

**FILE NUMBER:** Z189-229(PD)

**DATE FILED:** March 22, 2019

**LOCATION:** South side of Third Avenue, southwest of the terminus of Oak Lane

**COUNCIL DISTRICT:** 7

**MAPSCO:** 46 N

**SIZE OF REQUEST:** ± 1.748 acres

**CENSUS TRACT:** 203.00

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**APPLICANT:** Devin Hall

**OWNER:** Ash and Third, LCC

**REPRESENTATIVE:** JBS Solutions, LLC

**REQUEST:** An application for an RS-MU(E) Regional Service Mixed Use Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on property zoned an RS-I(E) Regional Service Industrial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District with deed restrictions [Z123-272 & Z023-264].

**SUMMARY:** The purpose of the request is to allow for the construction of a mixed use development consisting of a maximum of 20 multifamily units and approximately 7,600 square feet of commercial uses on the subject site.

**CPC RECOMMENDATION:** Approval.

**STAFF RECOMMENDATION:** Approval.

**BACKGROUND INFORMATION:**

- PDD No. 595 was established by the City Council on September 26, 2001 and contains approximately 3,363.5 acres of land for residential and nonresidential subdistricts.
- On December 8, 2003, the City Council adopted an RS-I(E) Subdistrict, subject to deed restrictions volunteered by the applicant on the subject site to limit various commercial/industrial uses that do not confine operations within a structure.
- On August 28, 2013, the City Council approved an amendment to the existing deed restrictions to permit the custom woodworking, furniture construction, or repair use.
- The request site consists of 1.748-acre of which an abandoned portion of a public street exists (Oak Lane between Third Avenue and Fourth Avenue) and is currently developed with a billboard sign and a small fenced area previously used for parking. The balance of the site is undeveloped.
- The request is to allow the construction of a mixed use development consisting of a maximum of 20 multifamily units and approximately 7,600 square feet of commercial uses. While staff cannot ensure that only 20 multifamily units are constructed as proposed, the PDD does limit the density of a multifamily component for a mixed use development not to exceed 85 percent of the floor area.

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

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type                | Existing ROW |
|---------------------|---------------------|--------------|
| Oak Lane            | Community Collector | 24 ft.       |
| Third Ave           | Community Collector | 100 ft.      |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed zoning change will not negatively impact the surrounding street system.

## **STAFF ANALYSIS:**

### **Comprehensive Plan:**

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

The request complies with the following land use goal and policy of the Comprehensive Plan:

## **ECONOMIC ELEMENT**

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

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

Planning for a dynamic economic environment calls for flexible zoning regulations to accommodate new and existing development that provides for a mix in uses within proximity. The proposed residential uses consisting of allowable commercial, business services, office and retail uses will not only service Dallas residents, but also promotes a balanced growth of housing and jobs.

**Area Plans:** The site lies within the boundary of two specific study areas:

The South Dallas/Fair Park Neighborhood Preservation and Economic Development Plan (specifically Areas 2 and 3), adopted by the City Council in February of 1987 and recommends commercial uses for the general area.

The South Dallas/Fair Park Economic Development Corridor Plan, adopted by the City Council in September of 2001, identifies the area as appropriate for Regional Service Area uses. The study was a precursor to the South Dallas/Fair Park Special Purpose District (PDD No. 595), which led to the existing zoning for this area as well as property within the entire PDD boundary.

PDD No. 595 was adopted as a foundation for the general land use guidelines identified in both studies.

**Surrounding Land Uses:**

|           | <b>Zoning</b>   | <b>Land Use</b>                 |
|-----------|---|---------------------------------|
| Site      | RS-I(E) within PDD No. 595,<br>DR Z123-272, DR Z023-264 | Surface parking, billboard sign |
| Northwest | RS-MU within PDD No. 595                                | RL Thornton Freeway             |
| Northeast | RS-MU(E) within PDD No. 595                             | Manufacturing & Warehouse       |
| East      | RS-I(E) within PDD No. 595                              | Rail yard facility              |
| Southwest | RS-I within PDD No. 595                                 | DART, DART maintenance facility |

**Land Use Compatibility:**

The applicant's request to change the zoning is to construct a mixed use development consisting of a maximum of 20 multifamily units and approximately 7,600 square feet of space for other allowable commercial, business services, office and retail uses. The request includes the "enhanced" designation to allow office showroom/warehouse uses.

