

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, MAY 12, 2021

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z201-170(LG)

DATE FILED: January 14, 2021

LOCATION: Northwest corner of Nile Drive and Rich Acres Drive

COUNCIL DISTRICT: 8

MAPSCO: 69 A; W

SIZE OF REQUEST: ± 4.92 Acres

CENSUS TRACT: 171.02

REPRESENTATIVE: Brent Burmaster

OWNER: Soul's Harbor, Inc.

REQUEST: An application for an amendment to and an expansion of Planned Development District No. 566, on property zoned an R-1/2ac(A) Single Family District and Planned Development District No. 566.

SUMMARY: The purpose of the request is to allow the property to be used as a part of the existing group residential facility on the property currently within PD No. 566. [Soul's Harbor]

CPC RECOMMENDATION: Approval, subject to a revised development plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a revised development plan and conditions.

Background Information:

- Planned Development District No. 566 was created by the City Council on December 8, 1999. The current site consists of seven buildings totaling 20,131 square feet.
- The applicant is requesting to expand PD No. 566 to construct four additional permanent residential facilities a community center and a dining hall, for a total of 6 additional buildings for a total of 16,400 square feet. The proposed amount of square footage will be 36,531 square feet for all uses.
- Per Section 51-4.201(3.1)(B) of the Dallas Development Code, a group residential facility is permitted by right in multiple family and central area districts. A Specific Use Permit is required to allow the use in other districts, including an R-1/2ac(A) Single Family District. PD No. 566 allows the use by right.
- A group residential facility is defined as an interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a “family” as that term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. This use does not include facilities that negotiate sleeping arrangements on a daily basis; dwelling units occupied exclusively by families; or any other use specifically defined in Section 51-4.201 Residential Districts. This is a permitted use in PD No. 566.

Zoning History:

There have been no new zoning cases requested in the area in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Foothill Road	Residential Collector	36 feet	56 feet
Edd Road	Community Collector	44 feet	60 feet

Traffic:

The Engineering Division of the Department of Sustainable Construction and Development has reviewed the preliminary traffic assessment submitted by the applicant and has no objections to the proposed project.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies that can serve as a framework for assisting in evaluating the applicant's request.

The Neighborhood Plus Plan was adopted by the City Council in October 2015 to set a new direction and shape new policy for housing and neighborhood revitalization in Dallas. The final chapter, Strategic Goals, delineates six strategic goals to shift the approach, policies, and actions to achieve greater equity and prosperity for all Dallas residents, expand the range of housing options, and enhance the quality of neighborhoods.

GOAL 2. ALLEVIATE POVERTY

Policy 2.5 Facilitate integration of homeless population back into the workforce and society.

The applicant's request is consistent with The Neighborhood Plus Plan.

STAFF ANALYSIS

Surrounding Land Uses:

	Zoning	Land Use
Site	R-1/2 ac(A), PD No. 566	Single Family, Group Residential Facility
North/ Northeast	R-1/2ac(A)	Undeveloped Land, Single Family
East	R-1/2ac(A)	Undeveloped Land, Single Family
Southeast	R-1/2ac(A)	Undeveloped Land, Single Family
South	R-1/2ac(A)	Undeveloped Land, Single Family
Southwest	R-1/2ac(A), SUP No. 799	Single Family, Landfill
West	R-1/2ac(A)	Undeveloped Land, Single Family
Northwest	A(A)	Undeveloped Land

Land Use Compatibility:

The area of request is currently zoned an R-1/2 ac(A) Single Family District and PD No. 566 and consists of a single family home and a group residential facility. The area of request is surrounded by undeveloped land and single family uses within the vicinity. SUP No. 799 consists of a landfill for the City of Mesquite. Staff is in support of the applicant's request because the use is compatible with surrounding uses. Although the applicant is proposing to construct additional facilities on its property to house homeless men, the properties will be located in the rear of existing facilities and the nearest house is approximately 100 feet away from an existing single family home. The proposed project will use a property adjacent to PD No. 566 and expand the existing group residential facilities.

PD No. 566 permits group residential, adult day care, lodging or boarding house, and single family uses. The proposed expansion of PD No. 566 will allow the continuation of uses that already existing in the area and within the immediate vicinity.

