li> <li>• Industrial (outside) [See Sec. 51A-4.203(b)(2)]</li> <li>• Medical/infectious waste incinerator [SUP]</li> <li>• Municipal waste incinerator [SUP]</li> <li>• Organic compost recycling facility [SUP]</li> <li>• Pathological waste incinerator [SUP]</li> </ul>	<b>C) Industrial Uses</b> <ul style="list-style-type: none"> <li>• Alcoholic beverage manufacturing [RAR]</li> <li>• Gas drilling and production [SUP]</li> <li>• <b>Gas pipeline compressor station</b></li> <li>• <b>Industrial (inside) [See Sec. 51A4.203(b)(1)]</b></li> <li>• <i>Industrial (inside) for light manufacturing</i></li> <li>• <b>Industrial (outside) [See Sec. 51A-4.203(b)(2)]</b></li> <li>• Medical/infectious waste incinerator [SUP]</li> <li>• <b>Metal salvage facility [SUP]</b></li> <li>• Mining [SUP]</li> <li>• Municipal waste incinerator [SUP]</li> <li>• Organic compost recycling facility [SUP]</li> </ul>

IR Industrial Research District (current)	IM Industrial Manufacturing District with the volunteered deed restrictions (proposed)
<ul style="list-style-type: none"> <li>Temporary concrete or asphalt batching plant [By special authorization of the B.O.]</li> </ul>	<ul style="list-style-type: none"> <li><b>Outside salvage or reclamation [SUP]</b></li> <li>Pathological waste incinerator [SUP]</li> <li>Temporary concrete or asphalt batching plant [By special authorization of the B.O.]</li> </ul>
<b>D) Institutional and Community Service Uses</b> <ul style="list-style-type: none"> <li>Adult day care facility</li> <li>Cemetery or mausoleum [SUP]</li> <li>Child-care facility</li> <li>Church</li> <li>College, university, or seminary</li> <li><b>Community service center</b></li> <li>Hospital [RAR]</li> <li>Public or private school [SUP]</li> </ul>	<b>D) Institutional and Community Service Uses</b> <ul style="list-style-type: none"> <li>Adult day care facility</li> <li>Cemetery or mausoleum [SUP]</li> <li>Child-care facility</li> <li>Church</li> <li>College, university, or seminary</li> <li>Hospital [SUP]</li> <li>Public or private school</li> </ul>
<b>E) Lodging Uses</b> <ul style="list-style-type: none"> <li>Extended stay hotel or motel [SUP]</li> <li>Hotel or motel [RAR]</li> <li>Lodging or boarding house</li> <li><b>Overnight general purpose shelter [See Sec. 51A4-.205(2.1)]</b></li> </ul>	<b>E) Lodging Uses</b> <ul style="list-style-type: none"> <li>Extended stay hotel or motel [SUP]</li> <li>Hotel or motel [RAR]</li> <li>Lodging or boarding house [SUP]</li> </ul>
<b>F) Miscellaneous Uses</b> <ul style="list-style-type: none"> <li>Attached non-premise sign [SUP]</li> <li>Carnival or circus (temporary) [By special authorization of the building official]</li> <li>Hazardous waste management facility [Except when operated as a hazardous waste incinerator]</li> <li>Temporary construction or sales office</li> </ul>	<b>F) Miscellaneous Uses</b> <ul style="list-style-type: none"> <li>Attached non-premise sign [SUP]</li> <li>Carnival or circus (temporary) [By special authorization of the BO]</li> <li>Hazardous waste management facility</li> <li>Temporary construction or sales office</li> </ul>
<b>G) Office Uses</b> <ul style="list-style-type: none"> <li>Alternative financial establishment [SUP]</li> <li>Financial institution without drive-in window</li> <li>Financial institution with drive-in window [RAR]</li> <li>Medical clinic or ambulatory surgical center</li> <li>Office</li> </ul>	<b>G) Office Uses</b> <ul style="list-style-type: none"> <li>Alternative financial establishment [SUP]</li> <li>Financial institution without drive-in window</li> <li>Financial institution with drive-in window [RAR]</li> <li>Medical clinic or ambulatory surgical center</li> <li>Office</li> </ul>
<b>H) Recreation Uses</b> <ul style="list-style-type: none"> <li>Country club with private membership</li> <li>Private recreation center, club, or area</li> <li>Public park, playground, or golf course</li> </ul>	<b>H) Recreation Uses</b> <ul style="list-style-type: none"> <li>Country club with private membership</li> <li>Private recreation center, club, or area</li> <li>Public park, playground, or golf course</li> </ul>
<b>I) Residential Uses</b> <ul style="list-style-type: none"> <li>None permitted</li> </ul>	<b>I) Residential Uses</b> <ul style="list-style-type: none"> <li>None permitted</li> </ul>
<b>J) Retail and Personal Service Uses</b> <ul style="list-style-type: none"> <li>Alcoholic beverage establishments [See Sec. 51A-4.210(b)(4)]</li> <li>Animal shelter or clinic without outside runs</li> <li>Animal shelter or clinic with outside runs. [SUP may be req. See Sec 51A-4.210(b)(2)]</li> <li>Auto service center [RAR]</li> <li>Business school</li> </ul>	<b>J) Retail and Personal Service Uses</b> <ul style="list-style-type: none"> <li>Alcoholic beverage establishments [See Section 51A-4.210(b)(4)]</li> <li>Animal shelter or clinic without outside runs</li> <li>Animal shelter or clinic with outside runs [SUP may be req. See Sec 51A-4.210(b)(2)]</li> <li>Auto service center [RAR]</li> <li>Business school</li> </ul>

