
FILE NUMBER:	Z189-339(JM/CT)	DATE FILED:	August 23, 2019
LOCATION:	South side of Morrell Avenue, between East Waco Avenue and South Corinth Road		
COUNCIL DISTRICT:	4	MAPSCO:	55 F
SIZE OF REQUEST:	± 0.2951 acres	CENSUS TRACT:	49.00

OWNER: Established Investors Inc.

APPLICANT: Corey C. Toney

REQUEST: An application for an RR Regional Retail District and deed restrictions volunteered by the applicant on property zoned a CR-D Commercial Retail District with a D Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for a vehicle display, sales, or service use limited to 10 vehicles at the subject site. All other new uses allowed by the proposed Regional Retail District are prohibited by the proposed deed restrictions volunteered by the applicant.

CPC RECOMMENDATION: **Approval**, subject to deed restrictions volunteered by the applicant and retention of the D Liquor Control Overlay.

STAFF RECOMMENDATION: **Approval**, subject to deed restrictions volunteered by the applicant and retention of the D Liquor Control Overlay.

BACKGROUND INFORMATION:

- The site contains 0.2951 acres of land with an office structure with approximately 2,465 square feet of floor area erected in 1957, per DCAD.
- The existing Certificates of Occupancy (CO) for the site are for office uses including a bail bond and the owner's company (Established Investors, Inc.) or property management office.
- The owner maintains that the vehicle display, sales, and service use has operated at the site since 1999; however, the existing CR District does not allow the land use.
- The purpose of this request is to allow for a vehicle display, sales, or service use limited to 10 vehicles at the subject site.
- The RR Regional Retail District allows an additional 12 land uses, which have all been voluntarily prohibited with deed restrictions except for the limited vehicle display, sales, and service use. All development standards are restricted back to the CR Community Retail District standards including the increased density, height, stories, and lot coverage.

Zoning History: There have been two zoning cases in the area within the last five-years.

1. **Z189-280:** On October 8, 2019, the City Council approved an MF-2(A) Multifamily District on property zoned a CR-D Community Retail District with a D Liquor Control Overlay, located on the east line of S Corinth St Road, south of Morrell Avenue.
2. **Z178-306:** A CPC Authorized Hearing to consider appropriate zoning for the area including use, development standards, parking, landscape, sign and other appropriate regulations. *This case was authorized by the CPC on April 19, 2018 and is currently pending.*

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing	Proposed
South Corinth Street Road	Principal Arterial	100 feet	Meets
Morrell Avenue	Community Connector	60 feet	Meets

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Land Use:

Area	Zoning	Land Use
Site	CR-D	Office
North	CR-D	Single family, Fueling station with the sale of alcoholic beverages, and Undeveloped
South	CR-D and R-5(A)	Undeveloped, Single family, and Restaurant
West	R-5(A)	Single family
East	CR-D	Restaurant and Retail and personal service

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 goals and policies 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.

Policy 2.2.6 Restore Dallas as the foremost retail location in the region.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

NEIGHBORHOOD ELEMENT**GOAL 7.1 PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS**

Policy 7.1.2 Promote neighborhood-development compatibility.

The proposed rezoning maintains an existing land use in a structure which has served the surrounding residential neighborhoods since being erected in 1957. The continued operation of this establishment remains compatible with the neighborhood.

Land Use Compatibility:

The site contains 0.2951 acres of land with an office structure with approximately 2,465 square feet of floor area erected in 1957, per DCAD. The existing Certificates of Occupancy (CO) for the site are for office uses including a bail bond and the owner's company (Established Investors, Inc.) or property management office. The owner maintains that the vehicle display, sales, and service use has operated at the site since 1999; however, the existing CR District does not allow the land use. The request is made to rezone the property to an RR District with deed restrictions volunteered by the applicant which retain the existing CR District development standards and land uses, only leaving the added vehicle display, sales, and service use, limited to 10 cars. All other standards and uses will remain consistent with the CR District.

Surrounding land uses include single family, a fueling station with the sale of alcoholic beverages, and undeveloped land to the north; restaurant, and retail and personal service to the east; undeveloped, single family, and restaurant to the south; and, single family to the west.