The request site is currently fenced and developed with a surface parking lot on the northeast portion of the site and a billboard sign on the northeastern portion of the site. The balance of the site is undeveloped. Surrounding land uses consist of the RL Thornton Freeway to the northwest, a manufacturing and warehouse use to the northeast, a rail yard facility to the southeast, Dallas Area Rapid Transit (DART) DART maintenance facility to the southwest and west.

It is staff's opinion that the applicant's request for an RS-MU(E) Regional Service Mixed Use Enhanced Subdistrict will not have a negative impact in the surrounding area. The zoning change is consistent with the Comprehensive Plan that envisions the area as an urban mixed-use neighborhood and the similar zoning district adjacent to the east. Additionally, the comprehensive plan describes the existing zoning as one of the key challenges in the area being significant portions of the area designated under industrial zoning that may not be compatible with future opportunities for growth and development. Further, existing deed restrictions prohibit certain uses such as commercial/industrial uses that do not confine operations within a structure. Subsequently, these restricted uses may address many potential nuisances for the proposed use.

Lastly, the Urban Mixed-Use areas accommodate a balanced combination of jobs, shopping, entertainment, and a range of housing types. This development block encourages a mix of office, retail, service and residential uses on the same block or within the same building. It also provides flexibility in the types of uses in the area while emphasizing a walkable character. Residential development in this development block

is envisioned to be in mid- to high-rise structures consistent with the request to allow a maximum height of 90 feet and 7 stories. While staff cannot ensure that only 20 multifamily units are constructed as proposed, the PDD does limit the density of a multifamily component for a mixed use development not to exceed 85 percent of the floor area.

**Land Use Comparison:**

|   | Existing | Proposed |
|---|----------|----------|
| Use   | RS-I(E)  | RS-MU(E) |
| Community Garden  | X        | X        |
| Market Garden.  | SUP      | SUP      |
| Building repair and maintenance shop.                                   | DR       | DR       |
| Bus or rail transit vehicle maintenance or storage facility.            | DR       | DR       |
| Custom woodworking, furniture construction, or repair.                  | DR       | DR       |
| Electronics service center.   | X        | X        |
| Job or lithographic printing.   | RAR      | X        |
| Labor hall.   | DR       | DR       |
| Machine or welding shop.  | DR       | DR       |
| Machinery, heavy equipment, or truck sales and service.                 | DR       | DR       |
| Medical or scientific laboratory.                                       | DR       | DR       |
| Technical school.   | DR       | DR       |
| Tool or equipment rental.   | DR       | DR       |
| Vehicle or engine repair or maintenance.                                | DR       | DR       |
| Industrial (inside) not potentially incompatible.                       | RAR      | PRO      |
| Industrial (inside) potentially incompatible.                           | DR       | DR       |
| Industrial (inside) for light manufacturing.                            | X        | X        |
| Industrial (outside) not potentially incompatible.                      | SUP      | PRO      |
| Adult day care facility.  | PRO      | X        |
| Cemetery or mausoleum.  | PRO      | X        |
| Child-care facility.  | PRO      | X        |
| Church.   | X        | X        |
| College, university, or seminary.                                       | PRO      | X        |
| Community service center.   | PRO      | X        |
| Convalescent and nursing homes, hospice care, and related institutions. | PRO      | SUP      |
| Convent or monastery.   | PRO      | X        |
| Halfway house   | DR       | DR       |
| Hospital.   | PRO      | RAR      |
| Library, art gallery, or museum.  | PRO      | X        |