IR Industrial Research District (current)	IM Industrial Manufacturing District with the volunteered deed restrictions (proposed)
<ul style="list-style-type: none"> <li>• Car wash [RAR]</li> <li>• Commercial amusement (inside) [SUP may be req. See Sect 51A-4.210(b)(7)(B)]</li> <li>• Commercial motor vehicle parking [By SUP only if within 500 feet of a residential district]</li> <li>• Commercial parking lot or garage [RAR]</li> <li>• Convenience store with drive-through [SUP]</li> <li>• Dry cleaning or laundry store</li> <li>• Furniture store</li> <li>• General merchandise or food store 3,500 square feet or less</li> <li>• Home improvement center, lumber, brick or building materials sales yard [RAR]</li> <li>• Household equipment and appliance repair</li> <li>• Liquefied natural gas fueling station [By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses]</li> <li>• Motor vehicle fueling station</li> <li>• Paraphernalia shop [SUP]</li> <li>• Pawn shop</li> <li>• Personal service uses</li> <li>• Restaurant without drive-in or drive-through service [RAR]</li> <li>• Restaurant with drive-in or drive-through service [DIR]</li> <li>• Taxidermist</li> <li>• Temporary retail use</li> <li>• Theater</li> <li>• Truck stop [SUP]</li> <li>• Vehicle display, sales, and service [RAR]</li> </ul>	<ul style="list-style-type: none"> <li>• Car wash [RAR]</li> <li>• Commercial amusement (inside). [SUP may be req. See Sect 51A-4.210(b)(7)(B)]</li> <li>• Commercial motor vehicle parking [By SUP only if within 500 feet of a residential district]</li> <li>• Commercial parking lot or garage [RAR]</li> <li>• Convenience store with drive-through [SUP]</li> <li>• <b>Drive-in theater [SUP]</b></li> <li>• Dry cleaning or laundry store</li> <li>• Furniture store</li> <li>• General merchandise or food store 3,500 square feet or less</li> <li>• Home improvement center, lumber, brick or building materials sales yard [RAR]</li> <li>• Household equipment and appliance repair</li> <li>• Liquefied natural gas fueling station [By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses]</li> <li>• Motor vehicle fueling station</li> <li>• Paraphernalia shop [SUP]</li> <li>• Pawn shop</li> <li>• Personal service uses</li> <li>• Restaurant without drive-in or drive-through service [RAR]</li> <li>• Restaurant with drive-in or drive-through service [DIR]</li> <li>• <b>Taxidermist</b></li> <li>• Temporary retail use</li> <li>• Theater</li> <li>• Truck stop [SUP]</li> <li>• Vehicle display, sales, and service [RAR]</li> </ul>
<b>K) Transportation Uses</b> <ul style="list-style-type: none"> <li>• Airport or landing field [SUP]</li> <li>• Commercial bus station and terminal [RAR]</li> <li>• Heliport [RAR]</li> <li>• Helistop [RAR]</li> <li>• Railroad passenger station [SUP]</li> <li>• STOL (short takeoff or landing) port [SUP]</li> <li>• Transit passenger shelter</li> <li>• Transit passenger station or transfer center [By SUP or city council resolution. See Sec 51A-4.211]</li> </ul>	<b>K) Transportation Uses</b> <ul style="list-style-type: none"> <li>• Airport or landing field [SUP]</li> <li>• Commercial bus station and terminal [RAR]</li> <li>• Heliport [RAR]</li> <li>• Helistop [RAR]</li> <li>• Railroad passenger station [SUP]</li> <li>• <b>Railroad yard, roundhouse, or shops [RAR]</b></li> <li>• STOL (short takeoff or landing) port [SUP]</li> <li>• Transit passenger shelter</li> <li>• Transit passenger station or transfer center [By SUP or city council resolution. See Sect 51A-4.211.]</li> </ul>
<b>L) Utility and Public Service Uses</b>	<b>L) Utility and Public Service Uses</b>

IR Industrial Research District (current)	IM Industrial Manufacturing District with the volunteered deed restrictions (proposed)
<ul style="list-style-type: none"> <li>Commercial radio or television transmitting station</li> <li>Electrical substation</li> <li>Local utilities [SUP or RAR may be req. See Sec. 51A-4.212(4)]</li> <li>Police or fire station</li> <li>Post office</li> <li>Radio, television, or microwave tower [RAR]</li> <li>Tower/antenna for cellular communication [See sec. 51A-4.212(10.1)]</li> <li>Utility or government installation other than listed [SUP]</li> <li>Water treatment plant [SUP]</li> </ul>	<ul style="list-style-type: none"> <li>Commercial radio or television transmitting station</li> <li><b>Electrical generating plant [SUP]</b></li> <li>Electrical substation</li> <li>Local utilities [SUP/RAR may be required. See Sec. 51A-4.212(4)]</li> <li>Police or fire station</li> <li>Post office</li> <li>Radio, television, or microwave tower [RAR]</li> <li><b>Refuse transfer station [SUP]</b></li> <li><b>Sanitary landfill [SUP]</b></li> <li><b>Sewage treatment plant [SUP]</b></li> <li>Tower/antenna for cellular communication [See Sec. 51A-4.212(10.1)]</li> <li>Utility or government installation other than listed [SUP]</li> <li>Water treatment plant [RAR]</li> </ul>
<b>M) Wholesale, Distribution, and Storage Uses</b> <ul style="list-style-type: none"> <li>Freight terminal [RAR]</li> <li>Manufactured building sales lot [RAR]</li> <li>Mini-warehouse</li> <li><b>Office showroom/warehouse</b></li> <li>Outside storage [RAR]</li> <li>Recycling buy-back center [See Sec. 51A-4.213(11)]</li> <li>Recycling collection center [See Sec. 51A-4.213(11.1)]</li> <li>Recycling drop off container [See Sec. 51A-4.213(11.2)]</li> <li>Recycling drop-off for special occasion collection [See Sec. 51A-4.213(11.3)]</li> <li>Trade center</li> <li>Warehouse [RAR]</li> </ul>	<b>M) Wholesale, Distribution, and Storage Uses</b> <ul style="list-style-type: none"> <li><b>Auto Auction [SUP]</b></li> <li><b>Building mover's temporary storage yard [SUP]</b></li> <li>Contractor's maintenance yard [RAR]</li> <li>Freight terminal [RAR]</li> <li><b>Livestock auction pens or sheds [SUP]</b></li> <li>Manufactured building sales lot [RAR]</li> <li>Mini-warehouse</li> <li>Office showroom/warehouse</li> <li>Outside storage [RAR]</li> <li><b>Petroleum product storage and wholesale [RAR]</b></li> <li>Recycling buy-back center [See Sec. 51A-4.213(11)]</li> <li>Recycling collection center [See Sec. 51A-4.213(11.1)]</li> <li>Recycling drop off container [See Sec. 51A-4.213(11.2)]</li> <li>Recycling drop-off for special occasion collection [See Sec. 51A-4.213(11.3)]</li> <li><b>Sand, gravel, or earth sales and storage [RAR]</b></li> <li>Trade center</li> <li><b>Vehicle storage lot</b></li> <li>Warehouse [RAR]</li> </ul>
<b>Accessory Uses</b>	<b>Accessory Uses</b>
<b>Not Permitted</b> <ul style="list-style-type: none"> <li>Accessory community center (private)</li> <li>Accessory pathological waste incinerator</li> <li>Home occupation</li> <li>Private stable</li> </ul> <b>SUP may be required.</b>	<b>Not Permitted</b> <ul style="list-style-type: none"> <li>Accessory community center (private)</li> <li>Accessory pathological waste incinerator</li> <li>Home occupation</li> <li>Private stable</li> </ul> <b>SUP may be required.</b>



<b>IR Industrial Research District (current)</b>	<b>IM Industrial Manufacturing District with the volunteered deed restrictions (proposed)</b>
<ul style="list-style-type: none"> <li>Accessory medical/infectious waste incinerator [See Sec. 51A-4.217(3.1)]</li> </ul>	<ul style="list-style-type: none"> <li>Accessory medical/infectious waste incinerator [See Sec. 51A-4.217(3.1)]</li> </ul>

Outside storage is defined as a lot used for the outside placement of an item for a period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed. This is a permitted use in industrial districts and requires a residential adjacency review. According to the Building Inspections Division, a contractor's maintenance yard use includes the storage of items associated with the contractor's maintenance yard use. If the storage of items not relating to a contractor's maintenance yard is on the premise, the business would need a Certificate of Occupancy that covers both uses.

