## HONORABLE MAYOR AND CITY COUNCIL

WEDNESDAY, JANUARY 22, 2020

#### ACM: Majed Al-Ghafry

FILE NUMBER: Z189-304(CY)

DATE FILED: July 10, 2019

**LOCATION:** West corner of Mockingbird Lane and Maple Avenue

#### **COUNCIL DISTRICT:** 2 **MAPSCO:** 34 N SIZE OF REQUEST: 2.7 acres **CENSUS TRACT:** 4.06 **REPRESENTATIVE:** William S. Dahlstrom, Jackson Walker, LLP **APPLICANT:** Mockingbird Venture Partners, LLC OWNER: Greenway-Mockingbird LP **REQUEST:** An application for a Planned Development District for IR Industrial Research District uses and general merchandise or food store greater than 3,500 square feet use on property zoned an IR Industrial Research District. SUMMARY: The purpose of the request is to allow for a general merchandise or food store greater than 3,500 square feet use but limited to a maximum 7,000 square feet. The applicant proposes to also modify the front yard setback, reduce the parking requirement for retail and personal service uses [except for restaurant use]; and to modify the sign regulations. The proposed Planned Development District will be subject to a conceptual plan and a development plan for each phase of the development. **CPC RECOMMENDATION:** Approval, subject to a conceptual plan, Phase I development plan and conditions.

STAFF RECOMMENDATION: <u>Denial</u>.

## **BACKGROUND INFORMATION:**

- The area of request is zoned an IR Industrial Research District. A portion of the 2.7acre site is currently undeveloped and the remainder contains two one-story buildings containing vacant suites and restaurant uses.
- The purpose of the request is to allow for a general merchandise or food store greater than 3,500 square feet use by right but limited to a maximum 7,000 square feet, reduce the front yard setback along Maple avenue and Mockingbird Lane, reduce the parking requirement for retail and personal service uses [except for restaurant use]; and to modify the sign regulations.
- The applicant proposes the Planned Development District to be subject to a conceptual plan, a Phase I development plan and require a City Plan Commission approved development plan for Phase II of the development prior to the issuance of a building permit.

**Zoning History:** There have been two zoning changes in the area in the past five years including the area of request.

- 1. **Z156-279** On November 9, 2016, City Council approved an amendment to Planned Development District No. 759 on property generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue, north, west and southwest of the area of request.
- Z167-308 On September 26, 2018, City Council deferred indefinitely an application to amend Planned Development District No. 917 on property located on the northwest line of Manor Way, between Maple Avenue and Denton Drive, east of the area of request.

## Thoroughfares/Streets:

Thoroughfare/Street	Туре	Existing ROW	Proposed ROW
West Mockingbird Lane	Minor Arterial	100 feet	100 feet
Maple Avenue	Minor Arterial	60 feet	60 feet

## Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested renewal and determined it will not significantly impact the surrounding street system.

## STAFF ANALYSIS:

## **Comprehensive Plan:**

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

The applicant's request does not comply with the following goals and policies of the Comprehensive Plan.

## LAND USE ELEMENT

## **GOAL 1.2** PROMOTE DESIRED DEVELOPMENT.

Policy 1.2.2 Establish clear and objective standards for land use planning.

## ECONOMIC ELEMENT

## **GOAL 2.1** PROMOTE BALANCED GROWTH

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

	Zoning	Land Use
Site	IR Industrial Research	Undeveloped, vacant building, restaurant with drive-through service, restaurant without drive-through service
Northwest	IR Industrial Research and PD No. 759 (Subdistrict 1)	Warehouse, undeveloped land.
Northeast	IR Industrial Research	Restaurant with drive-through service
East	IR Industrial Research	Vehicle display, sale and service, vacant building, mini-warehouse
Southeast	MU-2 Mixed-Use	Multifamily
Southwest	PD No. 759 (Subdistrict 1)	Vacant building
West	PD No. 759 (Subdistrict 1)	Undeveloped land

## Land Use:

## Land Use Compatibility:

The 2.7-acre area of request is zoned IR Industrial Research District and is partially developed with two one-story buildings containing a restaurant with drive-through service, a restaurant without drive-through service and additional vacant suites. The northeast portion of the site is undeveloped.

Uses surrounding the area of request include a vacant building to the southwest, undeveloped tracts of land to the west and northwest, a warehouse use is also to the northwest. Restaurant with drive-through service uses are to the northeast across Maple Avenue and a vehicle display sale and service, a vacant building and a mini-warehouse use are located to the east. Lastly, a large multifamily use is found to the northeast across West Mockingbird Lane.

The new PD District proposes to modify the following regulations in the IR District:

<u>Use Regulations</u>: The existing use regulations allow for a general merchandise or food store use but limits the floor area to 3,500 square feet or less. The applicant proposes to allow for general merchandise or food store greater than 3,500 square feet use by right; however, the applicant proposes to limit its floor area to 7,000 square feet<sup>1</sup>. According to the applicant, the purpose of introducing this use is to allow for the development of a new grocery store on the portion of the site that is currently undeveloped.

