

**FILE NUMBER:** Z189-345(JM)                      **DATE FILED:** September 4, 2019  
**LOCATION:** West of the intersection of Metropolitan Avenue at South Malcolm X Boulevard  
**COUNCIL DISTRICT:** 7                                      **MAPSCO:** 8 K  
**SIZE OF REQUEST:** ± 0.45 acres                      **CENSUS TRACT:** 37.00

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**APPLICANT/OWNER:** Fernando Muñoz, Max Urban Development

**REQUEST:** An application for an MF-2(A) Multifamily Subdistrict with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

**SUMMARY:** The purpose of this request is to allow for the construction of nine townhouses as a condo-style development. Proposed deed restrictions volunteered by the applicant include: 1) restrict the land uses to allow R-5(A) Single Family Subdistrict uses plus multifamily use with a maximum dwelling unit density of nine units; 2) limit the maximum allowable height to 30 feet; and, 3) limit the lot coverage for other (nonresidential) uses to 25 percent.

**CPC RECOMMENDATION:** Approval, subject to deed restrictions volunteered by the applicant.

**STAFF RECOMMENDATION:** Approval, subject to deed restrictions volunteered by the applicant.

**BACKGROUND INFORMATION:**

- PD No. 595, the South Dallas/Fair Park Special Purpose District was established by City Council on September 26, 2001 and contains over 3,363 acres of land.
- The undeveloped site consists of three lots platted in 1952 and zoned for R-5(A) Single Family Subdistrict uses. The applicant proposes to construct nine townhouses in a condo style multifamily development on the 0.45-acre site, which equals about one unit per 2,178 square feet.
- The MF-2(A) Multifamily Subdistrict would allow several residential uses including single family, both attached and detached, and multifamily units. The applicant has offered deed restrictions which: 1) restrict the land uses to allow R-5(A) Single Family Subdistrict uses plus multifamily use with a maximum dwelling unit density of nine units; 2) limit the maximum allowable height to 30 feet; and, 3) limit the lot coverage for other (nonresidential) uses to 25 percent.
- A replat will be required to proceed with a higher density single family (anything more than the three units allowed by the three existing lots) or a shared access development. Any development is subject to right-of-way dedication and continuity of block for setbacks from the two street frontages (both front yards).

**Zoning History:** There have not been any recent zoning requests in the area within the last five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
South Malcolm X Boulevard	Community Collector	40 feet	60 feet
Metropolitan Avenue	Residential Collector	40 feet	50 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street system.

**STAFF ANALYSIS**

**Comprehensive Plan:**

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

The applicant’s request generally complies with the following goals and policies of the Comprehensive Plan.

**URBAN DESIGN**

**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.

The proposed townhouse style multifamily development adds diversity in housing options. The modifications to the district standards with volunteered deed restrictions are fitting for the site and maintain the overall scale and character of the neighborhood, while adding a modest amount of density.

**Surrounding Land Uses:**

<b>Area</b>	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-5(A) w/in PD No. 595	Undeveloped
<b>North</b>	R-5(A) w/in PD No. 595 and H/100 Wheatley Place Historic District	Single family
<b>East</b>	R-5(A) w/in PD No. 595	Single family and Barber shop
<b>South</b>	R-5(A) w/in PD No. 595 and PD No. 806	Single family, Church, Private school
<b>West</b>	R-5(A) w/in PD No. 595	Single family

**Land Use Compatibility:**

The undeveloped site consists of three lots platted in 1952 and zoned for R-5(A) Single Family Subdistrict uses. The applicant proposes to construct nine townhouses in a condo style multifamily development on the 0.45-acre site, which equals about one unit per 2,178 square feet.

The MF-2(A) Multifamily Subdistrict would allow several residential uses including single family, both attached and detached, and multifamily units. The applicant has offered deed restrictions which: 1) restrict the land uses to allow R-5(A) Single Family Subdistrict uses plus multifamily use with a maximum dwelling unit density of nine units; 2) limit the maximum allowable height to 30 feet; and, 3) limit the lot coverage for other (nonresidential) uses to 25 percent.

Surrounding land uses consist of single family uses to the north and west; single family and barber shop uses to the east; and, single family, church, and private school uses to the south.

Staff supports the request, subject to volunteered deed restrictions which largely return the site to R-5(A) Single Family Subdistrict development standards, except for allowing a moderate increase in dwelling unit density. A replat is required to proceed with a higher density single family (anything more than the three units allowed by the three existing lots) or a shared access development. Any development is subject to right-of-way dedication and continuity of block for setbacks from the two street frontages (both front yards). The overall increase in density at the intersection of South Malcolm X Boulevard will add variety to housing options in the neighborhood, which contains mostly single family and institutional uses with a few NC Neighborhood Commercial Subdistrict areas directly across the street and farther southeast of the site.

**Development Standards:**

DISTRICT	SETBACKS		Height	Lot Coverage	Density	Special Standards	Primary Uses
	Front	Side/Rear					
<b>Existing:</b> R-5(A) - Single Family	20'	5' SF 10'/0' Other	30' No max stories	45% res 25% nonres	1 unit per lot, min lot size 5,000 square feet	Proximity Slope	Single family and institutional.
<b>Proposed:</b> MF-2(A) w/Volunteered Deed Restrictions**	15'***	0' SF 5'/10' Duplex 10'/10'-15' adjacent to certain districts.	<b>30'***</b> No max stories	60% res <b>25% nonres**</b>	<b>9 dwelling units**</b>	Proximity Slope Visual Intrusion	Multifamily, residential, institutional.

\*Sec.4.401(a)(6) requires block continuity, thereby making the minimum front yard in this case, 20 feet due to adjacency and remainder of the block maintaining the R-5(A) Subdistrict requirements.

The front yard setback in the existing single family zoning district is 20 feet. The subject site, with 175 feet of frontage along Metropolitan Avenue and 115 feet of frontage along South Malcolm X Boulevard has two front yards. Block continuity requires the development to conform to front yard setbacks established by the most restrictive zoning district within the block. The front yard setback would be 20 feet along both streets. In addition, Metropolitan Avenue requires a dedication of right-of-way requiring an additional setback of five feet. The total setback from the centerline of the street is 25 feet. South Malcolm X Boulevard requires a dedication of right-of-way requiring an additional setback of ten feet. The total setback from the centerline of the street is 30 feet.

**Parking:**

Parking will be in accordance with the parking regulations of the Dallas Development Code. The proposed MF-2(A) District allows multiple types of residential and institutional development. If the project is developed as three condo units per lot, one parking space will be required per bedroom with a minimum of one parking space per unit. No information on the number of bedrooms and no guarantee is available to determine the number of required parking spaces.

**Landscaping:**

Landscaping will be in accordance Article X, as amended. For a multifamily development, a street buffer zone of varying average depth depending on the type of street, urban streetscape, right-of-way planting, one three-inch caliper tree for every 40 linear feet of street frontage, residential buffer zone, and surface parking lots are required.

**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 more precisely target intervention strategies 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. While the area of request is not located within an MVA cluster, surrounding properties are categorized as being within an "I" MVA cluster in all directions.

Z189-345(JM)

**List of Officers**

**Max Urban Development, LLC**

Fernando Muñoz, Managing Member

**CPC Action**  
**November 7, 2019**

**Motion:** It was moved to recommend **approval** of an MF-2(A) Multifamily Subdistrict, subject to deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, west of the intersection of Metropolitan Avenue at South Malcolm X Boulevard.

Maker: Schultz  
Second: Housewright  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Ridley, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 200 Mailed: 33  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
For (Did not speak): Rafael Peña-Costa, 3704 Atlanta St., Dallas, TX, 75215  
Fernando Muñoz, 3704 Atlanta St., Dallas, TX, 75215  
Against: None

**Volunteered Deed Restrictions**

DEED RESTRICTIONS

THE STATE OF TEXAS    )  
  )  
COUNTY OF DALLAS    )     KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Max Urban Development, LLC , a Texas limited liability corporation ("the Owner"), is the owner of the following described property ("the Property"), being in particular Lots 5A and all that remains of 5B and 5C out of Marshall’s Subdivision, City Block A/1700, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by deeds dated June 4 and 5, 2019, and recorded in instrument numbers 201900142567, 201900143355, and 201900143362, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

See Exhibit “A” attached hereto.

II.

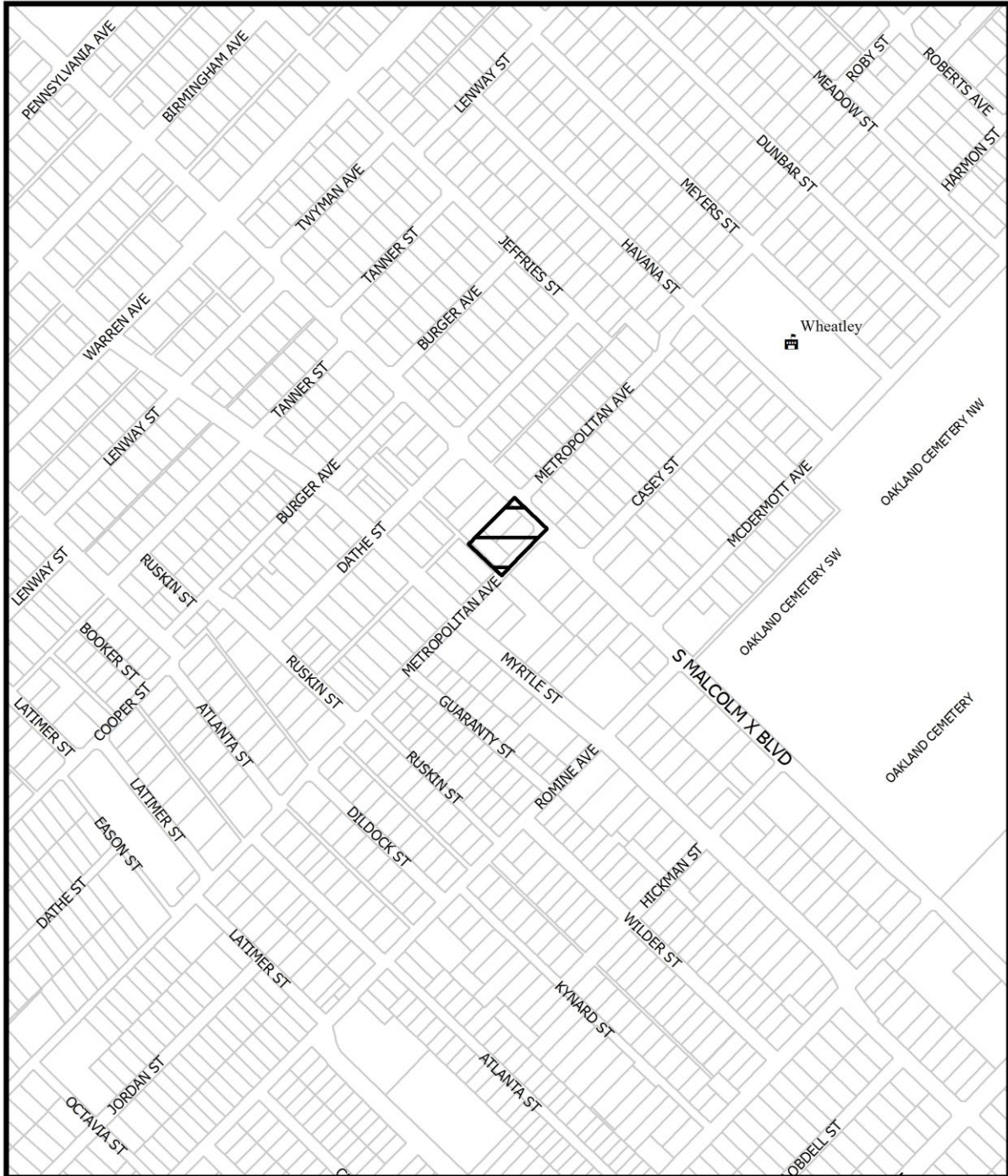
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

- 1) For a multifamily use, maximum number of dwelling units is nine.
- 2) Maximum height is 30 feet.
- 3) For nonresidential uses, maximum lot coverage is 25 percent.
- (4) The following uses are prohibited:
  - Convalescent and nursing homes, hospice care, and related institutions.
  - Hospital.
  - Lodging or boarding house.
  - College dormitory, fraternity, or sorority house.
  - Duplex.
  - Group residential facility.
  - Residential hotel.
  - Retirement housing.
  - Accessory helistop.
  - Accessory medical/infectious waste incinerator.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.





1:4,800

### VICINITY MAP

Case no:     **Z189-345**    

Date:     **10/8/2019**

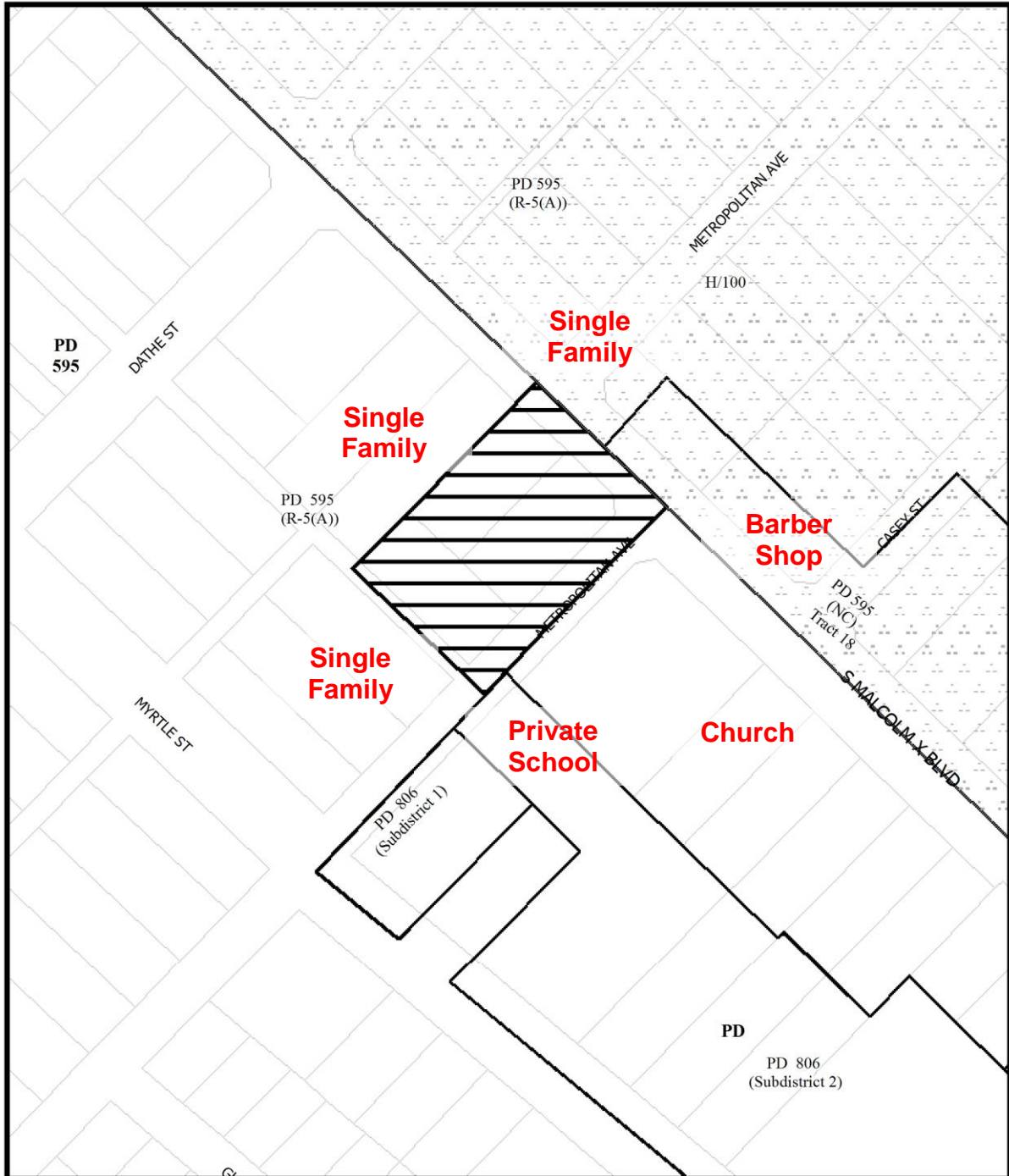


1:1,200

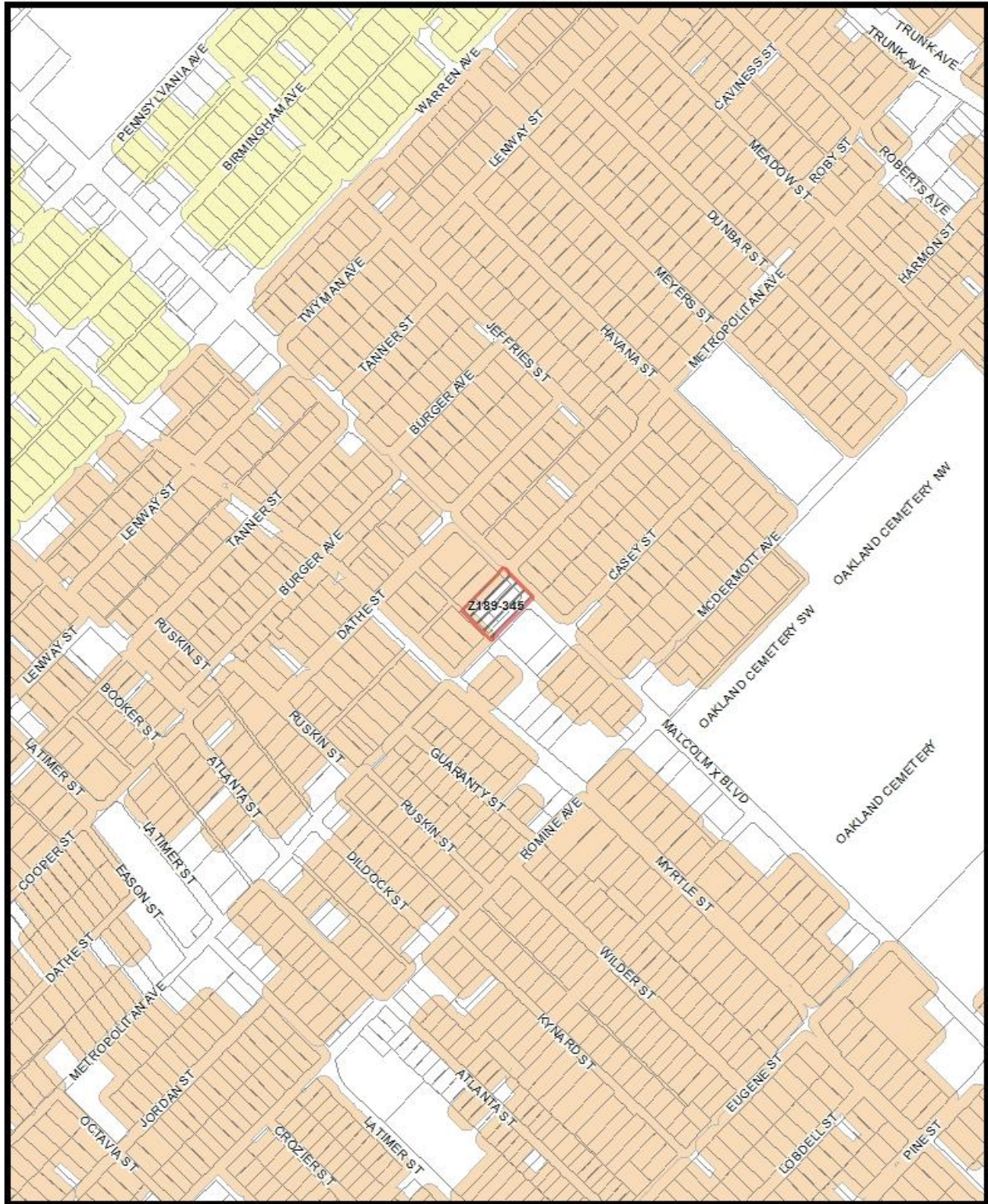
# AERIAL MAP

Case no:     Z189-345    

Date:     10/8/2019



 1:1,200	<b>ZONING AND LAND USE</b>	Case no: <u>    Z189-345    </u> Date: <u>    10/8/2019    </u>
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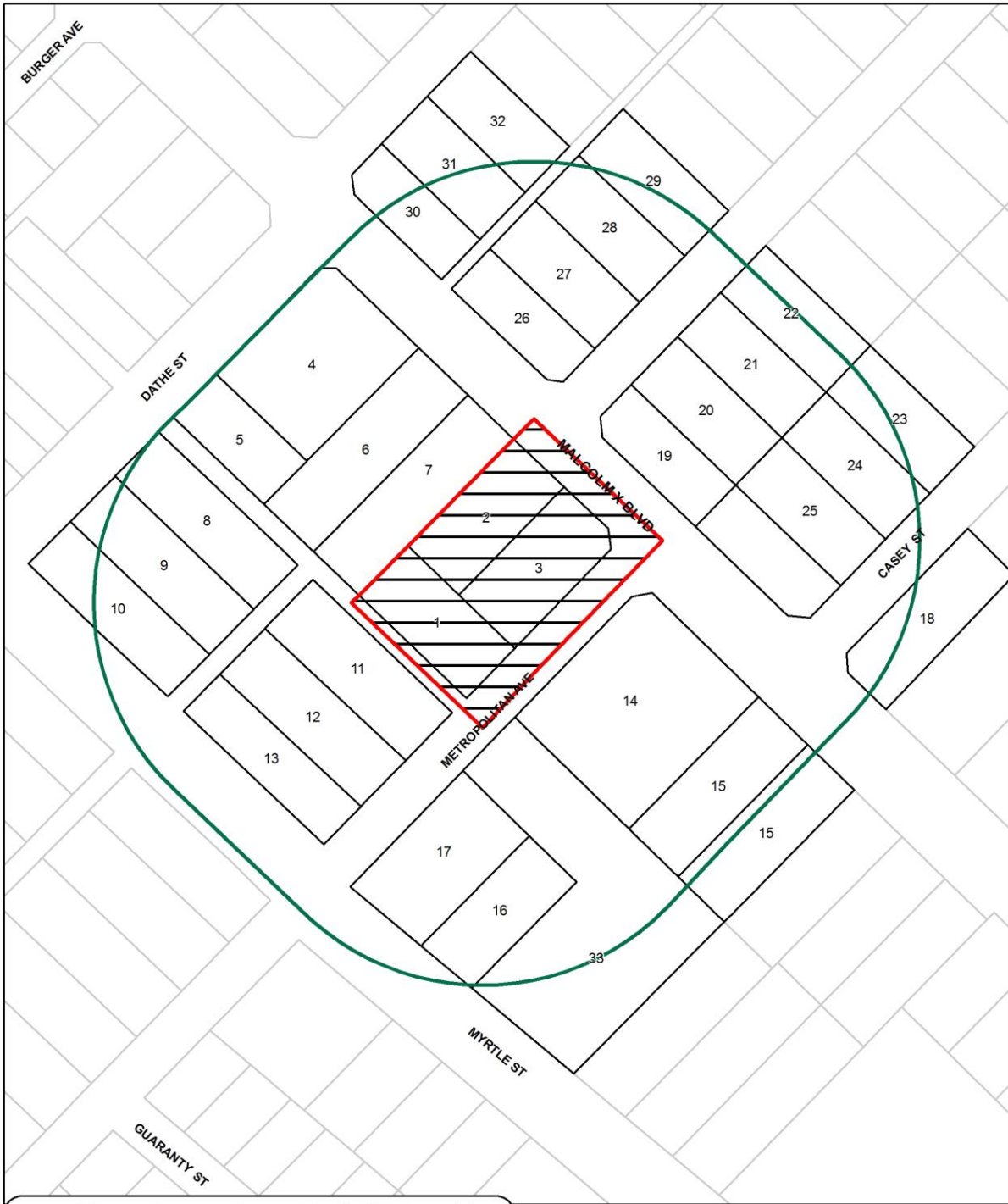
MVA Cluster A B C D E F G H I NA

1:4,800

# Market Value Analysis

Printed Date: 10/8/2019

**CPC Responses**



<u>33</u>	Property Owners Notified (35 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>11/7/2019</u>	Date

**Z189-345**  
**CPC**



1:1,200

11/06/2019

**Reply List of Property Owners****Z189-345****33 Property Owners Notified****0 Property Owners in Favor****0 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	2715 METROPOLITAN AVE	PLEASANT GROVE MISSIONARY BAPTIST CHURCH
	2	3635 S MALCOLM X BLVD	MAX URBAN DEVELOPMENT
	3	3639 S MALCOLM X BLVD	MAX URBAN DEVELOPMENT LLC
	4	3605 S MALCOLM X BLVD	HUNT TOMMIE
	5	2714 DATHE ST	FAITHSEED & HARVEST INC
	6	3625 S MALCOLM X BLVD	HIBBERT COLLIN
	7	3631 S MALCOLM X BLVD	THAMES REAL ESTATE INC
	8	2710 DATHE ST	ZOLARA LLC
	9	2706 DATHE ST	CHATTON MAXINE
	10	2700 DATHE ST	LOPEZFLORES MARIA A
	11	2711 METROPOLITAN AVE	HENDERSON WILLIE TR &
	12	2707 METROPOLITAN AVE	GONZALEZ VICENTE G &
	13	2703 METROPOLITAN AVE	LOPEZ NELSON ADALI P &
	14	3701 S MALCOLM X BLVD	MIDPARK PROPERTIES LLC
	15	3711 S MALCOLM X BLVD	PLEASANT GROVE BAPTIST CHURCH
	16	3706 MYRTLE ST	MATHIS MAE E
	17	3700 MYRTLE ST	ST ANTHONY FOUNDATION
	18	3700 S MALCOLM X BLVD	PLEASANT GROVE MISSIONARY BAPTIST CHURCH
	19	2800 METROPOLITAN AVE	CROWDER CLAUDE CHARLES JR
	20	2806 METROPOLITAN AVE	MARTIN RONALD & CHANTEL
	21	2810 METROPOLITAN AVE	LUCAS EUNICE MAE EST OF
	22	2814 METROPOLITAN AVE	ALEXANDER JOE N
	23	2815 CASEY ST	5171 INVESTMENTS GROUP LP
	24	2811 CASEY ST	ADVANCED INC INV
	25	2807 CASEY ST	D&D PPTIES
	26	2803 METROPOLITAN AVE	ORNELAS ALAN

Z189-345(JM)

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2807	METROPOLITAN AVE	JACKSON ALGERNON JR &
28	2811	METROPOLITAN AVE	LARK ROBERT E
29	2815	METROPOLITAN AVE	MARTIN J R & NANCY
30	2802	DATHE ST	LACY ELEZENE
31	2806	DATHE ST	DICKENS VALERERIA EST OF
32	2810	DATHE ST	PENA FRANCISCO CRUZ &
33	2800	METROPOLITAN AVE	ROMAN CATHOLIC DIOCESE DALLAS