The Office of Environmental Quality and Sustainability (OEQS) has reviewed related documents and does not have concerns about the request.

### **Development Standards**

<b><u>DISTRICT</u></b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>
	<b>Front</b>	<b>Side/Rear</b>				
<b>EXISTING: IR Industrial Research</b>	15'	30' adjacent to residential Other: No Min.	2.0 FAR overall 0.75 office/retail 0.5 retail	200' 15 stories	80%	Residential Proximity Slope
<b>PROPOSED: IM Industrial Manufacturing</b>	15' 0' on minor arterial	30' adjacent to residential Other: No Min.	2.0 FAR overall 0.75 office/retail 0.5 retail	110' 8 stories	80%	Residential Proximity Slope
<b>CONSIDERED: PD with IR Industrial Research uses</b>	15'	30' adjacent to residential Other: No Min.	2.0 FAR overall 0.75 office/retail 0.5 retail	200' 15 stories	80%	Residential Proximity Slope

The two districts have similar development standards, the only difference being the allowable height, with an IR District allowing 200 feet versus an IM District allowing 110 feet. The existing office/showroom/warehouse use on site is compliant with all development standards.

### **Parking**

The applicant currently has 100 parking spots. The parking ratio for a contractor's maintenance yard is one space per 2,000 square feet of site area with a minimum of four spaces. The proposed maintenance yard will be approximately 7,000 square feet, which requires four spaces.

The parking for an office/showroom/warehouse is comprised of parking for the components of the use. The office portion is parked at a ratio of one space per 333 square feet. The current office area is 5,017 square feet requiring 15 spaces. The showroom/warehouse portion of the use has a parking ratio of one space per 1,000 square feet of floor area for the first 20,000 square feet of floor area. The current warehouse portion of the use is 13,442 square feet requiring 14 spaces.

A welding shop is on the premises, even though this information is not included on the certificate of occupancy. A welding shop has a parking ratio of one space for every 500 square feet. The welding shop is 3,000 square feet and requires six parking spaces. There is a total of 35 spaces required for the current uses, and four spaces required for the proposed use. The site has 100 spaces as shown on the proposed site plan.

### **Landscaping and Screening**

Landscaping will have to be provided in accordance with Article X. A landscape buffer is required between any required screening fence and an adjacent thoroughfare. The director may approve an alternative irrigation plan for landscaping if the director determines that it will maintain the required landscaping.

In CS, LI, and IR districts, outside storage must be screened. In the IM District, outside storage must be screened on any side that is within 200 feet of and visible from a thoroughfare or expressway as defined in Section 51A-7.102, new expressway as defined in Section 51A-7.102, or an adjacent property that is not zoned an IM district. For purposes of this provision, adjacent means across the street or sharing a common lot line.

The maximum outside storage stacking height is 30 feet if the open storage is visible from and within 200 feet of a thoroughfare or adjoining property that is not zoned an IM District. If outside storage is 200 feet or more from a thoroughfare or adjoining property, no maximum outside storage stacking height applies. Outside storage stacking height within 40 feet of required screening may not exceed the height of the required screening.

Additional provisions in the Dallas Development Code include the following: A person shall not place, store, or maintain outside storage for a period in excess of 24 hours, an item that is not customarily used or stored outside; or made of a material that is resistant to damage or deterioration from exposure to the outside environment. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot. Outside storage on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use (see Section 51A-4.217). Outside storage is prohibited in required yards, landscaping areas, and parking areas.

Although the applicant was not required to provide screening information for their initial general zoning change, the applicant provided updated screening information for the proposed planned development district. Prior to this CPC meeting, the proposed planned development conditions state an eight-foot corrugated metal fence shall be provided on the east line of the property and a nine-foot corrugated metal fence shall be provided on the north and east line of the property. Staff suggested support for a nine-foot fence around the entire property, and the applicant revised their conditions to reflect this. The applicant also moved the outside storage area further south within their property and away from adjacent property owners to the north and northeast. A revised development plan, which is included in this report, shows these changes. An exhibit regarding the outside storage enclosure has also been included in this report.

At the August 5, 2021 City Plan Commission meeting, the CPC added conditions regarding the loading and unloading of landscaping material to be only permitted within 30 feet of covered storage enclosure, which is shown on the development plan that will include striping in the enclosed areas. The covered landscape material storage area should also be enclosed with screening, per the added conditions. The plans were updated to reflect the added conditions as well.

### **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 target intervention strategies more precisely 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 uncategorized, properties located further northeast and southeast are designated a Category “G”.

**CPC ACTION**  
**AUGUST 5, 2021**

**Motion:** It was moved to recommend **approval** of a Planned Development District for IR Industrial Research District uses, subject to a revised development plan, an outside storage exhibit, and revised conditions with the following additional conditions: FOR A CONTRACTOR'S MAINTENANCE YARD USE: 1) Loading and unloading of landscaping material is only permitted within 30 feet of covered storage enclosure, as shown on the development plan and striped on site, and 2) Covered landscape material storage to be enclosed. Screening may include mechanical ventilation on property zoned an IR Industrial Research District, on the north line of Empire Central, west of Harry Hines Boulevard.

Maker: Hampton  
Second: Suhler  
Result: Carried: 7 to 4

For: 7 - Hampton, Carpenter, Jung, Suhler, Schwope,  
Garcia, Rubin

Against: 4 - MacGregor, Stinson, Shidid, Blair,  
Absent: 3 - Johnson, Jackson, Murphy  
Vacancy: 1 - District 10

**Notices:** Area: 500 Mailed: 33  
**Replies:** For: 0 Against: 0

**Speakers:** For: Dallas Cothrum, 2201 Main St., Dallas, TX, 75201  
Andrew Ruegg, 2201 Main St., Dallas, TX, 75201  
Against: Sandra Hansen, 8330 Harry Hines Blvd., Dallas, TX, 75235  
Against (Did not speak): Alfredo Dominguez, 8330 Harry Hines Blvd., Dallas, TX, 75235

**List of Partners**

*Vibrio Properties, L. P., a limited partnership*

Burdekin Asset Management, Inc-General Partner  
Chris Bordano, President  
Chase Schvrado, Vice President

**PROPOSED PD CONDITIONS**

**ARTICLE XXXX.**

**PD XXXX.**

**SEC. 51P-XXXX.101. LEGISLATIVE HISTORY.**

PD XXXX was established by Ordinance No. XXXXX, passed by the Dallas City Council on April XX, 2021.