<u>Front yard Setback:</u> The applicant proposes a minimum front yard setback of five feet along Maple Avenue and Mockingbird Lane. According to the applicant, the purpose of this part of the request is to provide for a more urban district with buildings pulled to the street; however, the existing buildings do not conform with this intent as they are as far as approximately 60 feet from the property line abutting West Mockingbird Lane.

<u>Off-street parking</u>: The request includes reducing the current parking requirement for retail and personal service uses excluding restaurant uses. The proposed parking ratio is four spaces per 1,000 square feet of floor area [or one space per 250 square feet of floor area].

The off-street parking regulations in the existing zoning district establish specific requirements for each use allowed in a zoning district. The requirements for the uses within the retail and personal service category, vary from one space per 200 square feet of floor area for some uses such as the proposed general merchandise or food store greater than 3,500 square feet, to 1 space per 600 square feet of floor area for other uses.

<u>Sign regulations:</u> The existing sign regulations for the IR Industrial Research District correspond to those of the business districts regulations. These regulations establish that only one detached sign is allowed per street frontage other than expressways; and that

<sup>&</sup>lt;sup>1</sup> The Dallas Development Code defines general merchandise or food store greater than 3,500 square feet as a retail store with a floor area greater than 3,500 square feet but less than 100,000 square feet for the sale of general merchandise or food.

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detached signs on the same premise must be at least 200 feet apart. [Sec. 51A-7.304(b)(4) and (5)].

The applicant's request includes modifying the sign regulations to allow for one additional monument sign [defined in the code as a detached sign] for Phase I of the development with no limitation as to the required distance between detached signs. The purpose of this request is to allow for the proposed monument sign to be installed on the same premise and adjacent to an existing detached non-premise sign which would not comply with the current regulations.

Additionally, the proposed sign regulations for the PD would reduce the minimum distance required between detached signs on the same premise for phase II of the development from 200 feet to 100 feet. While the site within Phase II has two street frontages that under the current regulations would allow for the site to have one detached sign per street frontage, the applicant proposes to reduce the distance to provide flexibility on the location of each sign along each frontage.

#### Rationale for staff's recommendation of denial.

Staff does not support the applicant's request to create a PD for a site that is more than 50 percent developed because it is not consistent with the purpose of this customized zoning of providing flexibility to accommodate innovative developments while providing for public benefits. It appears the primary purpose of the request is to allow for an additional detached sign for the portion of the area of request already developed.

The existing IR zoning regulations did not impede the development of 1.59 acres of the 2.7-acre site. It was only after this portion of the area of request was developed that the need to have one additional detached sign prompted the request to create a new planned development district. It is staff's opinion that that there are other alternatives to allow for most of what the applicant seeks to achieve.

Seeing that the surrounding area is transitioning to include a wider mix of uses with less industrial uses, staff considers that a request for a retail or a mixed-use zoning district could be more appropriate. These districts allow for the proposed general merchandise or food store greater than 3,500 square feet use.

With regard to parking, the Dallas Development Code provides for off-street parking reductions via board of adjustment, and by providing bicycle parking that could be applicable to the site. Additionally, for the proposed general merchandise store limited to 7,000 square feet, a maximum of 35 parking spaces would be required with the current parking rations [7,000 / 200 = 35 spaces]. Staff considers that this is a requirement that could be accommodated on the portion of the area of request that remains undeveloped.

As a reference, and according to building inspection's records, the one-story building developed on the 1.10-acre portion of Phase I is approximately 7,900 square feet and the site was able to accommodate approximately 70 off-street parking spaces. It is staff's opinion that a proposed 7,000-square-foot general merchandise or food store in the 1.13-

acre undeveloped site could accommodate the required 35 off-street parking spaces without having to require a parking reduction.

Lastly, the Dallas Development Code also provide for exceptions to the sign regulations via Board of Adjustment to allow for the additional detached sign, and while it would still be required that the proposed detached sign be located 200 feet from the existing billboard, staff considers the site's long frontage particularly along Mockingbird Lane allows for the proposed monument sign to meet this requirement.

### **Development Standards:**

DISTRICT	SETBACKS				Lot	
	Front	Side/Rear	Density	Height	Coverage	PRIMARY Uses
Existing: IR	15'	30' when adjacent to residential, other no minimum	No Maximum*	200' with RPS	80%	Industrial, wholesale distribution & storage, supporting office and retail
Proposed: PDD No.	5' along Maple and Mockingbird Lane Ave. other, 15'		Maple and Mockingbird No change No change Lane Ave.	No change	No change	Industrial, wholesale distribution & storage, supporting office and retail plus GMFS>3,500sf

\*Residential uses not allowed

## Parking:

As previously mentioned, the request includes reducing the current parking requirement for retail and personal service uses excluding restaurant uses. The proposed parking ratio is of four spaces per 1,000 square feet of floor area [or one space per 250 square feet of floor area].

