

CITY PLAN COMMISSION

THURSDAY, MARCH 23, 2023

Planner: Michael V. Pepe

FILE NUMBER: Z212-206(MP) **DATE FILED:** March 4, 2022

LOCATION: Northwest and northeast corners of Morrell Avenue and Fernwood Avenue

COUNCIL DISTRICT: 4

SIZE OF REQUEST: 1.14 Acres **CENSUS TRACT:** 48113021000

REPRESENTATIVE: Paul Carden

OWNER/APPLICANT: Dallas Light House LLC

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned a TH-3(A) Townhouse District with H/118 Zion Hill Missionary Baptist Church Historic Overlay and an R-5(A) Single Family District.

SUMMARY: The purpose of this request is to allow for commercial uses within the existing building.

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

BACKGROUND INFORMATION:

- The area of request is currently zoned a TH-3(A) Townhouse District and an R-5(A) Single Family District and is currently developed with a church and associated surface parking.
- The applicant is proposing to utilize the existing structure with theater and office uses. The applicant plans to improve the existing parking lot, east of Fernwood, for continued use as parking.
- The existing structure at 909 Morrell Avenue, the primary building of the existing church, is designated H/118 Zion Hill Missionary Baptist Church Historic Overlay. Changes or alterations to this portion of the site require compliance with Section 51A-4.501 Historic Overlay District and the specific historic overlay for the property. A certificate of appropriateness is required for any proposed exterior alterations or repairs.
- The applicant has volunteered deed restrictions which prohibit uses which may be considered incompatible with nearby residential. The remaining uses should be appropriate for neighborhood scale commercial.
- According to code, the purpose of the Community Retail District is to provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. The development standards, site limitations, and deed restrictions all function to limit the site to only allowing retail and service uses that are complimentary to the surrounding area in intensity and scale.

Zoning History:

There has been one zoning case in the area in the last five years.

1. **Z212-305:** On January 25, 2023, City Council approved an application for an MF-2(A) Multifamily District on property zoned an R-5(A) Single Family District and an LI Light Industrial District generally located on the northeast and southeast corners of Grant Street and Ridge Street, west of the terminus of Grant Street, and north of the terminus of Ridge Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Morrell Avenue	Community Collector	40 feet / 60 feet
Fernwood Avenue	Local	60 feet
Harlandale Avenue	Local	40 feet

Traffic:

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

STAFF ANALYSIS:

Comprehensive Plan:

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

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities.

Policy 1.1.4 Capitalize on transit oriented development opportunities.

1.1.4.1 Maximize development opportunities around DART stations.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

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

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor.

Policy 2.2.2 Maximize development opportunities around DART stations.

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY, AND WALKABILITY

Policy 5.1.1 Promote pedestrian friendly streetscapes.

Policy 5.1.3 Encourage complementary building height, scale, design, and character.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.4 Enhance retail, industrial and business operations.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

Neighborhood Plus Plan

Goal 6.3 Align planning, funding and community investments within a quarter mile of DART stations to promote transit-oriented development.

Land Use:

	Zoning	Land Use
Site	TH-3(A) Townhouse District, R-5(A) Single Family District	Church, Surface Parking
North	R-5(A) Single Family District	Single Family
East	R-5(A) Single Family District	Single Family
South	TH-3(A) Townhouse District, R-5(A) Single Family District	Single Family
West	MF-2(A) Multifamily District	Multifamily

Land Use Compatibility:

The area of request currently is developed as a roughly 15,000 square foot building formerly used as a church and its associated surface parking. The area of request is bordered to the north by a 25-foot alley, beyond which are single family homes. Properties east of the existing surface parking are single family homes. Across Morrell Avenue, there are two blocks of single-family homes developed under R-5(A) and TH-3(A) zoning. Across Harlandale Avenue to the west, property is developed as multifamily.

The proposed CR Community Retail District with deed restrictions would permit only low-impact commercial uses that are generally compatible with residential areas. According to code, the purpose of the Community Retail District is to provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. The uses that remain permitted on the property are not typically related with tangible impact on residential properties. Redevelopment of the site under commercial zoning would likely require improvement of the surface parking with Article X landscaping, buffering, and proper screening. These requirements would enhance the compatibility of the church and parking sites with surrounding residential.

The proposed change allows for neighborhood scale businesses to operate within walking distance to area residences and DART rail stations. The change would also encourage the adaptive reuse of the historic structure, which would likely not be feasibly reused under TH-3(A) zoning, as this only allows for residential uses on individual lots.