**SEC. 51P-XXXX.102. PROPERTY LOCATION AND SIZE.**

PD XXXX is established on property located at the north line of Empire Central, east of Oakbrook Boulevard. The size of PD XXXX is approximately 3.396 acres.

**SEC. 51P-XXXX.103. DEFINITIONS AND INTERPRETATIONS.**

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

LANDSCAPING MATERIAL means material piles of gravel, bedding mix, topsoil, dirt, mulch, or similar natural material customarily used for landscaping in conjunction with a contractor's maintenance yard use. This definition does not include plants, trees, or other landscape contractor's supplies.

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

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

**SEC. 51P-XXXX.104. EXHIBIT.**

The following exhibit is incorporated into this article: Exhibit XXXXA: development plan.

SEC. 51P-XXXX.105. DEVELOPMENT PLAN.

(a) For a Contractor's maintenance yard use, development and use of the Property must comply with the development plan (Exhibit XXXXA). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses otherwise permitted in the IR Industrial Research District, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site plan analysis, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-XXXX.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the IR Industrial Research District, subject to the same conditions applicable in the IR Industrial Research District, as set out in Chapter 51A. For example, a use permitted in the IR Industrial Research 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 IR Industrial Research District is subject to DIR in this district; etc.

(b) The following additional main uses are permitted by right:

-- Contractor's maintenance yard

SEC. 51P-XXXX.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following additional accessory uses are permitted by right:

-- Contractor's maintenance yard

SEC. 51P-XXXX.108. 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.)

The yard, lot, and space regulations for the IR Industrial Research District apply.

SEC. 51P-XXXX.109. OFF-STREET PARKING AND LOADING.

(a) Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) The director may grant an administrative parking reduction.

SEC. 51P-XXXX.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-XXXX.111. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-XXXX.112. FENCE, SCREENING AND VISUAL OBSTRUCTION REGULATIONS.

(a) Except as provided in this section, the fence, screening, and visual obstruction regulations in Division 51A-4.602 apply.

(b) For a contractor's maintenance yard use the following provisions apply:

~~(1) An eight-foot corrugated metal fence shall be provided on the east line of the Property as shown in Exhibit XXXXA.~~

(1) A nine-foot corrugated metal fence shall be provided on the north and east line of the Property as shown in Exhibit XXXXA.

~~(2) Outside storage Landscaping material shall be screened and covered by a minimum six twenty-foot structure tall, covered storage enclosure with front screening provided by outdoor curtain or similar screening method as shown in Exhibit XXXXA.~~

~~(3) Landscaping material shall only be stored inside covered storage enclosure as shown in Exhibit XXXXA.~~

SEC. 51P-XXXX.113. SIGNS.

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



SEC. 51P-XXXX.114.      ADDITIONAL PROVISIONS FOR A CONTRACTOR'S MAINTENANCE YARD USE.

(a) Loading and unloading of landscaping material is only permitted within 30 feet of covered storage enclosure.

(b) Covered landscape material storage must be enclosed. Screening may include mechanical ventilation.

SEC. 51P-XXXX.115.      ADDITIONAL PROVISIONS.

(a)     The Property must be properly maintained in a state of good repair and neat appearance.

(b)     Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-XXXX.116.      COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

**Applicant's Volunteered Deed Restrictions**

II.

Main uses prohibited:

(A) Industrial uses.

- Industrial (inside) potentially incompatible.
- Industrial (outside) potentially incompatible.
- Metal salvage facility.
- Mining.
- Gas pipeline compressor station.
- Outside salvage or reclamation.

(B) Retail and personal service uses.

- Drive-in theater.

(C) Transportation uses.

- Railroad yard, roundhouse, or shops.

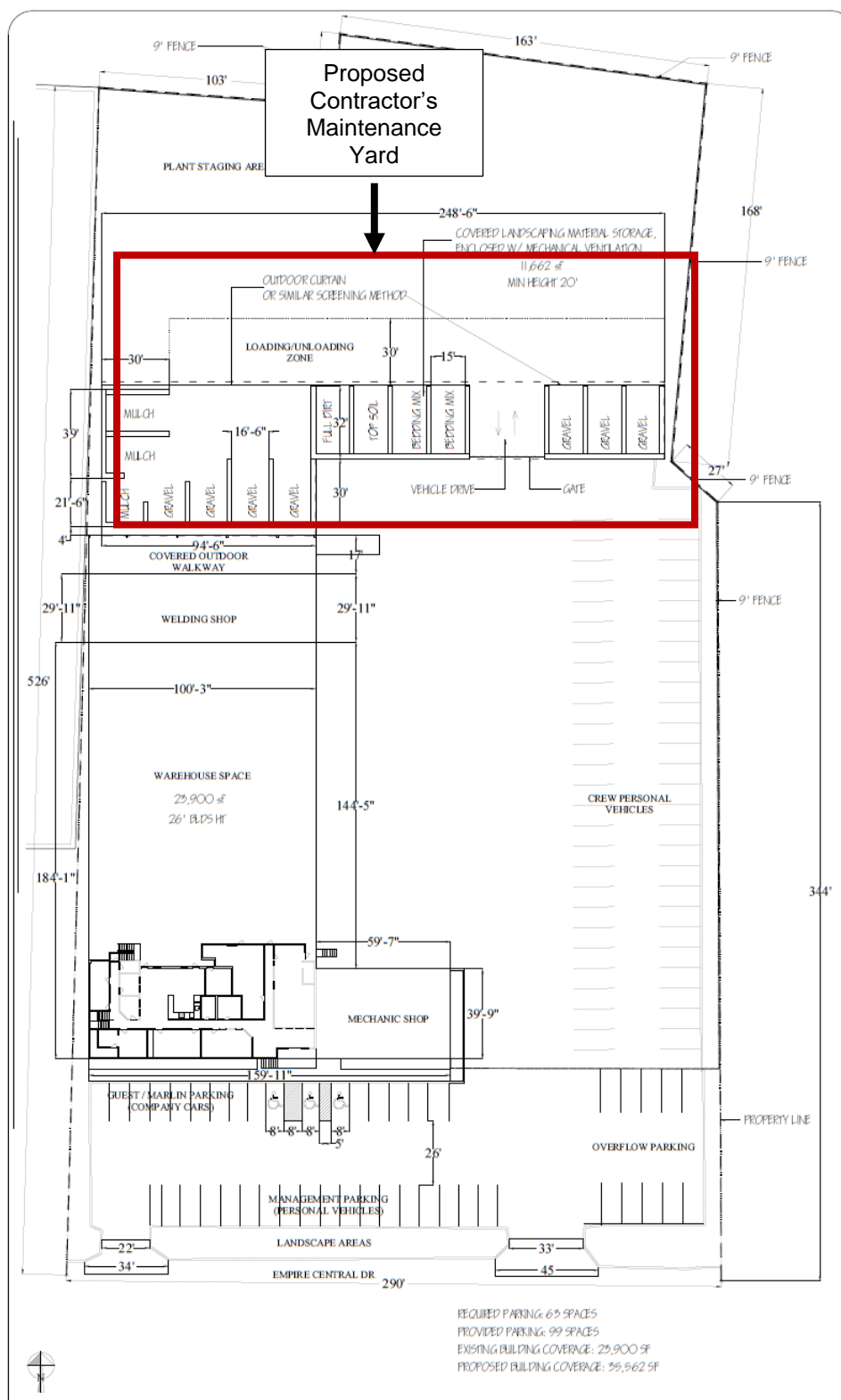
(D) Utility and public service uses.