At this ratio, for the proposed 7,000-square foot general merchandise use, a total of 28 parking spaces would be required, a reduction of seven parking spaces if the existing parking requirements would apply.

The Engineering Division reviewed a parking demand analysis submitted with this application and has no objections to the proposed parking ratio.

## Landscaping:

The proposed Planned Development District will require development to comply with Article X.

#### Market Value Analysis

<u>Market Value Analysis (MVA)</u>, 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. Site is not within an identifiable MVA Category; however, it is in proximity to an "E" MVA Cluster to the southeast across W Mockingbird Lane.

## LIST OF OFFICERS

Mockingbird Venture Partners, LLC

Mockingbird Venture partners, LLC

A Delaware Limited Liability Company Sole Managing Member: Highridge Asset Management, Inc. A California Corporation.

Highridge Asset Management, Inc.

John S. Long President
Steven A Berlinger Executive VP/CFO
Jack L Mahoney VP
Eugene S. Rosenfield VP
Parviz Vaghti VP
Linda Kasai VP/Secretary

Highridge Asset Management, LLC – Directors

- John S. Long
- Steven A Berlinger

# LIST OF OFFICERS

Greenway-Mockingbird, LP

Greenway-Mockingbird, LP A Texas Limited Partnership General Partner: Greenway-Mockingbird GP, LLC A Texas Limited Liability Company

Greenway-Mockingbird GP, LLC – Officers

Gerald Stool Manager.

## CPC Action September 19, 2019

**Motion:** In considering an application for a Planned Development District for IR Industrial Research District uses and general merchandise or food store greater than 3,500 square feet use on property zoned an IR Industrial Research District on the west corner of Mockingbird Lane and Maple Avenue, it was moved to **hold** this case under advisement until October 17, 2019.

Maker: Schulte Second: Housev Result: Carried	
For: 1	1 - MacGregor, Schulte, Johnson, Shidid, Carpenter, Brinson, Jung, Housewright, Schultz, Murphy, Ridley
Against:	0
Absent:	2 - Criss, Tarpley
Vacancy:	2 - District 8, District 12
Notices: Area: 500	Mailed: 21
Replies: For: 1	Against: 0

Speakers: For: None

For (Did not speak): Jonathan Vinson, 2323 Ross Ave., Dallas, TX, 75201 Against: None

## CPC Action October 17, 2019

**Motion:** In considering an application for a Planned Development District for IR Industrial Research District uses and general merchandise or food store greater than 3,500 square feet use on property zoned an IR Industrial Research District on the west corner of Mockingbird Lane and Maple Avenue, it was moved to **hold** this case under advisement until November 7, 2019.

S	laker: econd: esult:		oton ewright ed: 13 to 0	
	For:		13 - MacGregor, Hampton, Johnson, Shidid, Carpenter, Brinson, Blair, Jung*, Housewright, Schultz, Schwope, Murphy, Ridley	
	Again Absei Vacai	nt:	0 0 2 - District 3, Place 15	
	*out of the room, shown voting in favor otices: Area: 500 Mailed: 21 oplies: For: 3 Against: 0			

Speakers: None

## CPC Action November 7, 2019.

**Motion:** In considering an application for a Planned Development District for IR Industrial Research District uses and general merchandise or food store greater than 3,500 square feet use on property zoned an IR Industrial Research District on the west corner of Mockingbird Lane and Maple Avenue, it was moved to **hold** this case under advisement until December 12, 2019.

Maker: Second: Result:			
For	:	14 - MacGregor*, Hampton, Johnson, Shidid, Carpenter, Brinson, Blair, Jung*, Housewright*, Schultz, Schwope, Murphy, Ridley*, Rubin	
Aga	ainst:	0	
Abs	sent:	0	
Vac	cancy:	1 - District 3	
*011	t of the	nom shown voting in favor	

\*out of the room, shown voting in favor

Notices: Area:	500	Mailed:	21
Replies: For:	3	Against:	0

Speakers: None

#### CPC Action December 12, 2019

**De minimus Significant Change Motion:** In considering the requirement in Section 5(m)(1)(B) of the CPC Rules of Procedure, the finding is it <u>does not</u> apply because the impact of the applicant's proposed change in the Commission's judgment is *de minimus* in nature.