Development Standards:

<u>DISTRICT</u>	SETBACKS		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: R-1/2 acre	20'	5'	1 Dwelling Unit/ 5,000 sq. ft.	30'	45%	Min. Lot: 5,000 sq. ft.	Single family
Existing & Proposed: PD No. 566	40' (Nile Drive) 20' (Rich Acres Drive)	20'	No minimum	30'	40%	None	Group residential, adult day care, lodging or boarding house, single family

Parking:

Per PD No. 566, the parking regulations for a group residential facility are one space per 10 residents, or 8 spaces, whichever is greater. Since the applicant proposes to have no more than 130 residents, the applicant will be required to provide thirteen parking spaces for the site. The development plan shows fifteen spaces, so the applicant will provide more spaces than required, even though the population the organization serves tend to not own vehicles.

Landscaping:

Landscaping will be in accordance with Article X, as amended.

Market Value Analysis:

Market Value Analysis (MVA) is a tool to aid residents and policymakers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to target intervention strategies more precisely in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The subject site is located within a Category “F” MVA cluster. Properties located in the general area surrounding the area of request are also within Category “F.”

List of Officers

Soul's Harbor, Inc.

Brent Burmaster, CEO and Executive Director

Reginald Finch, Assistant Director

CPC ACTION

March 25, 2021

Motion: It was moved to recommend **approval** of an amendment to and an expansion of Planned Development District No. 566, subject to a revised development plan and conditions on property zoned an R-1/2ac(A) Single Family District and Planned Development District No. 566, on the northwest corner of Nile Drive and Rich Acres Drive.

Maker: Garcia
Second: Murphy
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson, Shidid, Carpenter, Jackson, Blair, Jung, Suhler, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 10

Notices: Area: 500 Mailed: 36
Replies: For: 3 Against: 1

Speakers: For: None
For (Did not speak): Brent Burmaster, 13116 Nile Dr., Dallas, TX, 75253
Against: None

CPC RECOMMENDED PD CONDITIONS
(No Changes to Existing)

ARTICLE 566.

PD 566.

SEC. 51P-566.101. LEGISLATIVE HISTORY.

PD 566 was established by Ordinance No. 24116, passed by the Dallas City Council on December 8, 1999. Ordinance No. 24116 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 24116; 25163)

SEC. 51P-566.102. PROPERTY LOCATION AND SIZE.

PD 566 is established on property generally located on the west corner of the intersection of Nile Drive and Rich Acres Drive. The size of PD 566 is approximately 3.636 acres. (Ord. Nos. 24116; 25163)

SEC. 51P-566.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article, ACCESSORY WAREHOUSE means an inside location for assembling, sorting, and storing items for eventual resale off the premises.

(b) Unless otherwise stated, all code references are to Chapter 51A.

(c) This district is considered to be a residential zoning district. (Ord. Nos. 24116; 25163)

SEC. 51P-566.104. CONCEPTUAL/DEVELOPMENT PLAN.

Development and use of the Property must comply with the conceptual/development plan (Exhibit 566A). A development plan must be approved by the city plan commission before issuance of any building permit in the conceptual portion of the conceptual/development plan. In the event of a conflict between the provisions of this article and the conceptual/development plan, the provisions of this article control. (Ord. Nos. 24116; 25163)

SEC. 51P-566.105. MAIN USES PERMITTED.

(a) Group residential facility.

(b) Adult day care facility.

(c) Lodging or boarding house.

(d) Single family. (Ord. Nos. 24116; 25163)

SEC. 51P-566.106. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) An accessory warehouse is permitted only as an accessory use to a group residential facility.

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(c) The following accessory uses are not permitted:

- Accessory outside display of merchandise.
- Accessory outside sales.

(d) Accessory outside storage is not permitted in conjunction with the accessory warehouse use. (Ord. Nos. 24116; 25163)

SEC. 51P-566.107. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

- (a) Front yard. Minimum front yard is 40 feet on Nile Drive and 20 feet on Rich Acres Drive.
- (b) Side and rear yard. Minimum side yard and rear yard is 20 feet.
- (c) Height. Maximum structure height is 30 feet.
- (d) Lot coverage. Maximum lot coverage is 40 percent.
- (e) Floor area. Maximum total floor area is 37,200 square feet. Maximum floor area for an accessory warehouse is 12,000 square feet.
- (f) Stories. Maximum number of stories above grade is two. (Ord. Nos. 24116; 25163)

SEC. 51P-566.108. OFF-STREET PARKING AND LOADING.

