

FILE NUMBER: Z223-282(GB) **DATE FILED:** June 12, 2023

LOCATION: West corner of South Lancaster Road and Marfa Avenue

COUNCIL DISTRICT: 4

SIZE OF REQUEST: 0.152 acres **CENSUS TRACT:** 48112005700

REPRESENTATIVE: Sherry Flewellen

OWNER/APPLICANT: Uptown Reinvestment, LLC

REQUEST: An application for a MU-1 Mixed Use District on property zoned CR Community Retail District

SUMMARY: The purpose of the request is to allow a duplex use on the property.

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

STAFF RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

- The area of request is currently zoned CR Community Retail District. The lot has frontage on South Lancaster and Marfa Avenue.
- This property is currently developed with a duplex. The applicant proposes to use a portion of the property to allow a duplex use.
- To accomplish this, they request a MU-1 Mixed Use District.

Zoning History:

There have not been any zoning cases in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Lancaster Road	Principal Arterial	80 foot / 80 foot Bike Plan
Marfa Avenue	Local	30 foot

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 will continue to review engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 outlining 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 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTED 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 2.2.2 Maximize development opportunities around DART stations.

URBAN DESIGN ELEMENT

GOAL 5.1 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

NEIGHBORHOOD PLUS

GOAL 6.2 EXPAND AFFORDABLE HOUSING OPTIONS AND ENCOURAGE ITS DISTRIBUTION THROUGHOUT THE CITY AND REGION

Policy 6.2.3 Develop, adopt and implement a new policy and guidelines through a variety of incentives which may include projects requesting increased development rights through zoning changes, to receive density bonuses in proportion to the number of affordable residential units provided; waiver of fees, parking reduction; tax abatement; zoning incentives; and other solutions utilized nationally,

GOAL 6.3 ALIGN PLANNING, FUNDING AND COMMUNITY INVESTMENTS WITHIN A QUARTER MILE OF DART STATIONS TO PROMOTE TRANSIT-ORIENTED DEVELOPMENT

Policy 6.3.1 Work with DHA and DART and other agencies to pilot a mixed income TOD project on publicly-owned land to expand housing options near transit and facilitate accessibility to jobs and other services.

Area Plan:

Dallas TOD Lancaster Corridor Station Area Plan was adopted by City Council in February 2013. The Lancaster Corridor area features a concentration of commercial, retail, office, service, and public and institutional facilities along Lancaster Road and the DART Blue Line, with the Kiest and VA Medical Center Stations anchoring the north and south ends of the corridor. The Lancaster Corridor area is envisioned as a thriving, walkable mixed-use corridor that provides a range of high-quality, neighborhood-serving retail, employment opportunities, and housing options with safe multi-modal access between key destinations.

The site is within the residential area around the two DART stations along Lancaster corridor that have experienced population decline. The concept plan envisions the land use type to be urban mixed-use and urban neighborhood which will incorporate new housing options, as well as new commercial and job opportunities and providing links to transit. The applicant's request is consistent with the goals and policies of the *Dallas TOD Lancaster Corridor Station Area Plan*.

Land Use:

	Zoning	Land Use
Site	CR Community Retail District	Duplex
North	CR Community Retail District	Retail
West	CR Community Retail District	Single family/duplex
East	CS Commercial Service District	Retail, undeveloped
South	CR Community Retail District	Motor Vehicle Fueling Station

Land Use Compatibility:

The area of request is currently zoned CR Community Retail District. To the north of this site is developed with retail uses, to the south is developed with a motor vehicle fueling station, to the west is developed with single-family homes and duplexes, and to the east is developed with retail and undeveloped areas. Currently, the area of request is developed with a duplex. The proposed use is compatible with the surrounding uses. An MU-1 district would be less restrictive than a D(A) Duplex District and could accomplish

the applicant's proposed goals. MU-1 zoning district would also eliminate any difficulties in developing adjacent properties and would not disrupt neighboring residential uses.

