

FILE NUMBER: Z234-251(LG) **DATE FILED:** May 31, 2024
LOCATION: East corner of Moser Avenue and Monarch Street
COUNCIL DISTRICT: 2
SIZE OF REQUEST: Approx. 9,496.08 sq. ft. **CENSUS TRACT:** 48113000902

OWNER/APPLICANT: Ian Blair [Sole Owner]

REQUEST: An application for 1) an MF-2(A) Multifamily Family District and 2) the termination of deed restrictions [Z845-264] on property zoned an LO-1 Limited Office District.

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

STAFF RECOMMENDATION: 1) **Approval** of an MF-2(A) District; and 2) **approval** of the termination of deed restrictions [Z845-264] as volunteered by the applicant.

BACKGROUND INFORMATION:

- The area of request is currently developed with a two-story, 3,420-square-foot building constructed in 1929, according to Dallas Central Appraisal District records. Per city certificate of occupancy (CO) records, a CO for an office building use was issued in 1988.
- On May 5, 1986, the City Council approved an application for an O-2 Office District and deed restrictions [Z845-264] on property zoned an MF-2 Multiple Family District. The applicant requests to terminate existing deed restrictions [Z845-264].
- Applicant stated that the structure was originally built as a four-unit apartment building; however, there was a short period in the late 1980s where it was run as an unsuccessful halfway house.
- Existing structure is currently being operated as a multifamily use and in order to bring the use into compliance, the applicant is requesting an MF-2(A) Multifamily District.

Zoning History:

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

1. **Z212-220:** On August 18, 2022, City Plan Commission recommended denial without prejudice for an application for an amendment to Planned Development District No. 462, Subdistrict 5 to include the Levington Place Subdivision Lot 14 in City Block A/1976, according to the map thereof recorded in Volume 100, page 94 of the Real Property Records of Dallas County Texas on property zoned P(A) Parking District.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing/Proposed ROW |
|----------------------------|--------------|------------------------------|
| Moser Avenue | Local Street | 60 ft. |
| Monarch Street | Local Street | 67 ft. |

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 ANALYSIS:

Comprehensive Plan:

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

The request consistent 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 1.1.5 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.

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 a strong and distinctive neighborhoods to enhance Dallas' quality of life.

NEIGHBORHOOD PLUS

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

Land Use:

| | Zoning | Land Use |
|------------------|-----------------------------|---|
| Site | LO-1 District | Multifamily |
| Northeast | CR District | Office building and restaurant w/alcohol bev. |
| Southeast | CR District | Public or private school |
| Southwest | LO-1 District & CR District | Single family and parking lot |
| Northwest | MF-2(A) District | Multifamily |

Land Use Compatibility:

The area of request is currently developed with a two-story, 3,420-square-foot building constructed in 1929, according to DCAD and is currently zoned LO-1 Limited Office District. On March 5, 1986, the City Council approved an application for an Office-2 District with deed restrictions [Z845-264] volunteered by the applicant on property previously classified as a Multiple Family-2 District. The last Certificate of Occupancy on file was issued in 1988 for an office building use.

Properties to the northwest are developed with multifamily use. The property adjacent to the northeast is developed with an office building. Southeast of the subject site, there is a public or private school. The property to the southwest is developed with a single-family use.

The existing structure is currently being operated as a multifamily use and to bring the use into compliance, the applicant is requesting an MF-2(A) Multifamily District. The zoning change would permit multifamily use and amend development standards increasing the required side and rear setbacks, reducing the height requirement and lot coverage requirement. The existing structure may not be in compliance with the MF-2(A) District side setback regulation; however, applicant has stated that no changes to the building footprint, height, or lot coverage are being proposed. The proposed zoning change is consistent with the development and zoning patterns found in the area. Staff is in support of the applicant's request, since the request proposes to develop the property in a manner that is consistent with surrounding uses.

Additionally, the site is currently subject to deed restrictions, which 1) prohibit structures to exceed thirty-six (36) in height, 2) limit development on the property to no more than a 1:1 Floor Area Ratio (FAR), and 3) required prior to the issuance of a Certificate of Occupancy, landscaping must be installed in conformance with the requirements of the

Landscaping Regulations for an Office-2 District. The DRs were originally approved on March 5, 1986, under zoning case Z845-264. Staff supports the termination of these deed restrictions because the deed restrictions do not offer significant regulatory oversight beyond the proposed MF-2(A) base district.