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|  |     |                                      |
|--|-----|--------------------------------------|
| Public or private school.  | PRO | RAR                                  |
| Hotel or motel.  | PRO | SUP                                  |
| Temporary construction or sales office.                                  | X   | X                                    |
| Alternative financial establishment.                                     | SUP | SUP                                  |
| Financial institution without drive-in window.                           | X   | X                                    |
| Financial institution with drive-in window.                              | RAR | DIR                                  |
| Medical clinic or ambulatory surgical center.                            | X   | X & SUP for plasma or blood donation |
| Office.  | X   | X                                    |
| Country club with private membership.                                    | X   | X                                    |
| Private recreation center, club, or area.                                | PRO | X                                    |
| Public park, playground, or golf course.                                 | X   | X                                    |
| Live-work unit.  | X   | X                                    |
| Multifamily.   | PRO | X                                    |
| Retirement housing.  | PRO | X                                    |
| Nursery, garden shop or plant sales.                                     | X   | X                                    |
| Carwash.   | DR  | DR                                   |
| Motor vehicle fueling station.   | X   | X                                    |
| Alcoholic beverage establishments.                                       | DR  | DR                                   |
| Pawn shop.   | DR  | DR                                   |
| Vehicle, display, sales, and service.                                    | RAR | RAR                                  |
| Ambulance service.   | PRO | RAR                                  |
| Animal shelter or clinic without outside run.                            | PRO | RAR                                  |
| Auto service center.   | PRO | RAR                                  |
| Business school.   | PRO | X                                    |
| Commercial amusement (inside).   | PRO | X                                    |
| Commercial parking lot or garage.  | PRO | SUP                                  |
| Dry cleaning or laundry store.   | PRO | X                                    |
| Food or beverage store.  | PRO | SUP if less than 5,000sf             |
| Furniture store.   | PRO | X                                    |
| General merchandise store.   | PRO | X                                    |
| Home improvement center, lumber, brick or building materials sales yard. | PRO | RAR                                  |
| Household equipment and appliance repair.                                | PRO | X                                    |
| Mortuary, funeral home, or commercial wedding chapel.                    | PRO | X                                    |
| Outside sales.   | PRO | SUP                                  |
| Personal service uses.   | PRO | X                                    |
| Restaurant without drive-in or drive-through service.                    | PRO | RAR                                  |
| Restaurant with drive-in or drive-through service.                       | PRO | DIR                                  |
| Sway or buy shop.  | PRO | SUP                                  |

|  |         |         |
|--|---------|---------|
| Theater.   | PRO     | X       |
| Tobacco shop.  | PRO     | SUP     |
| Liquor store.  | PRO/DR  | PRO/DR  |
| Pawn shop.   | PRO/DR  | PRO/DR  |
| Heliport.  | SUP     | SUP     |
| Helistop.  | SUP     | SUP     |
| Commercial bus station and terminal.   | PRO     | DIR     |
| Transit passenger shelter.   | X       | X       |
| Transit passenger station or transfer center.  | SUP     | SUP     |
| Electrical substation.   | X       | X       |
| Local utilities.   | SUP/RAR | SUP/RAR |
| Police or fire station.  | X       | X       |
| Post office.   | X       | X       |
| Tower/antenna for cellular communication.  | X       | X       |
| Utility or government installation other than listed.  | SUP     | SUP     |
| Auto Auction.  | DR      | DR      |
| Building mover's temporary storage yard.   | DR      | DR      |
| Contractor's maintenance yard.   | DR      | DR      |
| Freight terminal.  | DR      | DR      |
| Manufactured building sales.   | DR      | DR      |
| Mini-warehouse.  | DR      | DR      |
| Office showroom/warehouse.   | X       | X       |
| Outside storage (with visual screening).   | DR      | DR      |
| Recycling buy-back center.   | SUP     | SUP     |
| Recycling collection center.   | SUP     | SUP     |
| Recycling drop-off container.  | SUP     | SUP     |
| Recycling drop-off for special occasion collection.  | DR      | DR      |
| Warehouse.   | RAR     | X       |
| <p><i>X indicates permitted by right.</i><br/> <i>SUP indicates permitted with a Specific Use Permit.</i><br/> <i>RAR indicates permitted, but subject to Residential Adjacency Review.</i><br/> <i>DIR indicates permitted, but subject to Development Impact Review.</i><br/> <i>DR indicates Deed Restricted by separate.</i><br/> <i>PRO indicated prohibited.</i></p> |         |         |
| Shading indicates uses only in the RE-MU(E) Enhanced only.   |         |         |