Land Use Comparison

Following is a comparison table showing differences in permitted uses between the existing and proposed zoning districts.










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 or PD No. 595

Yellow highlight on the changes volunteered with the deed restrictions.

	Existing	Proposed
Use	CR	MU-1
AGRICULTURAL USES		
Animal production		
Commercial stable		
Community garden	•	•
Crop production		
Market garden		
Private stable		
COMMERCIAL AND BUSINESS SERVICE USES		
Building repair and maintenance shop	•	
Bus or rail transit vehicle maintenance or storage facility		
Catering service	•	★
Commercial cleaning or laundry plant		
Custom business services	•	★
Custom woodworking, furniture construction, or repair		
Electronics service center	•	★
Job or lithographic printing		
Labor hall		S
Machine or welding shop		
Machinery, heavy equipment, or truck sales and services		
Medical or scientific laboratory	•	S
Technical school		

	Existing	Proposed
Use	CR	MU-1
Tool or equipment rental	•	
Vehicle or engine repair or maintenance		
INDUSTRIAL USES		
Alcoholic beverage manufacturing		
Gas drilling and production		S
Gas pipeline compressor station	S	
Industrial (inside)		
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	
INSTITUTIONAL AND COMMUNITY SERVICE USES		
Adult day care facility	•	•
Cemetery or mausoleum	•	S
Child-care facility	•	•
Church	•	•
College, university, or seminary	•	•
Community service center	•	S
Convalescent and nursing homes, hospice care, and related institutions	•	R
Convent or monastery		•
Foster home		•
Halfway house		
Hospital	•	S
Library, art gallery, or museum	•	•
Public or private school	S	S
LODGING USES		
Extended stay hotel or motel		S
Hotel or motel	S	R, S
Lodging or boarding house	S	
Overnight general purpose shelter	•	
MISCELLANEOUS USES		
Carnival or circus (temporary)		★

	Existing	Proposed
Use	CR	MU-1
Hazardous waste management facility		
Placement of fill material		
Temporary construction or sales office	•	•
OFFICE USES		
Alternative financial establishment	•	
Financial institution without drive-in window	•	•
Financial institution with drive-in window	D	D
Medical clinic or ambulatory surgical center	•	•
Office	•	•
RECREATION USES		
Country club with private membership	•	•
Private recreation center, club, or area	•	•
Public park, playground, or golf course	•	•
RESIDENTIAL USES		
College dormitory, fraternity, or sorority house	•	•
Duplex		•
Group residential facility		•
Handicapped group dwelling unit		•
Live-work unit		
Manufactured home park, manufactured home subdivision, or campground		
Multifamily		•
Residential hotel		•
Retirement housing		•
Single family		•
RETAIL AND PERSONAL SERVICE USES		
Ambulance service	R	
Animal shelter or clinic without outside runs	R	
Animal shelter or clinic with outside runs	R	
Auto service center	R	
Business school	•	
Car wash	D	
Commercial amusement (inside)		
Commercial amusement (outside)	S	
Commercial motor vehicle parking		
Commercial parking lot or garage	R	
Convenience store with drive-through	S	
Dry cleaning or laundry store	•	
Furniture store	•	

	Existing	Proposed
Use	CR	MU-1
General merchandise or food store 3,500 square feet or less	•	•
General merchandise or food store greater than 3,500 square feet	•	•
Home improvement center, lumber, brick or building materials sales yard	•	
Household equipment and appliance repair	•	
Liquefied natural gas fueling station		
Motor vehicle fueling station	•	•
Nursery, garden shop, or plant sales	•	•
Outside sales		
Paraphernalia shop		
Pawn shop	•	
Personal service use	•	•
Restaurant without drive-in or drive-through service	R	R
Restaurant with drive-in or drive-through service	D	D
Surface accessory remote parking		
Swap or buy shop	•	S
Taxidermist		
Temporary retail use	•	•
Theater	•	•
Truck stop		
Vehicle display, sales, and service		
TRANSPORTATION USES		
Airport or landing field		
Commercial bus station and terminal		
Heliport		
Helistop		
Private street or alley		
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	•	•
Electrical generating plant		
Electrical substation	•	•
Local utilities	S, R	S, R
Police or fire station	•	•