Development Standards

Following is a comparison of the development standards of the current LO-1 District and the proposed MF-2(A) District.

| District | Setback | | Density | Height | Lot Cvrg. | Special Standards | Primary Use |
|-------------------|---------------------|--|--|---------------------|-------------------------|--------------------------------|--|
| | Front | Side/Rear | | | | | |
| Existing: LO-1 | 15 ft. 20 ft. UF | 20 ft. adj. to Res. OTHER: No min. | 1.0 FAR | 70 ft. 5 stories | 80% | Proximity slope, tower spacing | Office-limited retail & personal service use |
| Prop: MF-2(A) | 15 ft. | 0 ft. SF Duplex: 5 ft. Side 10 ft. Rear OTHER: 10 ft. Side 15 ft. Rear | Min. Lot: 1,000 sq. ft. 3,000 sq. ft. - Duplex 800 sq. ft. - E 1,000 sq. ft. - 1 BR 1,200 sq. ft. - 2 BR +150 sq. ft. each add BR | 36 ft. | 60% Res. 50% Nonres. | Proximity slope, dev bonus | Multifamily, duplex, & single family |

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 | LO-1 | MF-2(A) |
| 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 | L | |
| Commercial bus station and terminal | | |
| Commercial cleaning or laundry plant | | |
| Custom business services | | |
| Custom woodworking, furniture construction, or repair | | |
| Electronics service center | | |
| Job or lithographic printing | | |
| Labor hall | | |
| Machine or welding shop | | |
| Machinery, heavy equipment, or truck sales and services | | |
| Medical or scientific laboratory | S | |
| Technical school | | |
| Tool or equipment rental | | |
| Vehicle or engine repair or maintenance | | |
| INDUSTRIAL USES | | |
| Alcoholic beverage manufacturing | | |
| Gas drilling and production | S | S |
| 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 | | |

| | Existing | Proposed |
|--|----------|----------|
| Use | LO-1 | MF-2(A) |
| Pathological waste incinerator | | |
| Temporary concrete or asphalt batching plant | ★ | ★ |
| INSTITUTIONAL AND COMMUNITY SERVICE USES | | |
| Adult day care facility | L | S |
| Cemetery or mausoleum | S | S |
| Child-care facility | L | • |
| Church | • | • |
| College, university, or seminary | • | S |
| Community service center | S | S |
| Convalescent and nursing homes, hospice care, and related institutions | | R |
| Convent or monastery | • | • |
| Foster home | | • |
| Halfway house | | |
| Hospital | S | S |
| Library, art gallery, or museum | • | S |
| Open-enrollment charter school or private school | S | |
| Public school other than an open-enrollment charter school | R | |
| Public or private school | | S |
| LODGING USES | | |
| Extended stay hotel or motel | | |
| Hotel or motel | | |
| Lodging or boarding house | | • |
| Overnight general purpose shelter | ★ | |
| MISCELLANEOUS USES | | |
| Attached non-premise sign. | S | |
| Carnival or circus (temporary) | ★ | ★ |
| Hazardous waste management facility | | |
| Temporary construction or sales office | • | • |
| OFFICE USES | | |
| Alternative financial establishment | S | |
| Financial institution without drive-in window | • | |
| Financial institution with drive-in window | S | |
| Medical clinic or ambulatory surgical center | • | |
| Office | • | |
| RECREATION USES | | |

| | Existing | Proposed |
|---|----------|----------|
| Use | LO-1 | MF-2(A) |
| Country club with private membership | • | R |
| Private recreation center, club, or area | S | S |
| Public park, playground, or golf course | • | • |
| RESIDENTIAL USES | | |
| College dormitory, fraternity, or sorority house | • | • |
| 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 | | |
| Alcoholic beverage establishments. | ★ | |
| 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) | | |
| Commercial amusement (outside) | | |
| Commercial motor vehicle parking | | |
| Commercial parking lot or garage | | |
| Convenience store with drive-through | | |
| Drive-In theater | | |
| Dry cleaning or laundry store | L | |
| Furniture store | | |
| General merchandise or food store 3,500 square feet or less | L | |
| General merchandise or food store greater than 3,500 square feet | | |
| General merchandise or food store 100,000 square feet or more | | |
| Home improvement center, lumber, brick or building materials sales yard | | |
| Household equipment and appliance repair | | |

| | Existing | Proposed |
|--|----------|----------|
| Use | LO-1 | MF-2(A) |
| Liquefied natural gas fueling station | | |
| Liquor store | | |
| Mortuary, funeral home, or commercial wedding chapel | | |
| Motor vehicle fueling station | | |
| Nursery, garden shop, or plant sales | | |
| Outside sales | | |
| Paraphernalia shop | | |
| Pawn shop | | |
| Personal service use | L | |
| Restaurant without drive-in or drive-through service | L, R | |
| Restaurant with drive-in or drive-through service | | |
| Surface parking | | |
| Swap or buy shop | | |
| Taxidermist | | |
| Temporary retail use | | |
| Theater | | |
| Truck stop | | |
| Vehicle display, sales, and service | | |
| TRANSPORTATION USES | | |
| Airport or landing field | | |
| Commercial bus station and terminal | | |
| Heliport | | |
| Helistop | | |
| Private street or alley | | |
| Railroad passenger station | | |
| Railroad yard, roundhouse, or shops | | |
| STOL (short take-off or landing port) | | |
| Transit passenger shelter | • | • |
| Transit passenger station or transfer center | S | S, ★ |
| UTILITY AND PUBLIC SERVICE USES | | |
| Commercial radio or television transmitting station | S | |
| Electrical generating plant | | |
| Electrical substation | • | S |
| Local utilities | S,R,★ | S,R,★ |
| Police or fire station | S | S |

