

FILE NUMBER: Z223-299(LC) **DATE FILED:** July 11, 2023

LOCATION: West line of Upton Street, between East Clarendon Drive and Viola Street

COUNCIL DISTRICT: 4

SIZE OF REQUEST: 22,216 square feet **CENSUS TRACT:** 48113021000

REPRESENTATIVE: Paul Carden

OWNER/APPLICANT: 935 Clarendon LLC

REQUEST: An application for an MU-2 Mixed Use District on property zoned an RR Regional Retail District.

SUMMARY: The purpose of the request is to allow multifamily on the property.

STAFF RECOMMENDATION: Approval.

CPC RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

- The area of request is currently a vacant lot zoned an RR Regional Retail District, with a lot area of 22,216 square feet (0.51 acres).
- This is a corner lot at an intersection, with frontage on Viola Street, Upton Street and East Clarendon Drive.
- The applicant proposes the property be rezoned to an MU-2 Mixed Use District to allow multifamily on the property.
- To accomplish this, the applicant is requesting a general zoning change.

Zoning History:

There has been one zoning case in the area in the last five years.

- **Z223-308:** On July 26, 2023, staff received an application for a Specific Use Permit for a child-care facility on property zoned Tract 2H within Planned Development District No. 388, the Tenth Street Neighborhood Historic District, with H/60 Tenth Street Neighborhood Historic District Overlay, on the northeast corner of South Fleming Avenue and East Clarendon Drive. [held under advisement, until March 21, 2024 by the City Plan Commission]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Viola Street	Local Street	-
Upton Street	Local Street	-
East Clarendon Drive	Community Collector	60 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system. Staff will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:

Comprehensive Plan:

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

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.4 Capitalize on transit-oriented development opportunities.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

NEIGHBORHOOD PLUS

POLICY 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation, and safety.

POLICY 5.2 Encourage infill development and existing home improvements in target neighborhoods to attract and retain homeowners.

The Dallas Zoo Area Land Use Study:

The *Dallas Zoo Area Land Use Study* was adopted by the City Council in December 2001 and outlines five goals and objectives suggested by the steering committee with an overall goal that focuses on revitalization strategies and policy guidance for future growth and development in this area.

The request complies with the following goals and objectives of the Dallas Zoo Area Land Use Study:

2.0 LAND USE AND ZONING

GOAL 2.2 COMMUNITY IDENTIFIED NEEDS

Land Use:

	Zoning	Land Use
Site	RR	Community retail, undeveloped
North	MF-2(A)	Multifamily
South	IM	Industrial retail
East	IM	Industrial retail
West	RR	Community Retail

Land Use Compatibility:

The area of request is currently a vacant lot zoned an RR District on the west line of Upton Street, between East Clarendon Drive and Viola Street. The area of request is currently undeveloped.

To the north of the property are multifamily uses, duplex, vacant lots, and single family zoned an MF-2(A) Multifamily District. To the south are vacant warehouses, to the southeast and east of the property are industrial, automotive, office, vacant lots, brewery, and other retail uses zoned an IM Industrial Manufacturing District. To the west of the property are automotive repair, motel, Dallas Zoo, DART Station and retail uses zoned an RR District. The uses to the south, southeast and east of the property seem to be

vacant. With this area being under development, staff finds the applicant’s requested MU-2 District and proposed multifamily use to be appropriate and compatible with the surrounding area.

Staff supports the applicant’s request and finds the proposed rezoning from an RR District to an MU-2 District to be appropriate for this area that has pre-existing residential uses adjacent to the site. This compatibility is further reflected in the development standards comparison table below.

Development Standards

Following is a comparison of the development standards of the current RR District and the proposed MU-2 District.

District	Setback		Density	Height	Lot Cvrg	Special Standards
	Front	Side/Rear				
Existing: RR	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion
Proposed: MU-2	15'	20' adjacent to residential OTHER: No Min.	1.6 FAR base 2.0 FAR maximum + bonus for residential	135' 10 stories 180' 14 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion
MU-2 with MIH - 5% at 81-100%*			125 du/ac (No MUP) 150 du/ac (MUP=2) 175 du/ac (MUP=3)	Remove FAR for res		

* Property is located in an “G” MVA area

To obtain the development bonuses listed above, the applicant would also need to adhere to the design standards for mixed-income housing provided in Chapter 51A. In general, these standards prioritize pedestrians and follow design principles compatible with the City of Dallas Complete Streets program. Development must also follow additional regulations related to fencing, parking location and design, transparency, and ground-floor doorways. Development must also include sidewalks, pedestrian lighting, and open space.