Rezoning the site subject to the volunteered deed restrictions prohibiting nearly all changes would allow for the property owner to maintain his established neighborhood-serving businesses. There would be no impact since the site would be retaining the existing conditions and land uses. The area is generally lacking in retail uses to support the residential population in the vicinity. Staff supports the requested zone change, subject to the deed restrictions volunteered by the applicant.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
RR-D Regional Retail w/deed restrictions*	15'	20' adjacent to residential OTHER: No Min.	0.5 for office 1-5 0.75* FAR for all uses combined	70' 54'* 5 4' stories	80% 60%*	Urban Form Setback Proximity Slope Visual Intrusion	Retail & personal service, office, max of 10 vehicles for proposed use*.
CR-D Community Retail	15'	20' adjacent to residential OTHER: No Min.	0.5 for office 0.75 FAR for all uses combined	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Generally, the largest differences between a CR Community Retail District and an RR Regional Retail District are found in the land uses permitted. The CR District is less intensive. The RR District allows an additional 12 land uses, which have all been voluntarily prohibited with deed restrictions except for the vehicle display, sales, and service use limited to a maximum of 10 vehicles. All development standards are restricted

back to the CR District standards including the increased density, height, stories, and lot coverage. The impact of the proposed zoning change is to allow the existing land use which has operated at the site for many years to become conforming.

Parking:

Parking is required for each use on the property pursuant to Section 51A-4.200 the Dallas Development Code. Currently, the existing structure contains approximately 2,465 square feet of office space. An office use is required to provide one space per 333 square feet of floor area; therefore, seven off-street parking spaces are currently required. This does not account for any proposed changes.

The proposed vehicle display, sales, and service requires one off-street parking space per 500 square feet of floor and site area exclusive of parking area. This means that the display pavement area is considered “site area” that requires additional parking for the use. Volunteered deed restrictions offered limit the display area to 10 cars. The applicant will have to provide dimensions to the permitting office to determine the overall floor and site area for the proposed use.

Landscaping:

A general zone change does not automatically trigger landscaping requirements. If the applicant chooses to increase the floor area or pavement area, landscaping will be provided per Article X, as amended.

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. While the area of request is not located within an MVA cluster, surrounding properties are categorized as being within an “H” MVA cluster to the west along East Waco Avenue, and an “I” MVA cluster to the northwest across Morrell Avenue. Although, much of the property along South Corinth Road is commercially zoned and also lacks an MVA category, further east, “I” and “G” MVA clusters emerge.

List of Officers

Established Investors, Inc.

Corey C. Toney, President/CEO

Clarette Toney, Vice President

CPC Action
February 6, 2020

Motion: It was moved to recommend **approval** of an RR Regional Retail District, subject to deed restrictions volunteered by the applicant and retention of the D Liquor Control Overlay on property zoned an CR-D Commercial Retail District with a D Liquor Control Overlay, on the south side of Morrell Avenue, between East Waco Avenue and South Corinth Road.

Maker: Johnson
Second: Murphy
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Jackson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

Notices: Area: 200 Mailed: 24
Replies: For: 0 Against: 1

Speakers: None

Volunteered Deed Restrictions

DEED RESTRICTIONS

THE STATE OF TEXAS)
) KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS)

I.