| | Existing | Proposed |
|--|----------|----------|
| Use | LO-1 | MF-2(A) |
| Post office | S | |
| Radio, television, or microwave tower | S | S |
| Refuse transfer station | | |
| Sanitary landfill | | |
| Sewage treatment plant | | |
| Tower/antenna for cellular communication | ★ | ★ |
| Utility or government installation other than listed | S | S |
| Water treatment plant | | |
| WHOLESALE, DISTRIBUTION, AND STORAGE USES | | |
| Auto auction | | |
| Building mover's temporary storage yard | | |
| Contractor's maintenance yard | | |
| Freight terminal | | |
| Livestock auction pens or sheds | | |
| Manufactured building sales lot | | |
| Mini-warehouse | | |
| Office showroom/warehouse | | |
| Outside storage | | |
| 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 must 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 in an MF-2(A) District 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. The applicant will 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 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 (A through C) to orange, representing the weakest markets (G through I). The area of request is currently within an “C” MVA area.

Existing Deed Restrictions to be Terminated

860735

Zoning File #
2845-264/2170-E

RECEIVED

DEED RESTRICTIONS PH 12: 43 8868 0 9.00 DEED 1 03/13/86

THE STATE OF TEXAS X
COUNTY OF DALLAS X

CITY SECRETARY
DALLAS TEXAS
KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, DON WILLIAMS AND DOUG McCUTCHIN are the owners of the property situated in Dallas County, Texas, being in particular a tract of land being a part of Lot 17 in Block A/1468 of MOSER'S ROSS AVENUE ADDITION, an addition to the City of Dallas, Texas, according to the Map thereof, recorded in Volume 1, Page 31, Map Records of Dallas County, Texas, and being more particularly described in Exhibit "A" attached hereto.

That the undersigned DON WILLIAMS AND DOUG McCUTCHIN do hereby impress all of the following described property with the following deed restrictions, to wit:

- 1. That the undersigned, their successors and/or assigns, do hereby agree that no structure may exceed thirty-six (36) feet in height, as defined by the Dallas Development Code, as amended.
- 2. That the undersigned, their successors and/or assigns, do hereby agree to limit development on the Property to no more than a 1:1 Floor Area Ratio (FAR), as defined by the Dallas Development Code, as amended.
- 3. That the undersigned, their successors and/or assigns, do hereby agree that, prior to the issuance of a Certificate of Occupancy, landscaping must be installed in conformance with the requirements of the Landscaping Regulations for an Office-2 District as provided in the Dallas Development Code, as amended.

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein.

These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the property described herein.

86050 6311

2845-264/2170-E

Existing Deed Restrictions to be Terminated (Continued)

860735

These restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

These restrictions inure to the benefit of the City of Dallas, and the undersigned owners hereof do hereby grant to the City of Dallas the right to prosecute, at law and in equity, against the person violating or attempting to violate said restriction, either to prevent him from so doing and correct such violation and for further remedy, the City of Dallas may withhold the Certificate of Occupancy necessary for the lawful use of the property until said restrictions described herein are fully complied with.

These restrictions are hereby declared covenants running with the land and shall be fully binding upon all persons acquiring property within the above-described tract, and any person by acceptance of title to any of the above-described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this the 20 day of January, 1986.

DON WILLIAMS

BY: _____

DOUG McCUTCHIN

BY: _____

Approved as to form:
ANALESLIE MURPHY, City Attorney

By Carla S. Hatcher
Assistant City Attorney

86050 6312

Existing Deed Restrictions to be Terminated (Continued)

860735

THE STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Don Williams, known to me to be the said person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 30 day of January, 1985.

Laura M. Anderson
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
LAURA M. ANDERSON
(Printed Name of Notary)

My Commission Expires:
8-16-89

THE STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Doug McCutchin, known to me to be the said person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 30 day of January, 1985.

Laura M. Anderson
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
LAURA M. ANDERSON
(Printed Name of Notary)

My Commission Expires:
8-16-89

86050 6313

Existing Deed Restrictions to be Terminated (Continued)

860735

EXHIBIT "A"

Part of Lot 17 in Block A/1468 of MOSER'S SECOND ROSS AVENUE ADDITION, recorded in Volume 1, Page 31, Map Records of Dallas County, Texas, and described as follows:

BEGINNING at the intersection of the Northeast line of Moser Avenue and the Southeast line of Monarch Street;
THENCE in a Southeasterly direction along the Northeast line of Moser Avenue, 52.70 feet to point for corner; said point being the Southwest corner of Lot 16;
Thence Northeasterly parallel to Monarch Street 120 feet to point for corner;
THENCE Northwesterly 52.70 feet parallel to Moser Avenue to point for corner in the Southeast line of Monarch Street;
THENCE Southwesterly along the Southeast line of Monarch street 120 feet to the Place of Beginning (further known as being 1830 Moser Avenue, Dallas, Texas).