Maker: Hampton Second: Jung Result: Carried: 12 to 0

> For: 12 - MacGregor, Hampton, Johnson, Shidid, Carpenter, Blair, Jung, Schultz, Schwope, Murphy, Garcia, Rubin

Against:	0
Absent:	2 - Brinson, Housewright
Vacancy:	1 - District 3

**Motion:** It was moved to recommend **approval** of a Planned Development District for IR Industrial Research District uses and general merchandise or food store greater than 3,500 square feet use, subject to a revised Phase I development plan, conceptual plan and conditions on property zoned an IR Industrial Research District on the west corner of Mockingbird Lane and Maple Avenue

S	laker: H econd: C esult: (	Johnso	n		
	For:		12 - MacGregor, Hampton, Johnson, Shidid, Carpenter, Blair, Jung, Schultz, Schwope, Murphy, Garcia, Rubin		
			0 2 - Brinson, Housewright 1 - District 3		
Notices:	Area:	500	Mailed: 21		
Replies:	For:	3	Against: 0		
Speakers:For:Jonathan Vinson, 2323 Ross Ave., Dallas, TX, 75201For (Did not speak):George Ramirez, Address not givenAgainst:None					

#### **CPC RECOMMENDED CONDITIONS**

## "ARTICLE \_\_\_\_"

#### PD

## SEC. 51P-\_\_\_\_.101. LEGISLATIVE HISTORY.

PD \_\_\_\_\_ was established by Ordinance No.\_\_\_\_\_, passed by the Dallas City Council on

#### SEC. 51P-\_\_\_.102. PROPERTY LOCATION AND SIZE.

PD \_\_\_\_\_ is established on property located at the west corner of Maple Avenue and West Mockingbird Lane. The size of PD \_\_\_\_\_\_ is approximately 2.723 acres.

#### SEC. 51P-\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.

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

(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-\_\_\_.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit \_\_\_\_A: conceptual plan
- (2) Exhibit \_\_\_\_B: phase I development plan

#### SEC. 51P-\_\_\_\_.105. CONCEPTUAL PLAN

Development and use of the Property must comply with the conceptual plan (Exhibit \_\_\_\_\_A). If there is a conflict between the text of this article and the conceptual, the text of this article controls.

#### SEC. 51P-\_\_\_\_.106. DEVELOPMENT PLAN

(a) <u>Phase I.</u> Development and use of the Property must comply with the development plan (Exhibit\_B). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) <u>Phase II.</u> A development plan must be approved by the city plan commission before the issuance of any building permit that authorize work in this phase. If there is a conflict between the text of this article and the development plan, the text of this article controls.

#### SEC. 51P-\_\_\_\_.107. 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; etc.

(b) The following additional main use is permitted by right:

-- General merchandise or food store greater than 3,500 square feet [limited to a maximum of 7,000 square feet].

#### SEC. 51P-\_\_\_\_.108. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific 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.

#### SEC. 51P-\_\_\_\_.109. 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.)

(a) <u>In general.</u> Except as provided in Subsection 51P-\_\_\_.109(b) below, the yard, lot, and space regulations for the IR Industrial/Research District apply.

(b) <u>Front yard setback:</u> Minimum front yard setback along Mockingbird Lane and Maple Avenue is five feet.

#### SEC. 51P-\_\_\_\_.110. OFF-STREET PARKING AND LOADING.

(a) Except as provided below, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(b) The required parking for retail and personal service uses, except for restaurant uses, is 4.0 spaces per 1,000 square feet of floor area.

#### SEC. 51P-\_\_\_\_.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

#### SEC. 51P-\_\_\_\_.112. LANDSCAPING.

- (a) Landscaping shall be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition.

## SEC. 51P-\_\_\_.113. SIGNS.

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

(b) In phase I, one additional monument sign is permitted in the location shown on the conceptual plan. Such monument sign may be a maximum of 7 feet in height and 6 feet in width. Section 51A-7.304(b)(5) does not apply.

(c) In phase II, one monument sign is permitted along each street frontage for a maximum of two monument signs. Monument signs on the same premise may be a minimum of 100 feet apart.

#### SEC. 51P-\_\_\_.114. ADDITIONAL PROVISIONS.

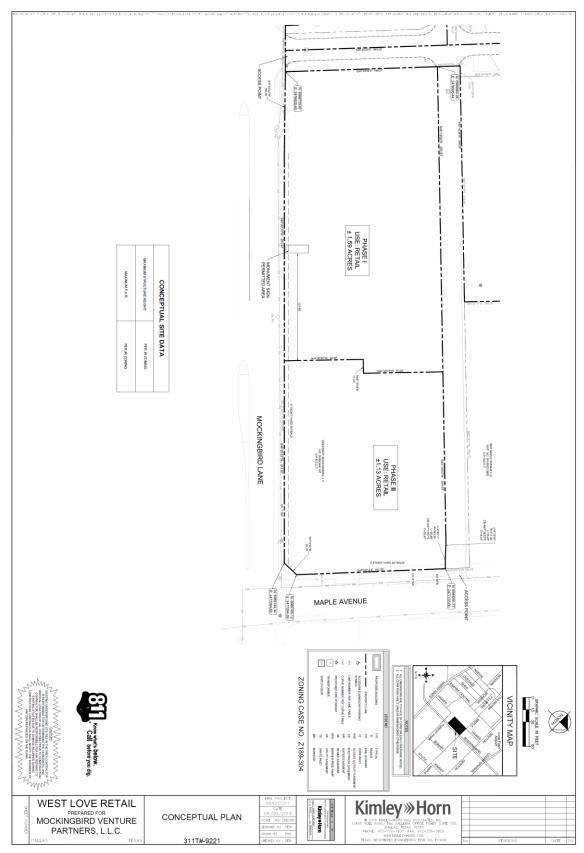
(a) The Property must be properly maintained in a state of good repair and neat appearance.