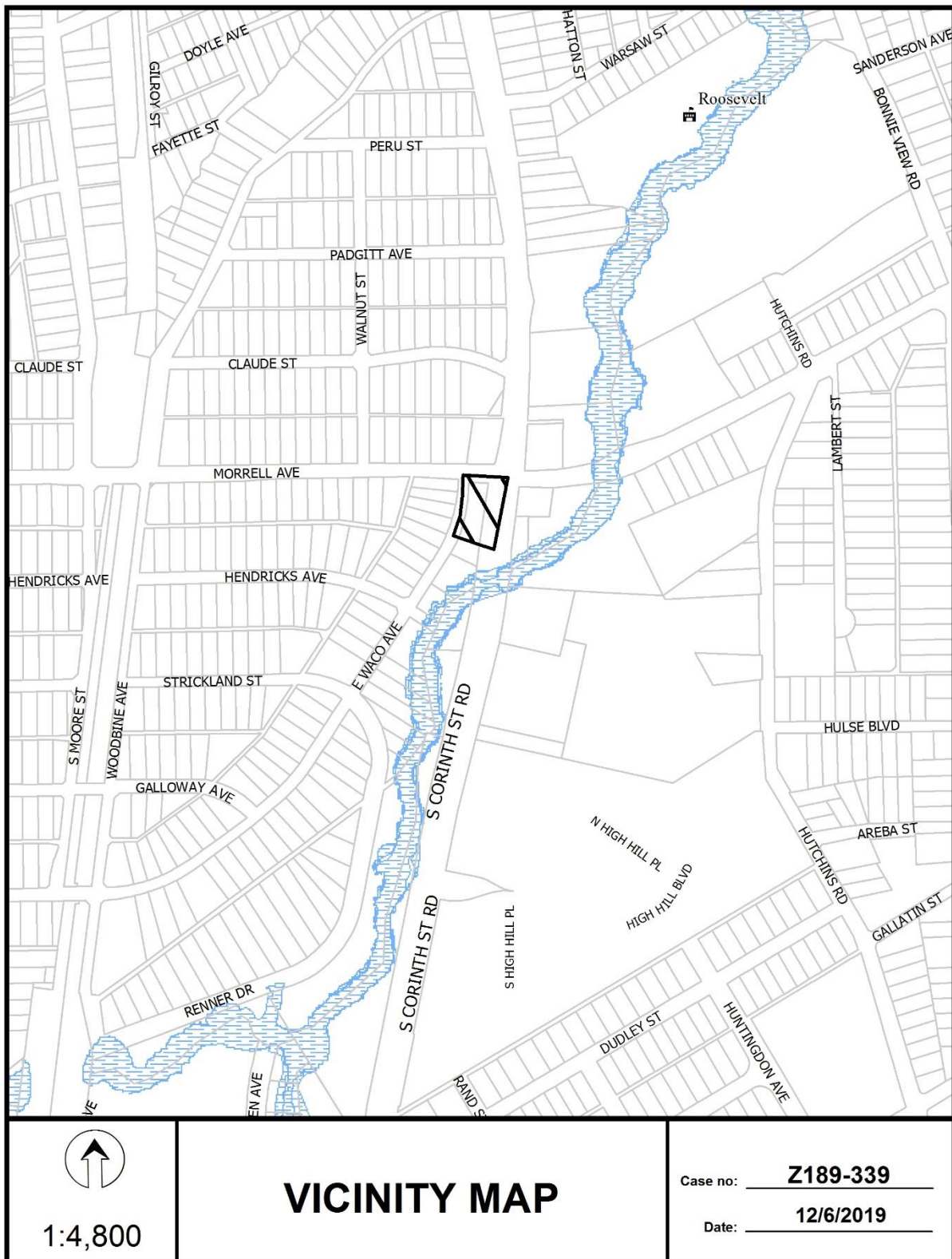
The undersigned, Established Investors, LLC , a Texas limited liability corporation ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land containing a part of Lots 3, 4, 5, and 6, Block 27/3588, Dallas City Block Number of the Third Edgemont Addition, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by a deed dated February 10, 2009, and recorded in instrument number 2009000063995, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

See Exhibit "A" attached hereto.

