

FILE NUMBER: Z201-247(CT) **DATE FILED:** May 3, 2021

LOCATION: On the south side of Greenville Avenue, east of Lyndon B. Johnson Freeway

COUNCIL DISTRICT: 10 **MAPSCO:** 17 S

SIZE OF REQUEST: ± 4.92 acres **CENSUS TRACT:** 190.16

REPRESENTATIVE: Dallas Cothrum & Andrew Ruegg, MASTERPLAN

OWNER/APPLICANT: MSW NP, LLC

REQUEST: An application for a CR Community Retail District on property zoned Tract 3 within Planned Development District No. 44

SUMMARY: The purpose of the request is to allow for retail and personal service uses on the site.

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

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

BACKGROUND INFORMATION:

- The area of request is currently zoned Tract 3 within Planned Development No. 44 District and is currently developed with a vacant structure.
- Tract 3 currently allows for all retail uses permitted in a Shopping Center District, all office uses permitted in an Office-1 District, a combination of retail uses permitted in a Shopping Center District and office uses permitted in an Office-1 District, and a restaurant without drive-in service use.
- The purpose of the request is to allow for retail and personal service uses on the site.
- The applicant is requesting a CR Community Retail district on the site.
- A Community Retail District's purpose is to provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities.
- During the City Plan Commission hearing process, the applicant submitted volunteered deed restrictions to limit several uses and to limit the number of restaurants with drive-in or drive-through service uses on the property to two.

Zoning History:

There has been one zoning change in the surrounding area in the past five years.

1. **Z201-280** On September 2, 2021, the City Plan Commission held under advisement an application for an MU-2 Mixed Use District on a property zoned MU-1 Mixed Use District on the southwest corner of Greenville Avenue and Markville Drive. The case will be heard on September 23, 2021.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Greenville Avenue	Principal Arterial	100'
Lyndon B. Johnson Freeway	Freeway	Variable

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the request 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. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The applicant's request is consistent with the following 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.

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

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

Land Use:

	Zoning	Land Use
Site	Planned Development District No. 44, Tract 3	Vacant Structure
North	Planned Development District No. 44, Tract 3A	Office
West	MU-3	Hotel
East	Planned Development District No. 44, Tract 3	Office/Undeveloped
South	MU-3	Highway Hotel

Land Use Compatibility:

The property is currently developed with two-story commercial structure. Uses surrounding the request site consist of office uses to the north and east. West of the

property, across Greenville Avenue, are hotel uses and south, across Lyndon B. Johnson Freeway are hotel uses.

The applicant seeks to allow for retail and personal service uses that are not allowed in the Tract 3 of Planned Development District No. 44. Tract 3 within PD No. 44 are all retail uses permitted in a Shopping Center District, all office uses permitted in an Office-1 District, a combination of retail uses permitted in a Shopping Center District and office uses permitted in an Office-1 District, and a restaurant without drive-in service use. The shopping center and Office-1 district uses relate back to Chapter 51 and are outlined in the chart below.

The main use being proposed is a restaurant with drive-in or drive-through service. This use is not allowed with the existing zoning. Under the proposed zoning, the restaurant with drive-in or drive-through service use requires a Development Impact Review during the permitting process.

With the proposed site located at a major intersection and being surrounded by uses that are compatible in nature, staff is in support of the proposed zoning. The proposed restaurant with drive-in or drive-through service will require a Development Impact Review (DIR) before the issuance of a permit to build. The office and retail uses allowed on the site are very similar to those proposed by the applicant.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
Existing: PD No. 44	30'	20'	-	Two Stories	25%	Retail/Personal Service
Proposed: CR	15'	20' Adjacent or directly across and alley from residential OTHER: No Min.	FAR .5 for office uses 0.75 for all uses combined	54' RPS applies	60%	Retail/Personal Service

Uses:

Below is a use comparison table for the proposed uses and the existing uses:

CR – Proposed Uses	Existing O-1 Office (Chapter 51)	Existing Shopping Center Uses (Chapter 51)
<u>(A) Agricultural uses.</u> -- Crop production	<u>Animal Related Uses</u> -- Farm or ranch	<u>Animal Related Uses</u> -- Farm or ranch -- Veterinarian's office -- Animal clinic without outside run
<u>(B) Commercial and business service uses.</u> -- Building repair and maintenance shop. [RAR] -- Catering service. -- Custom business services. -- Electronics service center. -- Medical or scientific laboratory. [SUP] -- Tool or equipment rental.	<u>Commercial uses</u> -- None	<u>Commercial uses</u> -- Appliance fix-it shop -- Tool and equipment rental (inside) -- Mining [SUP] -- Duplication shop -- Gas drilling and production [SUP] -- Garden shop, plant sales, or greenhouse -- Diamond and precious stone sales (wholesale only)
<u>(C) Industrial uses.</u> -- Gas drilling and production. [SUP] -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]	<u>Industrial and Manufacturing uses</u> -- Temporary concrete or asphalt batching or recycling plant (by special authorization of the building officials)	<u>Industrial and Manufacturing uses</u> -- Temporary concrete or asphalt batching or recycling plant (by special authorization of the building officials)
<u>(D) Institutional and community service uses.</u> -- Adult day care facility. -- Cemetery or mausoleum. [SUP] -- Child-care facility. -- Church. -- College, university, or seminary. -- Community service center. [SUP] -- Convent or monastery. -- Hospital. [SUP] -- Library, art gallery, or museum. -- Open-enrollment charter school or private school. [SUP] -- Public school other than an open-enrollment charter school. [RAR]	<u>Community Service Uses</u> -- Post Office [SUP] -- Foster Home [SUP] -- Child-care facility [SUP] -- Adult Day Care Center [SUP] <u>Medical Uses</u> -- Hospital [SUP] -- Medical or ambulatory surgical center	<u>Community Service Uses</u> -- Post Office -- Community, welfare, or health center -- Foster Home -- Child-care facility -- Adult Day Care Center <u>Medical Uses</u> -- Hospital -- Medical or ambulatory surgical center -- Medical or scientific laboratory -- Optical Shop

CR – Proposed Uses	Existing O-1 Office (Chapter 51)	Existing Shopping Center Uses (Chapter 51)
	<u>Religious Uses</u> -- Church -- Rectory -- Convent or monastery <u>Educational Uses</u> -- Public or private school -- Business school -- College University or seminary -- College fraternity or sorority house -- College dormitory -- Library, art gallery, or museum	-- Medical appliance fitting and sales Religious Uses -- Church -- Rectory -- Convent or monastery -- Cemetery or mausoleum <u>Educational Uses</u> -- Public or private school -- Business school -- College University or seminary -- College fraternity or sorority house -- College dormitory -- Library, art gallery, or museum
(E) <u>Lodging uses.</u> -- Hotel and motel. [SUP] -- Lodging or boarding house. [SUP] -- Overnight general purpose shelter. [See Section 51A-4.205 (2.1)]	<u>Lodging uses</u> -- Hotel and motel	<u>Lodging uses</u> -- Extended stay hotel or motel [SUP] -- Hotel and motel -- Overnight general purpose shelter
(F) <u>Miscellaneous uses.</u> -- Attached non-premise sign. [SUP] -- Carnival or circus (temporary). [By special authorization of the building official.] -- Temporary construction or sales office.		
(G) <u>Office uses.</u> -- Alternative financial establishment. [SUP] -- Financial institution without drive-in window. -- Financial institution with drive-in window. [DIR] -- Medical clinic or ambulatory surgical center. -- Office		
(H) <u>Recreation uses.</u> -- Country club with private membership. -- Private recreation center, club, or area.	Recreation and entertainment uses -- Private recreation club or area [SUP]	Recreation and entertainment uses -- Public Park or Playground