- (a) For single family uses, one off-street parking space is required per platted lot.
- (b) For a group residential facility, minimum off-street parking requirements are: one space per 10 residents, or 8 spaces, whichever is greater.
- (c) For all other permitted uses, consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements.
- (d) Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. (Ord. Nos. 24116; 25163)

SEC. 51P-566.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 24116; 25163)

SEC. 51P-566.110. LANDSCAPING.

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant material must be maintained in a healthy, growing condition.
- (c) Mitigation of tree removal must be provided as outlined in Article X. (Ord. Nos. 24116; 25163)

SEC. 51P-566.111. SIGNS.

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Signs must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 24116; 25163)

SEC. 51P-566.112. ACCESS.

Ingress and egress must be provided as shown on the conceptual/development plan. (Ord. Nos. 24116; 25163)

SEC. 51P-566.113. NUMBER OF RESIDENTS.

For an adult day care facility, a lodging or boarding house, a group residential facility, or any combination of these uses, the maximum number of residents permitted is 130. (Ord. Nos. 24116; 25163)

SEC. 51P-566.114. ADDITIONAL PROVISIONS.

- (a) The entire Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 24116; 25163; 26102)

SEC. 51P-566.115. COMPLIANCE WITH CONDITIONS.

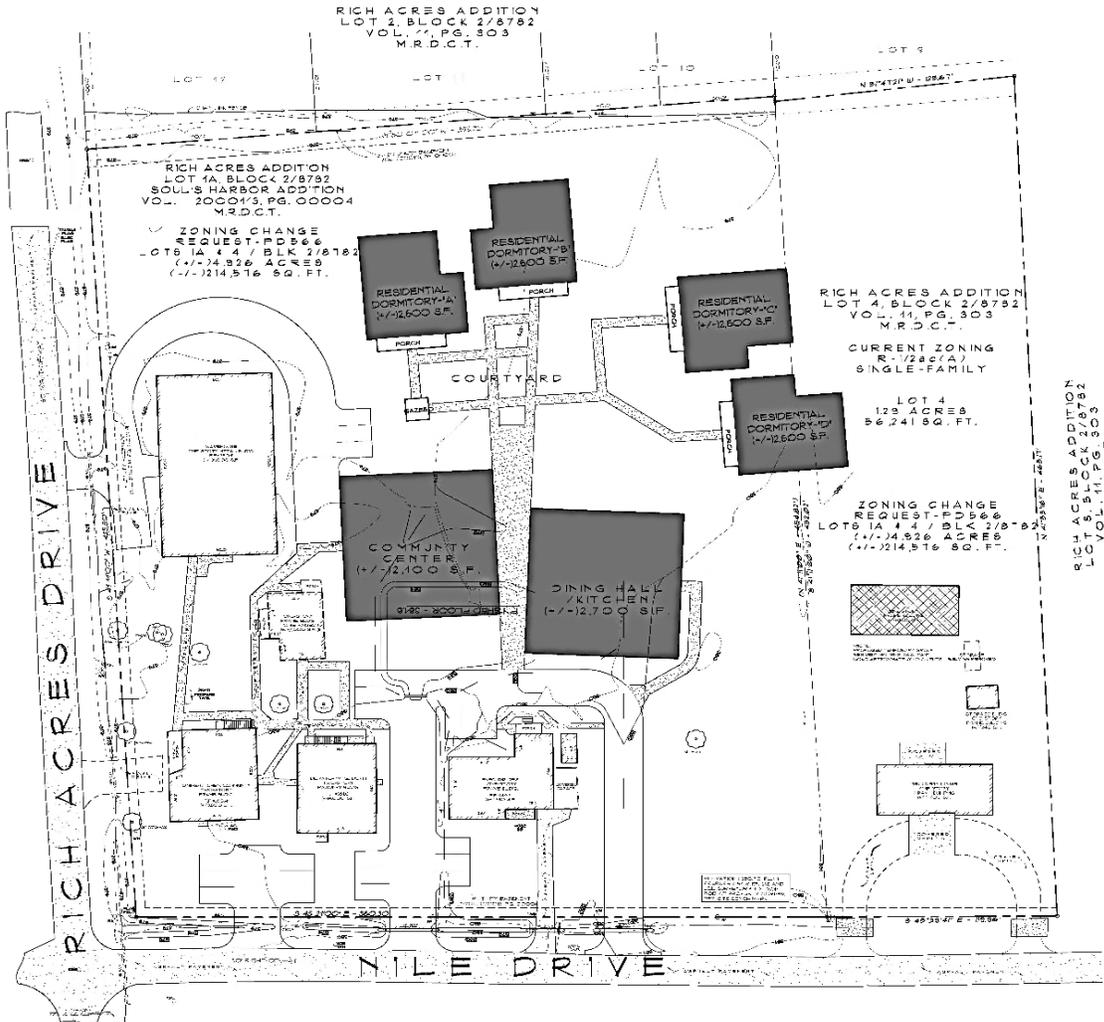
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 24116; 25163; 26102)