	Existing	Proposed
Use	CR	MU-1
Post office	•	•
Radio, television, or microwave tower	S	•
Refuse transfer station		
Sanitary landfill		
Sewage treatment plant		
Tower/antenna for cellular communication	•	•
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		
Mini-warehouse	S	S
Office showroom/warehouse		
Outside storage		
Petroleum product storage and wholesale		
Recycling buy-back center	•	•
Recycling collection center	•	
Recycling drop-off container	•	•
Recycling drop-off for special occasion collection	•	•
Sand, gravel, or earth sales and storage		
Trade center		
Vehicle storage lot		
Warehouse		

Development Standards

Following is a comparison of the development standards of the current CR District and the proposed MU-1 District.

District	Setback		Density	Height	Lot Cvrg.	FAR
	Front	Side/Rear				
Existing: CR	15'	*20	No maximum	54'	60%	-----
Proposed: MU-1	15' Urban Form: 20' above 45'	20' ** adj from residential	Base no mixed-use project: 15 Mixed-Use Project with Mix 2 categories: 20 Mixed-use project with Mix of 3 or more categories: 25	90'*	80%	No MUP:0.8 MUP-2: 0.9 MUP-3: 0.85(no res) 0.95(res)

Per Sec. 51A-4.122(i), 20 feet where adjacent to or directly across an alley from R, R(A), D, D(A), TH(A), CH, MF, OR MF(A) district and (ii) no minimum in all other cases

Landscaping:

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

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a duplex is two spaces per dwelling unit. The applicant would be required to comply with standard parking ratios at permitting.

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 an “H” MVA category.

Z223-282(GB)

List of Officers

Applicant: Sherry Flewellen

Owner: Uptown Reinvestment, LLC

CPC Action
March 7, 2024

Motion I: In considering an application for an MU-1 Mixed Use District on property zoned a CR Community Retail District, on the west corner of South Lancaster Road and Marfa Avenue, it was moved to **hold** this case under advisement until March 21, 2024.

Maker: Forsyth

Second: Herbert

Result: **Commissioner Forsyth withdrew his motion and Commissioner Herbert withdrew his second.**

Motion II: It was moved to recommend **approval** of an MU-1 Mixed Use District, subject to deed restrictions volunteered by the applicant restricting the property to residential and institutional uses only, on property zoned a CR Community Retail District, on the west corner of South Lancaster Road and Marfa Avenue.

Maker: Forsyth

Second: Blair

Result: Carried: 8 to 4

For: 8 - Hampton, Herbert, Forsyth, Carpenter,
Wheeler-Reagan, Blair, Haqq, Hall

Against: 4 - Chernock, Shidid, Sleeper, Housewright,

Absent: 3 - Treadway, Kingston, Rubin

Vacancy: 0

Notices: Area: 200

Mailed: 25

Replies: For: 1

Against: 0

Speakers: For: Sherry Fleweller, 1739 Marfa Ave., Dallas, TX, 75216

Against: None

CPC Action
February 15, 2024

Motion: In considering an application for an MU-1 Mixed Use District on property zoned a CR Community Retail District, on the west corner of South Lancaster Road and Marfa Avenue, it was moved to **hold** this case under advisement until March 21, 2024.

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

For: 14 - Chernock, Hampton, Herbert, Forsyth,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Treadway, Haqq, Hall, Kingston,
Rubin

Against: 0
Absent: 1 - Shidid
Vacancy: 0

Motion to Reconsider: It was moved to **authorize** reconsideration of the action taken earlier on February 15, 2024, in which was to hold this case under advisement until March 21, 2024.