CR – Proposed Uses	Existing O-1 Office (Chapter 51)	Existing Shopping Center Uses (Chapter 51)
<ul style="list-style-type: none"> -- Public park, playground, or golf course. 	<ul style="list-style-type: none"> -- Carnival or circus (temporary) (by special authorization of the building official) 	<ul style="list-style-type: none"> -- Game court center -- Private recreation club or area -- Inside commercial amusement -- Outside commercial amusement [SUP] -- Theatre -- Carnival or circus (temporary) (by special authorization of the building official) -- Wax museum
<p>(I) <u>Residential uses.</u></p> <ul style="list-style-type: none"> -- College dormitory, fraternity, or sorority house. 	<p><u>Residential Uses</u></p> <ul style="list-style-type: none"> -- Single Family -- Handicapped group dwelling unit -- Duplex -- Multiple-family 	<p><u>Residential Uses</u></p> <ul style="list-style-type: none"> -- Single Family -- Handicapped group dwelling unit -- Duplex -- Multiple-family
<p>(J) <u>Retail and personal service uses.</u></p> <ul style="list-style-type: none"> -- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).] -- Ambulance service. [RAR] -- Animal shelter or clinic without outside runs. [RAR] -- Auto service center. [RAR] -- Business school. -- Car wash. [DIR] -- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).] -- Commercial amusement (outside). [SUP] -- Commercial parking lot or garage. [RAR] -- Convenience store with drive-through. [SUP] -- Dry cleaning or laundry store. -- Furniture store. 	<p><u>Bar and restaurant uses</u></p> <ul style="list-style-type: none"> -- None <p><u>Professional, personal service, and custom crafts uses</u></p> <ul style="list-style-type: none"> -- Office -- Temporary construction or sales office -- Bank or savings loan office (without drive-in windows) -- Bank or savings loan office (with drive-in windows) [SUP] -- Laundry or cleaning pick-up and receiving station [L] 	<p><u>Bar and restaurant uses</u></p> <ul style="list-style-type: none"> -- Alcoholic beverage establishment [SUP] -- Restaurant without drive-in or drive-through service -- Private club -- Catering service <p><u>Professional, personal service, and custom crafts uses</u></p> <ul style="list-style-type: none"> -- Office -- Temporary construction or sales office -- Bank or savings loan office (without drive-in windows) -- Bank or savings loan office (with drive-in windows) [SUP] -- Barber and beauty shop

CR – Proposed Uses	Existing O-1 Office (Chapter 51)	Existing Shopping Center Uses (Chapter 51)
<ul style="list-style-type: none"> -- General merchandise or food store 3,500 square feet or less. -- General merchandise or food store greater than 3,500 square feet. -- General merchandise or food store 100,000 square feet or more. [SUP] -- Home improvement center, lumber, brick or building materials sales yard. [DIR] -- Household equipment and appliance repair. -- Liquor store. -- Mortuary, funeral home, or commercial wedding chapel. -- Motor vehicle fueling station. -- Nursery, garden shop, or plant sales. -- Paraphernalia shop. [SUP] -- Pawn shop. -- Personal service uses. -- Restaurant without drive-in or drive-through service. [RAR] -- Restaurant with drive-in or drive-through service. [DIR] -- Swap or buy shop. [SUP] -- Temporary retail use. -- Theater. 	<p style="text-align: center;"><u>Retail Uses</u></p> <ul style="list-style-type: none"> -- None 	<ul style="list-style-type: none"> -- Health studio -- Custom cleaning shop -- Self-service laundry or dry cleaning -- Laundry or cleaning pick-up and receiving station -- Key shop -- Shoe repair -- Tailor, custom sewing, and millinery -- Travel bureau -- Broadcasting or recording studio -- Instructional arts studio -- Handcrafted art work studio -- Handcraft binding -- Photography studio -- Safe deposit boxes -- Commercial wedding chapel -- Alternative financial establishment <p style="text-align: center;">Retail Uses</p> <ul style="list-style-type: none"> -- Retail stores other than listed -- Antique shop -- Retail food store -- Bakery or confectionary shop -- Book and stationery store -- Camera shop -- Cigar, tobacco, and candy store -- Clothing store -- Drug Store -- Liquor Store -- Florist store -- Feed store -- Pet shop