Land Use Comparison

Following is a comparison table showing differences in permitted uses between the existing and proposed zoning districts.

LEGEND

	Use prohibited
•	Use permitted by right
S	Use permitted by Specific Use Permit
D	Use permitted subject to Development Impact Review
R	Use permitted subject to Residential Adjacency Review
★	Consult the use regulations in Section 51A-4.200

	Existing	Proposed
Use	RR	MU-2
AGRICULTURAL USES		
Animal production		
Commercial stable		
Crop production	•	•
Private stable		
COMMERCIAL AND BUSINESS SERVICE USES		
Building repair and maintenance shop		•
Bus or rail transit vehicle maintenance or storage facility		•
Catering service		•
Commercial cleaning or laundry plant		•
Custom business services		•
Custom woodworking, furniture construction, or repair		•
Electronics service center		•
Job or lithographic printing		•
Labor hall		S
Machine or welding shop		
Machinery, heavy equipment, or truck sales and services		
Medical or scientific laboratory		•
Technical school		•
Tool or equipment rental		•
Vehicle or engine repair or maintenance		•
INDUSTRIAL USES		
Alcoholic beverage manufacturing		S
Gas drilling and production	S	S

Use	RR	MU-2
Gas pipeline compressor station		
Industrial (inside)		
Industrial (inside) for light manufacturing		
Industrial (outside)		
Medical/infectious waste incinerator		
Metal salvage facility		
Mining		
Municipal waste incinerator		
Organic compost recycling facility		
Outside salvage or reclamation		
Pathological waste incinerator		
Temporary concrete or asphalt batching plant	S	S
INSTITUTIONAL AND COMMUNITY SERVICE USES		
Adult day care facility	•	•
Cemetery or mausoleum	S	S
Child-care facility	•	•
Church	•	•
College, university, or seminary	S	•
Community service center	S	•
Convalescent and nursing homes, hospice care, and related institutions		•
Convent or monastery	•	•
Foster home		•
Halfway house		S
Hospital		•
Library, art gallery, or museum	•	•
Public or private school	R	S
LODGING USES		
Extended stay hotel or motel		S
Hotel or motel		•
Lodging or boarding house		•
Overnight general purpose shelter		★
MISCELLANEOUS USES		
Carnival or circus (temporary)	★	★
Hazardous waste management facility		
Placement of fill material		
Temporary construction or sales office	•	•
OFFICE USES		
Alternative financial establishment		S
Financial institution without drive-in window	•	•
Financial institution with drive-in window		D

Use	RR	MU-2
Medical clinic or ambulatory surgical center	•	•
Office	•	•
RECREATION USES		
Country club with private membership	•	•
Private recreation center, club, or area	S	•
Public park, playground, or golf course	•	•
RESIDENTIAL USES		
College dormitory, fraternity, or sorority house	S	•
Duplex		•
Group residential facility		★
Handicapped group dwelling unit		★
Manufactured home park, manufactured home subdivision, or campground		
Multifamily		•
Residential hotel		•
Retirement housing		•
Single family		•
RETAIL AND PERSONAL SERVICE USES		
Ambulance service		•
Animal shelter or clinic without outside runs		
Animal shelter or clinic with outside runs		
Auto service center		•
Business school		•
Car wash		
Commercial amusement (inside)		S, ★
Commercial amusement (outside)		•
Commercial motor vehicle parking		
Commercial parking lot or garage		•
Convenience store with drive-through		
Dry cleaning or laundry store	•	•
Furniture store		•
General merchandise or food store 3,500 square feet or less	•	•
General merchandise or food store greater than 3,500 square feet		•
Home improvement center, lumber, brick or building materials sales yard		
Household equipment and appliance repair		•
Liquefied natural gas fueling station		
Motor vehicle fueling station		•
Nursery, garden shop, or plant sales		•

Use	RR	MU-2
Outside sales		•
Paraphernalia shop		
Pawn shop		
Personal service use	•	•
Restaurant without drive-in or drive-through service	R	•
Restaurant with drive-in or drive-through service		S
Surface parking		
Swap or buy shop		S
Taxidermist		•
Temporary retail use		•
Theater		•
Truck stop		
Vehicle display, sales, and service		S
TRANSPORTATION USES		
Airport or landing field		
Commercial bus station and terminal		D
Heliport		S
Helistop		S
Private street or alley		S
Railroad passenger station		•
Railroad yard, roundhouse, or shops		•
STOL (short take-off or landing port)		S
Transit passenger shelter	•	•
Transit passenger station or transfer center	S, ★	•
UTILITY AND PUBLIC SERVICE USES		
Commercial radio or television transmitting station		•
Electrical generating plant		
Electrical substation	S	•
Local utilities	★	★
Police or fire station	S	•
Post office	S	•
Radio, television, or microwave tower	S	•
Refuse transfer station		
Sanitary landfill		
Sewage treatment plant		S
Tower/antenna for cellular communication	★	★
Utility or government installation other than listed	S	•
Water treatment plant		S
WHOLESALE, DISTRIBUTION, AND STORAGE USES		
Auto auction		

Use	RR	MU-2
Building mover's temporary storage yard		
Contractor's maintenance yard		
Freight terminal		D
Livestock auction pens or sheds		
Manufactured building sales lot		
Mini-warehouse		•
Office showroom/warehouse		•
Outside storage		S
Petroleum product storage and wholesale		
Recycling buy-back center		★
Recycling collection center		★
Recycling drop-off container	★	★
Recycling drop-off for special occasion collection	★	★
Sand, gravel, or earth sales and storage		
Trade center		•
Vehicle storage lot		
Warehouse		•

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for multifamily is one space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

If the applicant provides affordable units as part of the development, the off-street parking requirement for multifamily can be reduced to a minimum of 0.5 space per dwelling unit, provided that at least 15 percent of the required parking is available for guest parking. This would simply be the *minimum* number of required spaces – the applicant could still provide additional spaces in excess of the required minimum. The applicant would be required to comply with standard parking ratios at permitting.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers 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 (A through C) to orange, representing the weakest markets (G through I). The area of request is currently in a “G” MVA area. To the west is an “F” MVA area, and to the south is an “H” MVA area.

Z223-299(LC)

List of Officers

935 E Clarendon, LLC

Partners and Principals

Paul Carden, Manager

Mike Geisler, Member

**CPC Action
March 7, 2024**

Motion: It was moved to recommend **approval** of an MU-2 Mixed Use District on property zoned an RR Regional Retail District, on the west line of Upton Street, between East Clarendon Drive and Viola Street.

Maker: Forsyth
Second: Housewright
Result: Carried: 12 to 0

For: 12 - Chernock, Hampton*, Herbert, Forsyth, Shidid, Carpenter, Wheeler-Reagan, Blair, Sleeper*, Housewright, Haqq*, Hall

Against: 0
Absent: 3 - Treadway, Kingston, Rubin
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 22
Replies: For: 2 Against: 0

Speakers: For: None
Against: Paul Carden, 2007 Harlandale Ave., Dallas, TX, 75216

January 18, 2024

Motion: In considering an application for an MU-2 Mixed Use District on property zoned an RR Regional Retail District, on the west line of Upton Street, between East Clarendon Drive and Viola Street, it was moved to **hold** this case under advisement until March 7, 2024.

Maker: Forsyth
Second: Hampton
Result: Carried: 13 to 1

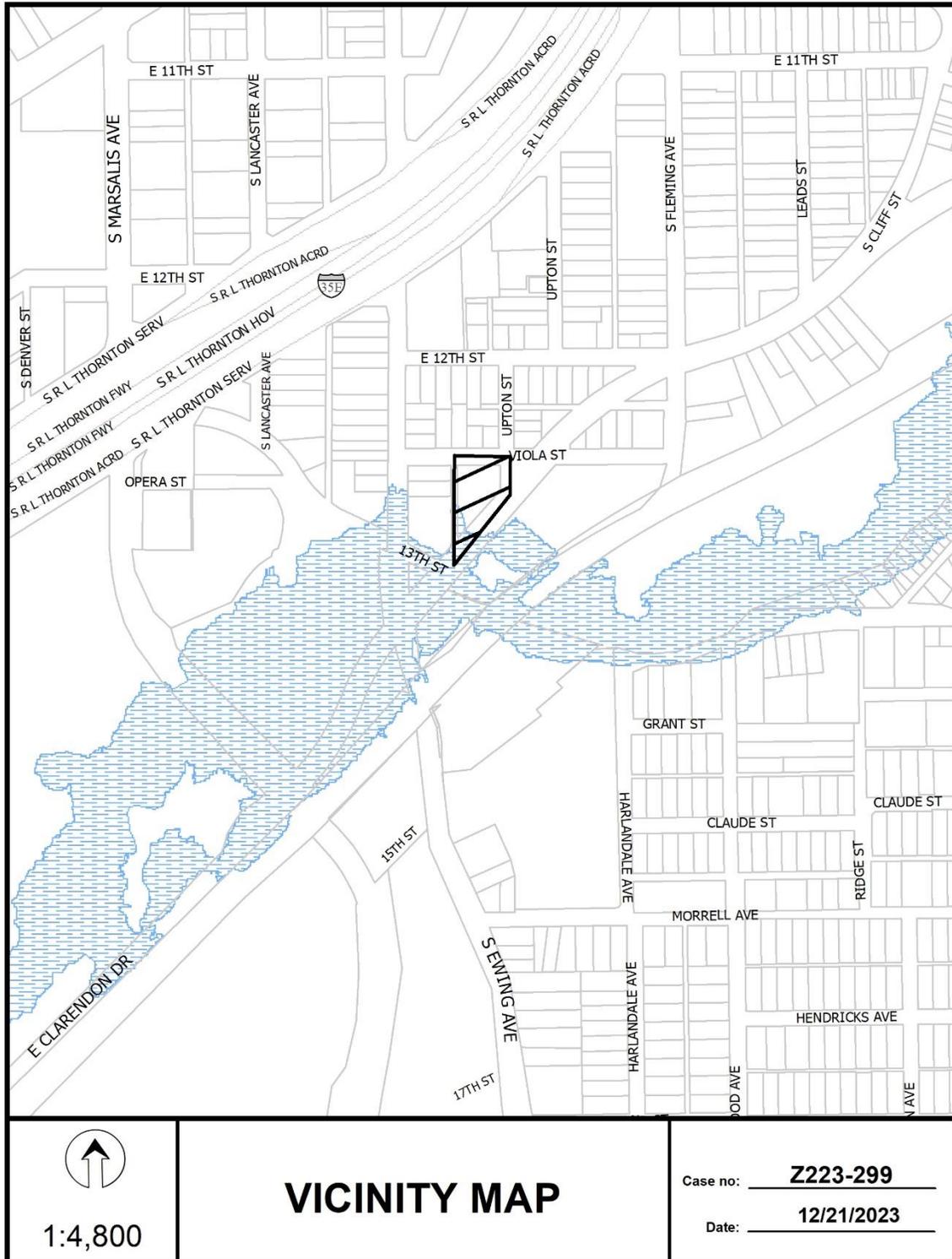
For: 13 - Hampton, Herbert, Forsyth, Carpenter, Wheeler-Reagan, Blair, Sleeper, Housewright, Treadway, Haqq, Hall, Kingston, Rubin

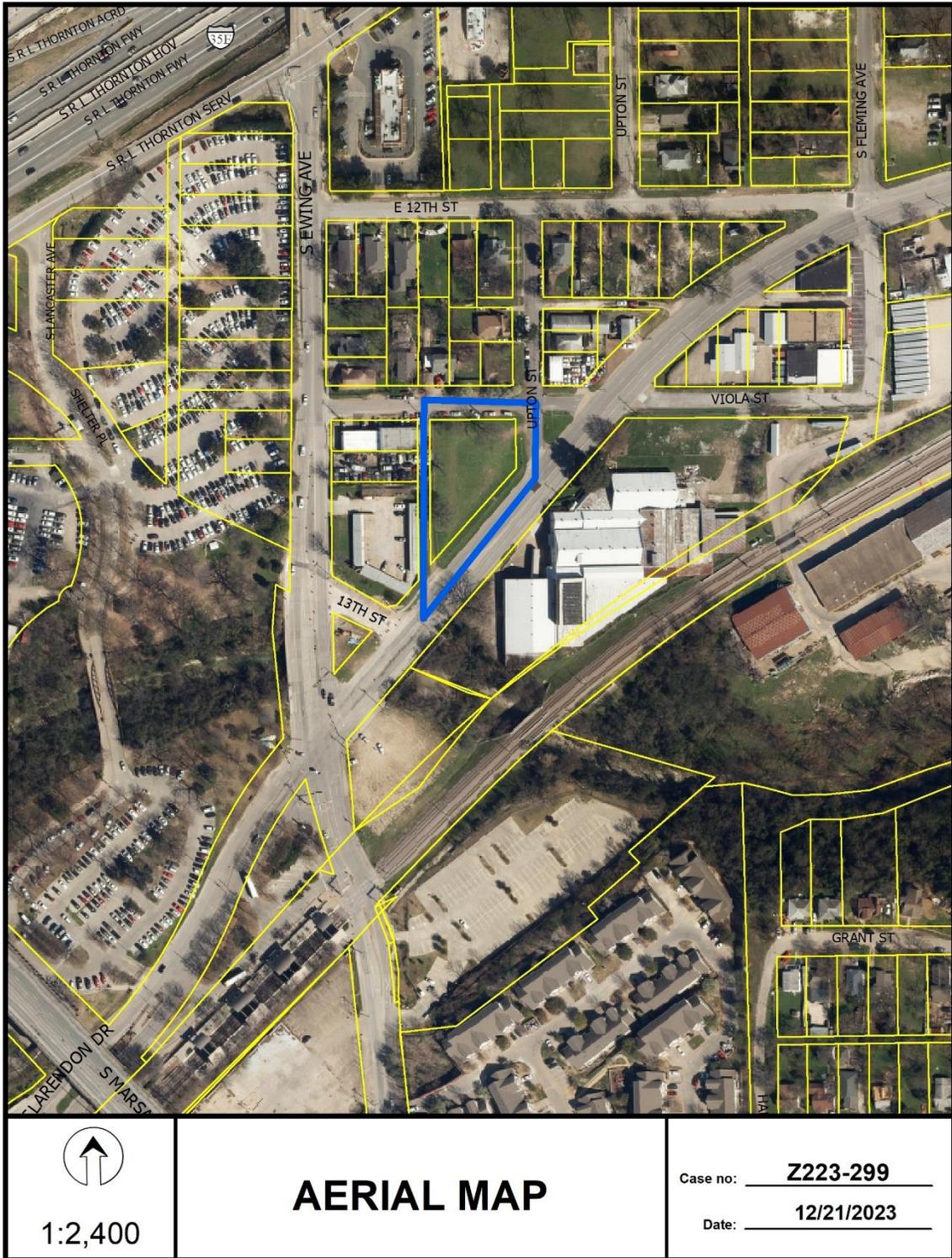
Against: 1 - Chernock
Absent: 1 - Shidid
Vacancy: 0

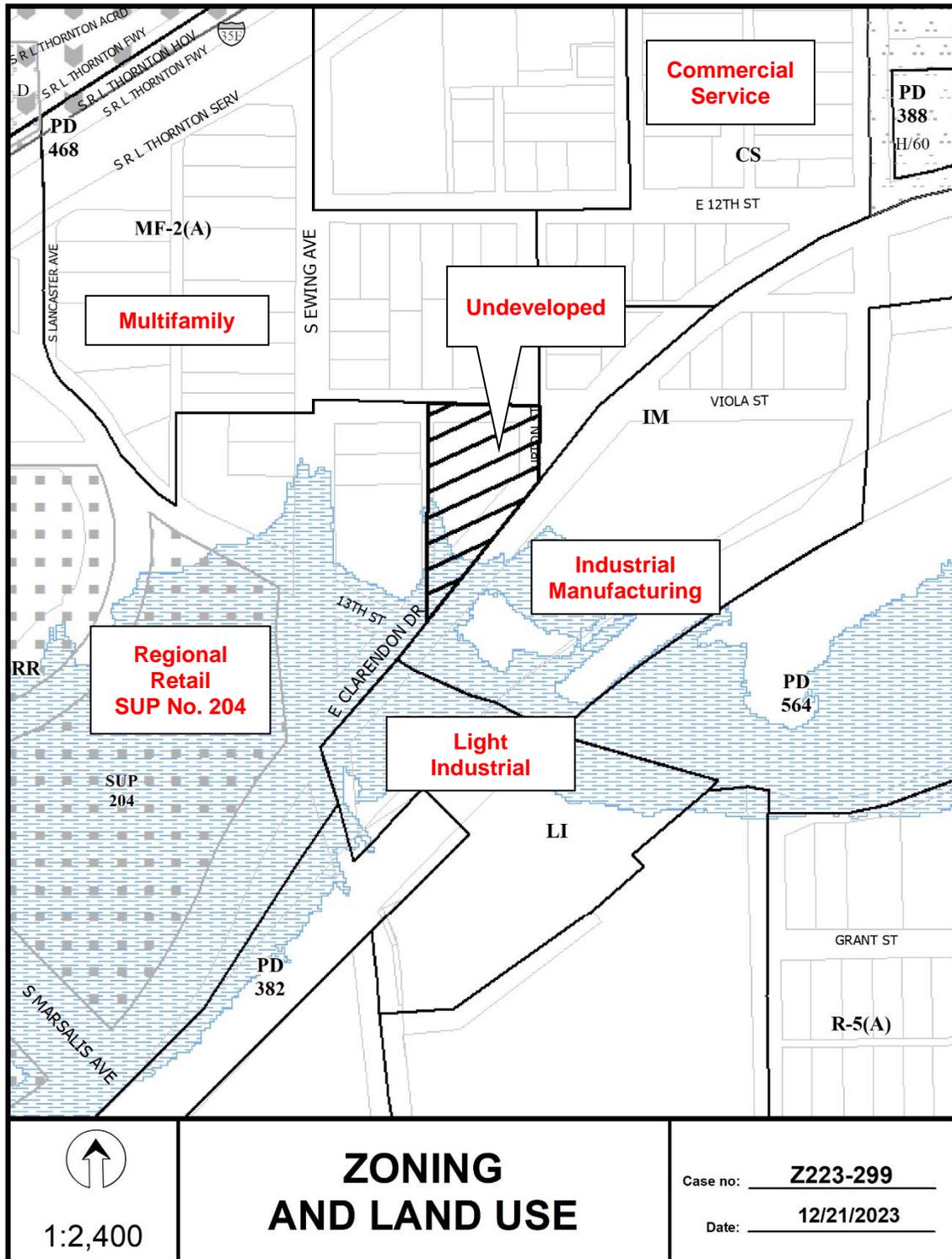
Z223-299(LC)

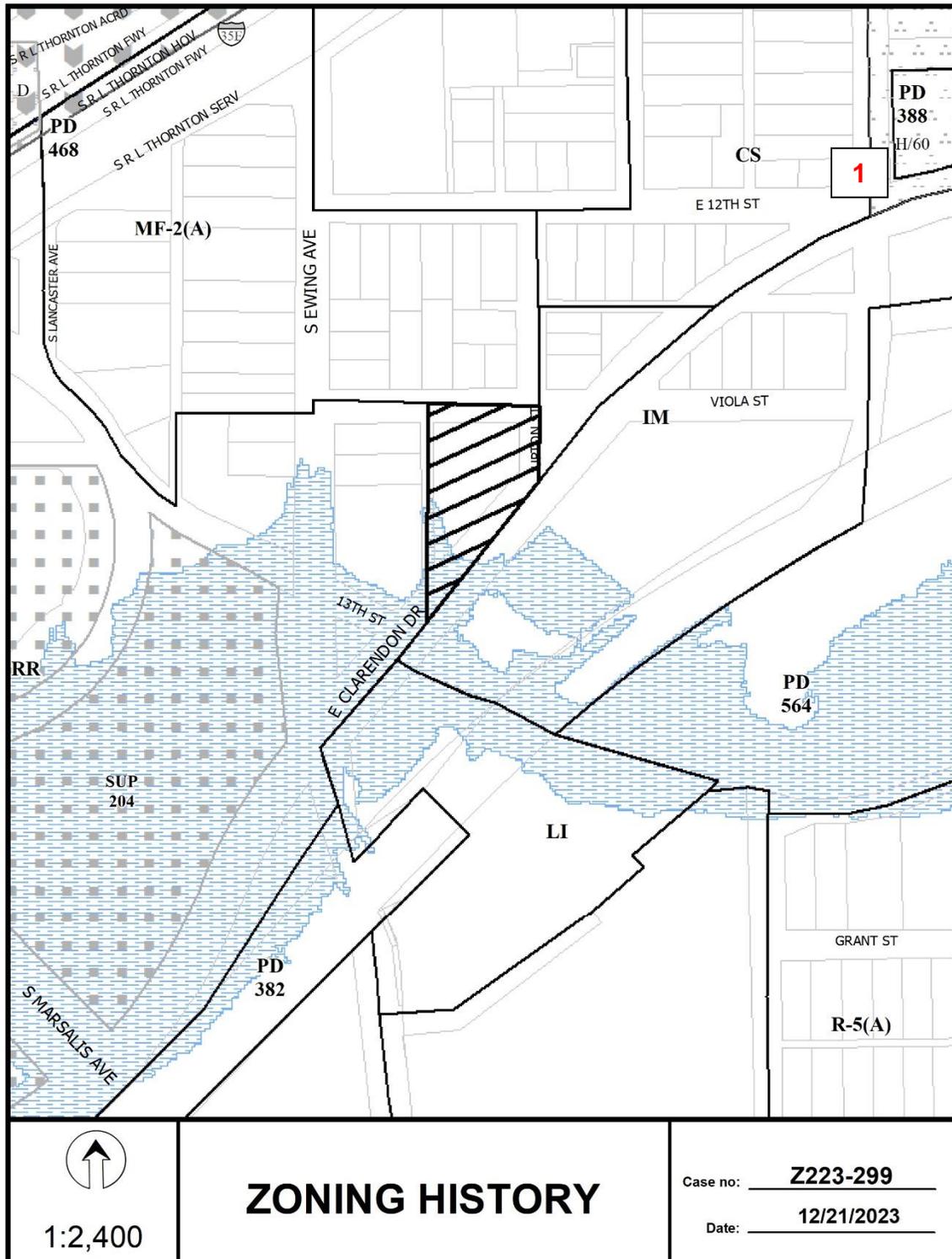
Notices:	Area: 200	Mailed: 22
Replies:	For: 2	Against: 0

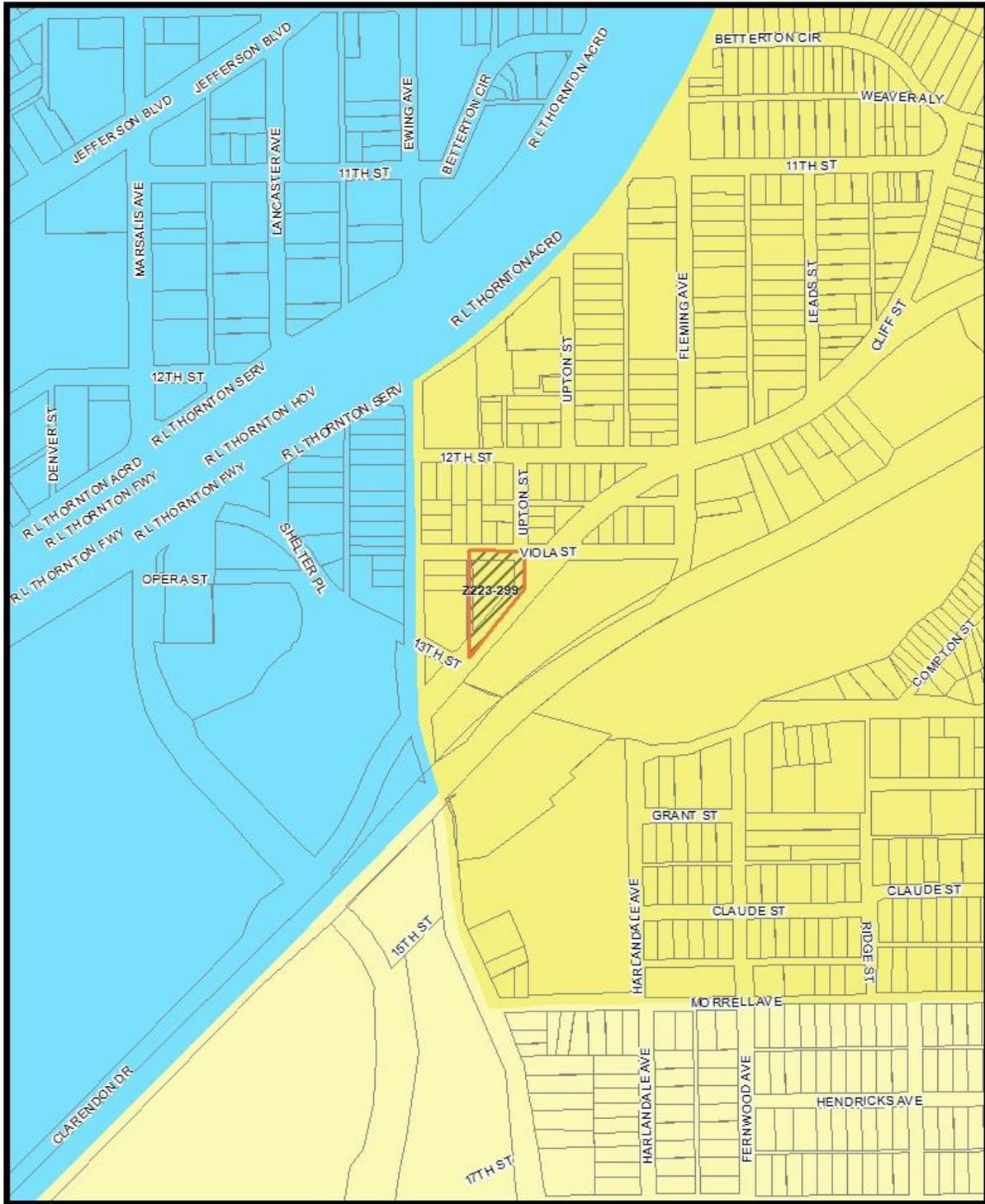
Speakers: For: Paul Carden, 2007 Harlandale Ave., Dallas, TX, 75216
Against: None











Market Value Analysis A B C D E F G H I NA



Market Value Analysis

Printed Date: 12/21/2023



<u>22</u>	Property Owners Notified (28 parcels)
<u>2</u>	Replies in Favor (4 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>3/7/2024</u>	Date

Z223-299
CPC



1:1,200

03/06/2024

Reply List of Property Owners

Z223-299

22 Property Owners Notified

2 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	935 E CLARENDON DR	935 CLARENDON LLC
	2	806 E 12TH ST	MONROY MARINA
	3	818 E 12TH ST	BARNES JAMES L EST OF & ETAL
	4	820 E 12TH ST	NEW DIMENSION HOMES LLC
	5	823 VIOLA ST	ELIZONDO ROBERT
	6	413 UPTON ST	ARLENES INC
	7	819 VIOLA ST	LOPEZ PATRICIO J
	8	815 VIOLA ST	LOPEZ PATRICK JOSHUA
	9	811 VIOLA ST	CASTILLO CAMERINO
	10	420 S EWING AVE	ROLLERSON BETTY
	11	418 S EWING AVE	Taxpayer at
	12	416 S EWING AVE	VELEZ ISABEL
	13	500 S EWING AVE	Taxpayer at
	14	504 S EWING AVE	Taxpayer at
	15	520 S EWING AVE	KLAST CORP
	16	900 E CLARENDON DR	PULLMOR ENTERPRISES INC
	17	902 E 12TH ST	GETSINGER SUZANNE MARIE
	18	904 E 12TH ST	BMH OAK CLIFF III LLC
O	19	924 VIOLA ST	930 CLARENDON LLC
	20	907 E CLARENDON DR	WOOLEN MATTIE
O	21	911 E CLARENDON DR	WATERS BROTHERS LLP
	22	401 S BUCKNER BLVD	DART