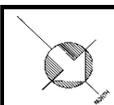
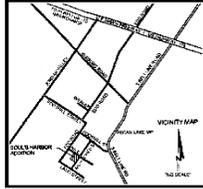
SEC. 51P-566.116. ZONING MAP.

PD 566 is located on Zoning Map No. P-12. (Ord. Nos. 24116; 25163)

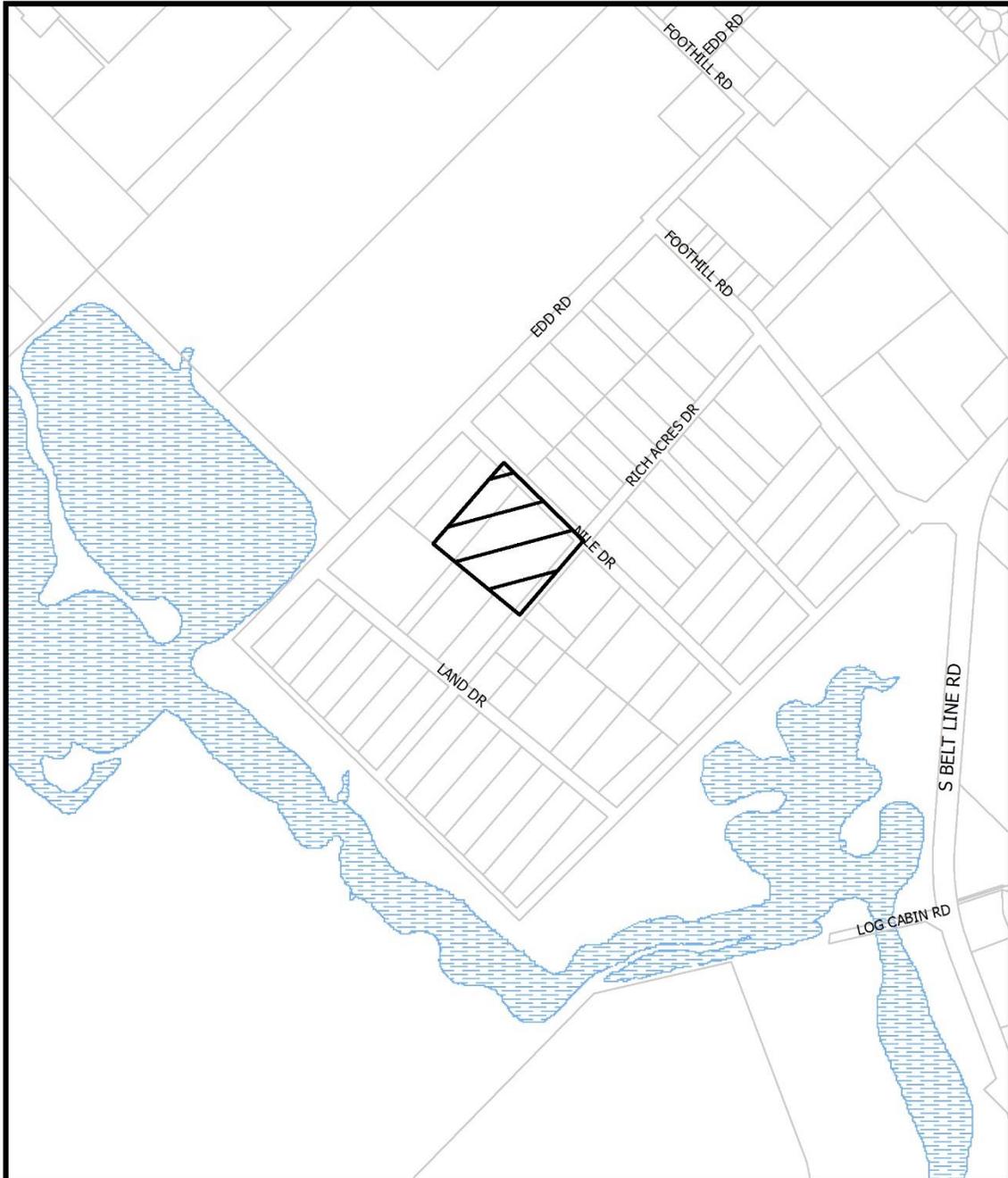
CPC RECOMMENDED DEVELOPMENT PLAN



1 PROPOSED DEVELOPMENT SITE PLAN
SP.2 SCALE 1"=50'



REVISED 11-10-2020		
PROPOSED DEVELOPMENT SITE PLAN: SOUL'S HARBOR, INCORPORATED 13134 & 13116 NILE DRIVE DALLAS, DALLAS COUNTY, TEXAS LOTS 1A & 4 / BLK 2/8782		
ZONING CASE NO.:	DATE:	SCALE:
Z201-170(LG)	10-06-2020	1"=30'