Maker: Rubin
Second: Wheeler-Reagan
Result: Carried: 11 to 3

For: 11 - Chernock, Herbert, Forsyth, Carpenter,
Wheeler-Reagan, Sleeper, Housewright,
Treadway, Haqq, Hall, Rubin

Against: 3 - Hampton, Blair, Kingston
Absent: 1 - Shidid
Vacancy: 0

Reconsideration Motion: In considering an application for an MU-1 Mixed Use District on property zoned a CR Community Retail District, on the west corner of South Lancaster Road and Marfa Avenue, it was moved to **hold** this case under advisement until March 7, 2024.

Maker: Forsyth
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - Chernock, Hampton, Herbert, Forsyth,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Treadway, Haqq, Hall, Kingston,
Rubin

Against: 0
Absent: 1 - Shidid
Vacancy: 0

Notices: Area: 200 Mailed: 25
Replies: For: 1 Against: 0

Speakers: For: Sherry Fleweller, 1739 Marfa Ave., Dallas, TX, 75216
For (Did not speak): Larry Offutt, 6038 Bryan Parkway, Dallas, TX, 75206
Against: None

CPC Action
January 18, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2304 for a bar, lounge, or tavern for a five-year period, subject to amended conditions on property zoned Subdistrict 2 within Planned Development District No. 317, the Cedars Area Special Purpose District, on the northeast line of Harwood Street, southeast of Hickory Street.

Maker: Rubin
Second: Hampton
Result: Carried: 14 to 0
For: 14 - Chernock, Hampton, Herbert, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Treadway, Haqq, Hall, Kingston,
Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 4

Notices: Area: 200 Mailed: 9
Replies: For: 1 Against: 0

Speakers: None

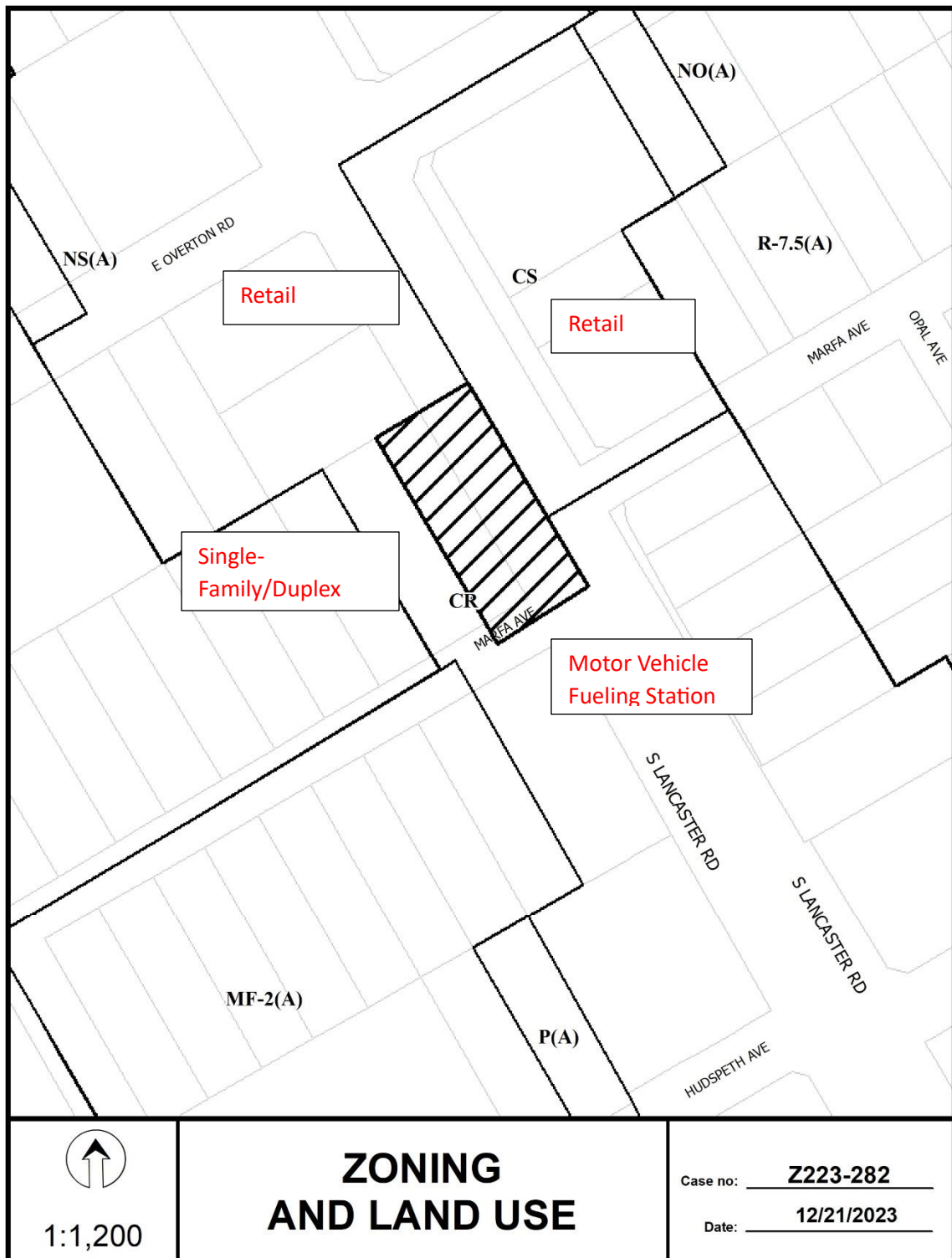
**APPLICANT'S VOLUNTEERED DEED RESTRCIONS
AS ACCEPTED BY THE CITY PLAN COMMISSION**