CR – Proposed Uses	Existing O-1 Office (Chapter 51)	Existing Shopping Center Uses (Chapter 51)
		-- Furniture store -- Second hand store -- Pawn shop -- Hardware or sporting good store -- Home improvement center -- Hobby and art supplies store -- Paint and wallpaper store
(K) <u>Transportation uses.</u> -- Transit passenger shelter. -- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]	<u>Transportation Uses</u> -- Airport of landing field -- Transit passenger shelter	<u>Transportation Uses</u> -- Airport of landing field -- STOL (short take-off or landing) port -- Transit passenger shelter -- Helistop [SUP]
(L) <u>Utility and public service uses.</u> -- Commercial radio and television transmitting station. -- Electrical substation. -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).] -- Police or fire station. -- Post office. -- Radio, television or microwave tower. [SUP] -- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).] -- Utility or government installation other than listed. [SUP]	<u>Utility and service uses</u> -- Utility or government installation other than listed. [SUP] -- Local utilities -- Electrical substation [SUP] -- Radio, television or microwave tower. [SUP] -- Telephone exchange, switching, and transmitting equipment -- Water reservoir, well, or pumping station -- Water treatment plant [SUP] -- Tower/antenna for cellular communication	<u>Utility and service uses</u> -- Utility or government installation other than listed. -- Local utilities -- Electrical substation -- Radio, television or microwave tower. -- Commercial radio or television transmitting station -- Sewage pumping station Sewage treatment plant [SUP] -- Telephone exchange, switching, and transmitting equipment -- Water reservoir, well, or pumping station -- Water treatment plant -- Tower/antenna for cellular communication
(M) <u>Wholesale, distribution, and storage uses.</u> -- Mini-warehouse. [SUP]	<u>Storage and waste disposal</u> -- None	<u>Storage and waste disposal</u> -- Aluminum collection center

CR – Proposed Uses	Existing O-1 Office (Chapter 51)	Existing Shopping Center Uses (Chapter 51)
-- Recycling buy-back center. [See Section 51A-4.213 (11).] -- Recycling collection center. [See Section 51A-4.213 (11.1).] -- Recycling drop-off container. [See Section 51A-4.213 (11.2).] -- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]		

With the volunteered deed restrictions, the applicant proposes to prohibit the following uses:

- Building repair and maintenance shop.
- Tool or equipment rental.
- Ambulance service.
- Car wash.
- Commercial amusement (inside).
- Commercial parking lot or garage.
- Liquor store.
- Paraphernalia shop.
- Pawn shop.
- Swap or buy shop.

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading spaces must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. One parking space per 200-square feet are required for a restaurant with drive -in or drive-through use. The applicant will need to meet this requirement at the permitting stage of the development.

Landscaping:

Landscaping of the property must be provided in accordance with 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

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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 area of request is not within MVA category and is in proximity to a “E” cluster to the north and southwest and a Category “H” Cluster to the east.

CPC ACTION
October 21, 2021

Motion: It was moved to recommend **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant; as briefed, on property zoned Tract 3 within Planned Development District No. 44, on the south side of Greenville Avenue, east of Lyndon B. Johnson Freeway.

Maker: Rubin
Second: Jackson
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Anderson, Shidid,
Carpenter, Jackson, Blair, Jung, Suhler, Haqq,
Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 10

Notices: Area: 300 Mailed: 10
Replies: For: 0 Against: 0

Speakers: For: Andrew Ruegg, 2201 Main St., Dallas, TX, 75201
Dallas Cothrum, 2201 Main St., Dallas, TX, 75201
Against: None

