



# **INFORMATION MEMORANDUM**

TO: Mayor and City Council

FROM: Charles S. Cox  
City Manager

DATE: March 5, 2019

SUBJECT: Ordinance No. 3559 – Zoning amendment to Planned Development No. 25 (PD-25) as it relates to amending the allowable uses within the zoning district, approximately 125.2 acres generally bound by Valley View Lane on the south; the Chicago, Rock Island, and Pacific Railroad on the west; I-35 on the east; and the city limit of the City of Farmers Branch on the north; and take appropriate action.

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## **Background:**

This is a city-initiated zoning amendment to Planned Development No. 25 (PD-25) 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-25 along with the other Planned Development Districts within the IH-35 corridor (PD-24, 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-25. Uses that are proposed to be added to the prohibited list include those that are motor vehicle related, are of a level of intensity that is not in keeping with the direction provided, or are not supportive of the district. If approved, PD-25 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-24 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-25 was initially established in 1978 (Ordinance No. 1263), rezoning lands from Light Industrial District to PD-25 allowing for light industrial uses. Over time the district has been amended three times - twice to make changes to the use list and once for a site specific amendment related to site coverage. Today the district is currently approximately 125.2 acres in size and allows for uses permitted by right in the Light Industrial (LI) district of the CZO; only the auto related repair and service uses are currently allowed with an SUP within this district.

PD-25 is located within the IH-35 corridor and is generally bound by Valley View Lane on the south; the Chicago, Rock Island, and Pacific Railroad on the west; I-35 on the east; and the city limit of the City of Farmers Branch on the north. PD-24 is located to the south of this PD.

### **Adjacent Zoning Districts and Land Uses:**

Direction	Zoning District	Land Use
<b>North</b>	City of Carrollton	Vehicle related use
<b>South</b>	PD-24: 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.	Office, Storage, and Distribution
<b>East</b>	IH-35 Highway	Highway
<b>West</b>	PD-77: Allows predominantly office, showroom, distribution, and warehouse uses as well as limited commercial and retail uses. PD-22: Provides a list of uses that is generally consistent with the LI district of the CZO.	Office, Storage and Distribution Office/warehouse

### **Proposed Zoning Amendment:**

As stated previously, the proposed amendment to PD-25 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-25 take into consideration the current comprehensive planning policy context, existing development form within PD-25, 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 future employment uses including high quality office and research and development. In addition, a regional center is located at the northern tip of the district and recommends retail and restaurant uses. With exception of Essilor's campus expansion, development in the area has not been consistent with this vision. The proposed amendments would restrict uses that include a large portion of outside storage and that represent a level of industrial development that is more intensive than the current development form. 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.

Currently, SUP uses are restricted within PD-25 allowing for "Auto Related Repair and Service Uses" only; uses that are otherwise allowed within the LI district with approval of an SUP are not allowed within PD-25.

Prohibiting uses within the PD-25 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 three uses will become non-conforming if this zoning amendment is approved. These include a paint and body repair shop (vehicle maintenance), a new accessories and/or parts sales (retail), and, a tire and wheel accessories shop. If the amendment is approved and these uses become non-conforming, the CZO allows the use to continue until such time when the use has been discontinued for a period of 6 months; at that time any new business occupying the space would need to conform to the uses and regulations of PD-25. The predominant land uses found within the district are industrial, office and/or warehouse uses of which are all allowed within PD-25, and the proposed amendments will not restrict these uses.

The recommended amendments are shown in the table below, and are consistent with Council's recent direction 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.