Described below is a comparison of the uses of the existing zoning and of the proposed CR zoning with deed restrictions. The CR with deed restrictions allows the applicant to permit one of their proposed uses, a theater, while restricting out several uses in CR which could impact the surrounding residential. The remaining uses are generally appropriate in close proximity to a neighborhood due their limited intensity and the constraints on the site. The development standards, site limitations, and deed restrictions all function to limit the site to only allowing retail and service uses that are complimentary to the surrounding area in intensity and scale.

LEGEND

	Use prohibited
•	Use permitted by right
S	Use permitted by Specific Use Permit
D	Use permitted subject to Development Impact Review
R	Use permitted subject to Residential Adjacency Review
★	Consult the use regulations in Section 51A-4.200

	Existing	Proposed
Use	TH-3(A) and R-5(A)	CR with DR
AGRICULTURAL USES		
Animal production		
Commercial stable		
Crop production	•	•
Private stable		
COMMERCIAL AND BUSINESS SERVICES USES		
Bus or rail transit vehicle maintenance or storage facility		
Catering service		•
Commercial cleaning or laundry plant		
Custom business services		<i>Prohibited by DR</i>
Custom woodworking, furniture construction, or repair		
Electronics service center		<i>Prohibited by DR</i>
Job or lithographic printing		
Labor hall		
Machine or welding shop		
Machinery, heavy equipment, or truck sales and services		
Medical or scientific laboratory		<i>Prohibited by DR</i>
Technical school		
Tool or equipment rental		<i>Prohibited by DR</i>
Vehicle or engine repair or maintenance		
INDUSTRIAL USES		
Alcoholic beverage manufacturing		
Gas drilling and production	S	<i>Prohibited by DR</i>
Gas pipeline compressor station		
Industrial (inside)		

	Existing	Proposed
Use	TH-3(A) and R-5(A)	CR with DR
Industrial (inside) for light manufacturing		
Industrial (outside)		
Medical/infectious waste incinerator		
Metal salvage facility		
Mining		
Municipal waste incinerator		
Organic compost recycling facility		
Outside salvage or reclamation		
Pathological waste incinerator		
Temporary concrete or asphalt batching plant	S	<i>Prohibited by DR</i>
INSTITUTIONAL AND COMMUNITY SERVICE USES		
Adult day care facility	S	•
Cemetery or mausoleum	S	S
Child-care facility	S	•
Church	•	•
College, university, or seminary	S	•
Community service center	S	S
Convalescent and nursing homes, hospice care, and related institutions	S (TH-3(A) only)	
Convent or monastery	S	•
Foster home	S	
Halfway house		
Hospital		<i>Prohibited by DR</i>
Library, art gallery, or museum	S	•
Public or private school	S	R
LODGING USES		
Extended stay hotel or motel		
Hotel or motel		•
Lodging or boarding house		<i>Prohibited by DR</i>
Overnight general-purpose shelter		<i>Prohibited by DR</i>
MISCELLANEOUS USES		
Carnival or circus (temporary)	[Special]	[Special]
Hazardous waste management facility		

	Existing	Proposed
Use	TH-3(A) and R-5(A)	CR with DR
Placement of fill material		
Temporary construction or sales office	•	•
OFFICE USES		
Alternative financial establishment		<i>Prohibited by DR</i>
Financial institution without drive-in window		•
Financial institution with drive-in window		<i>Prohibited by DR</i>
Medical clinic or ambulatory surgical center		•
Office		•
RECREATION USES		
Country club with private membership	S	•
Private recreation center, club, or area	S	•
Public park, playground, or golf course	•	•
RESIDENTIAL USES		
College dormitory, fraternity, or sorority house		S
Duplex	• (TH-3(A) only)	
Group residential facility		
Handicapped group dwelling unit	• per 4.209	• per 4.209
Manufactured home park, manufactured home subdivision, or campground		
Multifamily		
Residential hotel		
Retirement housing		
Single family	•	
RETAIL AND PERSONAL SERVICE USES		
Ambulance service		<i>Prohibited by DR</i>
Animal shelter or clinic without outside runs		<i>Prohibited by DR</i>
Animal shelter or clinic with outside runs		
Auto service center		<i>Prohibited by DR</i>
Business school		<i>Prohibited by DR</i>
Car wash		<i>Prohibited by DR</i>