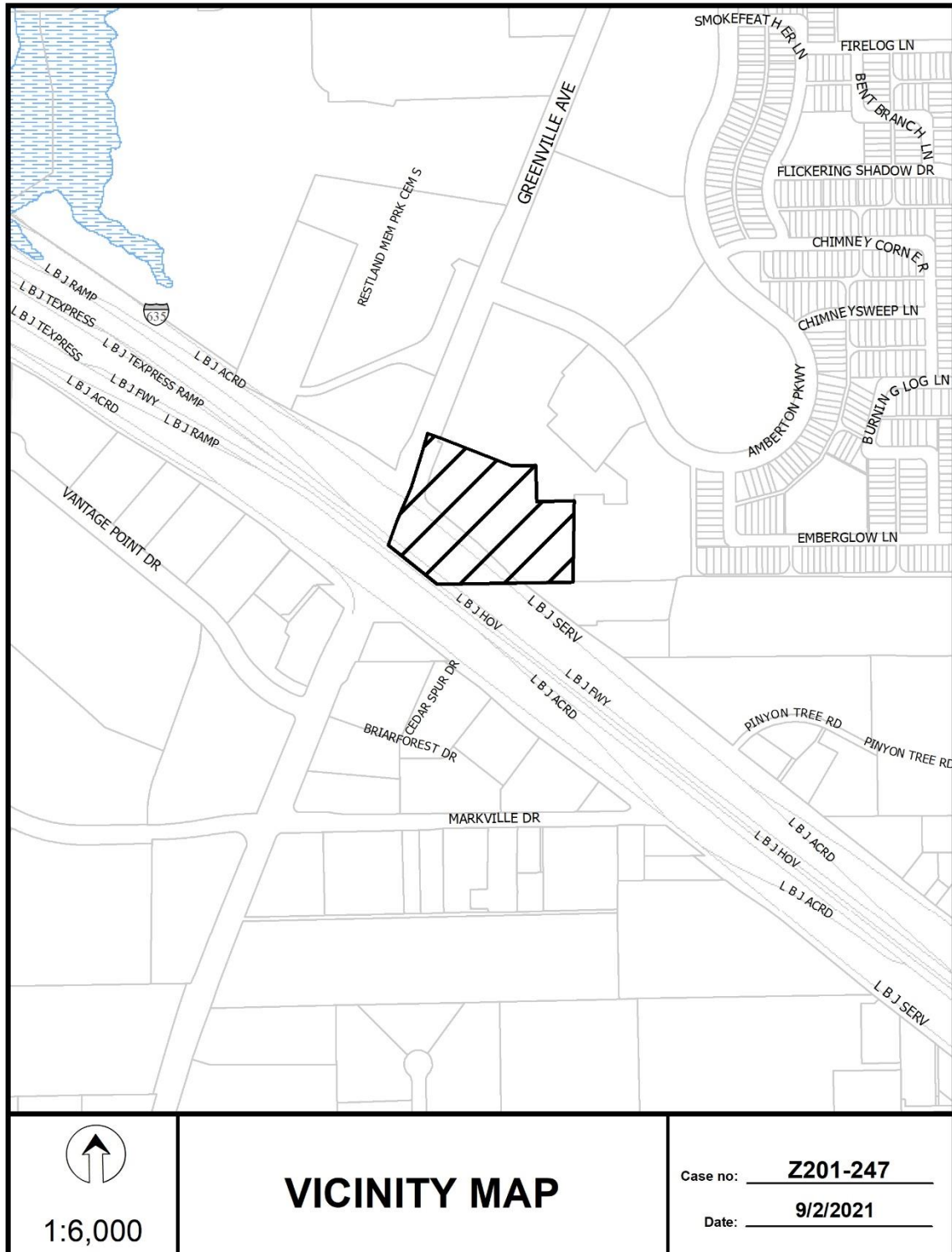
List of Officers

MSW NP, LLC

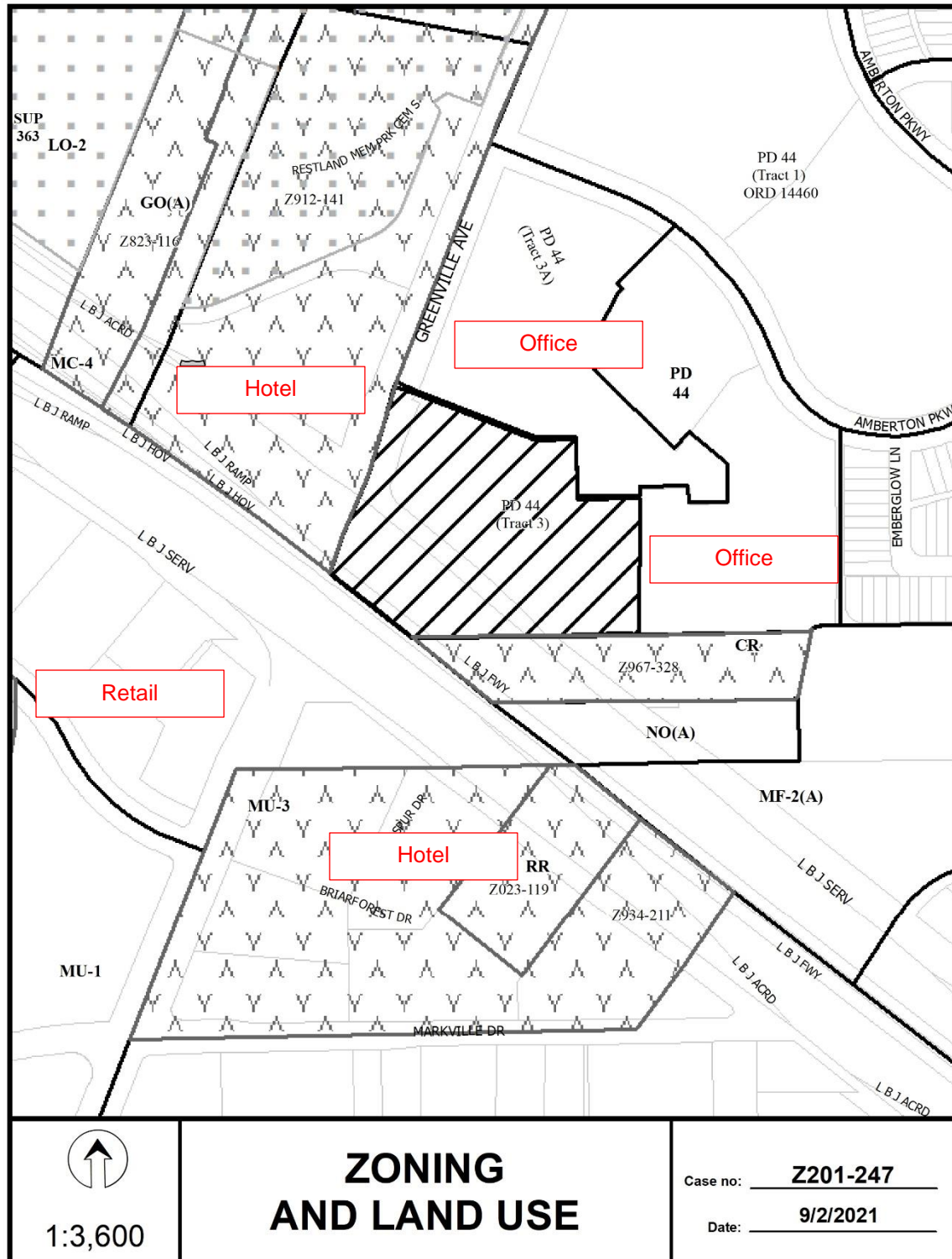
John H. "Jack" Matthews – President
Kristian T. Teleki – Senior Vice President
Bruce Bent – Vice President
Dave Bent – Vice President
Adam Miller – Vice President, Secretary, Treasurer

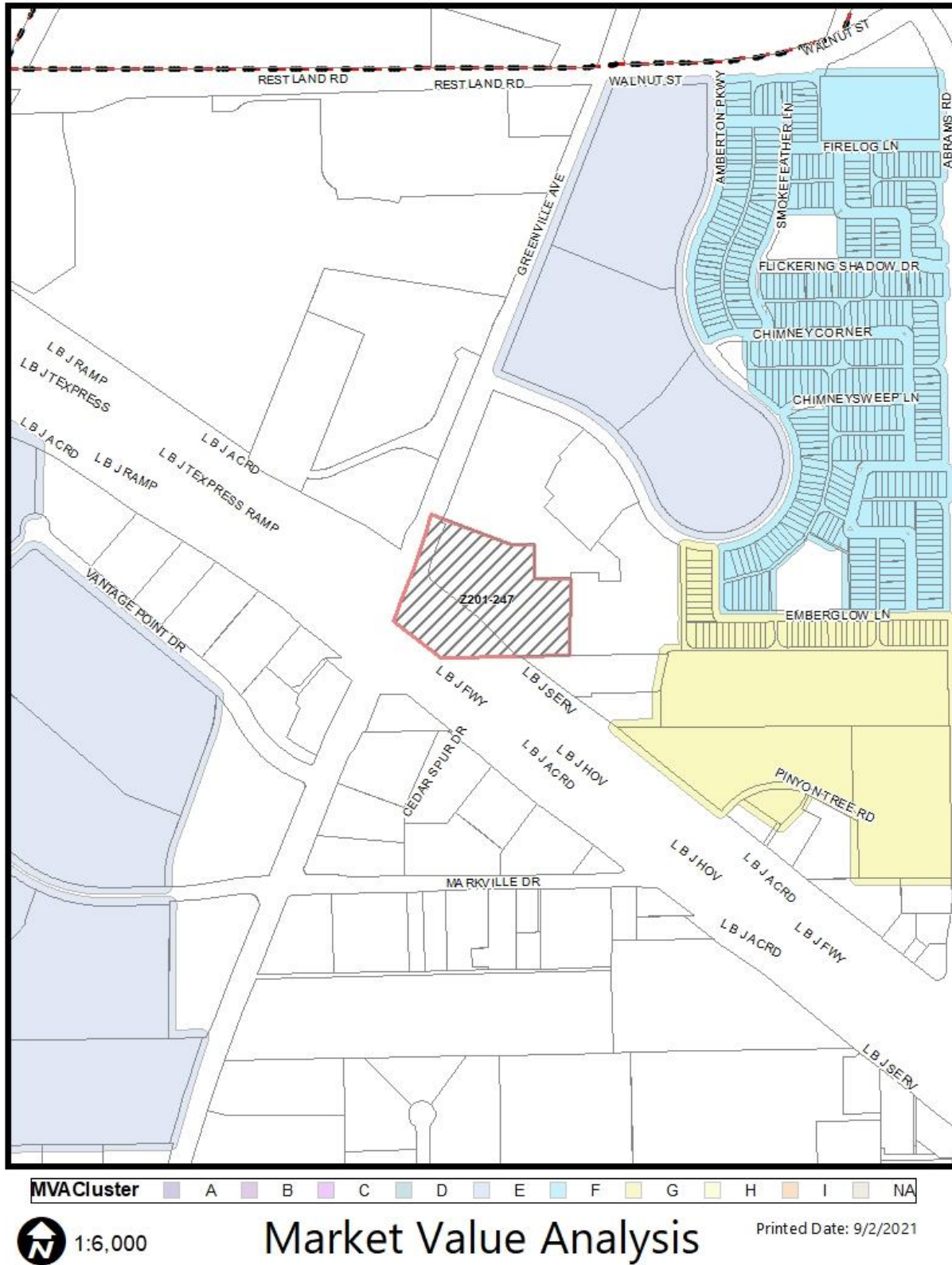
DEED RESTRICTIONS VOLUNTEERED BY THE APPLICANT

- (1) The following main uses are prohibited.
 - (A) Commercial and business service uses.
 - Building repair and maintenance shop.
 - Tool or equipment rental.
 - (B) Retail and personal service uses.
 - Ambulance service.
 - Car wash.
 - Commercial amusement (inside).
 - Commercial parking lot or garage.
 - Liquor store.
 - Paraphernalia shop.
 - Pawn shop.
 - Swap or buy shop.
- (2) The maximum number of restaurants with drive-in or drive-through service uses permitted on the Property is two.
- (3) The maximum number of motor vehicle fueling station uses permitted on the Property is one.
- (4) No vehicular ingress to or egress from the Property is permitted from Amberton Parkway, except for emergency vehicles.









CPC RESPONSES



10/20/2021

Reply List of Property Owners***Z201-247******10 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9221	LBJ FWY	NEELGIRI INV LLC
2	9241	LBJ FWY	AN JADHAVJI INVESTMENT LLC
3	9229	LBJ FWY	NP I DALLAS PORTFOLIO LP
4	9330	AMBERTON PKWY	NP II DALLAS PORTFOLIO LP
5	12606	GREENVILLE AVE	HTA NORTHPOINT MEDICAL ARTS LLC
6	12525	GREENVILLE AVE	CANDLEWOOD DALLAS TX
7	9101	LBJ FWY	WHITESTONE OFFICES LLC
8	9170	LBJ FWY	Taxpayer at
9	12330	GREENVILLE AVE	Taxpayer at
10	9250	AMBERTON PKWY	RU AMBERTON PARKWAY DALLAS