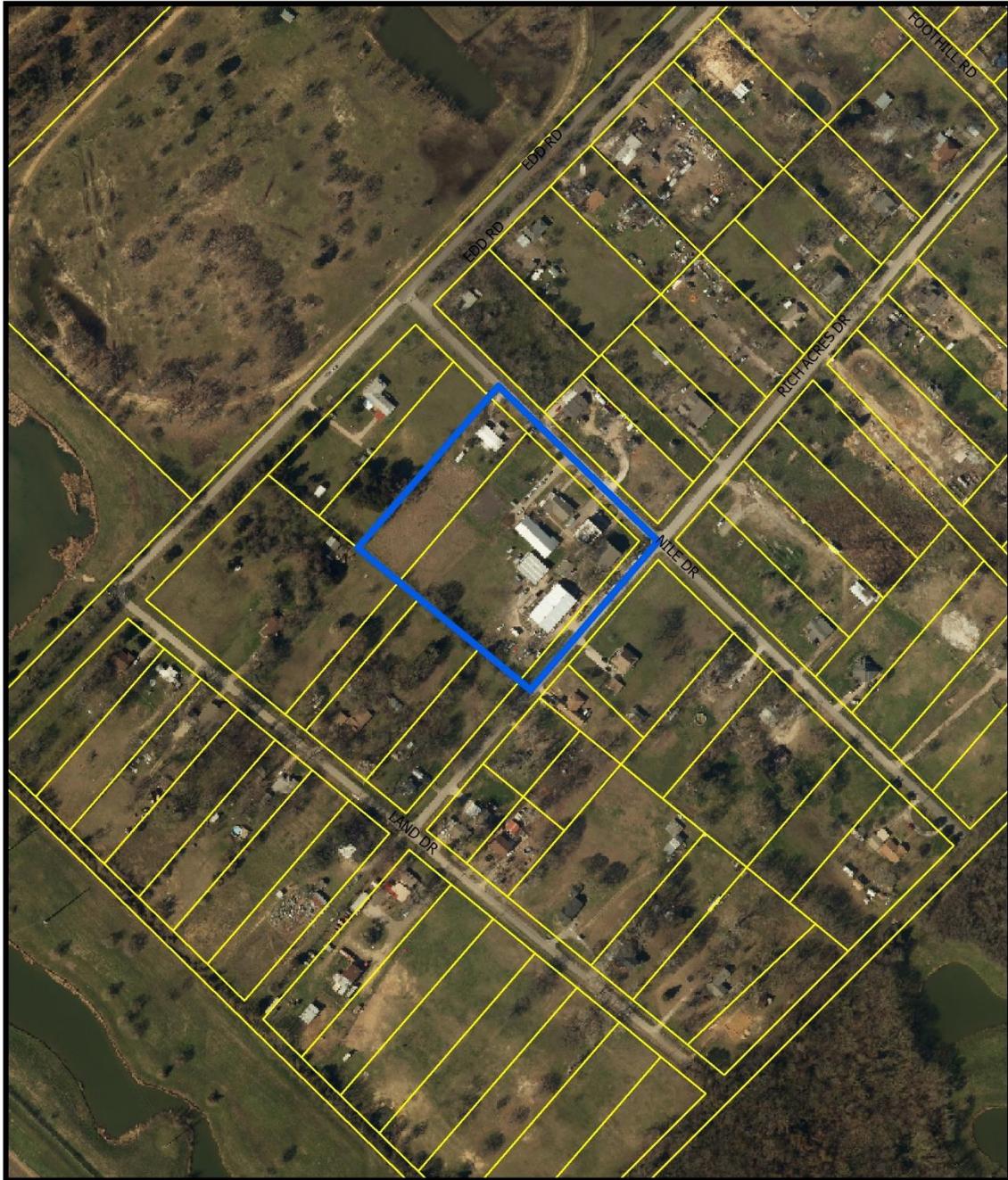


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VICINITY MAP