	Existing	Proposed
Use	TH-3(A) and R-5(A)	CR with DR
Commercial amusement (inside)		• (Some require S)
Commercial amusement (outside)		<i>Prohibited by DR</i>
Commercial motor vehicle parking		
Commercial parking lot or garage		•
Convenience store with drive-through		<i>Prohibited by DR</i>
Dry cleaning or laundry store		•
Furniture store		•
General merchandise or food store 3,500 square feet or less		•
General merchandise or food store 3,500 square feet or greater		<i>Prohibited by DR</i>
General merchandise or food store greater than 100,000 square feet		<i>Prohibited by DR</i>
Home improvement center, lumber, brick or building materials sales yard		<i>Prohibited by DR</i>
Household equipment and appliance repair		<i>Prohibited by DR</i>
Liquefied natural gas fueling station		•
Motor vehicle fueling station		<i>Prohibited by DR</i>
Mortuary, funeral home, or commercial wedding chapel.		<i>Prohibited by DR</i>
Nursery, garden shop, or plant sales		•
Outside sales		
Paraphernalia shop		<i>Prohibited by DR</i>
Pawn shop		<i>Prohibited by DR</i>
Personal service use		•
Restaurant without drive-in or drive-through service		•
Restaurant with drive-in or drive-through service		<i>Prohibited by DR</i>
Swap or buy shop		<i>Prohibited by DR</i>
Taxidermist		
Temporary retail use		•
Theater		•
Truck stop		
Vehicle display, sales, and service		
TRANSPORTATION USES		

	Existing	Proposed
Use	TH-3(A) and R-5(A)	CR with DR
Airport or landing field		
Commercial bus station and terminal		
Heliport		
Helistop		
Private street or alley	S	
Railroad passenger station		
Railroad yard, roundhouse, or shops		
STOL (short take-off or landing port)		
Transit passenger shelter	•	•
Transit passenger station or transfer center	S	S
UTILITY AND PUBLIC SERVICE USES		
Commercial radio or television transmitting station		<i>Prohibited by DR</i>
Electrical generating plant		
Electrical substation	S	<i>Prohibited by DR</i>
Local utilities	S / R	S / R
Police or fire station	S	•
Post office	S	•
Radio, television, or microwave tower		S
Refuse transfer station		
Sanitary landfill		
Sewage treatment plant		
Tower/antenna for cellular communication	(Special)	(Special)
Utility or government installation other than listed	S	S
Water treatment plant		
WHOLESALE, DISTRIBUTION, AND STORAGE USES		
Auto auction		
Building mover's temporary storage yard		
Contractor's maintenance yard		
Freight terminal		
Livestock auction pens or sheds		
Manufactured building sales lot		

	Existing	Proposed
Use	TH-3(A) and R-5(A)	CR with DR
Mini warehouse		<i>Prohibited by DR</i>
Office showroom/warehouse		
Outside storage		
Petroleum product storage and wholesale		
Recycling buy-back center		<i>Prohibited by DR</i>
Recycling collection center		<i>Prohibited by DR</i>
Recycling drop-off container	(Special)	(Special)
Recycling drop-off for special occasion collection	(Special)	(Special)
Sand, gravel, or earth sales and storage		
Trade center		
Vehicle storage lot		
Warehouse		

Development Standards

The proposed CR with deed restrictions would allow neighborhood compatible uses within the bounds of the development standards described above.

Although the maximum height would technically increase from 36 feet to 54 feet, the change would be limited by residential proximity slope. The site is surrounded by residential zoning which projects RPS from all sides. As such, the majority of the site would be limited to 26 feet, with a maximum height of about 30 feet in the centermost section of the site. In combination with required landscape buffering, screening, and 20-foot setback, the alley would further buffer residential to the north by an additional 25 feet in the event of redevelopment. The same buffering, screening, and 20-foot side setback would apply on the eastern side of the property.

Development Standards Comparison Chart

Standard	Existing: TH-1(A)	Existing: R-5(A)	Proposed: CR with DR
Front setback	0' min	20' min	15' min* 20' Min Effective on eastern lots
Side setback	SF: 0' min Duplex: 5' min Other: 10' min	5' min	20' adjacent residential 0'
Rear setback	SF: 0' min Duplex: 10' min Other: 10' min	5' min	20' adjacent residential 0'
FAR Max / Density	None / 12 DUAC	None	0.5 office 0.75 all uses
Height	36'	30'	54'** (Effective height 26' - 30' max) 4 stories
Max Lot Coverage	60% residential 25% non-res	45% residential 25% non-res	60%
Special standards	None	None	*Blockface continuity **Proximity slope Visual Intrusion
Primary Uses	Single Family, Duplex	Single Family	Retail and personal services, GMFS<3,500, Office, <i>Theater</i>

Landscaping:

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

Parking:

Parking must be provided in accordance with the Dallas Development Code. The off-street parking requirement for a theater use is one space per 28 square feet of seating area. The off-street parking requirement for an office use is one space per 333 square feet of floor 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 (A through C) to orange, representing the weakest markets (G through I). The area of request is located closest an “I” MVA cluster. Properties to the south are located within an “H” MVA cluster.