(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.

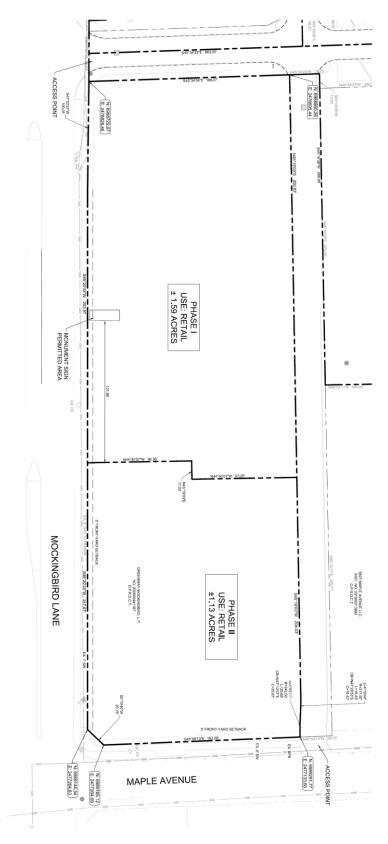
## SEC. 51P-\_\_\_.115. COMPLIANCE WITH CONDITIONS.

(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 director of public works and transportation.

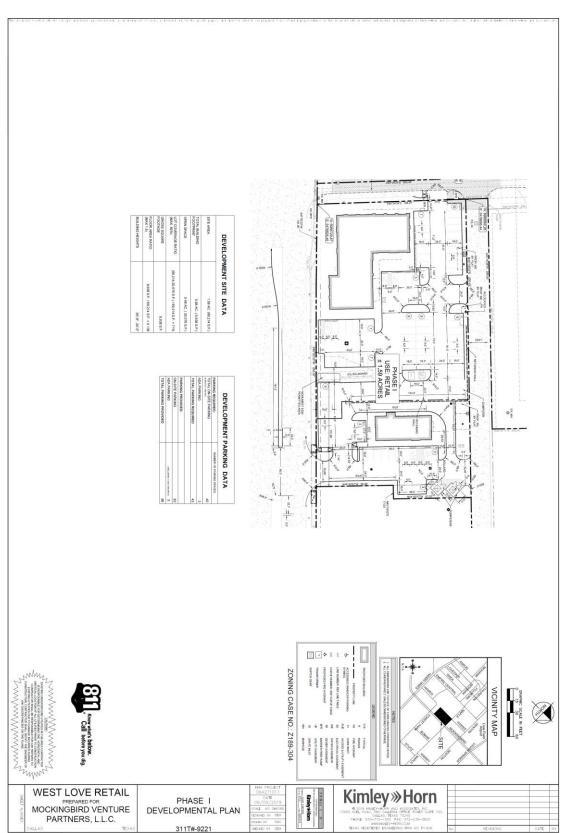
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations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