**Development Standards:**

| DISTRICT  | Setbacks |   | Density   | Height | Lot Coverage | Stories | Primary Uses                      |
|---|----------|---|---|--------|--------------|---------|-----------------------------------|
|   | Front    | Side/Rear   |   |        |              |         |                                   |
| Existing  |          |   |   |        |              |         |                                   |
| RS-I(E)<br>Regional Service<br>Industrial Enhanced<br>Subdistrict<br>(Industrial) | 15'      | SY & RY<br>15' adj to<br>alley or<br>res.<br>10'>0<br>0' for all<br>Other | 1.0 for<br>office, 0.5<br>for retail,<br>1.0 for all<br>uses<br>combined                          | 70'    | 80%          | 5       | Office and Retail                 |
| Proposed  |          |   |   |        |              |         |                                   |
| RS-MU(E)<br>Regional Service Mixed<br>Use Enhanced<br>Subdistrict<br>(Mixed Use)  | 15'      | SY & RY<br>15' adj to<br>alley or<br>res.<br>10'>0<br>0' for all<br>Other | 1.5 for<br>office, 0.5<br>for retail,<br>0.85 for<br>res., and<br>1.5 for all<br>uses<br>combined | 90'    | 80%          | 7       | Office, Retail and<br>Residential |

The proposed request will conform to zoning yard, lot, and space regulations that are consistent with the existing zoning district. The requested zoning will allow the development to house residential uses, moderately increase the density for each of the allowable uses and increases the maximum height by 20 feet and the maximum stories by two feet.

**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 subject site is neither located within nor adjacent to an MVA category.

**Parking:**

At the time of development, off-street parking will be required in accordance with the Dallas Development Code, as amended.

The parking requirements for an office/showroom warehouse use will be calculated at a ratio of one space for every 333 square feet of office space, one space for every 1,000 square feet for the first 20,000 square feet of floor area of showroom/warehouse space



and one space per 4,000 square feet of floor area in excess of 20,000 square feet of the same area.

For the proposed dwelling units, parking will be calculated based on the number of bedrooms as it is required for a multifamily use [three or more dwelling units located on one lot].

The required off-street parking ratio for an office use is 1 space per 333 square feet of floor area. If more than 10 off-street parking spaces are required handicapped parking must be provided pursuant to Section 51A-4.305.

Parking regulations for retail and personal service uses is contingent on the use applied for at permitting.

The applicant is not required to submit a site plan for this type of request; therefore, information regarding floor area for the use(s) and the number of bedrooms in each dwelling unit was not made available to staff.

**Landscaping:**

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

**EXISTING DEED RESTRICTIONS**

The following uses are prohibited on the Property:

- Building repair and maintenance shop.
- Bus or rail transit vehicle maintenance or storage facility.
- Labor hall.
- Machine or welding shop.
- Machinery, heavy equipment, or truck sales and service.
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- Vehicle or engine repair or maintenance.
- Industrial (inside) potentially incompatible.
- Industrial (outside) potentially incompatible.
- Halfway house.
- Alcoholic beverage establishments.
- Car wash.
- Liquor store.
- Pawn shop.
- Auto auction.
- Building mover's temporary storage yard.
- Contractor's maintenance yard.
- Freight terminal.
- Manufactured building sales lot.
- Mini-warehouse.
- Outside storage (with visual screening).
- Recycling drop-off for special occasion collection.

**CPC Action**  
**August 15, 2019**

**Motion:** It was moved to recommend **approval** of an RS-MU(E) Regional Service Mixed Use Enhanced Subdistrict on property zoned an RS-I(E) Regional Service Industrial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the southwest corner of Third Avenue and Oak Lane.

Maker: Brinson  
Second: Schulte  
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss, Johnson, Shidid,  
Carpenter, Brinson, Jung, Housewright,  
Schultz, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 2 - District 8, District 12

**Notices:** Area: 300 Mailed: 15  
**Replies:** For: 1 Against: 1

**Speakers:** For: Johnny Sudbury, 1023 Birds Fort Trl., Arlington, TX, 76005  
Against: John Radovich, 800 Jaguar Ln., Dallas, TX, 75226  
Gary Kaelson, 501 S. 2<sup>nd</sup> Ave., Dallas, TX, 75226  
Greg Minnick, 636 3<sup>rd</sup> Ave., Dallas, TX, 75226