Z212-206(MP)

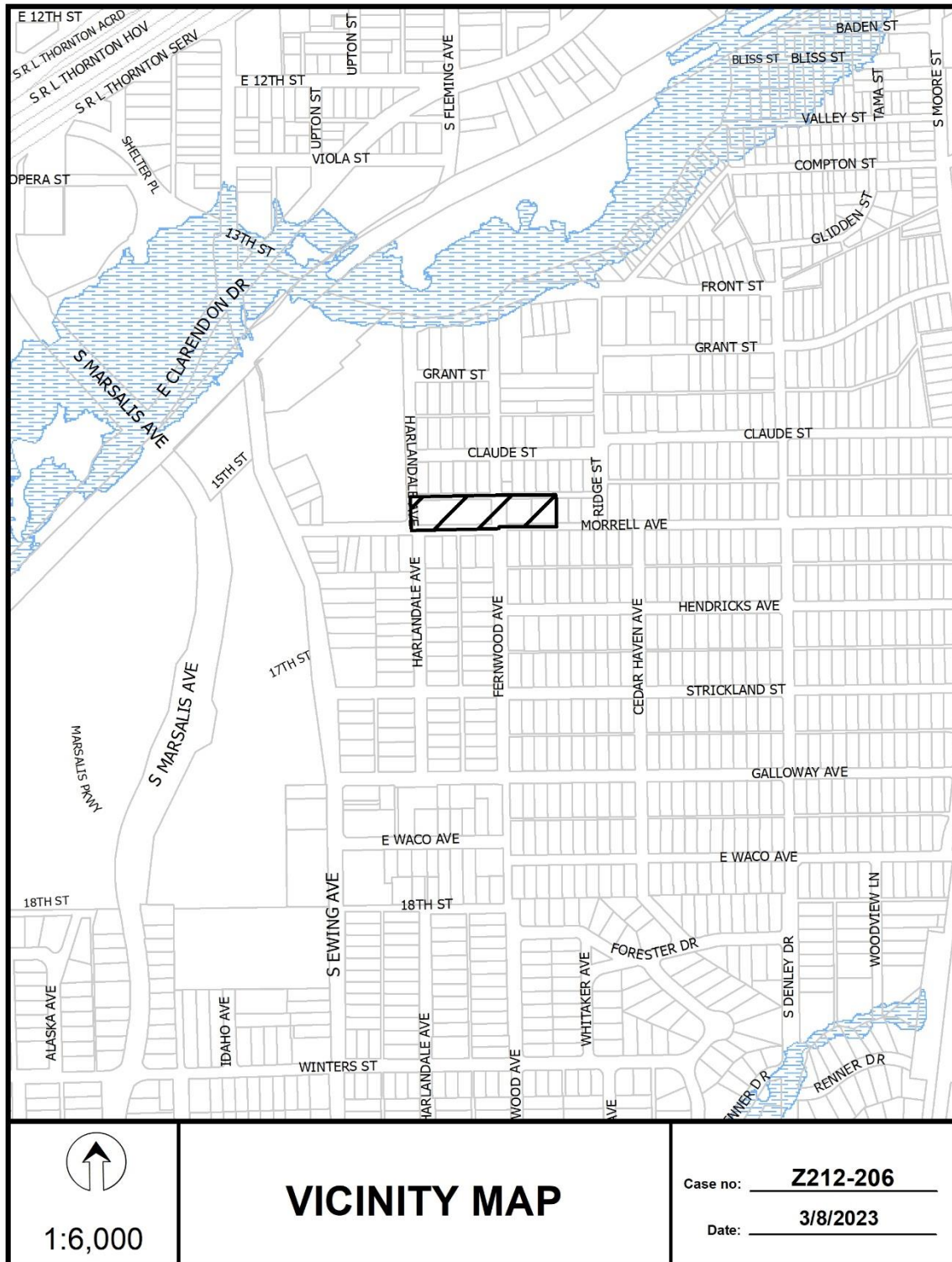
List of Officers