- Electrical generating plant.
- Refuse transfer station.
- Sanitary landfill.
- Sewage treatment plant.

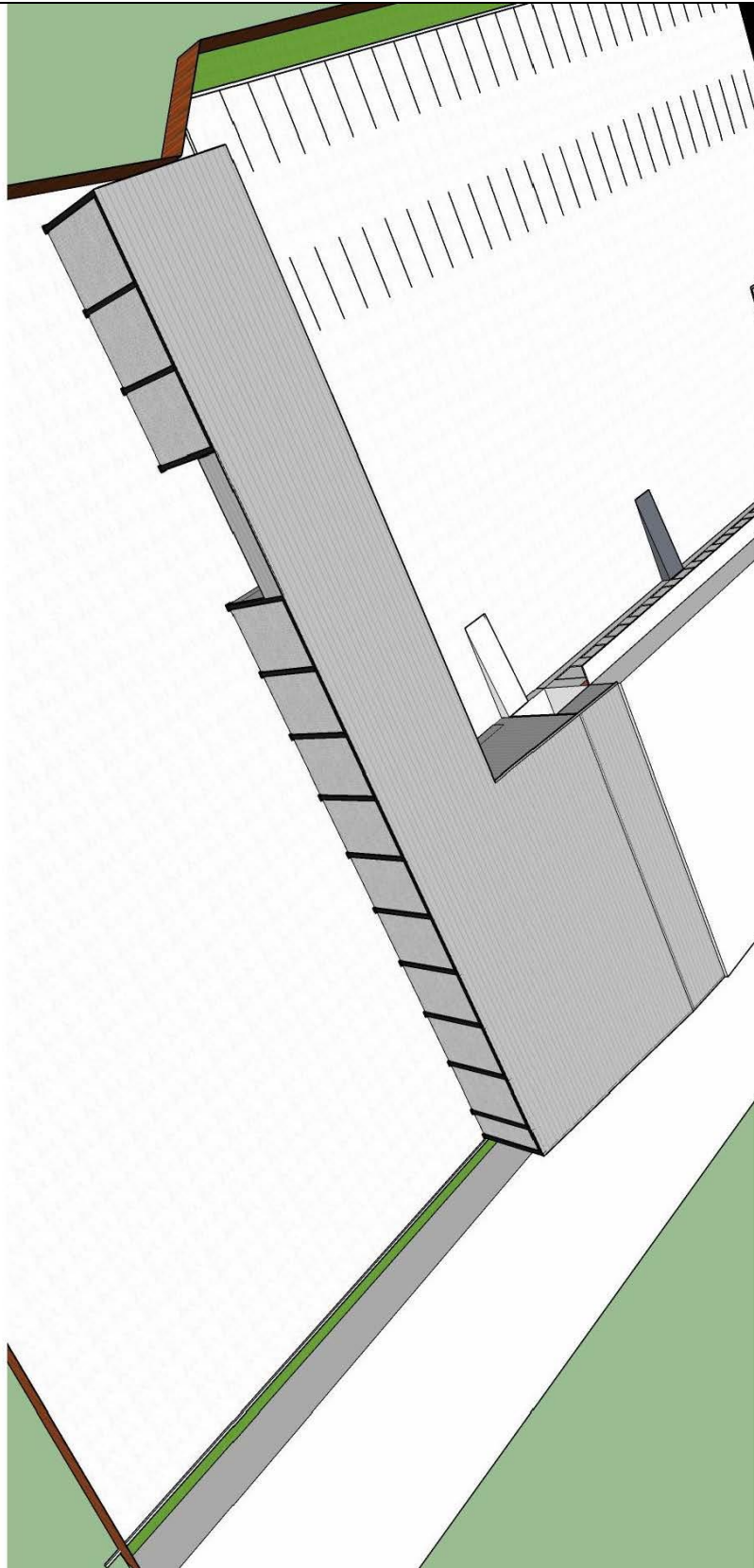
(E) Wholesale, distribution, and storage uses.

- Auto auction.
- Building mover's temporary storage yard.
- Livestock auction pens or sheds.
- Petroleum product storage and wholesale.
- Sand and gravel or earth sales and storage.
- Vehicle storage lot.

