



INFORMATION MEMORANDUM

TO: Mayor and City Council

FROM: Charles S. Cox
City Manager

DATE: May 7, 2019

SUBJECT: Conduct a public hearing and consider adopting Ordinance No. 3569 amending Planned Development No. 70 (PD-70) relating to the allowable uses, development standards, and administration provisions within the zoning district, approximately 163.5 acres generally located south of the northern city limit of the City of Farmers Branch; east of the centerline of IH-35; north of Havenhurst Street; and west of Bee Street; and take appropriate action.

Background:

This is a city-initiated zoning amendment to Planned Development No. 70 (PD-70) as it relates to allowable uses, development standards and administration provisions within the district. Proposed amendments to allowable uses 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. Amendments to the development standards and administration provisions are proposed to reflect changes to PD-70 over time, and to increase ease of implementation and consistency with the Comprehensive Zoning Ordinance (CZO).

Staff has reviewed PD-70 along with the other Planned Development Districts within the IH-35 corridor (PD-24, PD-25, PD-97, 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-70. 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-70 will be brought into closer alignment with Council direction and the Central Area Plan.

A large portion of PD-70 including all of the City Hall Sub-district, was rezoned to PD-86 in 2005. PD-70 had not been updated to reflect this zoning change, as well as other subsequent PD-70 amendments. Therefore, Staff is recommending changes to the development standards of PD-70 to reflect its current boundaries and remaining applicable provisions. Staff is also proposing amendments to the administration provisions related to special exceptions notification procedures.

This zoning request is being brought forward concurrent with proposed amendments to PD-86 also located along the east side of the IH-35 corridor. Amendments to PD-24, PD-25, and PD-97 were approved by Council on March 5, 2019.

Existing Zoning/Zoning History:

PD-70 was established in 1994 (Ordinance No. 2111), rezoning lands from numerous planned development districts and One-family Residence District-6 to PD-70. Originally, PD-70 consisted of three sub-districts. The City Hall Sub-district was intended to accommodate a vibrant and compatible mix of business and professional services, retail trade and services, a broad range of residential options, civic and public transit uses. The General Business Sub-district was established to 1) accommodate small to moderate scale industrial and commercial enterprises and 2) minimize the visual and functional conflicts between the non-residential uses within the sub-district and the single family residential uses abutting it. The Freeway Sub-district was established to provide for a broad range of complementary commercial, light industrial, retail trade and office uses in order to take advantage of the accessibility and visibility afforded by the IH-35 freeway. Its primary purpose was to attract and maintain viable land uses which would serve to revitalize the freeway corridor and encourage long-term economic investment.

The PD-70 district has been amended three times. Amendments have included changes to sub-district boundaries, allowable uses, and roadway development requirements. In 2005, PD-86 (the Station Area Code) was established and included all lands from the City Hall Sub-district as well as a portion of lands from the General Business and Freeway Sub-districts.

PD-70 is generally bound the city limit of the City of Farmers Branch to the north; the centerline of IH-35 on the west; Farmers Branch Lane on the south; Harry Hines Boulevard/IH35 frontage road on the southeast; and Havenhurst Street, Bee Street, Wicker Avenue, the rear property lines of properties fronting on Hermitage Street, the Cooks Creek Channel, and the west property lines of the residential lots fronting Bee Street on the east. As it exists today, the ordinance's two sub-districts remain, the General Business Sub-district and the Freeway Sub-district. Adjacent zoning is described in the table below.

Adjacent Zoning Districts and Land Uses:

Direction	Zoning District	Land Use
North	City of Carrollton	Retail and Commercial
South	PD-86 (Station Area Code): a form based code in which the code is focused primarily on the form of development rather than use.	Residential, worship facility, commercial, vehicle maintenance
East	Single family detached residential.	One Family Residence District – 6 (R-6)
West	I-35 Highway	Highway

Proposed Zoning Amendment:

The proposed amendments to allowable uses within PD-70 (outlined in the two tables below) take into consideration the current comprehensive planning policy context, existing development form within PD-70, 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 Central Area Plan calls for the IH35-E District to be developed into future regional retail, restaurant, and entertainment uses. The Plan also discusses the future expansion of the freeway as an opportunity to improve physical appearance along this major travel way. The proposed amendments would allow the current development form to continue while prohibiting those uses that are auto related, including outdoor storage (in the freeway sub-district), 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 Central Area Plan.

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 tables below are consistent with that direction and will implement Council's direction if approved.

General Business Sub-district:

The intent of this sub-district is to accommodate small to moderate scale industrial and commercial enterprises and to minimize the visual and functional conflicts between the non-residential uses within the sub-district and the single family residential uses abutting it. Due to limited visibility of the area from IH-35 and the current industrial and commercial uses found in the sub-district today, staff feels it is appropriate to continue to allow some outdoor storage in the area. Staff is proposing

that the uses in the table below be prohibited as they are not consistent with the recommendations of the Central Area Plan and the direction received from Council. Once the Corridor Vision Study is complete, a more comprehensive review of the uses allowed within this sub-district may be necessary given the light industrial and warehouse and distribution uses that are allowed today. The uses proposed for consideration to be prohibited within PD-70 are noted below.

PD District	Uses to be Prohibited
PD-70: General Business Sub district	Commercial parking lot or garage Enclosed vehicle storage facility Motor vehicle repair, maintenance or parts installation of any type Motor vehicle sales, leasing or rental of any type Tires and wheel accessories Vehicle parts and accessory sales

Freeway Sub-district:

The intent of this sub-district is to provide for a broad range of complementary commercial, light industrial, retail trade and office uses which can take advantage of the accessibility and visibility afforded by IH-35. The sub-district is designed to cultivate a high quality development environment which will enhance the public image of the community. Its primary purpose is to attract and maintain viable land uses which will serve to revitalize the freeway corridor and encourage long-term economic investment.