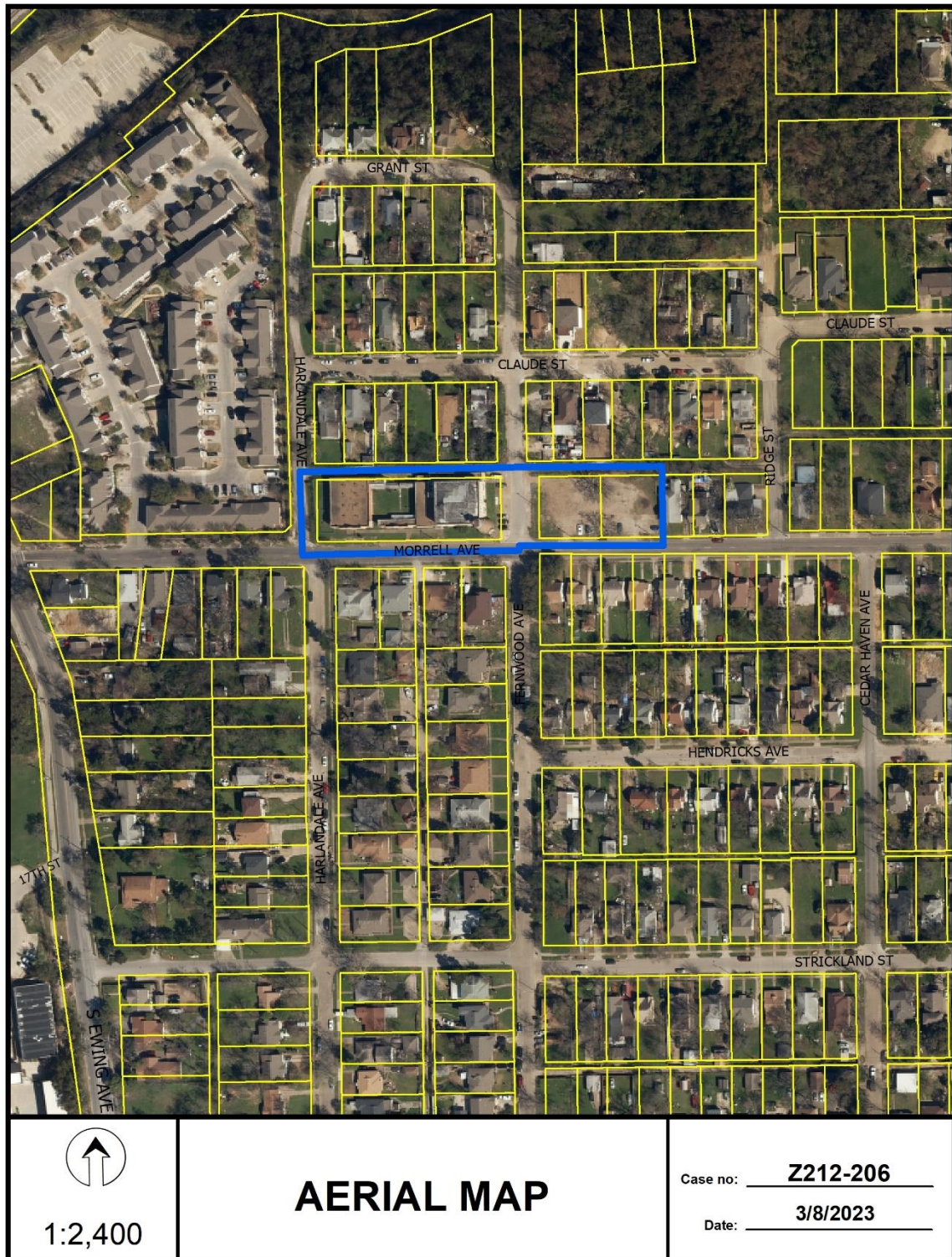
Dallas Lighthouse LLC
Andrew Ramler