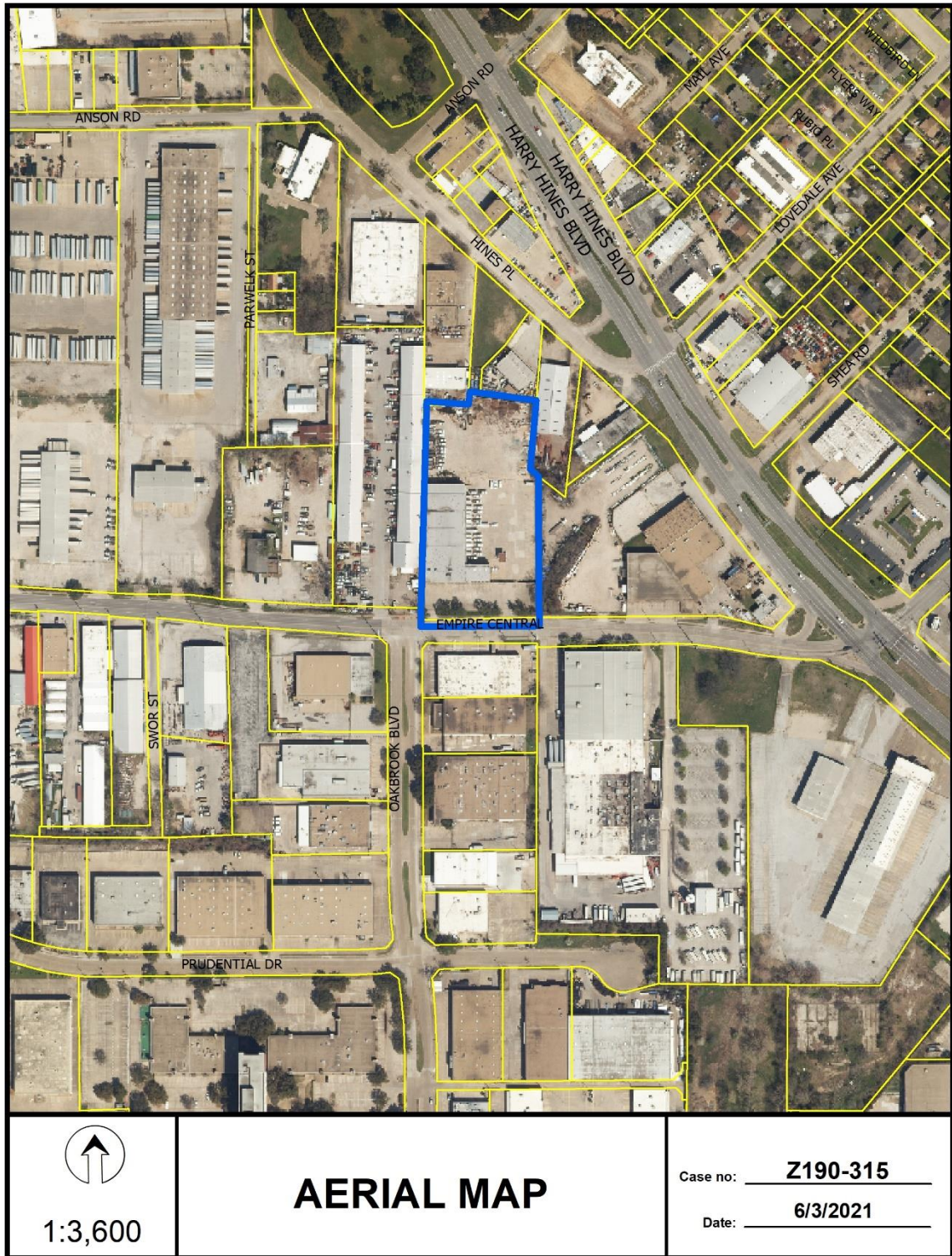
## CPC RECOMMENDED DEVELOPMENT PLAN

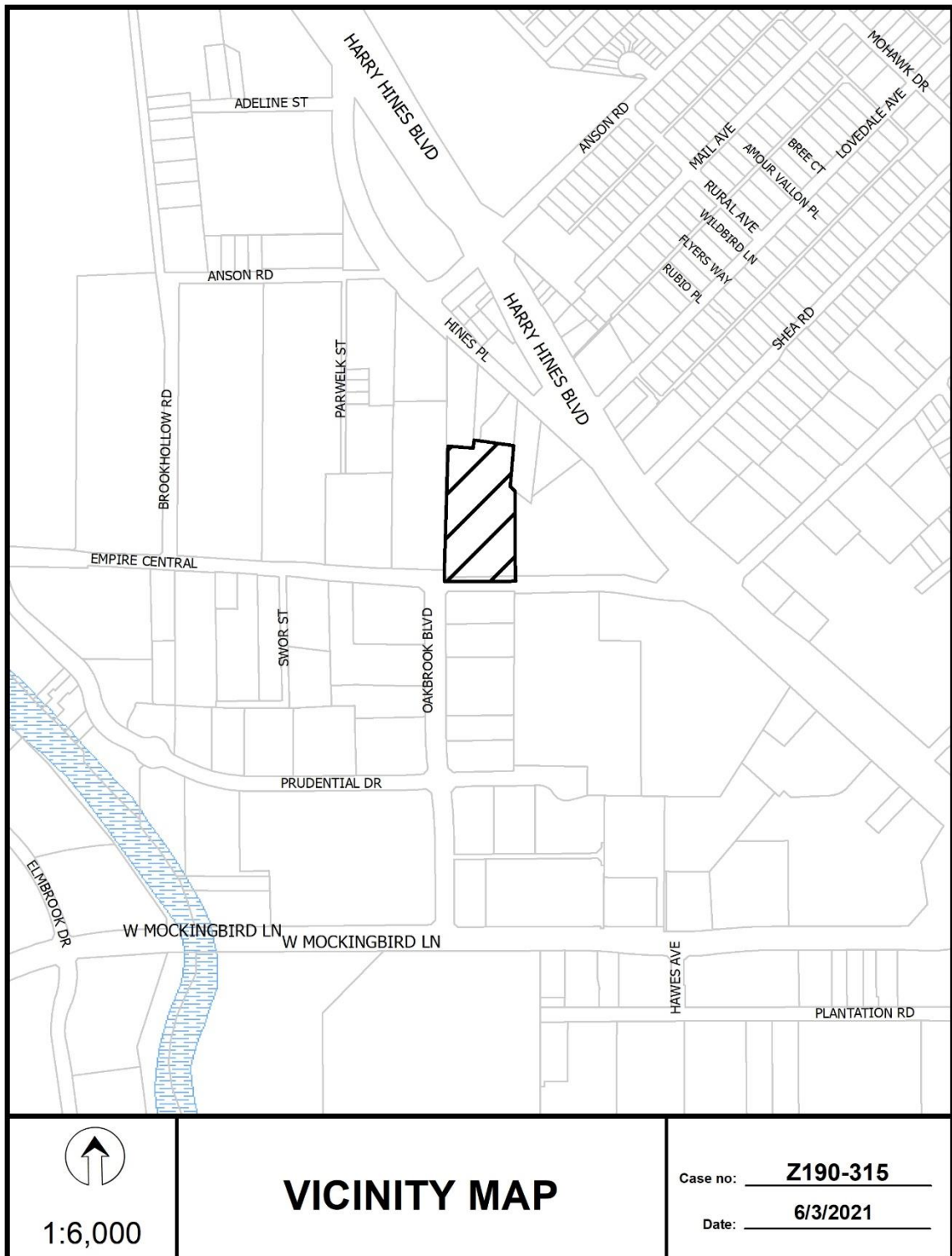


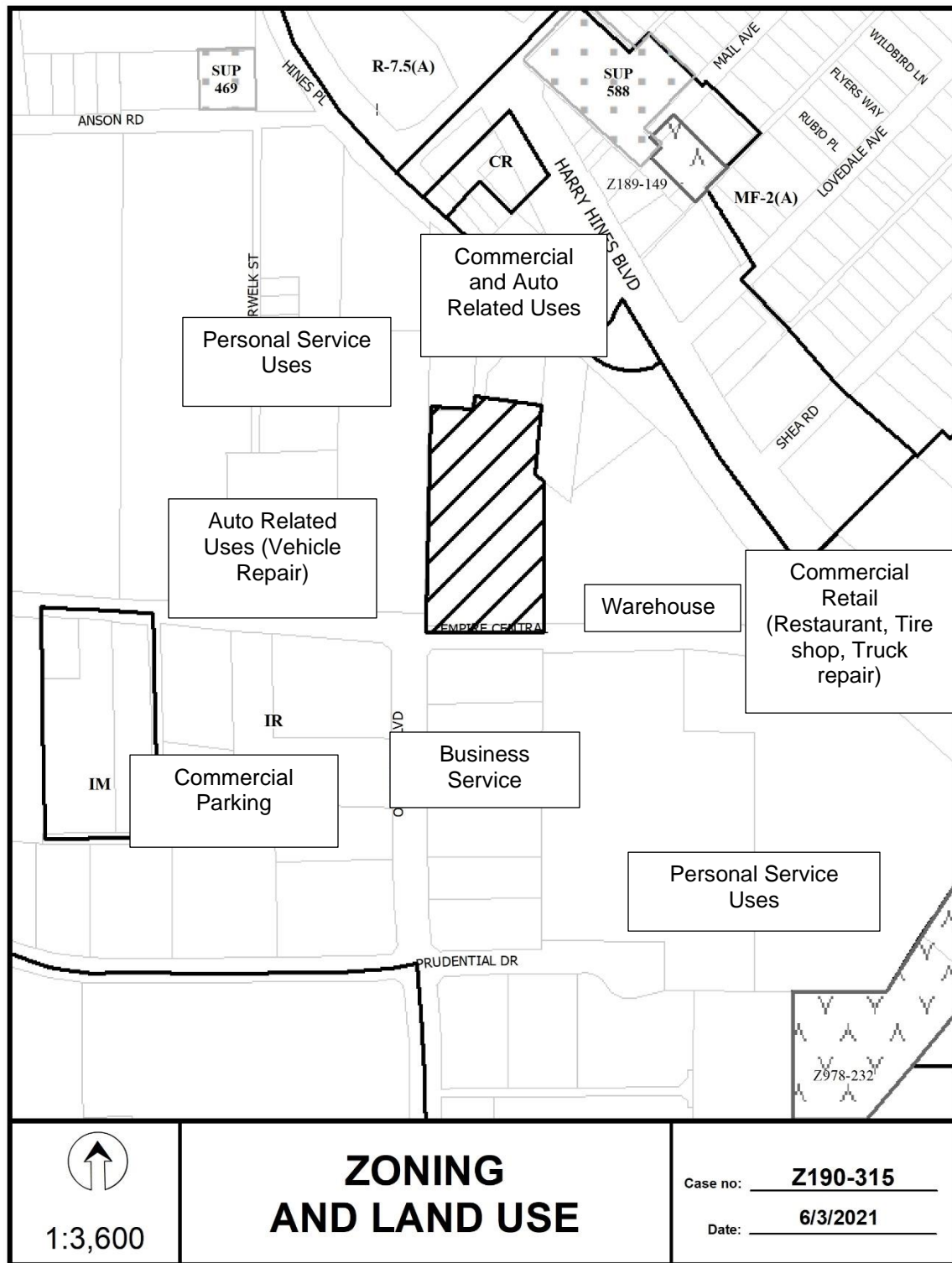
**CPC RECOMMENDED OUTSIDE STORAGE EXHIBIT SOUTH ELEVATION**



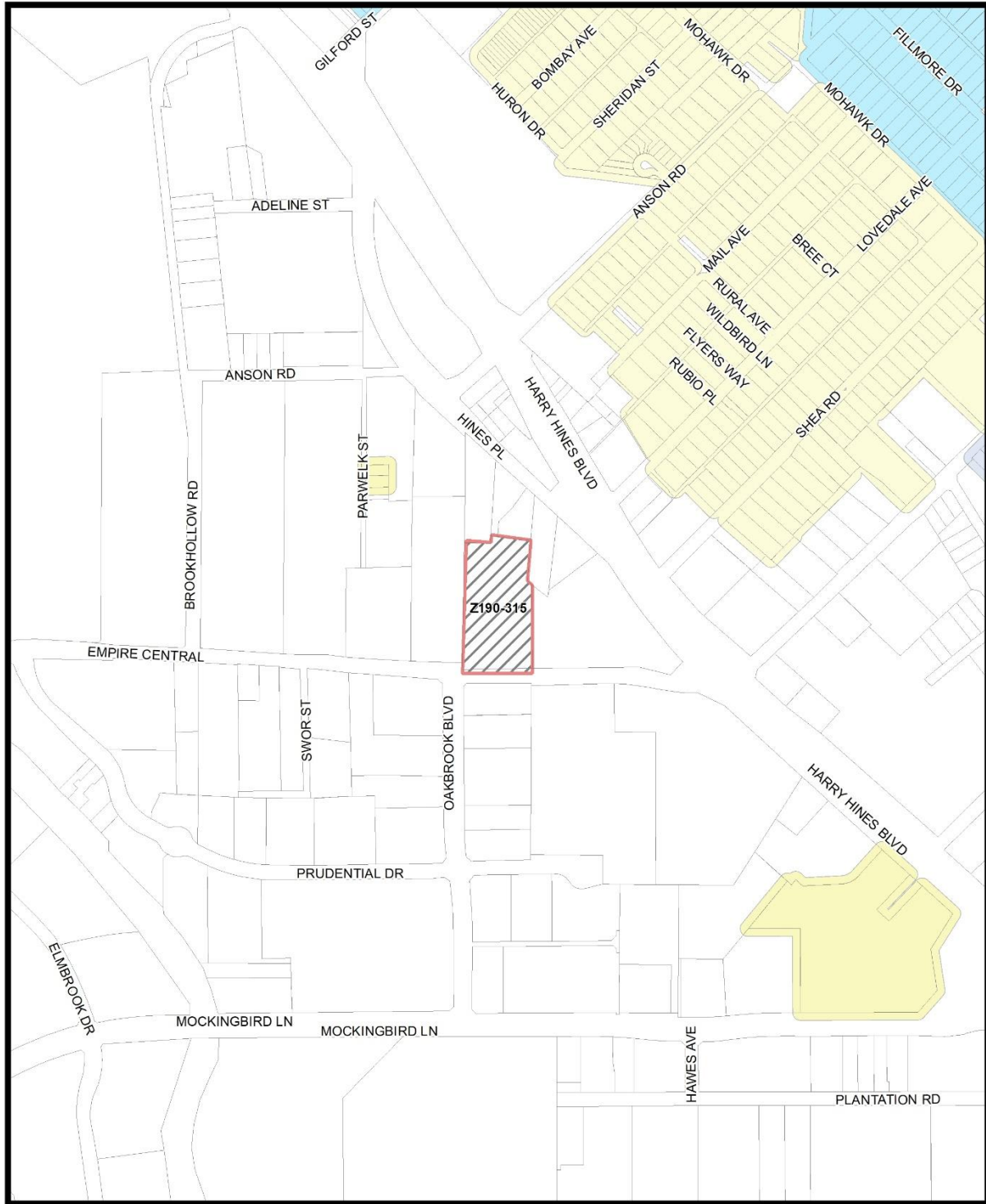












Market Value Analysis A B C D E F G H I NA



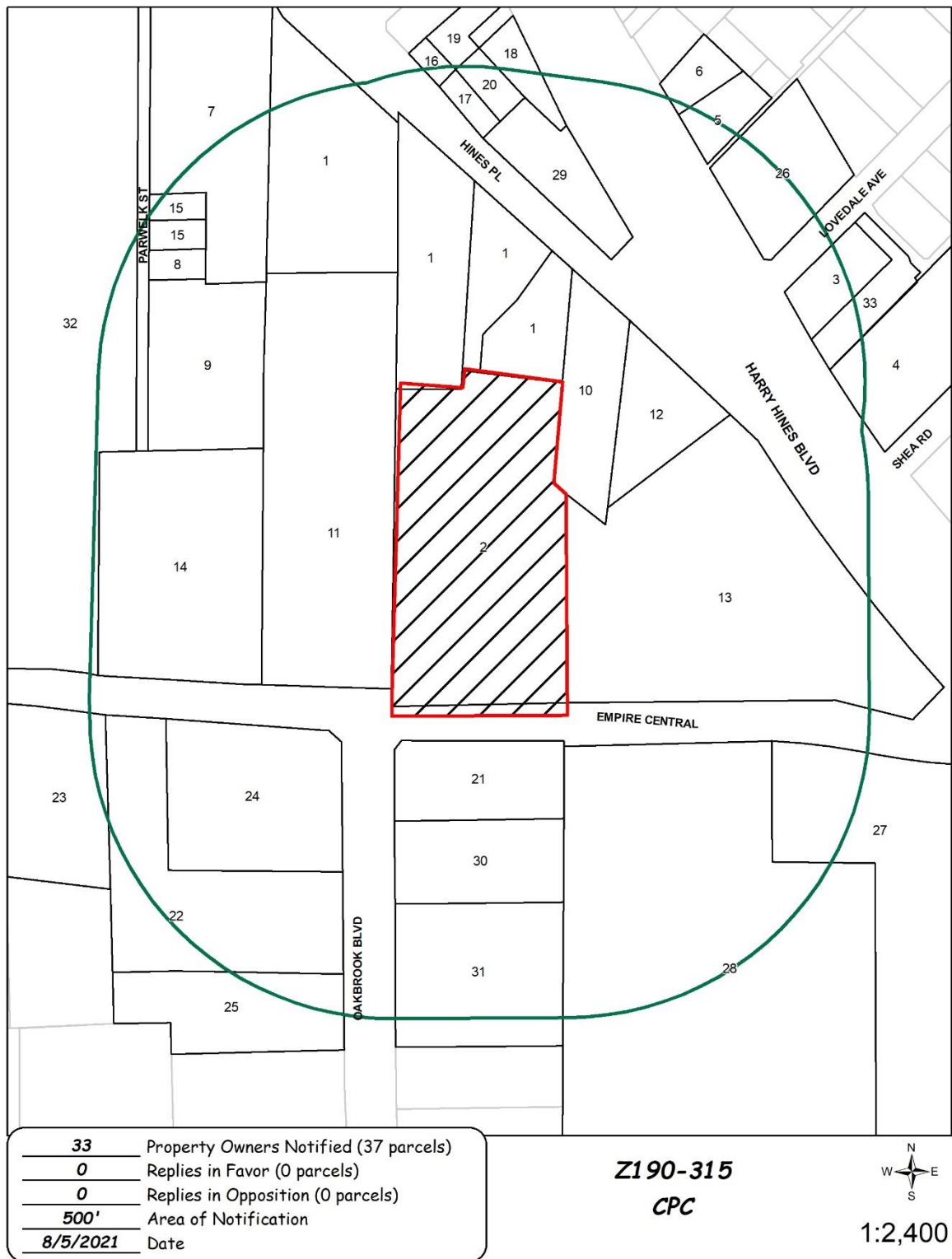
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## Market Value Analysis

Printed Date: 6/3/2021



## CPC RESPONSES



07/14/2021

***Reply List of Property Owners******Z190-315******33 Property Owners Notified    0 Property Owners in Favor    0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7307	HINES PL	RBH HINES LLC
2	1849	EMPIRE CENTRAL	VIBRIO PROPERTIES I LP