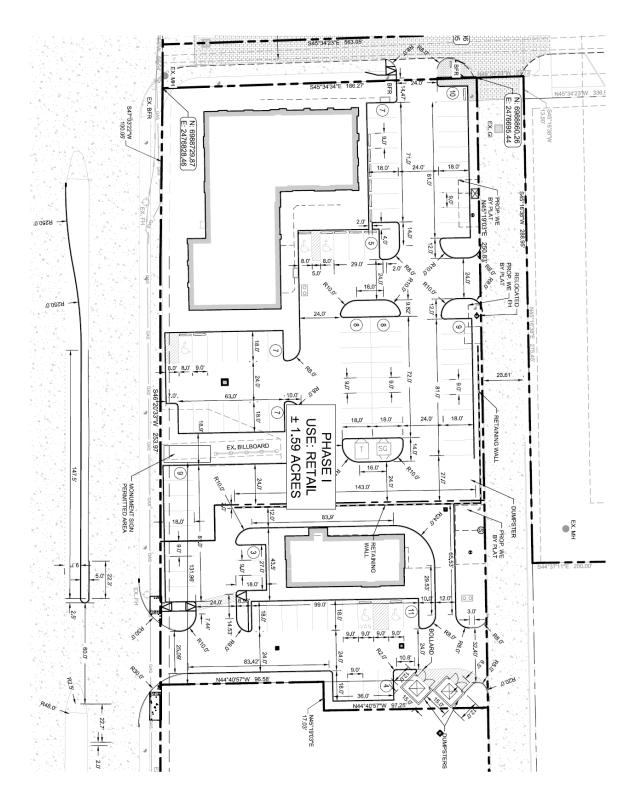
CPC RECOMMENDED CONCEPTUAL PLAN



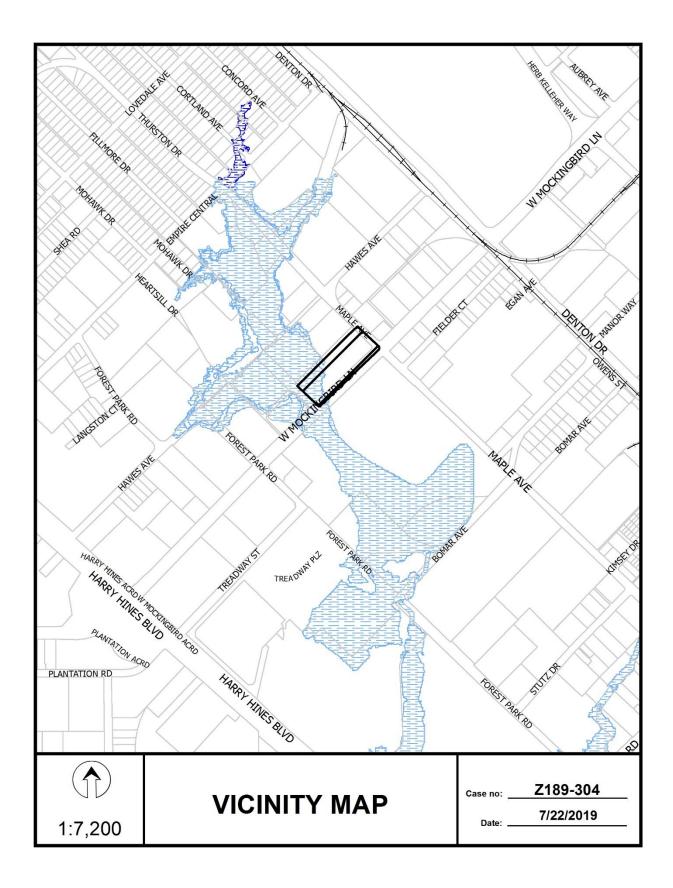
# **CONCEPTUAL PLAN (ENLARGED)**

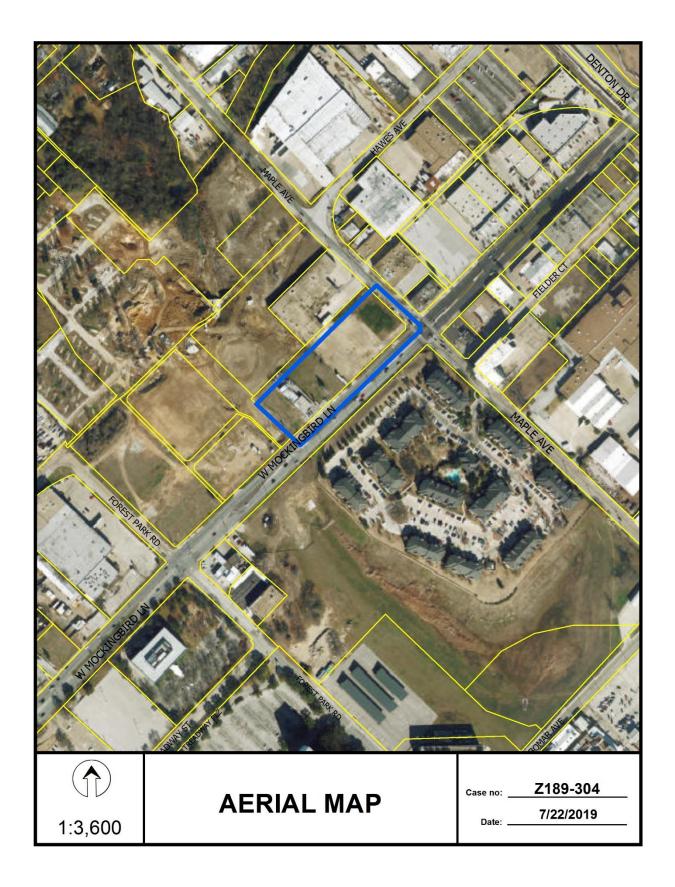