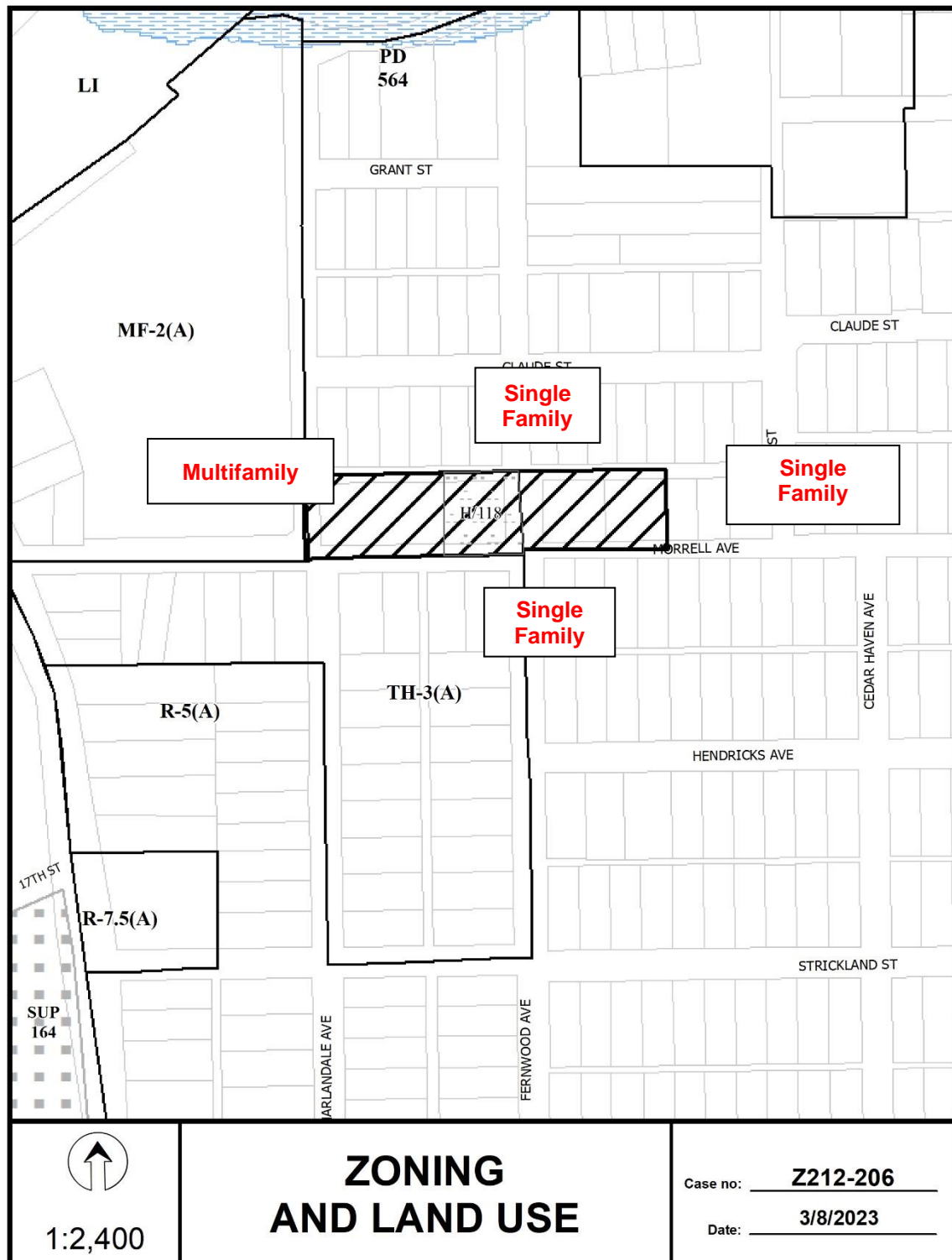
Draft Deed Restrictions volunteered by the Applicant