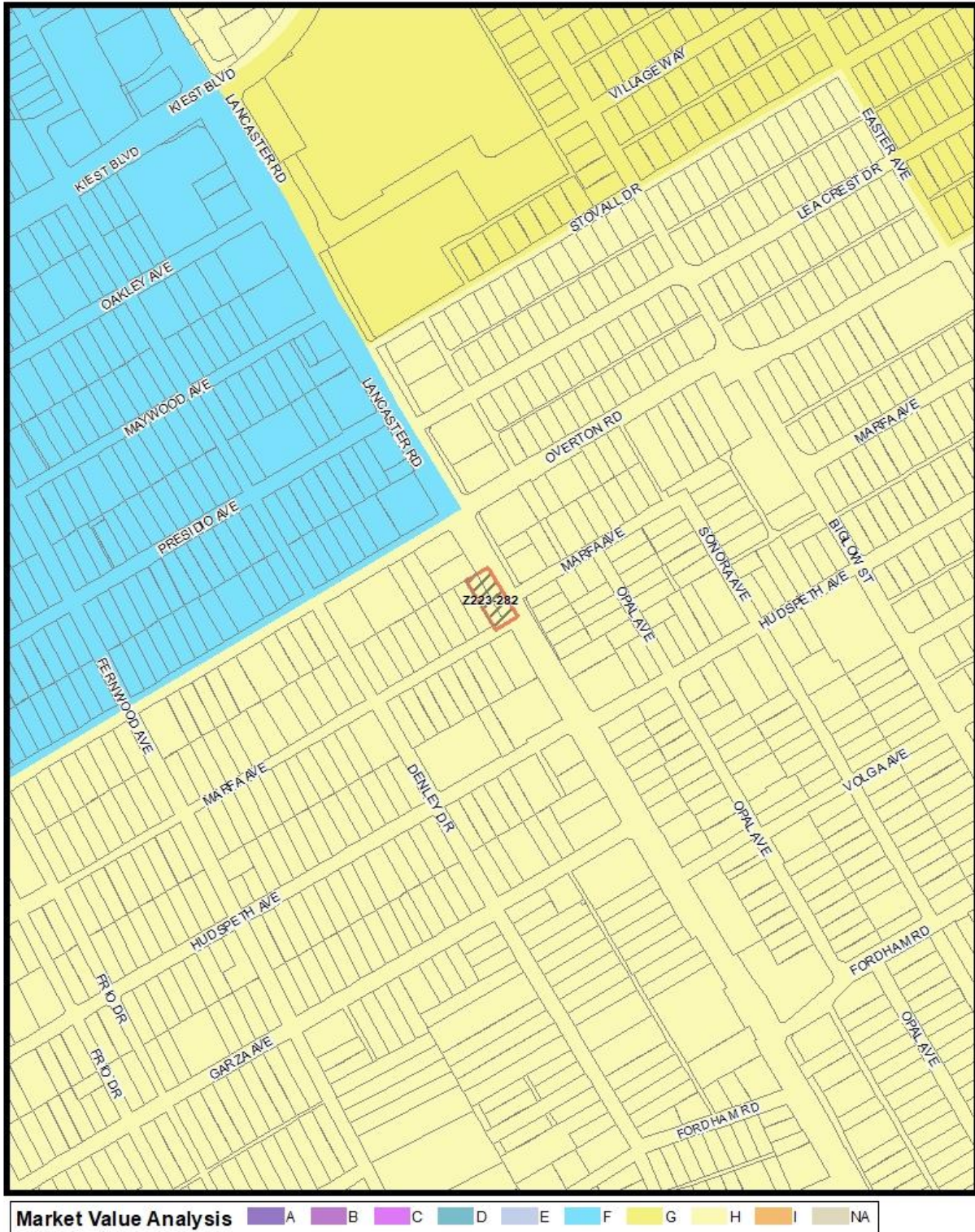
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. To prohibit the following uses:
 - A) Retail
 - B) Personal Service
 - C) Commercial Business