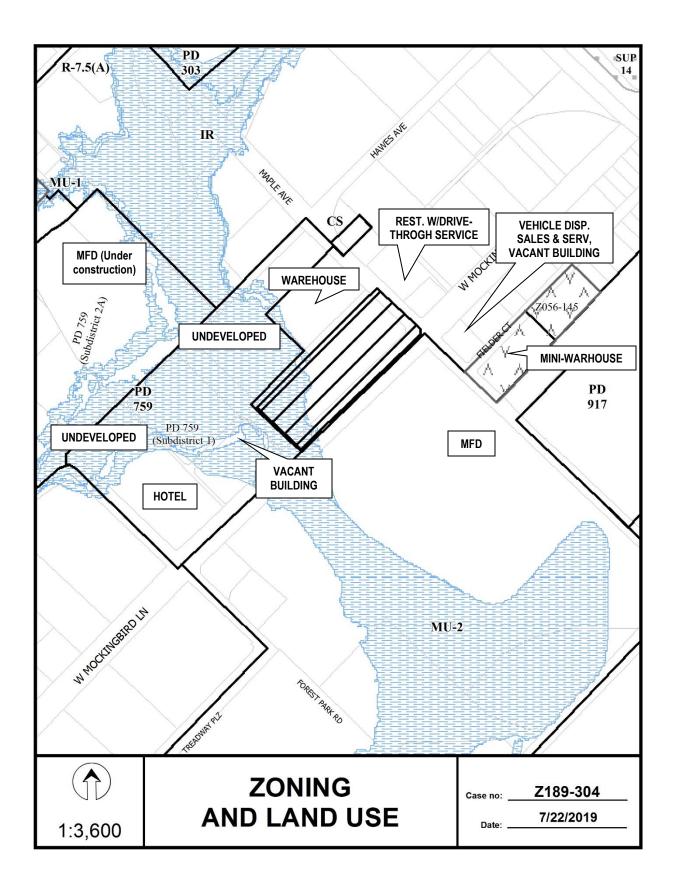
# CPC RECOMMENDED PHASE I DEVELOPMENT PLAN

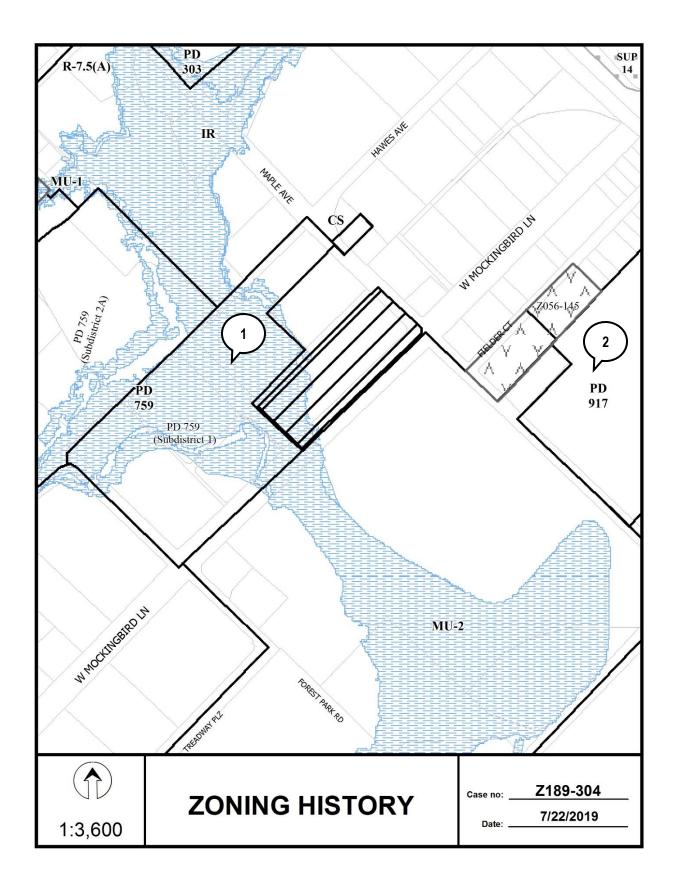


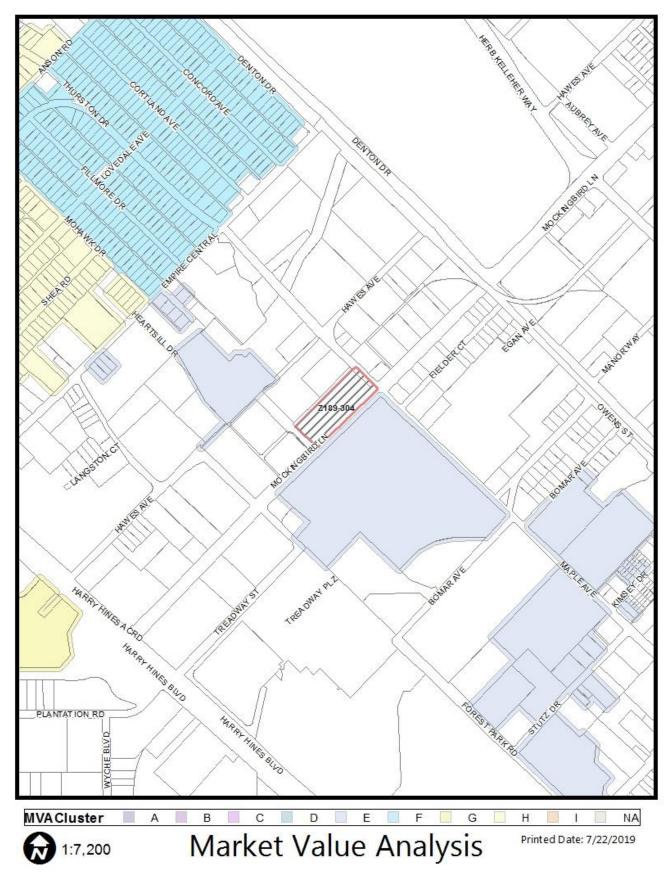
## PHASE I DEVELOPMENT PLAN (ENLARGED)