Staff recommends that the uses below be prohibited from the district. The Central Area Plan views the area as being an opportunity for future regional retail development. Prohibiting the uses below could potentially increase the prospect for regional retail uses to locate here and ensure that the area begins to move in the direction of the long term vision for the area. Council has also specifically raised concerns about the impact of the existing uses within the area. Similar to the General Business Sub-district, a comprehensive review of the uses allowed within this sub-district may be appropriate upon conclusion of the Corridor Vision Study given the industrial, warehousing and distribution, and wholesale trade uses that are currently allowed. The uses proposed for consideration to be prohibited within the Freeway Sub-district are noted below.

PD District	Uses to be Prohibited
PD-70: Freeway Sub district	Any permitted use having outdoor storage or display (except as may be permitted by other City codes and ordinances) Commercial parking lot or garage Enclosed vehicle storage facility Motor vehicle repair, maintenance or parts installation of any type Motor vehicle sales, leasing or rental of any type Tires and wheel accessories Vehicle parts and accessory sales

Non-conforming Uses:

Prohibiting uses within the PD-70 district can result in uses becoming nonconforming. 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 nonconforming as a result of the rezoning. In completing the windshield survey, one vehicle parts and accessory sales business, four motor vehicle sales or rental businesses and three motor vehicle repair parts installation businesses were found in the Freeway Sub-district, and three motor vehicle sales or rental businesses were found in the General Business Sub-district. If the amendment is approved these uses will become nonconforming. PD-70 contains its own nonconforming provisions and any nonconforming use will be regulated by these provisions. PD-70 allows the nonconforming use to continue until such time 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-70. PD-70 does not allow nonconforming uses to expand beyond their current footprint.

The uses that have an SUP approved will become a nonconforming use, but will be able to continue operating in accordance with the existing SUP and Section 12 of PD-70. This zoning amendment does not include rescinding the SUPs.

The predominant land uses found within the General Business Sub-district are industrial and manufacturing uses, and the predominant land uses within the Freeway Sub-district are retail related uses. The predominant land uses within both districts will not be restricted.

Other Amendments:

Staff is proposing three administrative amendments to improve the consistency and ease with which PD-70 is administered and implemented.

The administration provisions for special exceptions in PD-70 currently require a 10-day mailed notification of landowners within 200 feet of the site for which the special exception is requested, and a 15-day notice of the public hearing published in the official newspaper of the City of Farmers Branch prior to consideration of the special exception request by the Planning and Zoning Commission. The CZO only requires the mailed landowner notification prior to consideration of zoning changes and specific use permits by the Commission. Staff is proposing to amend the notification requirement of PD-70 for special exceptions to match that of the CZO and require only the notification of landowners within 200 feet of the area for which the special exception is requested. This amendment will ensure that those landowners who are most affected are notified of the public hearing, while simplifying and streamlining the notification requirement so that implementation is improved.

In addition, staff has revised PD-70 as a result of the establishment of the Station Area Code (PD-86); this has included updating maps and development standards to reflect the lands that are no longer within PD-70. Any provisions from previous ordinances amending PD-70 have also been reviewed and considered. The previous four ordinances related to PD-70 will be rescinded if the proposed amendments are approved.



Comprehensive Plan Recommendation:

The Central Area Plan, adopted in 2012, identifies PD-70 lands as being within the IH35-E District.

The IH35-E District is primarily industrial/office warehouse in nature today yet has service retail uses adjacent to the frontage road. The Central Area Plan recognizes that as the DART Station District develops, redevelopment within the IH35-E district will likely become more viable particularly as structures reach the end of their use life. Future regional retail, restaurant, and entertainment development may be appropriate in this area.

The Plan also discusses the future expansion of the freeway as an opportunity to improve physical appearance along this major travel way. It goes on to state that many of the existing retail and commercial buildings along this corridor are auto-related businesses, and redevelopment of these buildings will provide the opportunity for regional retail development.

Public Response:

On March 29, 2019, 236 zoning notification letters were mailed to the property owners within PD-70; 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 139 courtesy notices to tenants/businesses within PD-70 per Council's direction. Six zoning notification signs were posted throughout the subject area on March 29, 2019. Additionally, the required public hearing notice was published in the Dallas Morning News on April 12, 2019. Staff has not received any written letters in favor or opposition of this zoning request.

Recommendation:

On April 8, 2019, the Planning and Zoning Commission unanimously recommended approval of the Zoning change as presented in Ordinance No. 3569.

Possible Council Action:

1. Motion to adopt Ordinance No. 3569.
2. Motion to adopt Ordinance No. 3569 with the following modifications ...
3. Motion to deny Ordinance No. 3569.
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 nonconforming 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.
05/25/2004 Ordinance No. 2771	04-ZA-03	Amended PD-70 to delete reference to the high occupancy vehicle roadway requirement.
08/03/1998 Ordinance No. 2416	98-24	Amended PD-70 relative to permitted uses within the Freeway Sub-district, prohibiting industrial and manufacturing, warehousing and distribution, and wholesale trade uses south of Valley View Lane.
11/21/1994 Ordinance No. 2153	N/A	Rezoned identified properties bound by Valley View Lane to the north, Denton Drive to the east and Rossford Street to the west from City Hall Sub-district to Freeway Sub-district.
04/04/1994 Ordinance No. 2111	N/A	Established PD-70 including three sub-districts, the City Hall Sub-district; the General Business Sub-district; and the Freeway Sub-district.