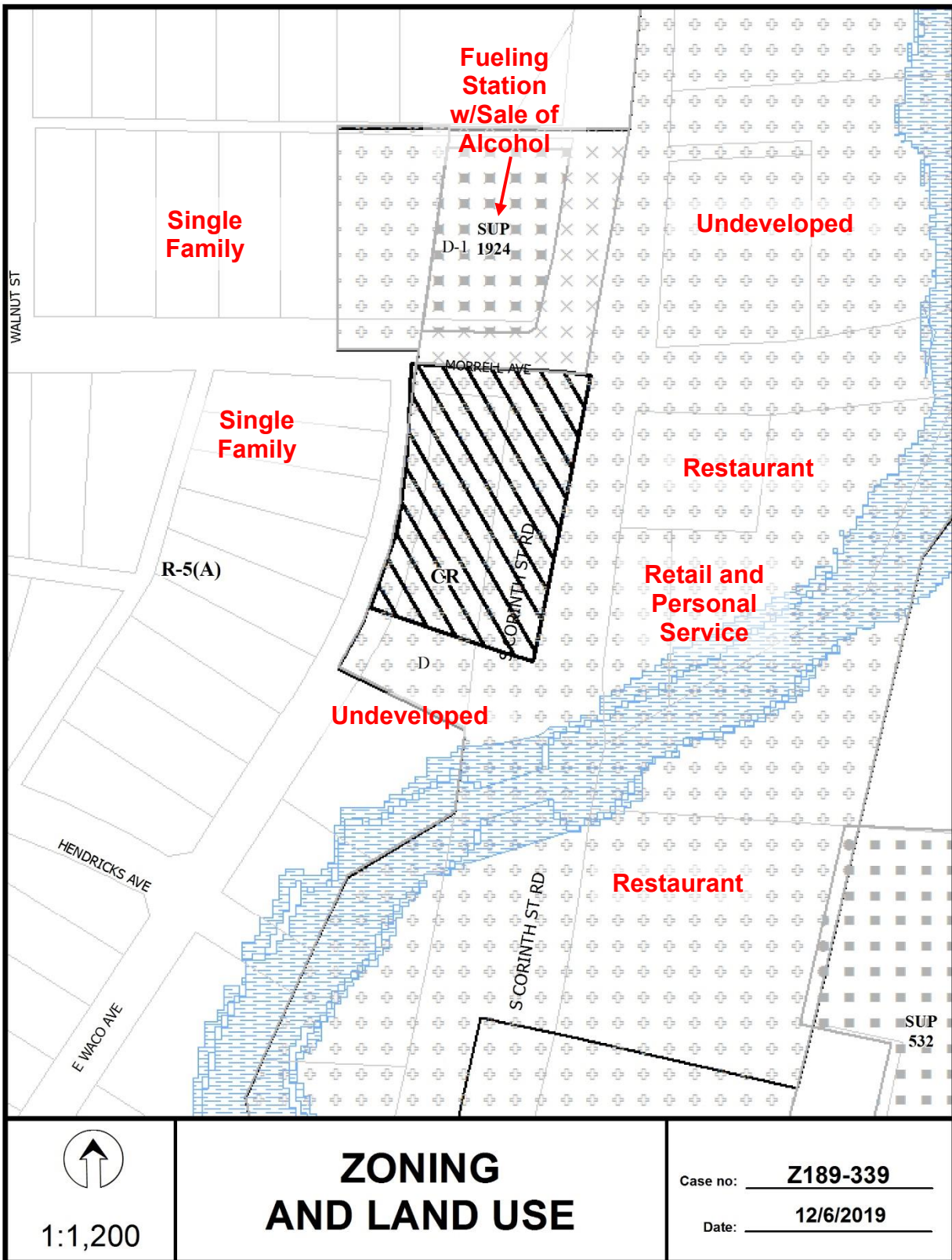
II.