1. The following uses are prohibited:

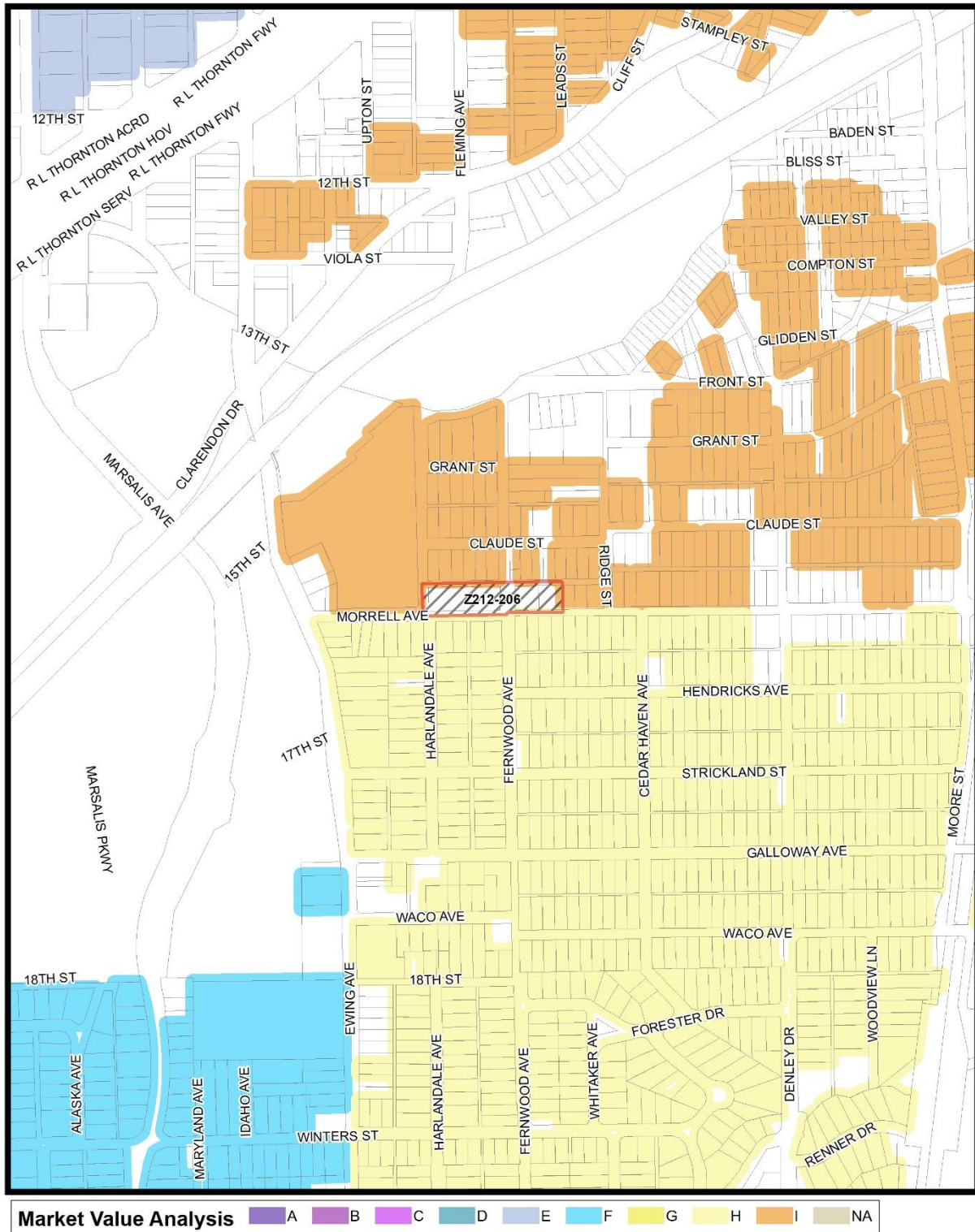
- a) Building repair and maintenance shop.
- b) Custom business services.
- c) Electronics service center.
- d) Hospital
- e) Medical or scientific laboratory.
- f) Tool or equipment rental.
- g) Gas drilling and production.
- h) Temporary concrete or asphalt batching plant.
- i) Overnight general-purpose shelter.
- j) Financial institution with drive-in window.
- k) Alcoholic beverage establishments.
- l) Alternative Financial Establishment
- m) Ambulance service.
- n) Animal shelter or clinic without outside runs.
- o) Auto service center.
- p) Business school.
- q) Car wash.
- r) Commercial amusement (outside).
- s) Convenience store with drive-through.
- t) General merchandise or food store greater than 3,500 square feet.
- u) General merchandise or food store 100,000 square feet or more.
- v) Home improvement center, lumber, brick or building materials sales yard.
- w) Household equipment and appliance repair.
- x) Lodging or boarding house.
- y) Liquor store.
- z) Household equipment and appliance repair.
- aa) Mortuary, funeral home, or commercial wedding chapel.
- bb) Motor vehicle fueling station.
- cc) Paraphernalia shop.
- dd) Pawn shop.
- ee) Restaurant with drive-in or drive-through service.
- ff) Swap or buy shop.
- gg) Electrical Substation
- hh) Mini-Warehouse
- ii) Commercial radio and television transmitting station.
- jj) Recycling buy-back center.
- kk) Recycling collection center.