3	7224	HARRY HINES BLVD	KISSELL HOMER
4	7200	HARRY HINES BLVD	Taxpayer at
5	7318	HARRY HINES BLVD	STRATTIN MARIA C
6	7322	HARRY HINES BLVD	Taxpayer at
7	1922	ANSON RD	RBH ANSON LLC
8	7224	PARWELK ST	RAIFF MCIHAEL L &
9	7204	PARWELK ST	RAIFF MICHAEL L &
10	7301	HINES PL	PETTIGREW WILLIAM E &
11	1835	EMPIRE CENTRAL	1835 LLC
12	7217	HARRY HINES BLVD	FGR LTD
13	7125	HARRY HINES BLVD	HARRY EMPIRE LTD
14	1801	EMPIRE CENTRAL	VILBIG J LEE & E A
15	7306	PARWELK ST	PARWELK PPTIES LLC
16	7418	HINES PL	SINELLI CONCEPTS INTERNATIONAL INC
17	7322	HINES PL	Taxpayer at
18	7407	HARRY HINES BLVD	TAKSH MUSTAFA ZAKI
19	7419	HARRY HINES BLVD	SINELLI CONCEPTS INTERNATIONAL LLC
20	7320	HINES PL	SQUID 4 REAL ESTATE LLC
21	1850	EMPIRE CENTRAL	ICON OWNER POOL L TEXAS LLC
22	6777	OAKBROOK BLVD	TFMJ PROPERTY NO 2 LLC
23	1768	EMPIRE CENTRAL	EMPIRE SWOR PARK LLC
24	6787	OAKBROOK BLVD	ENGLISH DANNA REVOCABLE
25	6767	OAKBROOK BLVD	ASHMORE INDUSTRIAL PPTIES INC
26	7304	HARRY HINES BLVD	MIDBELT PROPERTIES LP

Z190-315(LG)

07/14/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6909	HARRY HINES BLVD	SRP EMPIRE LP
28	1900	EMPIRE CENTRAL	ARAMARK UNIFORM & CAREER
29	7401	HARRY HINES BLVD	ANDREWS HARRY HINES
30	6740	OAKBROOK BLVD	Taxpayer at
31	6730	OAKBROOK BLVD	Taxpayer at
32	1900	ANSON RD	Taxpayer at
33	7218	HARRY HINES BLVD	Taxpayer at