86050 6314

Existing Deed Restrictions to be Terminated (Continued)

86050 6315

FILED
Erno Bullock
COUNTY CLERK
DALLAS COUNTY
1986 MAR 13 PM 12:02

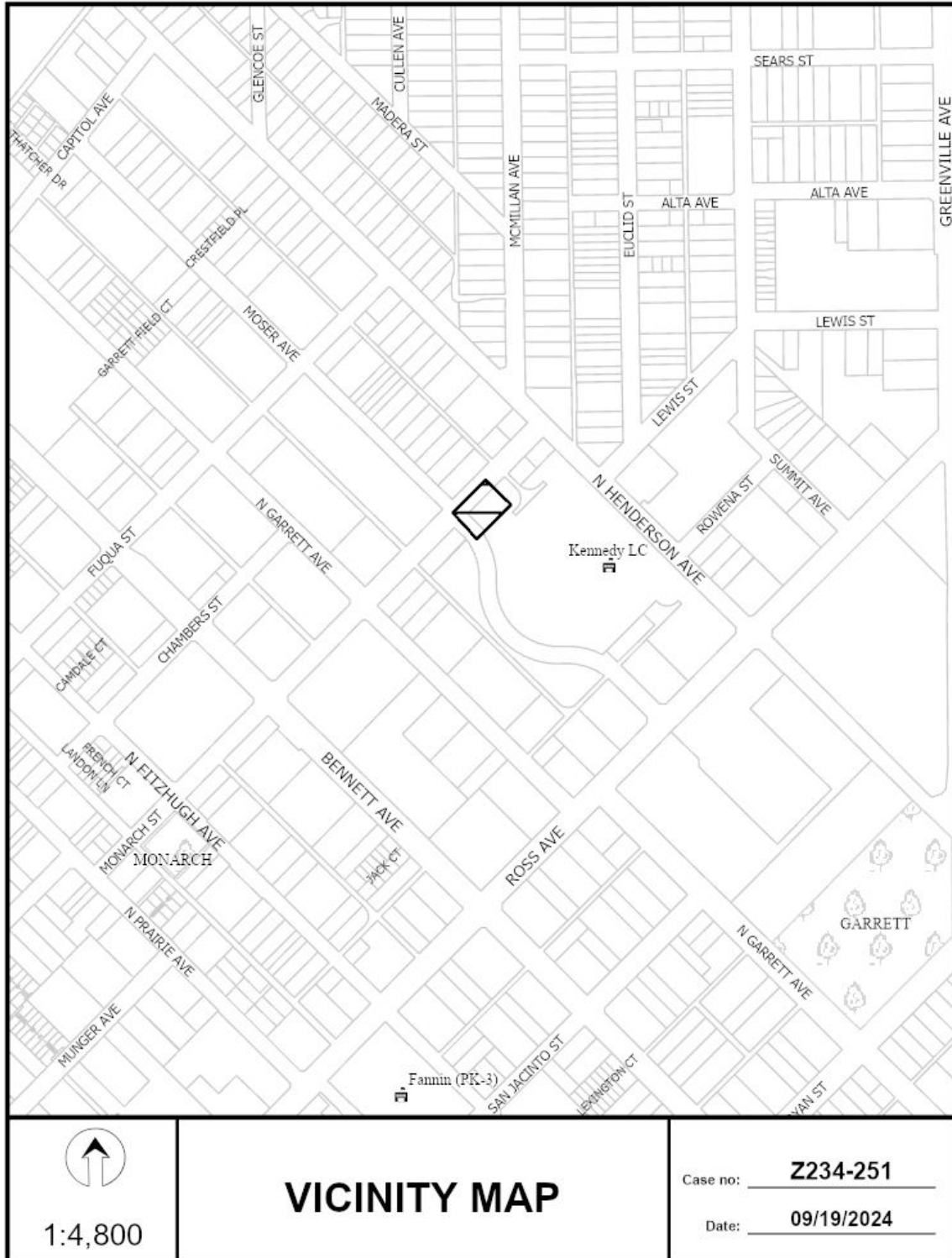
STATE OF TEXAS COUNTY OF DALLAS
I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly re-
corded in the volume and page of the named records
of Dallas County, Texas as stamped hereon by me.