Case no: Z201-170

Date: 2/10/2021

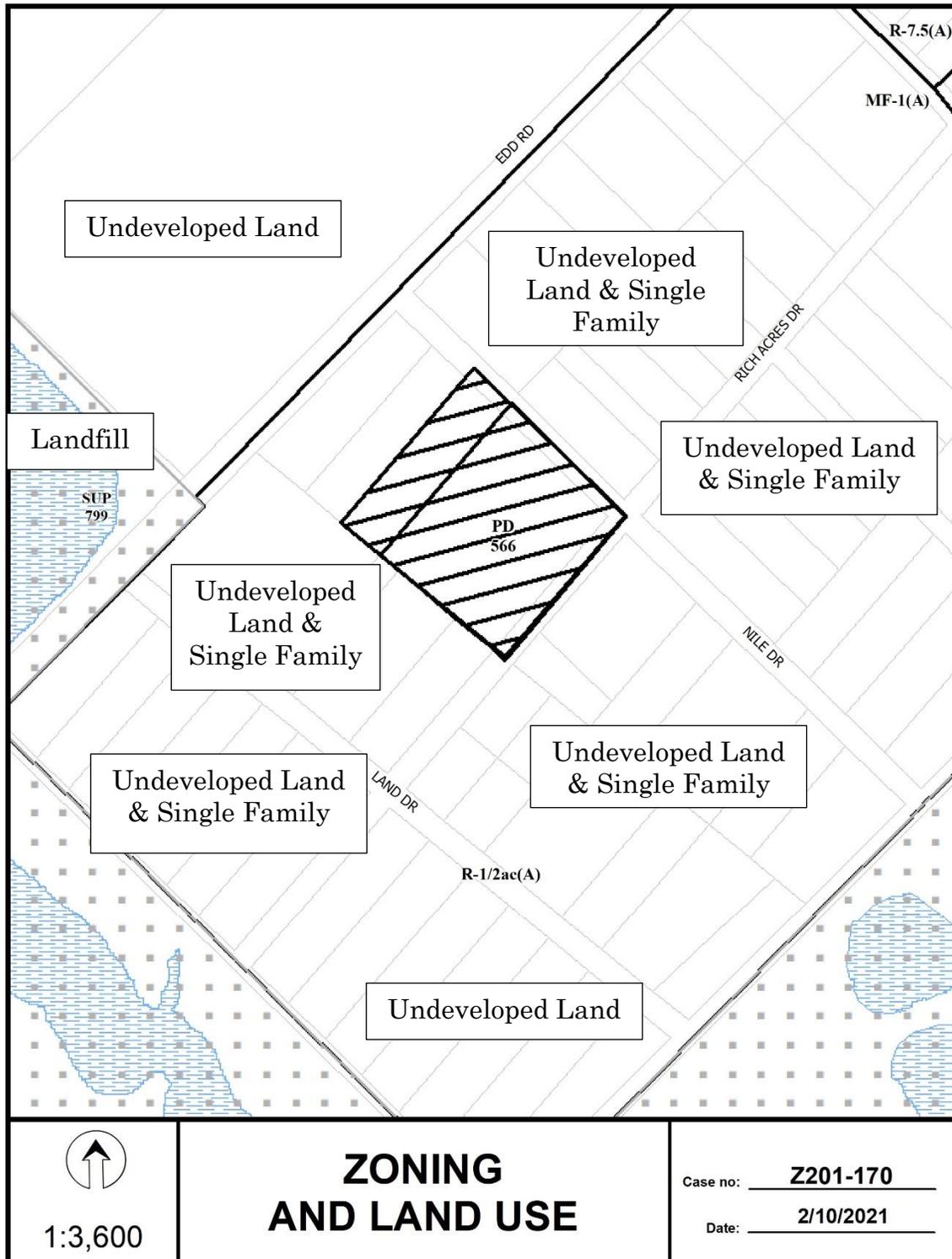