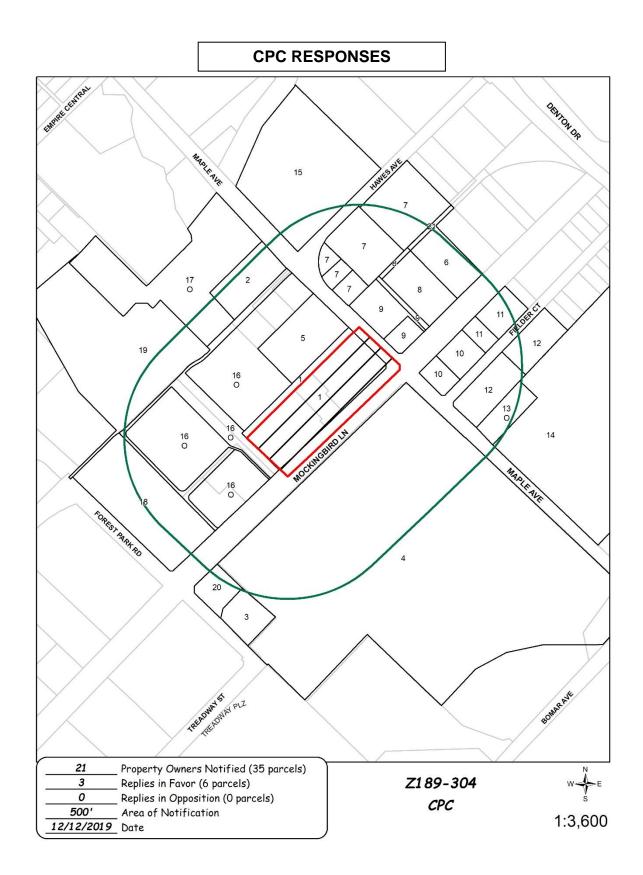








Z189-304(CY)



21 Property Owners Notified

12/11/2019

# **Reply List of Property Owners**

# Z189-304

3 Property Owners in Favor

0 Property Owners Opposed

Reply	Label #	Address		Owner
	1	6619	MAPLE AVE	GREENWAY-MOCKINGBIRD LP
	2	6707	MAPLE AVE	TEXAS UTILITIES ELEC CO
	3	6516	FOREST PARK RD	TAYLOR THOMAS W
	4	6535	MAPLE AVE	BOARD OF REG OF UNIV OF TX SYSTEM
	5	6627	MAPLE AVE	6627 MAPLE AVENUE LLC
	6	2601	W MOCKINGBIRD LN	SPC MOCKINGBIRD DEPOT
	7	6638	MAPLE AVE	SOUTHWEST AIRLINES CO
	8	2525	W MOCKINGBIRD LN	LG MAPLE MOCKINGBIRD LLC
	9	2525	W MOCKINGBIRD LN	MOORE MARGARET T REV TRUST
	10	2500	W MOCKINGBIRD LN	MELNIC LTD
	11	2526	W MOCKINGBIRD LN	TREVINO PPTIES LTD
	12	6434	MAPLE AVE	6434 MAPLE PLACE LP
0	13	6418	MAPLE AVE	FURSTENBERG INV LLC
	14	6333	DENTON DR	DLF DENTON LLC
	15	6700	MAPLE AVE	AN LUXURY IMPORTS LTD
0	16	2375	W MOCKINGBIRD LN	MOCKINGBIRD VENTURE PARTNERS LLC
0	17	6751	MAPLE AVE	MOCKINGBIRD VENTURE PARTNERS
	18	2333	W MOCKINGBIRD LN	M&M HOTEL VENTURE LLC
	19	2293	HAWES AVE	JEFFERSON WEST LOVE OWNER LLC
	20	2304	W MOCKINGBIRD LN	BRIGHT SEA INVESTMENTS LLC
	21	2608	W MOCKINGBIRD LN	REARDEN INVESTMENT PARTNERS IV