MAR 13 1986

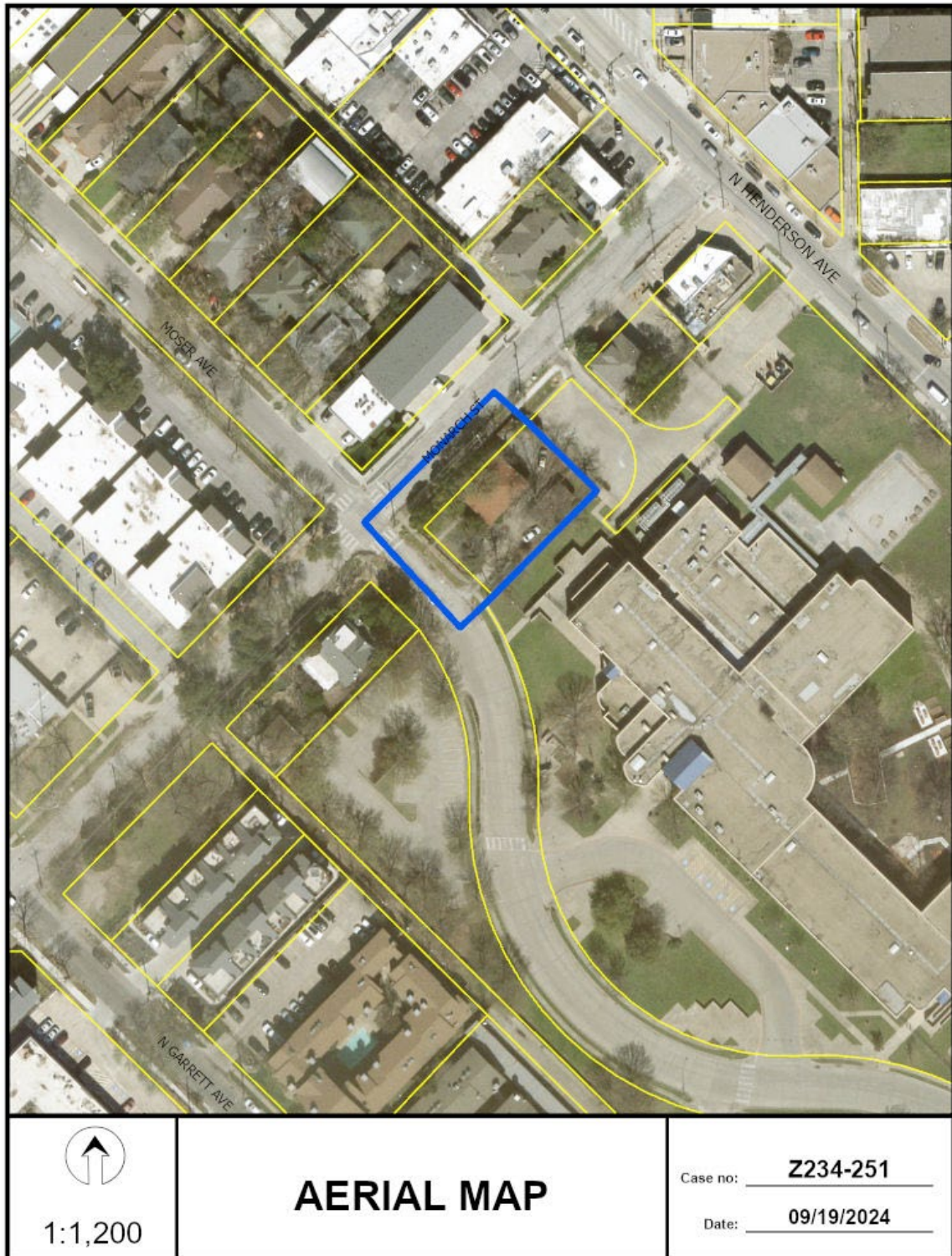


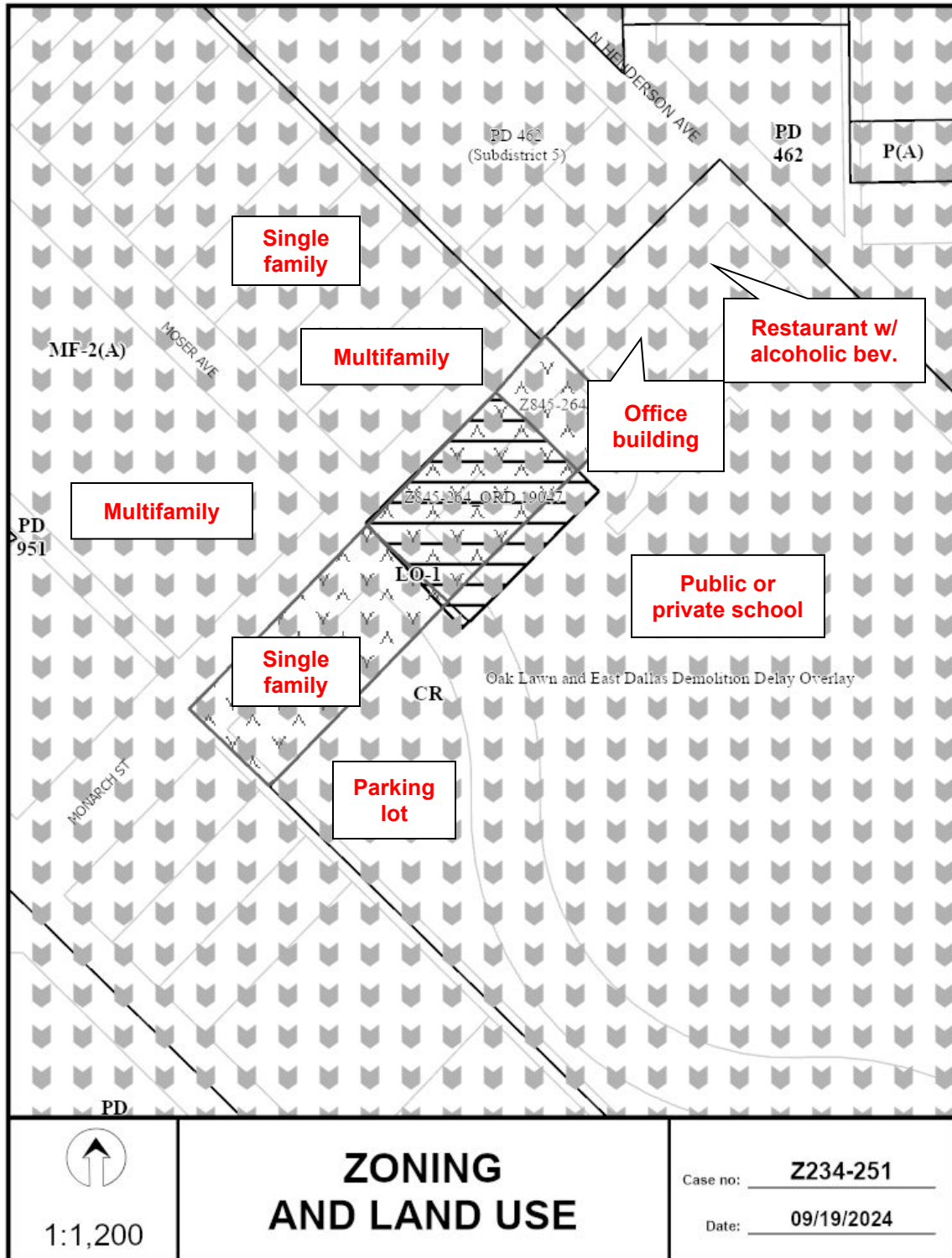
Erno Bullock
COUNTY CLERK, Dallas County, Texas