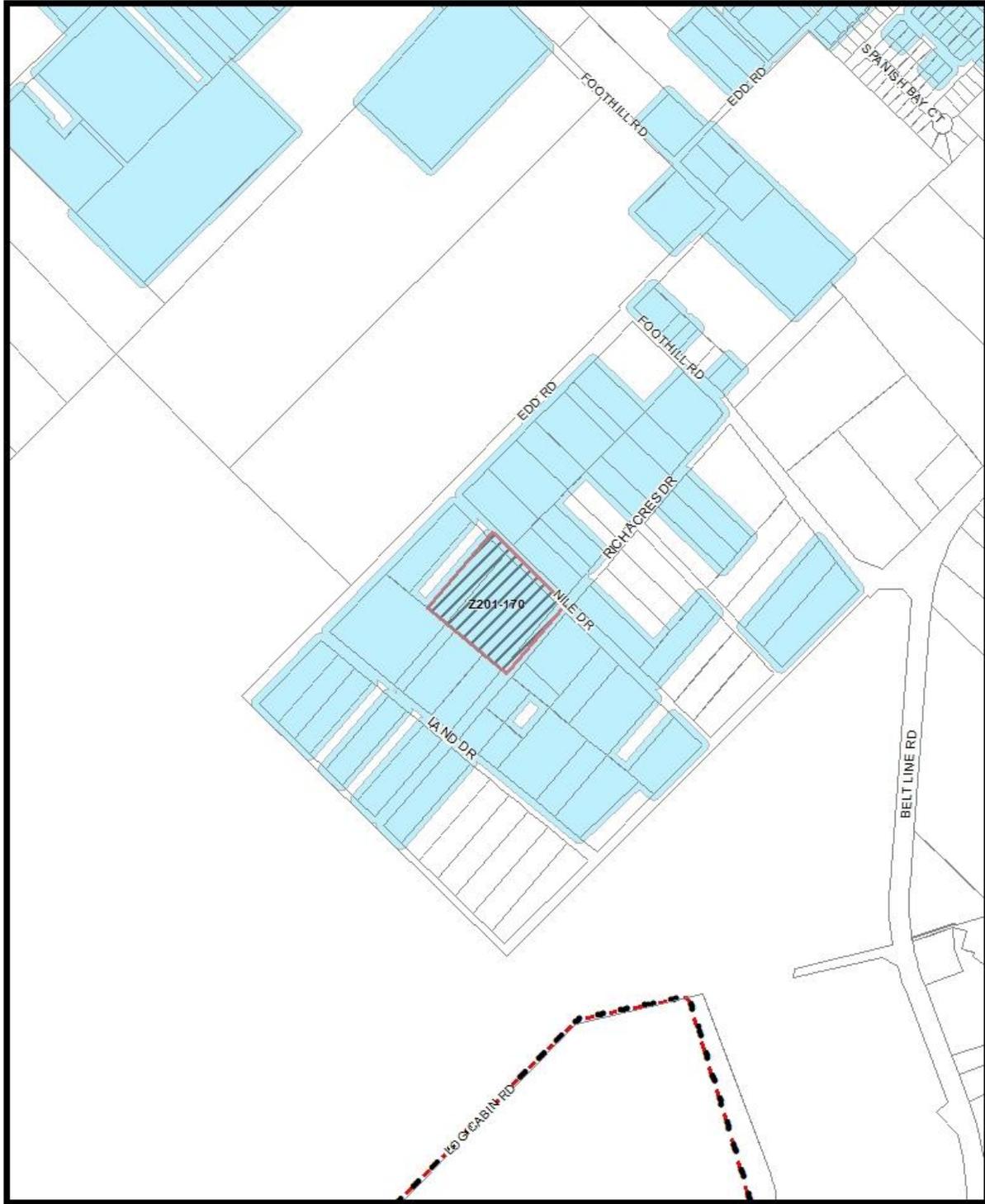
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AERIAL MAP

