



INFORMATION MEMORANDUM

TO: Mayor and City Council

FROM: Charles S. Cox
City Manager

DATE: March 5, 2019

SUBJECT: Ordinance No. 3560 – Zoning amendment to Planned Development No. 97 (PD-97) as it relates to amending the allowable uses within the zoning district, approximately 72.69 acres generally bound by the southern city limit of the City of Farmers Branch; the Chicago, Rock Island, and Pacific Railroad on the west; the Southbound Stemmons Service Road on the east; and a portion of 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 north; and rezone an approximately 6 acre tract known as Morgan Parkway extending eastward from the Chicago, Rock Island, and Pacific Railroad to the Southbound Stemmons Service Road from Planned Development No. 88 (PD-88) to Planned Development District No. 97 (PD-97); and take appropriate action.

Background:

This is a city-initiated zoning amendment to Planned Development No. 97 (PD-97) 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. Additionally, this application also includes a request to rezone an approximately 6 acre tract of land known as Morgan Parkway extending eastward from the Chicago, Rock Island, and Pacific Railroad to the Southbound Stemmons Service Road from Planned Development No. 88 (PD-88) to Planned Development No. 97 (PD-97).

Staff has reviewed PD-97 along with the other Planned Development Districts within the IH-35 corridor (PD-24, PD-25, 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-97. 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-97 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-25, 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-97 was initially established in 2013 (Ordinance No. 3230), rezoning lands from PD-88 (Mercer Crossing form based code) to PD-97. One amendment has been made to the district to add additional lands from PD-88 to PD-97. The district is currently approximately 72.69 acres in size and allows for uses consistent with the uses permitted by right and with approval of a specific use permit as provided for in the Light Industrial (LI) district of the Comprehensive Zoning Ordinance (CZO). Additionally, Ordinance No. 3292 specifies additional uses that are allowed and/or prohibited within the district.

PD-97 is located within the IH-35 corridor and is generally bound by the southern city limit of Farmers Branch; the Chicago, Rock Island, and Pacific Railroad on the west; the Southbound Stemmons Service Road on the east; and a portion of 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 north.

Adjacent Zoning Districts and Land Uses:

Direction	Zoning District	Land Use
North	PD-24: Allows for uses permitted by right within the LI district, as well as uses permitted by right and with a specific use permit from a list of uses in the ordinance.	Office, warehouse, manufacturing
South	City of Dallas	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-24: (see above)	Railroad and Valwood Improvement Authority drainage swale

Proposed Zoning Amendment:

1) Allowable Uses

As stated previously, the proposed amendment to PD-97 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-97 take into consideration the current comprehensive planning policy context, existing development form within PD-97, 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 storage 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-97 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 storage and warehouse uses all of which are allowed within PD-97, 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.

PD District	Uses to be Prohibited***
PD-97	Batching Plant (Permanent) Asphalt or Concrete Boat Sales Bottling plant Bus station or terminal Cemetery or mausoleum Commercial parking lot for automobiles Commercial Parking lot for Trucks

	Dump or Sanitary fill area Electrical Generating Plant Enclosed Vehicle Storage Facility Extraction storage of sand, Caliche, Stone, or Gravel Milk depot dairy or ice cream plant Mining Storage or Mining Wastes Outside sales (Permanent) Petroleum products storage - wholesale Private utility shop or storage Railroad Freight Terminal Recycling plant (non-putrescent materials only) Reflexology hand and foot massage Retail Store consisting Primarily of Specialty and Novelty Items Sewage Treatment Plant Tobacco sales (including e-cigarette) Transfer storage & baggage terminal Trailer rental and sales Welding or Machine shop
--	---

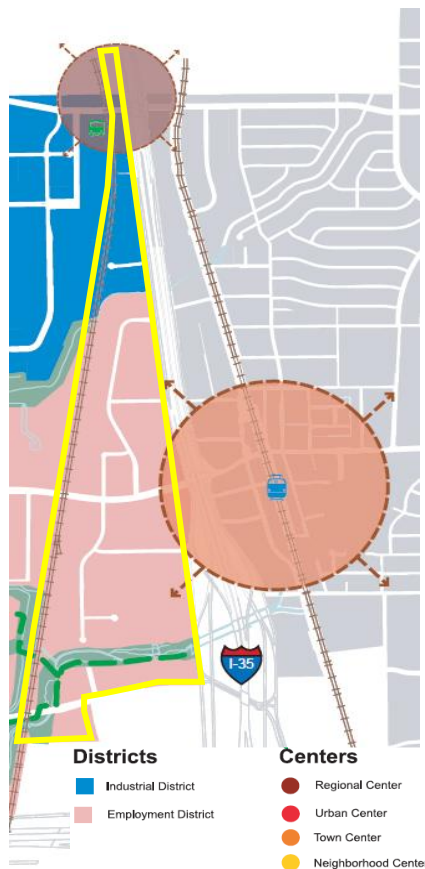
As there is one major landowner within PD-97, staff did approach and discuss the proposed amendments with the landowner. As a result, some uses that we had originally proposed to prohibit from development within PD-97 have remained within the use list. These uses include, bakery (wholesale); building material sales; heavy machinery sales and storage; hauling or storage company (no outdoor storage); heavy construction equipment rental; and self storage facility. These uses will be subject to the regulations and requirements of the CZO as with other uses within PD-97. Staff is comfortable leaving these uses within PD-97 at this time as the uses will be subject to the regulations of the CZO and any use requesting outdoor storage does require a SUP within PD-97.

2) Boundary adjustment

While reviewing the history for PD-97 it was discovered that the right-of-way for Morgan Parkway extending eastward from the Chicago, Rock Island, and Pacific Railroad to the Southbound Stemmons Service Road had remained within PD-88. As a result, staff is proposing to rezone this approximately 6 acre right-of-way from Planned Development No. 88 (PD-88) to Planned Development No. 97 (PD-97) (attachment 2). This amendment will make PD-97 one contiguous land area, and will prevent future confusion related to the administration of the right-of-way and both PD-97 and PD-88.

Comprehensive Plan:

The West Side Plan envisions the development of employment and industrial districts. PD-97 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, 54 public notification letters were mailed to the property owners within PD-97; 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 24 courtesy notices to tenants/businesses within PD-97 per Council's direction. Three 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. 3560.

Possible Council Action:

1. Motion to adopt Ordinance No. 3560.
2. Motion to adopt Ordinance No. 3560 with the following modifications ...
3. Motion to deny Ordinance No. 3560.

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. City 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.
07/15/2014 Ordinance No. 3292	14-ZA-03	Rezoned additional lands from PD-88 to PD-97.
07/16/2013 Ordinance No. 3230	13-ZA-01	Established PD-97 by rezoning lands from PD-88 to PD-97. PD-97 facilitates light industrial uses; uses that provide services to the public; and corporate, business and office uses.