

FILE NUMBER: Z201-297(OA) **DATE FILED:** July 8, 2021
LOCATION: On the west line of Mark Trail Way, southeast of Swansee Street
COUNCIL DISTRICT: 3 **MAPSCO:** 63 M
SIZE OF REQUEST: ± 1.336 acres **CENSUS TRACT:** 110.01

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

APPLICANT: DSG

OWNER: Ramin Amini

REQUEST: An application for **(1)** a MF-2(A) Multifamily District; and **(2)** the termination of deed restrictions [Z68-305] on property zoned a LO-1 Limited Office District 1 with deed restrictions [Z68-305]

SUMMARY: The purpose of the request is to allow for a multifamily development on the site

CPC RECOMMENDATION: Approval of a MF-2(A) Multifamily District; and approval of the termination of deed restrictions [Z68-305].

STAFF RECOMMENDATION: Approval of a MF-2(A) Multifamily District; and approval of the termination of deed restrictions [Z68-305].

BACKGROUND INFORMATION:

- The subject site is vacant with a total of 1.336 acres of land. The existing LO-1(A) Limited Office District 1 does not allow residential development including single family and multifamily uses.
- The proposed MF-2(A) Multifamily District would allow for the construction of a multifamily development.
- The applicant proposes to terminate existing deed restrictions established with Z68-305 in 1969. The existing deed restrictions limit the uses on the property to a drug store and a professional apothecary shop and limit the height of any structures to two stories.
- In 1969, the property was zoned O-2 Office District 1 and on July 18, 1989, the zoning transitioned to LO-1(A) Limited Office District 1 by the adoption of Chapter 51A of Dallas Development Code.

Zoning History:

There has been no zoning request in the area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Mark Trail Way	Local	50

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 request complies with land use goals and policies of the Comprehensive Plan.

GOAL 1.1 Align land use strategies with economic development priorities.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

NEIGHBORHOOD PLUS

GOAL 6.0 ENHANCE RENTAL HOUSING OPTIONS

Surrounding Land Uses:

Area	Zone	Use
Site	LO-1(A)	Undeveloped
North	R-7.5A)	Single family uses
East	R-7.5(A)	Single family uses
West	LO-1(A) & MF-2(A)	Multifamily uses and office
South	MF-2(A)	Multifamily uses

Land Use Compatibility:

The applicant is seeking approval for the development of a multifamily use with approximately 43 units with an MF-2(A) Multifamily District and to terminate the existing deed restrictions limiting the uses to a drug store and a professional apothecary shop and the height to two stories that were volunteered in conjunction with request Z68-305, which was to rezone the property to Office District 2 and was approved by City Council in 1969.

The surrounding properties contain single family uses to the north and east, and multifamily uses to the west and south, with an office use to the west as well.

The site is adjacent to an established single family residential neighborhood and a multifamily development. Staff believes multifamily uses to be suitable for the site, as it is compatible with the existing uses in the surrounding area and will appropriately activate a site that has been vacant for many years. Staff is also supportive of the termination of the deed restrictions, as the request may not be successfully implemented without the termination.

Use Comparison Table:

LO-1 (A) – Existing	MF-2(A) – Proposed
(A) <u>Agricultural uses.</u> -- Crop production	(A) <u>Agricultural uses.</u> -- Crop production.
(B) <u>Commercial and business service uses.</u> Catering service. [L] Medical or scientific laboratory. [SUP].	(B) <u>Commercial and business service uses.</u> None permitted.
(C) <u>Industrial uses.</u> -- Gas drilling and production. [SUP] -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]	(C) <u>Industrial uses.</u> -- Gas drilling and production. [SUP] -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]
(D) <u>Institutional and community service uses.</u> Adult day care facility. [L] -- Cemetery or mausoleum. [SUP] -- Child-care facility. [L] -- Church. -- College, university, or seminary. -- Community service center. [SUP] -- Convent or monastery. -- Library, art gallery, or museum. -- Open-enrollment charter school or private school. [SUP] -- Public school other than an open-enrollment charter school. [RAR]	(D) <u>Institutional and community service uses.</u> -- Adult day care facility. [SUP] -- Cemetery or mausoleum. [SUP] -- Child-care facility. [SUP] -- Church. -- College, university or seminary. [SUP] -- Community service center. [SUP] -- Convalescent and nursing homes, hospice care, and related institutions. [SUP] -- Convent or monastery. [SUP] -- Foster home. [SUP] -- Library, art gallery, or museum. [SUP] -- Public or private school. [SUP]
(E) <u>Lodging uses.</u> -- Overnight general purpose shelter.	(E) <u>Lodging uses.</u> None permitted.
(F) <u>Miscellaneous uses.</u> -- Attached non-premise sign. [SUP] -- Carnival or circus (temporary). [By special authorization of the building official.] -- Temporary construction or sales office.	(F) <u>Miscellaneous uses.</u> -- Carnival or circus (temporary). [By special authorization of the building official.] -- Temporary construction or sales office.
(G) <u>Office uses.</u> -- Alternative financial establishment. [SUP] -- Financial institution without drive-in window. -- Financial institution with drive-in window. [SUP] -- Medical clinic or ambulatory surgical center. -- Office.	(G) <u>Office uses.</u> None permitted.
(H) <u>Recreation uses.</u> -- Country club with private membership. [SUP] -- Private recreation center, club, or area. [SUP] -- Public park, playground, or golf course.	(H) <u>Recreation uses.</u> -- Country club with private membership. [RAR] -- Private recreation center, club, or area.

LO-1 (A) – Existing	MF-2(A) – Proposed
	[SUP] -- Public park, playground, or golf course.-- Public park, playground, or golf course
(I) <u>Residential uses.</u> -- College dormitory, fraternity or sorority house.	(I) <u>Residential uses.</u> -- College dormitory, fraternity, or sorority house. -- Duplex. -- Group residential facility. [See Section 51A-4.209(3).] -- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).] -- Multifamily. -- Retirement housing. -- Single family.
(J) <u>Retail and personal service uses.</u> -- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).] -- Business school. -- Dry cleaning or laundry store. [L] -- General merchandise or food store 3,500 square feet or less. [L] -- Personal service uses. [L] -- Restaurant without drive-in or drive-through service. [L] [RAR]	(J) <u>Retail and personal service uses.</u> None permitted
(K) <u>Transportation uses.</u> -- Transit passenger shelter. -- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]	(K) <u>Transportation uses.</u> -- Transit passenger shelter. -- Transit passenger station or transfer center. [SUP]
(L) <u>Utility and public service uses.</u> -- Commercial radio or television transmitting station. [SUP] -- Electrical substation. -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).] -- Police or fire station. [SUP] -- Post office. [SUP] -- Radio, television, or microwave tower. [SUP] -- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).] -- Utility or government installation other than listed. [SUP]	(L) <u>Utility and public service uses.</u> -- Electrical substation. [SUP] -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).] -- Police or fire station. [SUP] -- Radio, television, or microwave tower. [SUP] -- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).] -- Utility or government installation other than listed. [SUP]
(M) <u>Wholesale, distribution, and storage uses.</u> -- Recycling drop-off container. [See	(M) <u>Wholesale, distribution, and storage uses.</u> -- Recycling drop-off container. [See

LO-1 (A) – Existing	MF-2(A) – Proposed
Section 51A-4.213 (11.2).] -- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]	Section 51A-4.213 (11.2).] -- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

Development Standards:

District	Setbacks		Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear				
Existing: LO-1(A)	15'	20' adj. to res. 0' all others	30-35'	50%	RPS over 26 feet in height	Neighborhood serving office and institutional and community service uses.
Proposed: MF-2(A)	15'	0' for SF 5-15' Others	36'	60%	RPS over 26 feet in height	Residential and institutional and community service uses.

Some of the development standards for the existing and proposed zoning districts are similar. However, the permitted lot coverage will increase from 50% to 60% with the proposed change. 20' setback is required with the existing zoning on the northern boundary of the site as it is adjacent to residential, the proposed zoning will allow 10-15 feet setback instead, depending on the site layout. The height is restricted to 30 feet and two stories with the deed restrictions and with the existing zoning district, which may increase up to three stories since the MF-2(A) allows for 36 feet. However, staff does not have concerns about this increase since residential proximity slope will still apply for height over 26 feet.

The site is adjacent to an R-7.5(A) District to the north and east, which triggers residential proximity slope restrictions for the area of request. The residential proximity slope requires an 18.4° (1 to 3 slope) angle of projection, and the slope extends infinitely from the site of origination. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope (except for chimneys, structures listed in Sec. 51A-4.408(a)(2))

The lot width for the subject site is approximately 180 feet, and the lot depth is approximately 345 feet. Structures within the portion of the site immediately adjacent to an R-7.5(A) District and within 78 feet of an R-7.5(A) District would be limited to a maximum height of 26 feet. However, structures beyond the first 78 feet adjacent to an R-7.5(A) District can be gradually built up to a maximum height of 36 feet as the slope continues onward and upward from the site of origination.

Parking:

Parking will be in accordance with the parking regulations of Chapter 51A. If a multifamily development is constructed, one parking space will be required 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.

Landscaping:

Landscaping will be in accordance with the landscape regulations of Article X, as amended.

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. The site is not within an identifiable MVA Category; however, it is in proximity to an “E” MVA Cluster to the south and north

**CPC ACTION
OCTOBER 21, 2021**

Motion: It was moved to recommend 1) **approval** of a MF-2(A) Multifamily District; and 2) **approval** of the termination of deed restrictions [Z68-305] on property zoned a LO-1 Limited Office District with deed restrictions [Z68-305], on the west line of Mark Trail Way, southeast of Swansee Street.

Maker: Jackson
Second: Blair
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Anderson, Shidid,
Carpenter, Jackson, Blair, Jung, Suhler, Haqq,
Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 10

Notices: Area: 300 Mailed: 34
Replies: For: 1 Against: 6

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Apurva Patel, 18300 Minnetonka Blvd., Wayzata, MN, 55391
Against: None
Staff: Phil Erwin, Chief Arborist, Dallas Building Inspections

CPC ACTION
OCTOBER 7, 2021

Motion: In considering an application for 1) a MF-2(A) Multifamily District; and 2) the termination of deed restrictions [Z68-305] on property zoned a LO-1 Limited Office District 1 with deed restrictions [Z68-305], on the west line of Mark Trail Way, southeast of Swansee Street, it was moved to **hold** this case under advisement until October 21, 2021.

Maker: Jackson
Second: MacGregor
Result: Carried: 11 to 0

For: 11 - MacGregor, Shidid, Carpenter, Jackson, Blair,
Jung, Suhler, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Hampton
Vacancy: 3 - District 3, District 4, District 10

Notices: Area: 300 Mailed: 34
Replies: For: 1 Against: 6

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
For (Did not speak): Jennifer Hiromoto, 3904 Elm St., Dallas, TX, 75226
Against: None

CPC ACTION
SEPTEMBER 23, 2021

Motion: In considering an application for 1) a MF-2(A) Multifamily District; and 2) the termination of deed restrictions [Z68-305] on property zoned a LO-1 Limited Office District 1 with deed restrictions [Z68-305], on the west line of Mark Trail Way, southeast of Swansea Street, it was moved to **hold** this case under advisement until October 7, 2021.

Maker: Stinson
Second: MacGregor
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Shidid,
Carpenter, Jackson, Blair, Jung, Suhler,
Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 2 - District 4, District 10

Notices: Area: 300 Mailed: 34
Replies: For: 1 Against: 4

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
For (Did not speak): AG Patel, 4000 Mark Trail, Dallas, TX, 75232
Against: None

Z201-297(OA)

List of Officers

Remin Amini, Sole Owner

**EXISTING DEED RESTRICTIONS
(to be terminated)**

530
WD

MAR--4-69 33810 PD--B 5.50

RESTRICTIVE COVENANTS

DEED RECORD

THE STATE OF TEXAS I
COUNTY OF DALLAS I

This agreement made and entered into this 4 day of March, A.D. 1969 by and between PHILIP E. WHITTLESEY, of the County of Dallas, State of Texas, hereinafter referred to as "Whittlesey", and the CITY OF DALLAS, TEXAS, a municipal corporation, acting herein by and through its duly authorized officers, hereinafter referred to as "City",

W I T N E S S E T H :

WHEREAS, the said Whittlesey is the owner of that certain tract, piece or parcel of land lying and situated in Dallas County, Texas, to-wit:

Being in the N. B. Harwood Survey, Abstract No. 612, and being in City of Dallas Block 6050, and more particularly described as follows:

BEGINNING at a point on the east line of Hampton Road, said point being south a distance of 6.29 feet from the point of intersection of said Hampton Road east line with the southwest line of Club Oaks No. 1, an addition to the City of Dallas, Texas, as recorded in Volume 27, page 47, Map Records of Dallas County, Texas, a point for corner;

THENCE south 52° 38' east, leaving said Hampton Road east line and proceeding 5.0 feet from and parallel to said Club Oaks No. 1 Addition, a distance of 954.34 feet to a point in the proposed westerly line of Mark Trail Way (a proposed 60 foot right-of-way) a point for corner;

THENCE south 37° 22' west along the said proposed Mark Trail Way westerly line a distance of 185.00 feet to a point for corner;

THENCE north 52° 25' west, leaving the said proposed Mark Trail westerly line, and proceeding a distance of 815.53 feet to a point in the said Hampton Road east line, a point for corner;

THENCE north along the said Hampton Road east line, a distance of 228.71 feet to the place of beginning and containing 3.72 acres of land;

hereinafter referred to as "Said Land"; and,

WHEREAS said Whittlesey has made application to the governing body of the CITY OF DALLAS, TEXAS, for a change in the zoning classification placed upon Said Land by said governing body to a classification that will permit the operation thereupon of medical, dental, and allied professional offices, and, as an adjunct thereto, a drug store and professional

PAGE

apothecary shop, offering for sale to the public at retail, pharmaceuticals, patent drugs, medicinal supplies, products and appliances, sickroom supplies and related items, usually and customarily offered for sale in drug stores; and,

WHEREAS, the zoning classification prescribed by the zoning ordinance of the CITY OF DALLAS, TEXAS, as necessary for said uses permits uses which are, in the opinion of the governing body of the CITY OF DALLAS, TEXAS, objectionable and not the highest and best use of all or any portion of Said Land and contrary to the general welfare and well being of the general public; and

WHEREAS, the use of the portion of Said Land described upon Exhibit "A" for a professional apothecary shop and drug store as hereinabove defined and the use of the remainder of Said Land for medical, dental and allied professional offices are the highest and best uses of Said Land, and are not contrary to the general welfare and well being of the general public;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the granting by the City of a change of zoning classification of Said Land so as to permit the operation upon the portion of Said Land described upon Exhibit "A" of a drug store and professional apothecary shop as hereinabove defined and the use of the remainder of Said Land for medical, dental and allied professional offices, the said Whittlesey has, and does by these presents agree and covenant as follows:

1. That the tract described upon Exhibit "A" hereto attached shall at no time be used for any purpose other than the conduct and operation, in improvements constructed thereupon in accordance with ordinances and codes of the CITY OF DALLAS, TEXAS, of a drug store and professional apothecary shop as hereinabove defined and that he will not permit the use of said property, or any portion thereof, for any other use; and

2. That as to the remainder of Said Land, no structure more than two (2) stories in height shall be constructed thereupon and that same will be used solely for medical, dental and allied professional offices.

This agreement, and the covenants herein as to the use of Said Land are for the sole benefit of the CITY OF DALLAS, TEXAS, and said City

PAGE .
690-14 0827

is specifically given the right to prevent or stop violation of said covenant by injunction or other lawful procedure, and to recover any damages resulting from such violation.

It is expressly agreed and understood, however, that a breach of the foregoing covenant or any injunction or other remedy pursued and taken by the City in the event of such breach, shall not defeat or render invalid the lien of any mortgage or deed of trust as to the said premises or any part thereof; but said covenant shall be binding upon and effective against any owner of said premises, whose title thereto is acquired by foreclosure, trustee's sale, or otherwise, as to any breach occurring after such acquirement of title.

This agreement shall be binding upon PHILIP E. WHITTLESEY, his heirs and assigns and inure solely to the benefit of the CITY OF DALLAS, TEXAS, and may be released, and the property affected hereby relieved of all burdens and restrictions herein imposed, at any time hereafter by the governing body of the CITY OF DALLAS, TEXAS, without necessity of joinder of any other person or persons whatsoever.

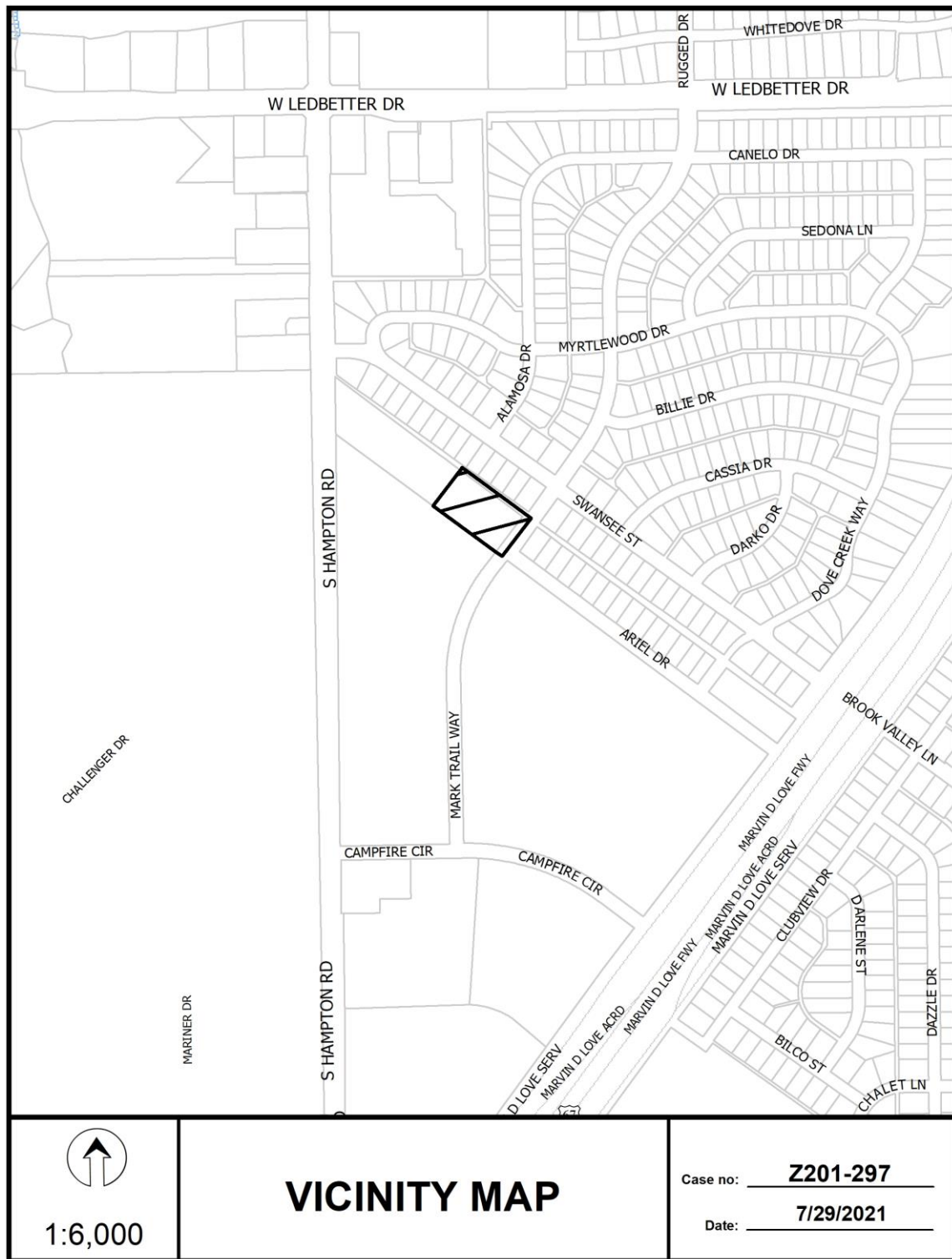
Executed as of the date and year first above written.

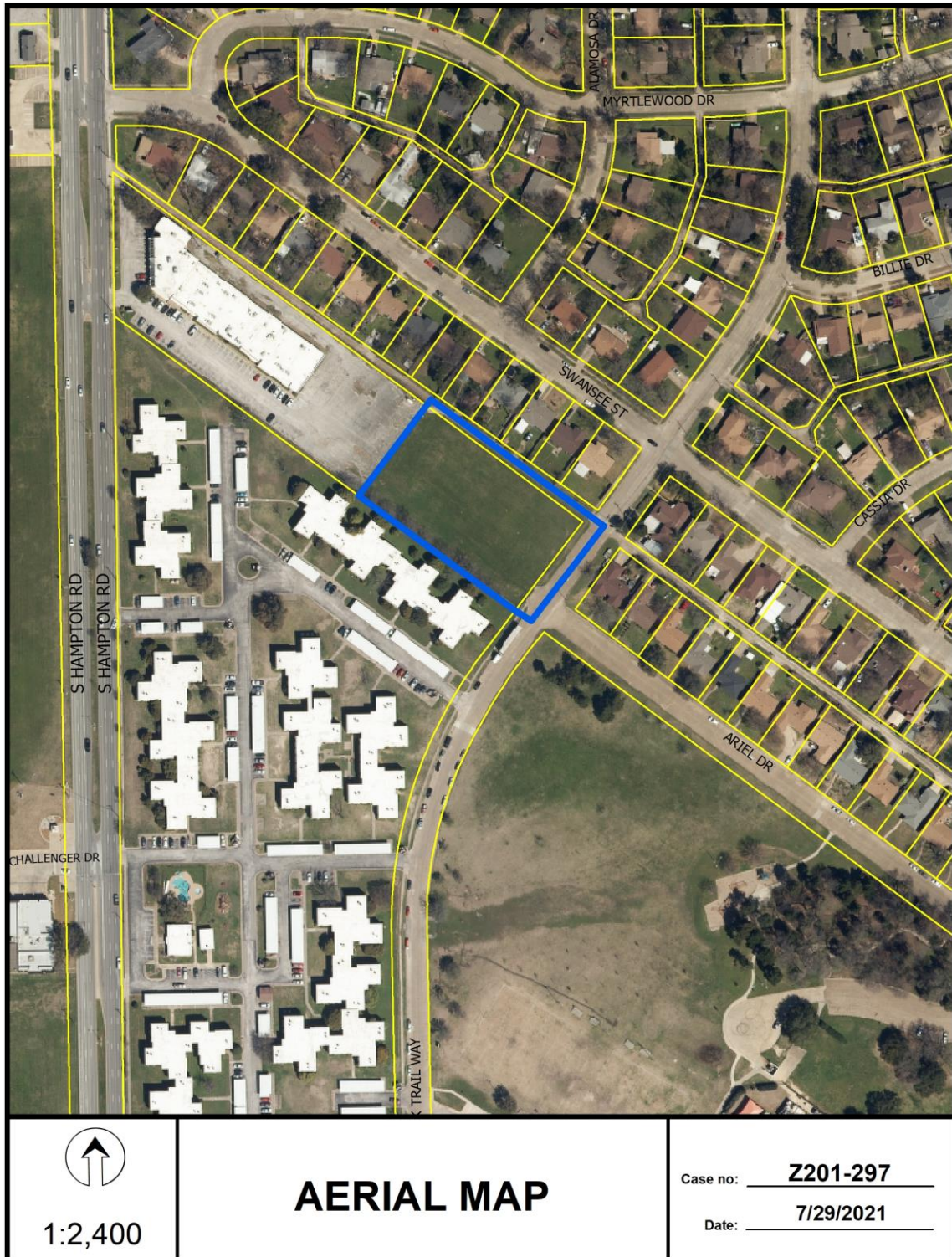

Philip E. Whittlesey

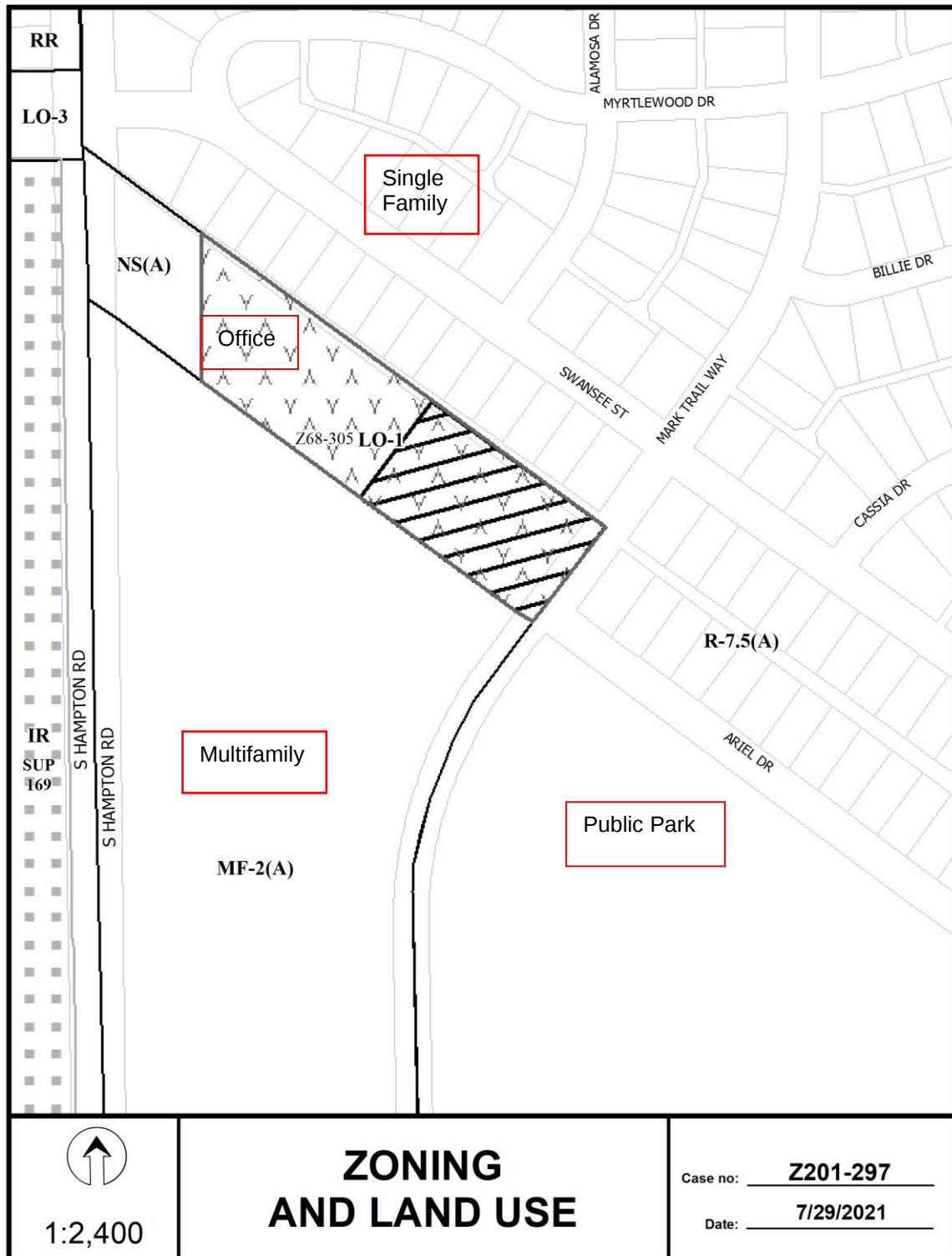
CITY OF DALLAS, TEXAS

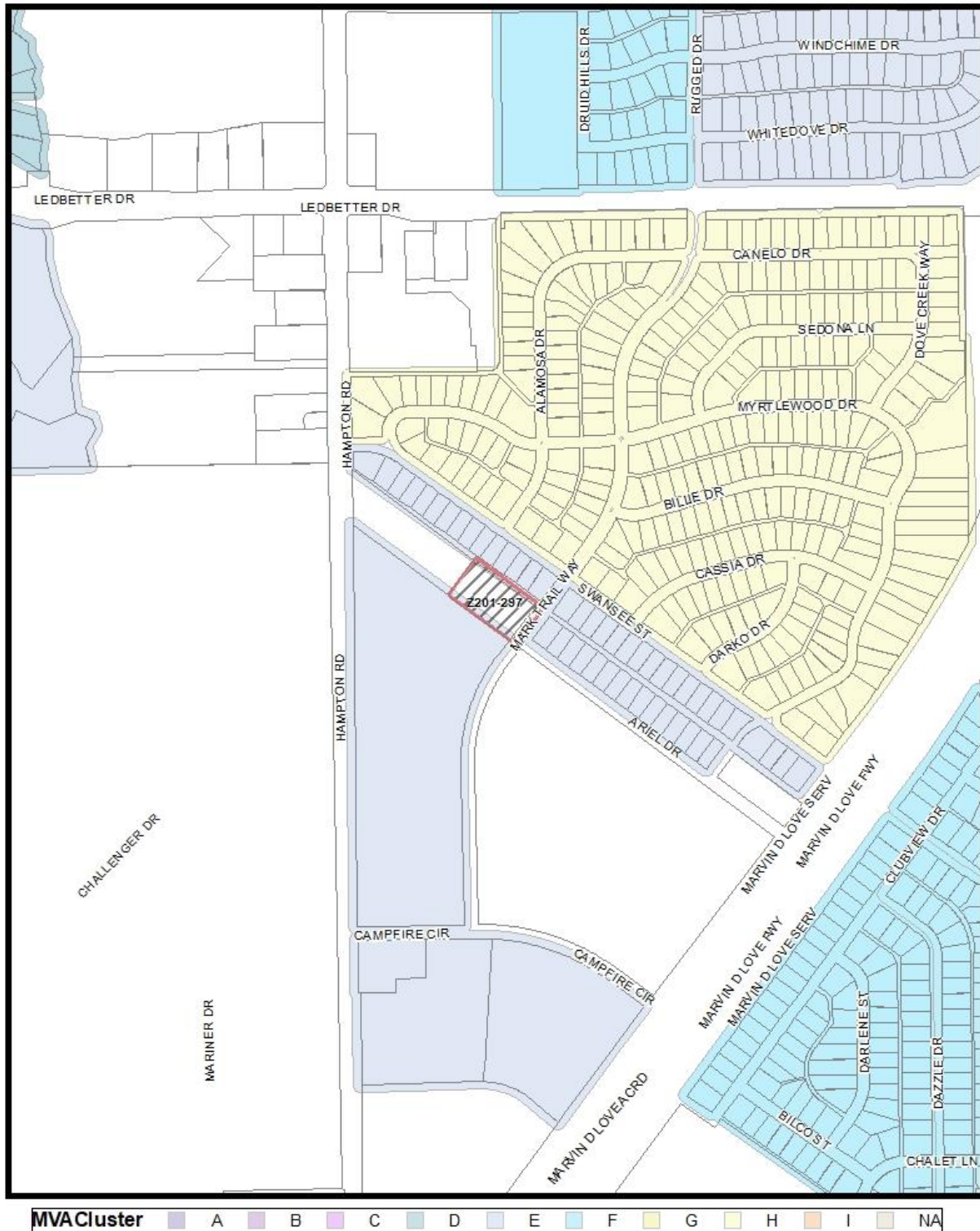
Attest:

By _____







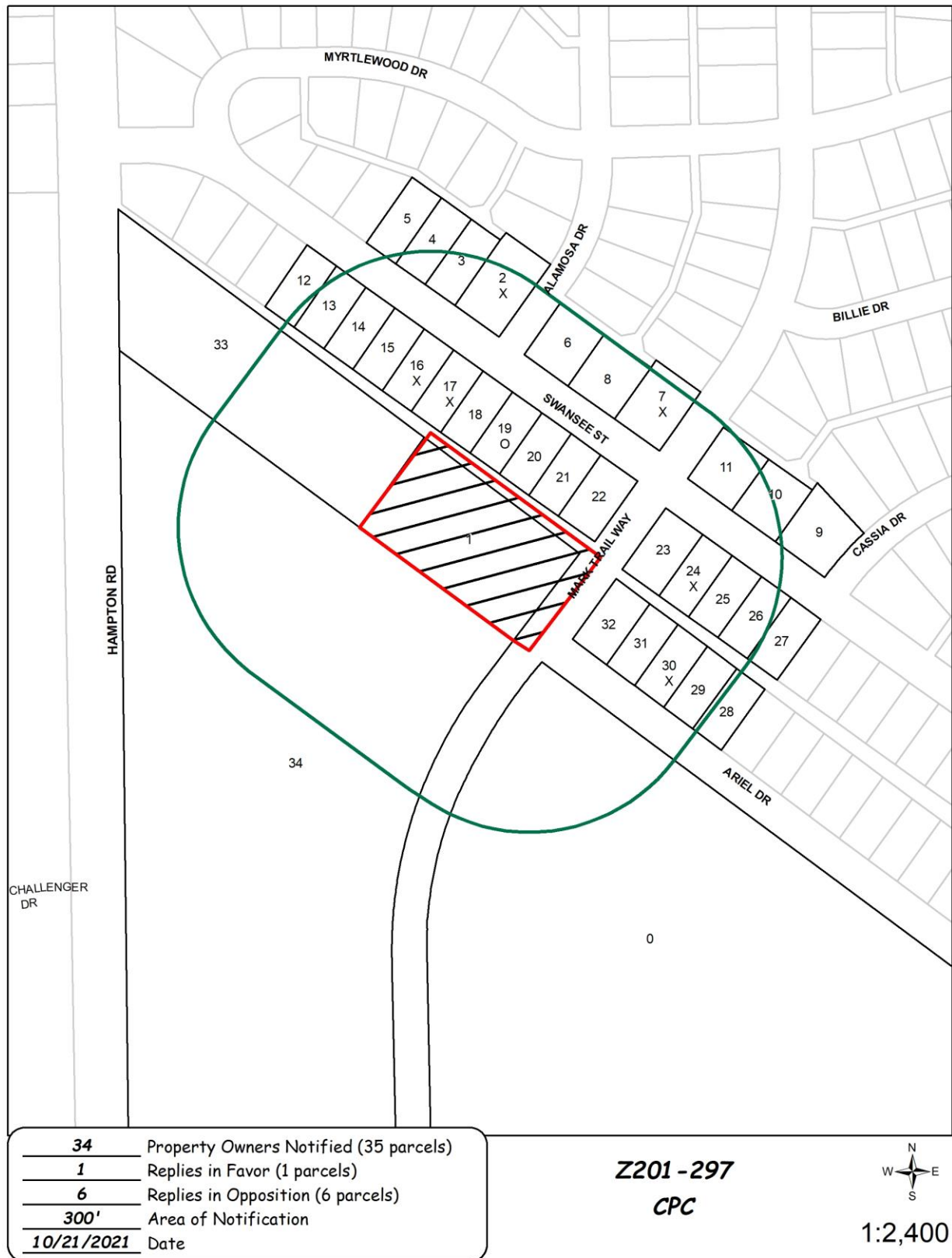


1:6,000

Market Value Analysis

Printed Date: 7/29/2021

CPC RESPONSES



10/20/2021

Reply List of Property Owners***Z201-297******34 Property Owners Notified******1 Property Owners in Favor******6 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	4000 MARK TRAIL WAY	Taxpayer at
X	2	2205 SWANSEE DR	JOE SHELTON J &
	3	2211 SWANSEE DR	STEVIA & HONEY HOLDINGS LLC
	4	2215 SWANSEE DR	BLOCKER TOMEKA
	5	2219 SWANSEE DR	VALDEZ MANDI SHAE
	6	2117 SWANSEE DR	KEELING STUART L
X	7	4715 MARK TRAIL WAY	CRAFT MICHAEL D
	8	2111 SWANSEE DR	REYES LAURA
	9	2003 SWANSEE DR	PROVAZEK ADOLPH F MANAGEMENT
	10	2007 SWANSEE DR	LEWIS VIRGINIA FAYE
	11	2015 SWANSEE DR	WILLIAMS JIMMY R
	12	2224 SWANSEE DR	WOODWARD LUTHER JR
	13	2220 SWANSEE DR	SANDERS JAMES ET AL
	14	2214 SWANSEE DR	TURNER FANNIE
	15	2210 SWANSEE DR	EDWARDS THEODIS & EULA EDWARDS &
X	16	2204 SWANSEE DR	HENDERSON JUDY R
X	17	2202 SWANSEE DR	ROSS CHERYL
	18	2122 SWANSEE DR	TUCKER MICHAEL &
O	19	2116 SWANSEE DR	PORTER CHARLES W
	20	2112 SWANSEE DR	WILSON FREDDIE L
	21	2108 SWANSEE DR	JACKSON ROBERT C
	22	2104 SWANSEE DR	NGUYEN BINH THAI &
	23	2016 SWANSEE DR	PARKER CHARLYE K
X	24	2010 SWANSEE DR	ALLEN BENJA LIGHTFOOT
	25	2006 SWANSEE DR	RHONE GURTHA L
	26	2002 SWANSEE DR	TUBBS JO

Z201-297(OA)

10/20/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1926 SWANSEE DR	Taxpayer at
	28	1923 ARIEL DR	MARTINEZ ZAIDA
	29	2003 ARIEL DR	ARCHIE DEBRA SUE
X	30	2007 ARIEL DR	CULLINS EDWARD
	31	2011 ARIEL DR	Taxpayer at
	32	2015 ARIEL DR	KINDRED ROBERT E & DORIS
	33	4650 S HAMPTON RD	ALHABASH MUYRAD
	34	5000 S HAMPTON RD	DALLAS HAMPTON APARTMENTS LLC