Case no: Z201-170

Date: 2/10/2021





MVAC Cluster A B C D E F G H I NA

 1:7,200

Market Value Analysis

Printed Date: 3/15/2021

CPC RESPONSES



<u>36</u>	Property Owners Notified (40 parcels)
<u>3</u>	Replies in Favor (3 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>3/25/2021</u>	Date

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CPC



1:3,600

03/24/2021

Reply List of Property Owners***Z201-170******36 Property Owners Notified 3 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	13116 NILE DR	BURMASTER BRENT & MEREDITH
O	2	13134 NILE DR	SOULS HARBOR INC
	3	13020 FOOTHILL DR	SALAZAR ERNESTO JR
	4	3320 EDD RD	SALAZAR PONCIANO
	5	3330 EDD RD	RUBIO MANUEL & REBECA J
	6	3350 EDD RD	BOWEN BARBARA JEAN
	7	13119 NILE DR	SMILEY ROXANA TAMARA
	8	13119 NILE DR	SOLIS ERICA
	9	3325 RICH ACRES DR	ORONA JUAN ALBERTO
	10	3323 RICH ACRES DR	SANCHEZ URBANO
	11	13110 NILE DR	BENITEZ CONDIDO ROJO
	12	13104 NILE DR	BENITEZ CONDIDO ROJO
	13	13111 LAND DR	RHODES DANNY STEPHEN &
	14	13119 LAND DR	HERNANDEZ JOSE ARTURO
	15	13127 LAND DR	KENNON JESSE LEE &
	16	13139 LAND DR	BROOKS SHEILA RENAE
	17	13140 LAND DR	DUNKIN LLOYD & BRENDA
	18	13134 LAND DR	UTR HOMES LLC
	19	13128 LAND DR	CONDOR DARYL
	20	13122 LAND DR	MOORE WILLIAM DONAVON
	21	13116 LAND DR	MARTINEZ JUAN G
	22	13110 LAND DR	FOLSOM CASSIE MICHELLE
	23	3306 RICH ACRES DR	COOTS EMMA N EST
	24	3312 RICH ACRES DR	COOTS EMMA EST
	25	3318 RICH ACRES DR	DOMINGUEZ HECTOR D &
	26	13305 NILE DR	MARTINEZ MARIA DELOURDES

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	13230 NILE DR	DICKERSON AMANDA BETH
	28	3430 RICH ACRES DR	SANDOVAL OSCAR E &
O	29	3420 RICH ACRES DR	CREAMER DAVID G &
	30	3438 RICH ACRES DR	BECKER CYNTHIA ANN
	31	13211 LAND DR	LONGORIA JOSE
	32	13221 LAND DR	RODRIGUEZ ERIKA ELIZABETH MARA
X	33	13241 LAND DR	EDWARDS MICHAEL WAYNE
	34	13220 LAND DR	Taxpayer at
	35	13210 LAND DR	GOODE WALLACE HUGHES
	36	13210 NILE DR	PINALES GLORIA