



# Fort Worth Avenue Development Group

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June 12, 2008

## **Via Email**

Dallas City Plan Commission  
C/O Olga Torres-Holyoak, Senior Planner  
Dallas City Hall  
1500 Marilla Street  
Dallas, Texas 75201

Re: **Agenda of June 19, 2008**  
**Your File No.: Z078-194(OTH)**

**OPPOSITION** to Application of Theodore R. Craver to Amend to PD 714 to Create a New Subdistrict within PD 714 to Allow by Right Industrial Inside (Potentially Incompatible) Uses at 2317 Beaver Street & Yuma Court

Dear Commissioners:

The Fort Worth Avenue Development Group is an all volunteer, non-profit organization working to redevelop the West Commerce Street/Fort Worth Avenue corridor located west of downtown Dallas. We have reviewed the above-referenced application, met with the Applicant, and discussed the matter with community stakeholders, business owners, and residents. We **OPPOSE** the proposed amendment to PD 714 and respectfully request that the application for amendment be **DENIED**.

The Applicant proposes the amendment to permit the operation of an industrial powder coatings business. Briefly, the proposed amendment (1) creates an incompatible use with respect to the adjacent MU zoned (retail/commercial/residential) properties; (2) is spot zoning; and (3) will have a negative impact on the broader West Dallas/North Oak Cliff redevelopment market.

## **BACKGROUND**

By way of background, many of the present Commissioners worked with the FWADG in the rezoning of the Corridor, which was a three year process beginning with a Charrette where community business owners, residents and other stakeholders formed a community vision.

FWADG • PO Box 225120 • Dallas, Texas • 75222-5120 • [www.fortworthavenue.org](http://www.fortworthavenue.org)

An all-volunteer non-profit organization redeveloping the West Commerce/Fort Worth Avenue Corridor

The community envisions the Corridor as an active, mixed-use series of neighborhoods where multiple properties are perceived as a single, cohesive unit. The emphasis is on several key elements including (1) infill and mixed-use development/ redevelopment, (2) pedestrian amenities, (3) open lands, green space and improved streetscape, and (4) an improved transportation system.

This vision provided the basis for a Land Use Study that culminated in the passage of PD 714. Central to the rezoning and community vision was the desire to mitigate the presence of unwanted businesses such as industrial inside (potentially incompatible) uses to make way for much needed retail, commercial, and residential uses.

**THE PROPOSED AMENDMENT WILL PERMIT INCOMPATIBLE USES WITH RESPECT TO THE ADJACENT PROPERTIES**

Industrial inside (potentially incompatible) uses, such as Mr. Craver's proposed powder coating use, are illegal and specifically disallowed within PD 714 because these types of industrial uses are incompatible with the community's vision. All of the adjacent property is zoned for residential and retail redevelopment and this type of zoning is incompatible with industrial power coating uses.

We cannot ignore this community vision. Redevelopment is beginning as investors are purchasing and assembling land for development. In fact, the potential redevelopment of this area was recently the focus of a Steve Brown *Dallas Morning News* real estate article:

Investors have bought up hundreds of properties in West Dallas, one of the city's poorest areas. Some are near the west end of the planned Calatrava bridge over the Trinity River, Dallas County tax and deed records show.

The acquisitions represent one of the largest such land assemblies in central Dallas in more than a decade.

Two of the three partnerships involved, West Dallas Investments L.P. and an affiliated firm - Commerce Properties West L.C. - have purchased almost 100 commercial and residential properties valued on the tax rolls at more than \$8 million.

But combined as a land assembly near downtown, the real estate is potentially worth much, much more.

The deals - done over the last few years - include properties along Singleton Boulevard and Commerce Street.

West Dallas Investments includes Dallas restaurateur Philip J. Romano and businessman Larry B. McGregor, according to filings with the state of Texas. *DMN*, "Property Investors Target West Dallas", May 31, 2008.

**THE PROPOSED AMENDMENT IS SPOT ZONING**

The proposed amendment of a single 9,600 square foot parcel of land within a 250+ acre planned development district to permit an industrial inside (potentially incompatible) use, which is illegal throughout the PD, is the use of spot zoning and an arbitrary and unreasonable treatment of a limited parcel of land.

**THE PROPOSED AMENDMENT WILL HAVE A NEGATIVE IMPACT ON THE BROADER WEST DALLAS/NORTH OAK CLIFF REDEVELOPMENT MARKET**

The investors and developers purchasing land in this area and PD are making the investment because of the potential to redevelop the area made possible by the community's rezoning efforts and PD 714. If the proposed amendment is passed, the prohibitions in PD 714 against industrial inside (potentially incompatible) uses will be undone. There are no guarantees that these prohibitions wouldn't be undone in other parts of PD 714. This will send the wrong message to the business community and have a negative impact on the broader redevelopment market to the detriment of the community vision.

For the foregoing reasons, we respectfully submit that the proposed amendment is inconsistent with the welfare and interests of our community and Dallas. Accordingly, we respectfully request that the application proposed amendment be **DENIED**.

On behalf of the FWADG, thank you for your time and consideration of our position. Should you have any questions, please do not hesitate to contact the undersigned at 214.653.2400 or [scott@griggslaw.com](mailto:scott@griggslaw.com).

Dallas City Plan Commission  
June 12, 2008  
Page 4

We will be speaking at the hearing and available to answer any questions.

Very truly yours,

Scott Griggs

Scott T. Griggs  
President, FWADG

cc: Theodore R. Craver, Applicant  
FWADG Board