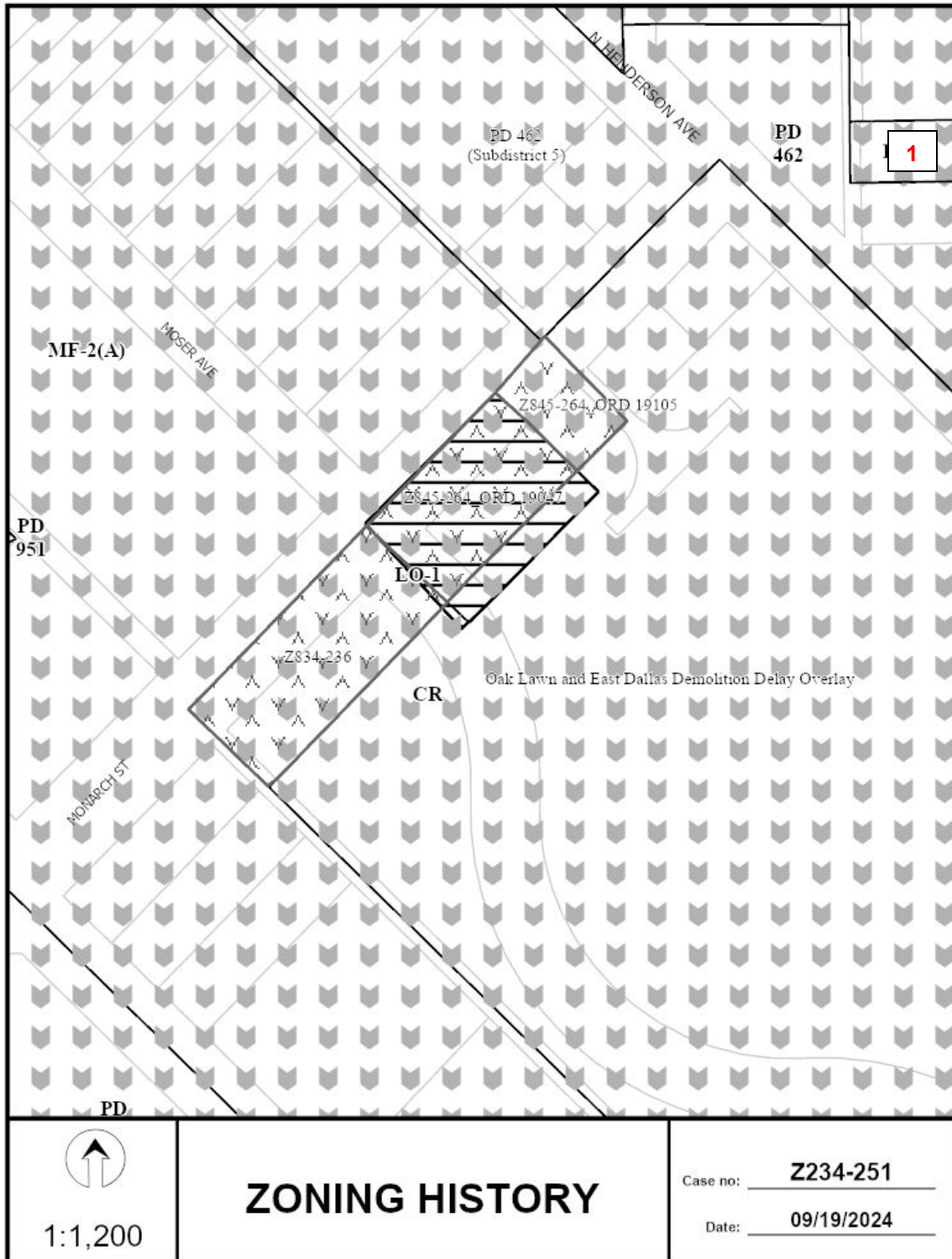
No. 86-0735
Return to City Secretary
City Hall
Dallas, Texas 75201



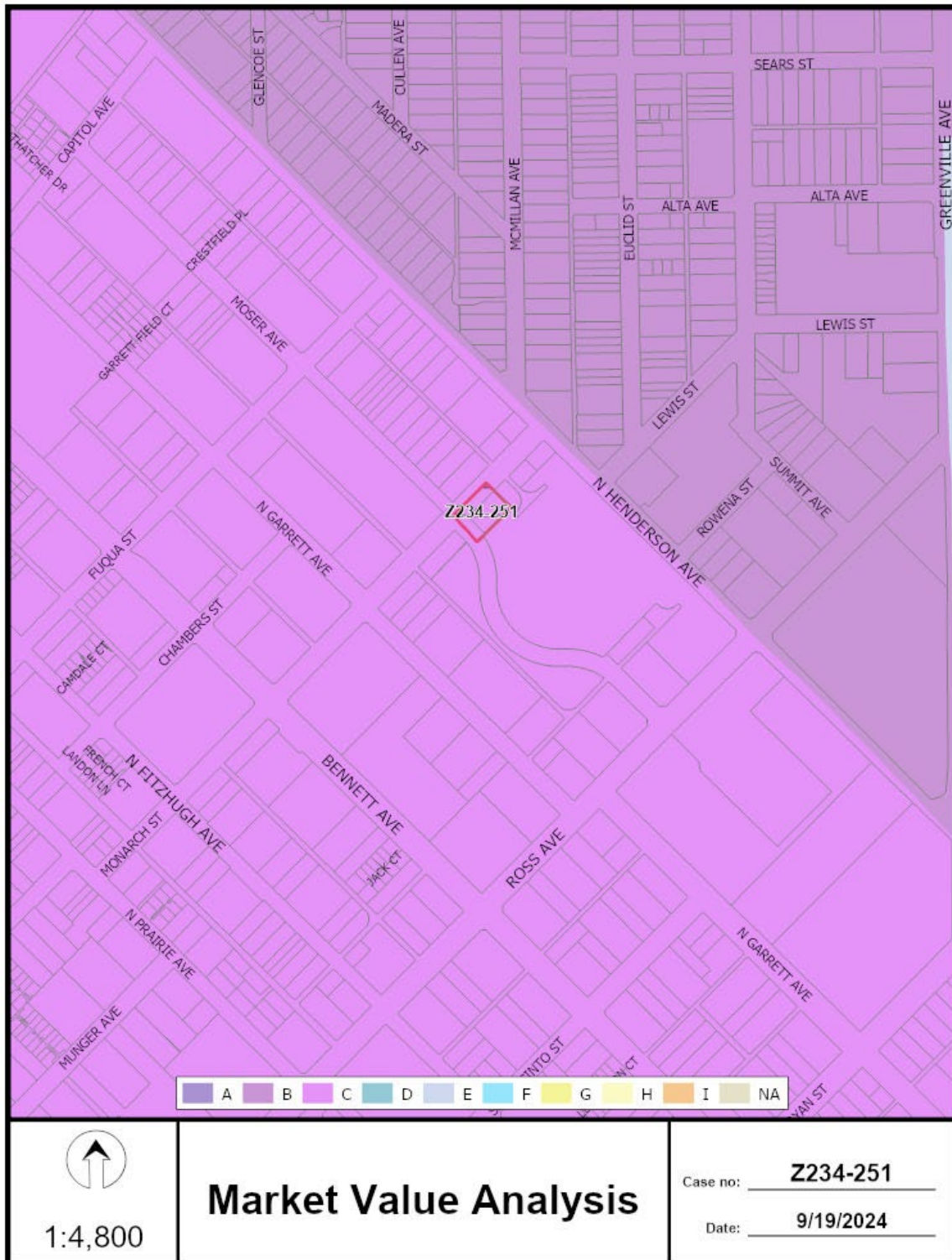
Z234-251(LG)