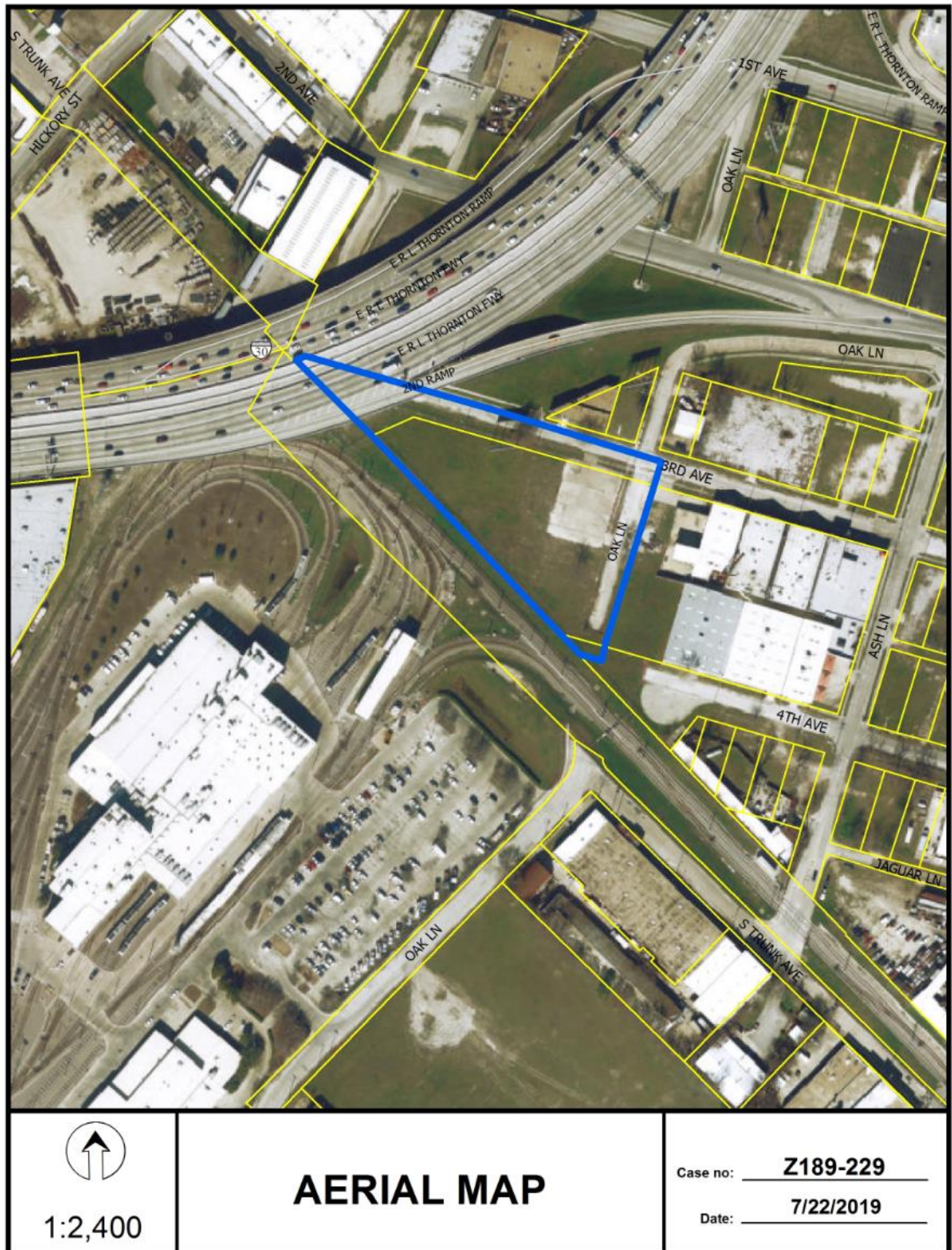
**List of Principals and Officers**

Ash and Third, LLC  
5707 Everglade Road  
Dallas, TX 75227-2824

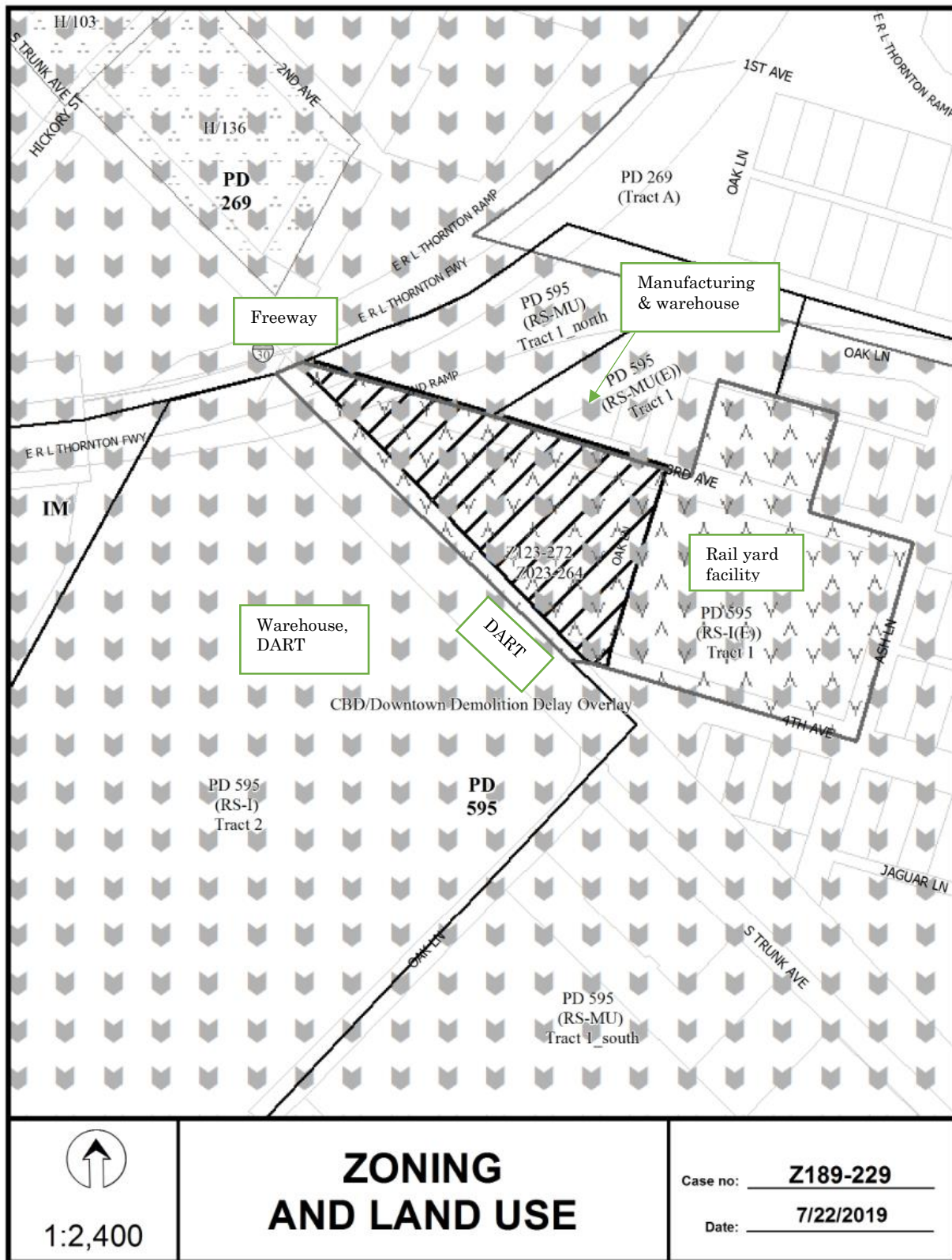
Devin Hall, Manager  
Durand Hall, Secretary