 1:4,800

Market Value Analysis

Printed Date: 12/21/2023



03/06/2024

Reply List of Property Owners**Z223-282*****25 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1739 MARFA AVE	UPTOWN RE INVESTMENTS
	2	3605 S LANCASTER RD	FRIS CHKN LLC % CAJUN OPERATING CO
	3	3611 S LANCASTER RD	FLEWELLEN KARON R
	4	1726 E OVERTON RD	MCGRIFF BENNIE
	5	1722 E OVERTON RD	BATON REVOCABLE TRUST THE
	6	1723 MARFA AVE	RODRIQUEZ FERNANDO C
	7	1727 MARFA AVE	WILLIAMS CHARLES T JR &
	8	1731 MARFA AVE	HANEUL VENTURES LLC
	9	1735 MARFA AVE	THOMAS WILLIE F
	10	3701 S LANCASTER RD	TNE PROPERTIES LLC
	11	1730 MARFA AVE	ENAMORADO AGUSTIN GUEVARA
	12	1726 MARFA AVE	KARINA CARMEN
	13	1722 MARFA AVE	MALDONADO GENARO
	14	1718 MARFA AVE	JMR HOMES LLC
O	15	3620 S LANCASTER RD	JEBODYS RENTAL LLC
	16	3618 S LANCASTER RD	Taxpayer at
	17	1819 MARFA AVE	LEFFALL ESTICLLITA
	18	3711 OPAL AVE	CITY WIDE COMMUNITY DEVELOPMENT
	19	3706 S LANCASTER RD	CITY WIDE COMMUNITY
	20	3702 S LANCASTER RD	CITY WIDE COMMUNITY
	21	1818 MARFA AVE	Taxpayer at
	22	3718 S LANCASTER RD	CITY WIDE COMMUNITY DEV CORP
	23	3602 S LANCASTER RD	MIRAMAR BRANDS HOLDINGS LLC
	24	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
	25	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT