



INFORMATION MEMORANDUM

TO: Mayor and City Council

FROM: Charles S. Cox
City Manager

DATE: March 5, 2019

SUBJECT: Ordinance No. 3558 – Zoning amendment to Planned Development No. 24 (PD-24) as it relates to the allowable uses within the zoning district, approximately 105.59 acres generally bound by the City of Dallas, Springlake Road, the south property line of lots fronting Springlake Road., east property line of lots at the terminus of Valley Branch Circle, and Farmers Branch Creek on the south; Chicago, Rock Island, and Pacific Railroad on the west; IH-35 on the east; and Valley View Lane on the north; and take appropriate action.

Background:

This is a city-initiated zoning amendment to Planned Development No. 24 (PD-24) as it relates to allowable uses within the district. Proposed amendments are based on City Council direction to prohibit uses within the Interstate 35 (IH-35) corridor that are not in keeping with the anticipated longer term vision for the corridor.

Staff has reviewed PD-24 along with the other Planned Development Districts within the IH-35 corridor (PD-25, PD-97, PD-70, PD-86, and PD-32), based on Council direction, existing land use policy, existing development form, and the anticipated future vision for the corridor.

Staff is recommending that a list of uses be prohibited within PD-24. Uses that are proposed to be added to the prohibited list include those that are motor vehicle related or are of a level of intensity that is not in keeping with the direction provided. If approved, PD-24 will be brought into closer alignment with Council direction and the West Side Plan.

This zoning request is being brought forward concurrent with proposed amendments to PD-25 and PD-97, of which all are located along the west side of the IH-35 corridor. It is anticipated that amendments to PD-70 and PD-86 (located along the east side of the IH-35 corridor) will be initiated once these amendments are complete.

Existing Zoning/Zoning History:

PD-24 was initially established in 1978 (Ordinance No. 1179), rezoning lands from Light Industrial District to PD-24 allowing for light industrial uses. Over time several amendments to the district have taken place. Today, the district is currently approximately 105.59 acres in size and allows for uses permitted by right in the Light Industrial (LI) district of the Comprehensive Zoning Ordinance (CZO), and other uses as provided for within the ordinance.

PD-24 is located within the IH-35 corridor and is generally bound by the City of Dallas, a portion of Springlake Rd., the south property line of lots fronting Springlake Rd., east property line of lots at the terminus of Valley Branch Cir., and Farmers Branch Creek on the south; Chicago, Rock Island, and Pacific Railroad on the west; IH-35 on the east; and Valley View Lane on the north. Adjacent zoning is described in the table below.

Adjacent Zoning Districts and Land Uses:

Direction	Zoning District	Land Use
North	PD-25: Allows for uses permitted by right within the LI district.	Office, Motel, Bank
South	PD-97: Allows for development consistent with Light Industrial uses. Inclusive of uses such as warehousing, research and development, storage and distribution, restaurants, banks and, professional offices.	Storage and distribution
East	IH-35 Highway	Highway
West	PD-88: A form based code which supports the implementation of the West Side Plan, allowing office, multi-family and commerce uses. PD-77: Allows predominantly office, showroom, distribution, and warehouse uses as well as limited commercial and retail uses.	Multi-family residential Office, warehouse and distribution

Proposed Zoning Amendment:

As stated previously, the proposed amendment to PD-24 is part of a larger rezoning process for the IH-35 corridor. The corridor is comprised of six PD districts, and staff will be bringing forward five city led zoning amendment applications (two of which are on this same meeting agenda) to prohibit uses that are not compatible with Council’s current direction.

The proposed amendments to PD-24 (outlined in the table below) take into consideration the current comprehensive planning policy context, existing development form within PD-24, as well as Council’s direction. The scope of the amendments is narrow given the anticipated Corridor

Vision Study to be initiated during 2019. Staff has approached the proposed amendments with the goal of facilitating the continuation of existing uses that represent the spirit and intent of the area to the largest extent possible, while prohibiting those uses that have been found to become inappropriate at this time given Council’s direction. Once a new comprehensive vision for the corridor has been established, a more comprehensive review of uses allowed within the corridor can be undertaken.

The West Side Plan calls for the area to be developed into a future employment district, and outlines that high quality office and research and development uses would be appropriate. To date, development has included industrial and warehouse uses. The proposed amendments would allow the current development form to continue while prohibiting those uses that may include outdoor storage, or may be of an intensity that is not consistent with the current development form. This will allow the current development form to continue while prohibiting those uses that are most in conflict with the vision of the West Side Plan.

Prohibiting uses within the PD-24 district can result in uses becoming non-conforming. A windshield survey was completed in concert with the processing of this application in order to provide a baseline knowledge of existing development and uses in the district, and to approximate the number of uses that may become non-conforming as a result of the rezoning. It is anticipated that no uses that will become non-conforming if this zoning amendment is approved. The predominant land uses found within the district are industrial, office and/or warehouse uses of which are all allowed within PD-24, and the proposed amendments will not restrict these uses.

Recent Council direction has been to limit uses that are related to all-terrain vehicles (ATV) and similar related uses, outdoor storage, and other uses that may not be indicative of higher quality office, retail and restaurants that are desired along the corridor. The recommended amendments shown in the table below are consistent with that direction and will implement Council’s direction if approved. Uses proposed to be prohibited are both from the list of uses currently allowed within PD-24 Ordinance No. 3007, and uses that are permitted by right within the Light Industrial District of the CZO. Additional uses such as “Reflexology Hand and Foot Massage” and “Tobacco Sales including e-cigarettes”, have been included on the proposed prohibited list as they are not necessarily uses supportive of the district.

PD District	Uses to be Prohibited***
PD-24	Auto or motorcycle sales and repair Auto-Related Sales, Repair and Service Bakery (Wholesale) Bottling Plant Brake and alignment Building Material Sales Bus Station or Terminal Commercial parking lot for cars General repairs (garage and auto repair) Enclosed auto storage Engine & motor repairing Hauling or Storage Company Heavy Machinery Sales and Storage Manufacture or assembly of auto / trucks new Milk Depot, Dairy or Ice Cream Plant Muffler, shock absorbers New Accessories and/or Parts Sales (Retail Only) (indoor)

<p>New Accessories and/or Parts Sales (Wholesale) No Installation New Auto Parts Retail or Wholesale (Inside Storage Only) Outdoor sales or storage of any type (primary or accessory uses) Paint & body repair shop Petroleum Products Storage - Wholesale Public utility shop or storage Public building, shop or storage Re-building of auto parts (engine, transmission, etc.) Recycling Plant (non-putrescent material only) Reflexology (Hand and Foot Massage) Tires, batteries and accessories Tires and Wheel Accessories Tobacco Sales (Including E-Cigarette) Transfer, Storage &Baggage Terminal Tune-up ignition carburation Upholstery, tops, fabric, carpet, seat covers Vehicle Maintenance Vehicle Parts and Accessory Sales (Indoor) Vehicle Repair Welding or Machine Shop</p>
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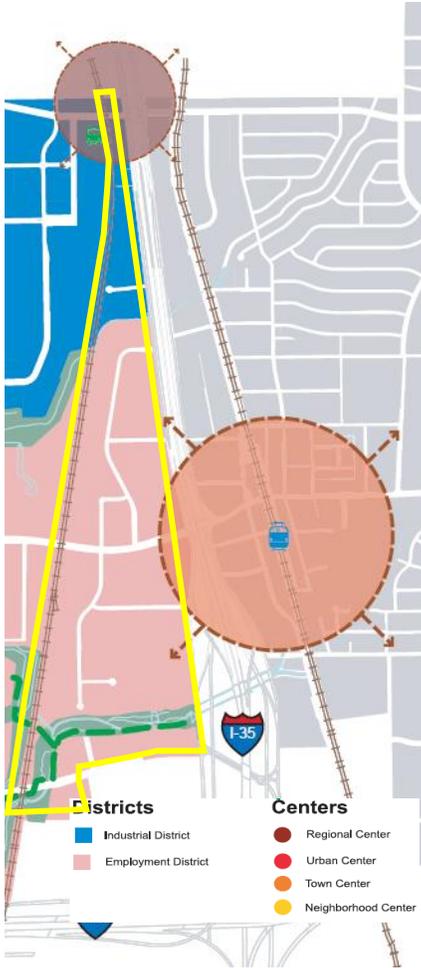
****Note: uses listed on this list are reflective of the original use language in the existing PD. However, within the proposed PD ordinance these land uses have been updated to reflect the land use terminology as listed in the Comprehensive Zoning Ordinance for consistency.*

In writing the proposed ordinance, three administrative changes have been made to PD-24. As noted in the footnote above, the land use terminology within the proposed ordinance has been updated to reflect the terminology used in the current CZO (2017) for consistency. Secondly, while PD-24 has used the permitted by right uses of the Light Industrial (LI) as a base zoning district in the past, the proposed ordinance has consolidated these uses with the uses permitted by right and by specific use permit in Ordinance No. 3007. Lastly, the proposed ordinance rescinds all previous ordinances related to PD-24. Each of these updates has been made with the goal of increasing the ease and consistency of interpretation of PD-24 over time.

Comprehensive Plan Recommendation:

The West Side Plan envisions the development of employment and industrial districts. PD-24 lands are within the employment district, which is described in more detail below.

The employment district is located south of Cooks Branch Creek and extends to the southern City limit. The employment district places an emphasis on the continuation of development of high quality office and research and development uses. The area is viewed as having the capacity to accommodate larger footprint buildings. The goal is to create a successful environment for many forms of business and retail activity, while keeping the district walkable, transit accessible, respectful to the natural environment, and integrated with the elements of the mixed-use centers.



Furthermore, given the Town Center designation of the nearby DART station, the Plan recognizes the opportunity to expand land uses and design elements to the area west of IH-35 at Valley View Lane.

Although the West Side Plan is 15 years old, as it specifically relates to the properties along the IH-35 corridor, staff believes there are opportunities to limit land uses that may not be otherwise consistent with the Plan’s recommendations. However, given the age of the Plan and the desire to re-envision future opportunities along the corridor, incremental or limited changes should only be considered at this time until a new vision can be established for the corridor.

Public Response:

On January 31, 2019, 51 zoning notification letters were mailed to the property owners within PD-24; to surrounding property owners within 200 feet of the area being rezoned; as well as to Dallas and Carrollton –Farmers Branch Independent School Districts as required by local and state law. In addition staff mailed 78 courtesy notices to tenants/businesses within PD-24 per Council’s direction. Four zoning notification signs were posted throughout the subject area on January 30, 2019. Additionally, the required public hearing notice was published in the Dallas Morning News on February 17, 2019. Staff has not received any written letters in favor or opposition of this zoning request.

Recommendation:

On February 11, 2019, the Planning and Zoning Commission voted unanimously to recommend approval of the Zoning change as presented in Ordinance No. 3558.

Possible Council Action:

1. Motion to adopt Ordinance No. 3558.
2. Motion to adopt Ordinance No. 3558 with the following modifications ...
3. Motion to deny Ordinance No. 3558.
4. Motion to continue discussion at the next meeting.

Applicable Zoning and Development Case History: *(most recent to oldest)*

Date	Case Number	Description
12/10/2018	N/A	Staff presented the City Council with recommendations for amendments within the IH-35 corridor. Council concurred with the recommendations brought forth by staff. In addition, Council requested that PD-86 be amended to require a special use permit for hotels.

11/12/2018	N/A	Staff presented the Planning and Zoning Commission with recommendations for amendments within the IH-35 corridor. The Commission concurred with the recommendations. In addition, the Commission requested that a map showing existing uses within each district and a summary of properties that would become non-conforming as a result of the amendments, to be provided at the time of rezoning.
06/19/2018	N/A	City Council received a presentation on the IH-35 Corridor Market Study Analysis. The study outlined future opportunities for development within the corridor based on current and projected future demand. Council directed staff to conduct amendments to limit all-terrain vehicles (ATV) and similar related uses, outdoor storage, and other uses that may not be indicative of higher quality office, retail and restaurants that are desired along the corridor.
01/20/2009 Ordinance No. 3007	08-ZA-09	Amended PD-24 including prohibiting sexually oriented businesses from PD-24, and allowing uses permitted by the LI district by right unless otherwise specified within the PD ordinance.
08/3/1998 Ordinance No. 2417	98-25	Amended PD-24 including establishing a range of uses, and adding a provision prohibiting loading dock doors and truck courts fronting IH-35.
07/10/1993 Ordinance No. 2190	N/A	Rezoned 25.4 acres of land from PD-61 to PD-24 thereby expanding the boundaries of PD-24.
02/06/1978 Ordinance No. 1179	N/A	Establishes PD-24 allowing for light industrial uses as provided for within the LI district of the Comprehensive Zoning Ordinance.