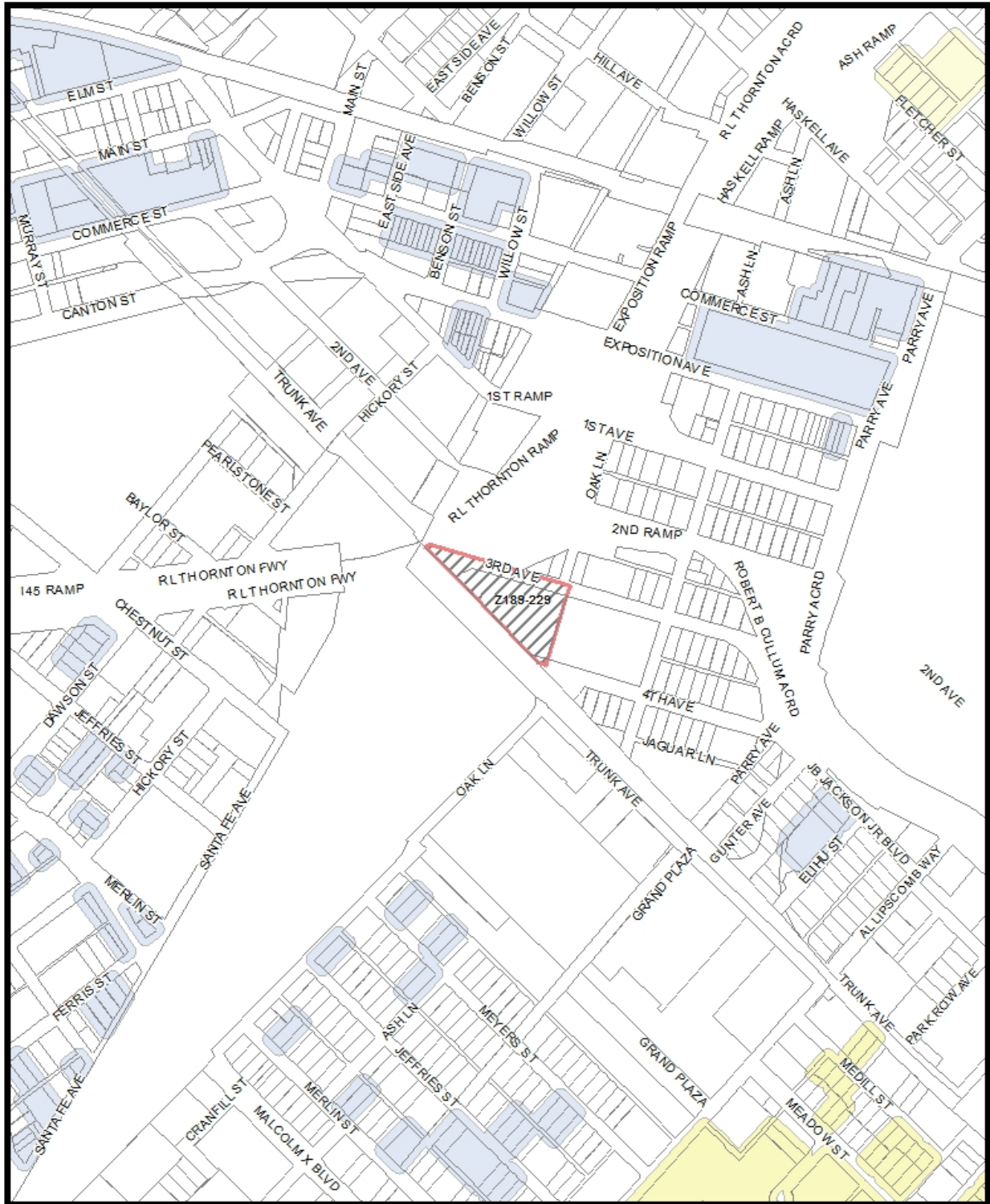












MVA Cluster    A    B    C    D    E    F    G    H    I    NA



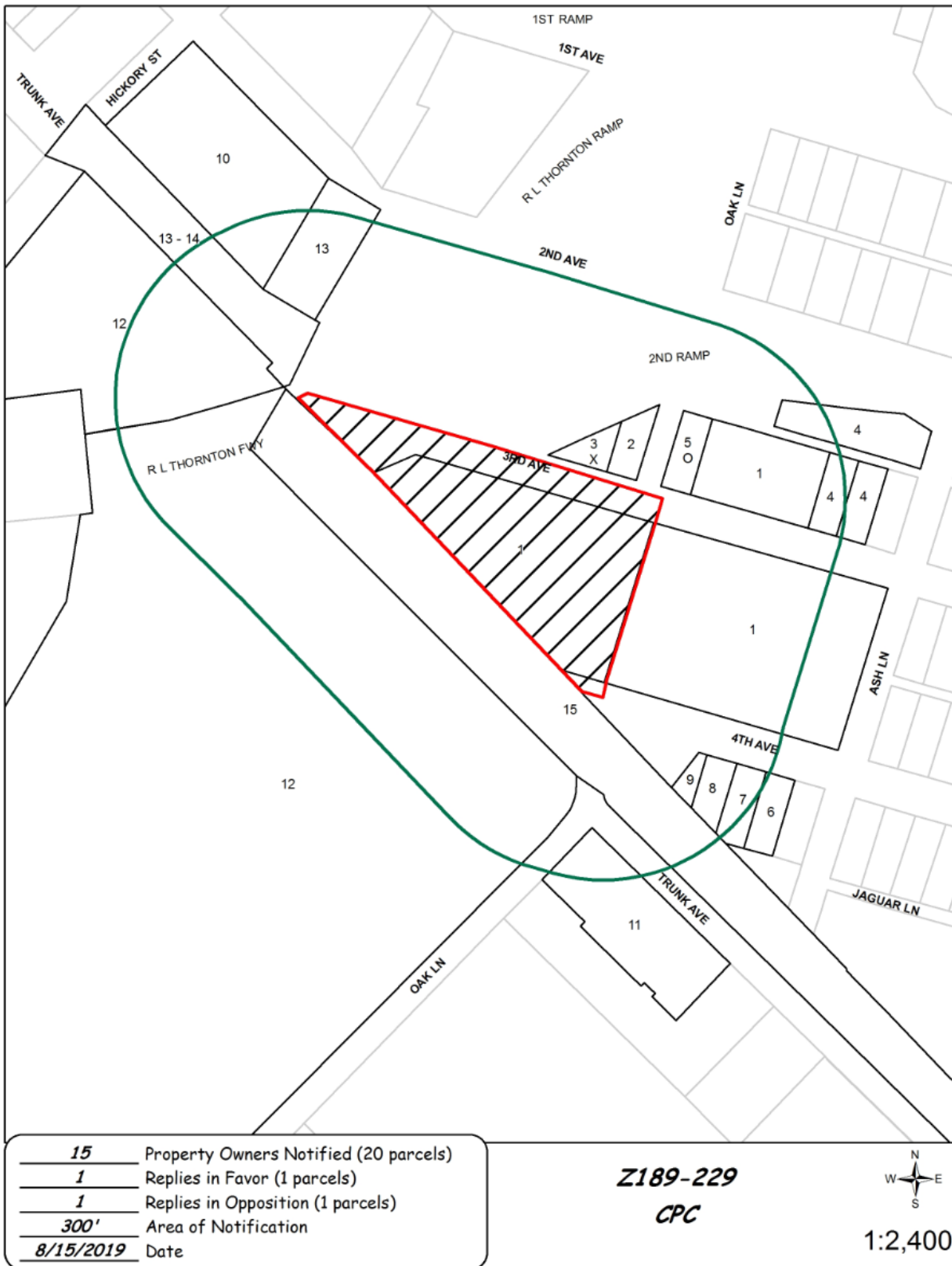
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# Market Value Analysis

Printed Date: 7/22/2019



# CPC RESPONSES



08/14/2019

***Reply List of Property Owners******Z189-229******15 Property Owners Notified******1 Property Owner in Favor******1 Property Owner Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b>   | <b><i>Owner</i></b>       |
|---------------------|-----------------------|-------------------------|---------------------------|
|                     | 1                     | 3301 OAK LN             | THIRD AND ASH LLC         |
|                     | 2                     | 3407 OAK LN             | GRTP LTD                  |
| X                   | 3                     | 636 3RD AVE             | MINNICK GREGORY J &       |
|                     | 4                     | 715 2ND AVE             | PAYNE OUIDA M             |
| O                   | 5                     | 700 3RD AVE             | GRUBBS DAVID K            |
|                     | 6                     | 721 J B JACKSON JR BLVD | VILLANUEVA OMAR           |
|                     | 7                     | 715 J B JACKSON JR BLVD | MURPHY RANDALL            |
|                     | 8                     | 713 J B JACKSON JR BLVD | MURPHY RANDALL E          |
|                     | 9                     | 701 J B JACKSON JR BLVD | MARMOLEJO JOSE D          |
|                     | 10                    | 501 S 2ND AVE           | KAELSON COMPANY           |
|                     | 11                    | 3104 OAK LN             | PAMACO REALTY LLC         |
|                     | 12                    | 3101 OAK LN             | DALLAS AREA RAPID TRANSIT |
|                     | 13                    | 555 2ND AVE             | DART                      |
|                     | 14                    | 555 2ND AVE             | DART                      |
|                     | 15                    | 555 2ND AVE             | DART                      |