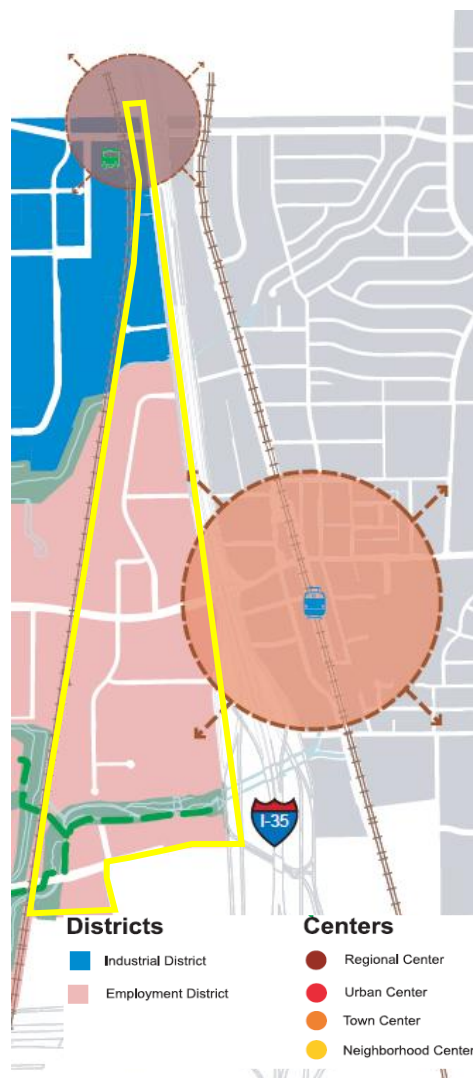
PD District	Uses to be Prohibited
<b>PD-25</b>	All Auto related repair and Service uses Bakery (wholesale) Bottling Plant Building Material Sales Bus Station or Terminal Cemetery or Mausoleum Commercial parking lot for automobiles Hauling or storage company (no outdoor storage) Heavy machinery sales and storage Milk depot dairy or ice cream plant Petroleum products storage - wholesale Private utility shop or storage Recycling plant (non-putrescent materials only) Reflexology hand and foot massage Tires and Wheel Accessories Tobacco sales (including e-cigarette)

	Transfer storage & baggage terminal Vehicle Maintenance Vehicle Repair Vehicle Parts and Accessory Sales (Indoor) Welding or Machine shop
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If the proposed amendments are approved, PD-25 will continue to allow the uses that are permitted by right only, as provided in the Light Industrial (LI) district in the CZO. There would be no specific use permit (SUP), since “All Auto Related Repair and Service Uses” are proposed to be prohibited in line with Council’s direction.

One administrative amendment to draw your attention to with this ordinance is that if the proposed ordinance is approved, then all previous ordinances related to PD-25 will be repealed. This action will make the implementation and interpretation of PD-25 simpler.

### Comprehensive Plan:



The West Side Plan envisions the development of employment and industrial districts. PD-25 lands are within the industrial district and employment district, which are described in more detail below.

#### *Industrial District:*

The industrial district is located in the northern portion of the Study Area, and was established primarily based on the existing uses within the Valwood Industrial Park. The goal for industrial districts is to create successful environments for many forms of business activity, while keeping the area transit accessible, respectful of the park-like setting and completely integrated with the adjacent employment district of the West Side.

A regional center is located in the northern portion of the study area at Valwood Parkway and IH-35, in order to take advantage of heavy automobile traffic intersections which are desirable for retail and restaurant uses. The regional corridor also acts as a gateway into Farmers Branch. This gateway is seen as an opportunity to strengthen the image of the City; therefore, it is important that uses within this area reflect the desired image of the City.

#### *Employment District:*

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, 92 public notification letters were mailed to the property owners within PD-25; 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 38 courtesy notices to tenants/businesses within PD-25 per Council's direction. Five 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. 3559.

#### **Possible Council Action:**

1. Motion to adopt Ordinance No. 3559.
2. Motion to adopt Ordinance No. 3559 with the following modifications ...
3. Motion to deny Ordinance No. 3559.
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 to the City Council 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 to 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. 3008	08-ZA-10	Amended PD-25 including prohibiting sexually oriented businesses from PD-25, and allowing uses permitted by right only as provided in the LI district.
25/08/1986 Ordinance No. 1648	N/A	Amended PD-25 to amend the allowable site coverage for warehouse and light industrial uses on a specified tract of land.
09/19/1983 Ordinance No. 1454	N/A	Amended PD-25 to allow "Quick Oil Change and Lube Facility" as an allowable use with a Specific Use Permit.
07/16/1979 Ordinance No. 1263	N/A	Established PD-25 allowing for light industrial uses as provided for within the LI district of the Comprehensive Zoning Ordinance.