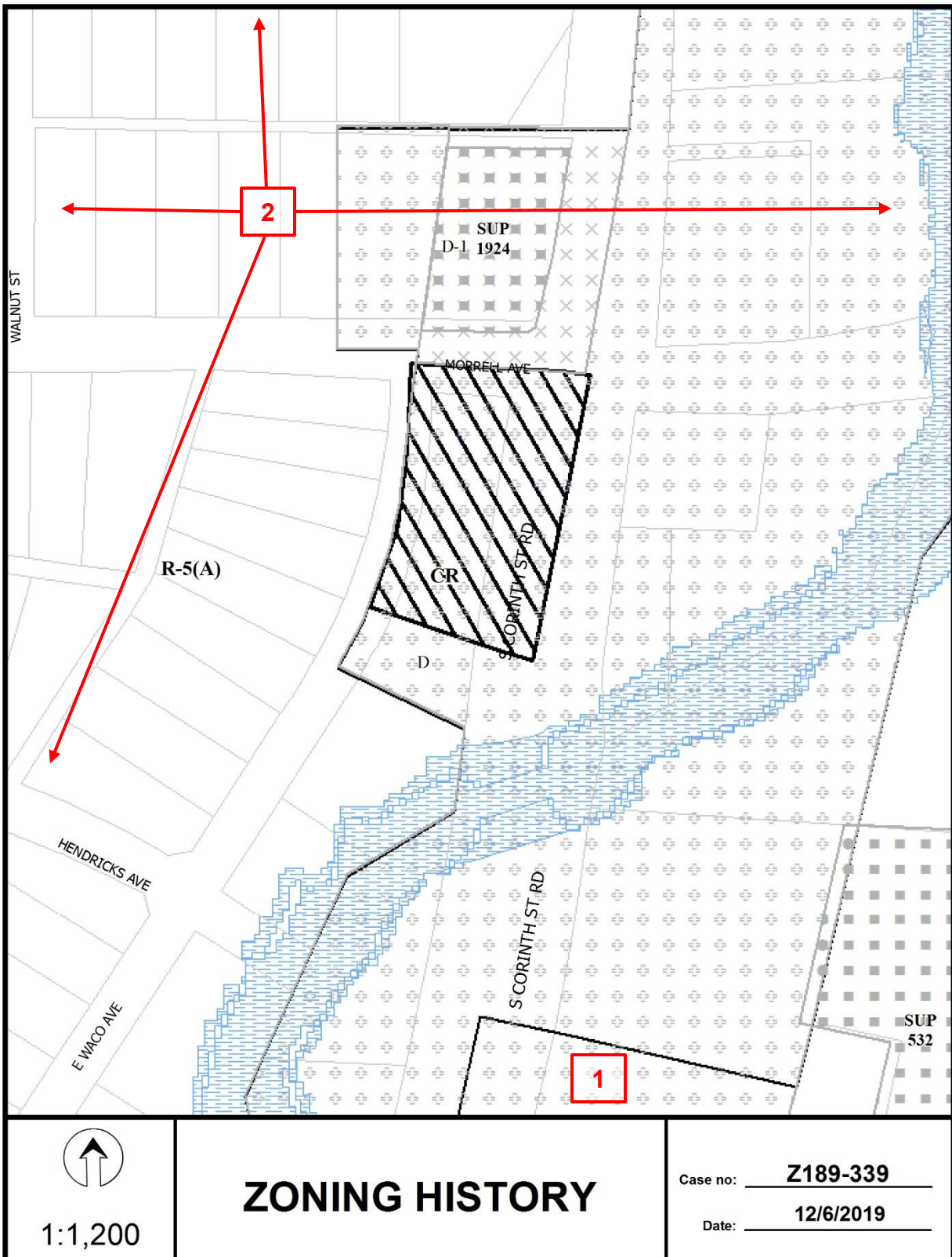
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

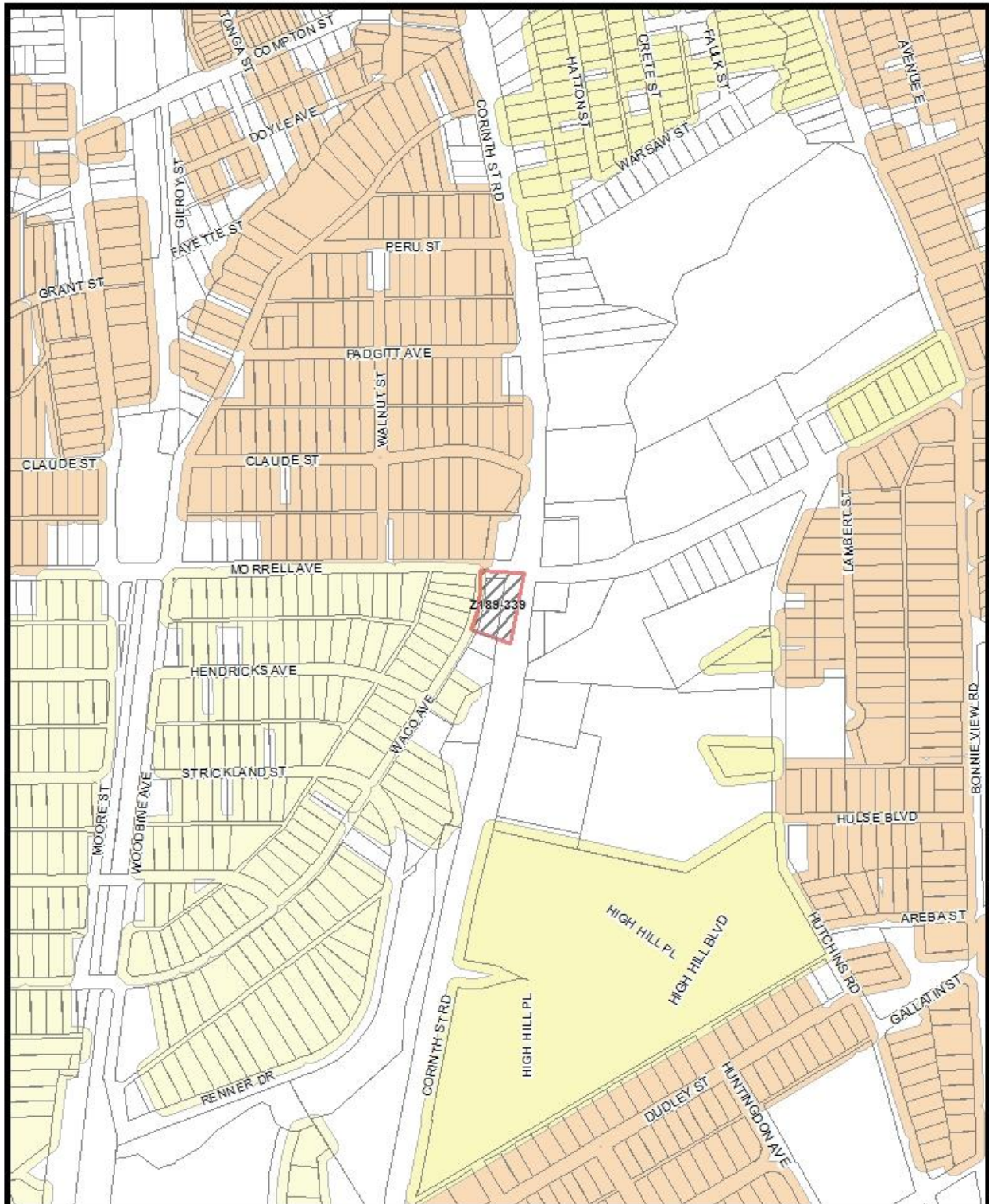
- 1) Maximum floor area ratio for combined uses is 0.75
- 2) Maximum height is 54 feet.
- 3) Maximum number of stories above grade is four.
- 4) The maximum vehicles allowed for a vehicle display, sales, and service use is 10.
- 5) The following uses are prohibited:
 - Labor hall.
 - Machinery, heavy equipment, or truck sales and services.
 - Vehicle or engine repair or maintenance.
 - Halfway house.
 - Extended stay hotel or motel.
 - Animal shelter or clinic with outside runs.
 - Outside sales.
 - Commercial bus station and terminal.
 - Heliport.
 - Helistop.
 - Railroad passenger station.