03/08/2023

Notification List of Property Owners***Z212-206******74 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	907 MORRELL AVE	DALLAS LIGHTHOUSE LLC
2	1103 MORRELL AVE	RAY JOE & YVONNE
3	1107 MORRELL AVE	CARRJOHNSON FERDICIA
4	1019 MORRELL AVE	SANTIAGO FRANCISCO ADAN P &
5	1017 MORRELL AVE	Taxpayer at
6	1027 MORRELL AVE	Taxpayer at
7	834 MORRELL AVE	EUROMED SERVICES LLC
8	812 MORRELL AVE	MARQUEZ ENRIQUE &
9	816 MORRELL AVE	LUNA JOSE DE JESUS
10	923 HARLANDALE AVE	EL GAYO LLC
11	820 MORRELL AVE	BROWN MONTE L
12	824 MORRELL AVE	DELACRUZ MARIA GUADALUPE EST OF
13	828 MORRELL AVE	PAGE GARY E
14	914 S EWING AVE	CARRENO ROGELIO &
15	918 S EWING AVE	HATCH RUTH ANN
16	915 HARLANDALE AVE	PITTS ERNESTINE EST OF
17	920 HARLANDALE AVE	GAMINO JOSE LUIS
18	916 HARLANDALE AVE	TORRES ALBERTO
19	912 HARLANDALE AVE	MCCULLER WILLIAM JASON &
20	904 MORRELL AVE	WILSON ALCINE HOLLINS
21	906 MORRELL AVE	MARTINEZ JESUS BARRERA &
22	912 MORRELL AVE	THOMAS IVING R
23	916 MORRELL AVE	PAZ MARIA GUADALUPE SANCHEZ
24	913 FERNWOOD AVE	MARTINEZ MARIA
25	917 FERNWOOD AVE	SOUTHSIDE RENTAL PROPERTIES LLC
26	921 FERNWOOD AVE	WESTBROOK SHERI &

03/08/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	903 CLAUDE ST	ELLIS BETTYE JEAN
28	907 CLAUDE ST	RODRIGUEZ ANNA MARIA
29	911 CLAUDE ST	JIMENEZSANCHEZ JUAN A &
30	915 CLAUDE ST	OCCM INC
31	919 CLAUDE ST	LEWIS TANZA L
32	923 CLAUDE ST	LEWIS TANZA
33	1003 CLAUDE ST	VARGASCEPEDA THOMAS &
34	1009 CLAUDE ST	VENEGAS MARCOS
35	1015 CLAUDE ST	CELIS SAUL
36	1019 CLAUDE ST	FLORES FELICIANO &
37	1023 CLAUDE ST	BRISENO JOSE LUIS
38	1029 CLAUDE ST	LIMON JESUS & SUSANA
39	902 CLAUDE ST	Taxpayer at
40	906 CLAUDE ST	BELTRAN LORENA
41	910 CLAUDE ST	JENKINS SANDRA
42	914 CLAUDE ST	HOLLYWOOD HOMES
43	918 CLAUDE ST	DAVIS ALICE KATHERINE
44	922 CLAUDE ST	JONES LONNIE
45	1002 CLAUDE ST	Taxpayer at
46	806 FERNWOOD AVE	BALDWIN ROSIE BELL
47	1006 CLAUDE ST	GOMEZ AVELINO H
48	1010 CLAUDE ST	MARTINEZ BRAULIO &
49	1016 CLAUDE ST	MOSLEY RUEBEN JR ET AL
50	1020 CLAUDE ST	MARTINEZ ALFREDO F &
51	1024 CLAUDE ST	JONES ODIS CROWDER &
52	1028 CLAUDE ST	GONZALEZ JOSE R &
53	1003 HENDRICKS AVE	FAGAN MARY ESTATE OF &
54	1007 HENDRICKS AVE	GARZA CHRISTINA
55	1011 HENDRICKS AVE	SMITH ANNIE MAE
56	1015 HENDRICKS AVE	IPINA ERICA
57	1019 HENDRICKS AVE	HERNANDEZ WILFREDO &

03/08/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	1023 HENDRICKS AVE	TALLEY PRECIOUS
59	1027 HENDRICKS AVE	COLMENERO MARTIN A &
60	1031 HENDRICKS AVE	TAYLOR CHARLOTTE
61	1035 HENDRICKS AVE	DOBBINS INADER G FAMILY TRUST
62	1038 MORRELL AVE	Taxpayer at
63	1034 MORRELL AVE	MILLER SARAH ANN
64	1030 MORRELL AVE	RIVERA ROSARIO & HUGO
65	1026 MORRELL AVE	CHAMBERS HENRY
66	1022 MORRELL AVE	RODRIGUEZ IGNACIO C &
67	1018 MORRELL AVE	PENEDADIAZ VICTORINA
68	1014 MORRELL AVE	SANCHEZ PROPERTY MANAGEMENT INC
69	1010 MORRELL AVE	OSTIGUIN FRANCISCO &
70	1006 MORRELL AVE	ZEPEDA CESAR
71	1002 MORRELL AVE	Taxpayer at
72	1108 CLAUDE ST	POLVADO LANCE &
73	1110 CLAUDE ST	RODRIGUEZ NICHOLAS AARON &
74	822 HANSZEN ST	SDC EWING INVESTMENTS LP