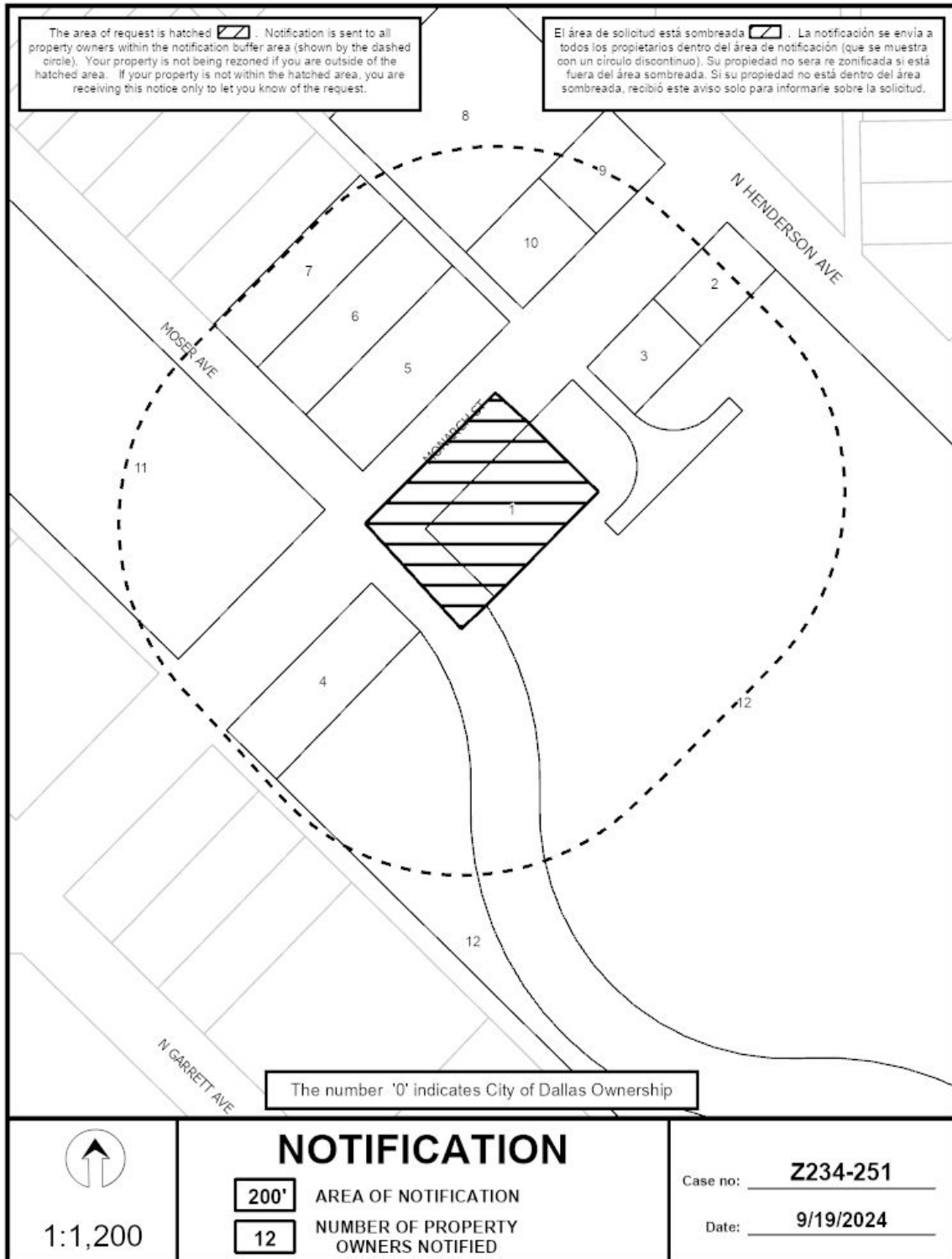






Z234-251(LG)





Z234-251(LG)

09/19/2024

Notification List of Property Owners

Z234-251

12 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|------------------------------|
| 1 | 1830 MOSER AVE | BLAIR IAN |
| 2 | 1839 N HENDERSON AVE | CANELAKES LOUIS ESTATE OF |
| 3 | 5216 MONARCH ST | CANELAKES LOUIS |
| 4 | 1833 MOSER AVE | BURNS 2016 REVOCABLE TRUST |
| 5 | 1902 MOSER AVE | MOSER HOMES LLC |
| 6 | 1906 MOSER AVE | GRIGGSJORDAN KIMBERLY M & |
| 7 | 1912 MOSER AVE | TICHANSKY MICHAEL S & |
| 8 | 1907 N HENDERSON AVE | HENDERSON AVE LOTS |
| 9 | 1901 N HENDERSON AVE | HENDERSON AVE LOTS OWNER LLC |
| 10 | 5217 MONARCH ST | CANELAKES CHRIS |
| 11 | 1925 MOSER AVE | LH MOSER LLC |
| 12 | 1802 MOSER AVE | Dallas ISD |