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



1:4,800

Market Value Analysis

Printed Date: 12/6/2019

CPC Responses



<u>24</u>	Property Owners Notified (29 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>2/6/2020</u>	Date

Z189-339
CPC



1:1,200

02/05/2020

Reply List of Property Owners***Z189-339******24 Property Owners Notified******0 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	909 S CORINTH ST RD	ESTABLISHED INVESTORS INC
	2	1514 MORRELL AVE	SHARPE WILLIAM L
	3	1735 WACO AVE	SAMUEL FRANKLIN D & ALLENE
	4	1727 WACO AVE	BIRDA ANTHONY &
	5	1723 WACO AVE	SHOFNER JACQUELYN M
	6	1719 WACO AVE	GOMEZVILLANUEVA ESTELA DEL CARMEN &
	7	1715 WACO AVE	ROMERONAVA ANY JANET
	8	1711 WACO AVE	SANCHEZ JOSE LUIS RAMIREZ
	9	1707 WACO AVE	DELEON RAUL & ISELA
	10	1700 WACO AVE	HILL SHANTA
	11	1718 WACO AVE	JONES BERNICE ETAL
	12	900 S CORINTH ST RD	LOPEZ ANDRES &
	13	910 S CORINTH ST RD	JJ PROPERTIES INC
	14	1511 MORRELL AVE	LEFFALL HALL ESTRELLITA
X	15	1515 MORRELL AVE	SMITH JOHN A
	16	1519 MORRELL AVE	RIOS JEREMIAS &
	17	1523 MORRELL AVE	CNA & PHAM INVESTMENT LLC
	18	1522 CLAUDE ST	SNEED SIDNEY LADWAN
	19	1530 CLAUDE ST	JONES MARY LOIS
	20	829 S CORINTH ST RD	AL ROUSAN & WARED CORP
	21	818 S CORINTH ST RD	GREATER NEW VISION
	22	1710 MORRELL AVE	BRISTOW ANNEMARIE
	23	938 S CORINTH ST RD	WILLIAMS FRIED CHICKEN
	24	945 S CORINTH ST RD	DUKES R C