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**FILE NUMBER:** Z189-312(SM)      **DATE FILED:** July 17, 2019  
**LOCATION:** North line of Herschel Avenue, east of Throckmorton Street  
**COUNCIL DISTRICT:** 14      **MAPSCO:** 35 T  
**SIZE OF REQUEST:** Approx. 0.6582 acres      **CENSUS TRACT:** 6.03

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**REPRESENTATIVE:** Robert Reeves, Robert Reeves & Associates

**APPLICANT/OWNER:** SBM Forward, LLC

**REQUEST:** An application for an amendment to Planned Development Subdistrict No. 134 for O-2-D Office Subdistrict; retirement housing; and convalescent and nursing homes, hospice care, and related institutions uses within Planned Development District No. 193, the Oak Lawn Special Purpose District with a D Liquor Control Overlay.

**SUMMARY:** The purpose of the request is to retract the previously approved barber and beauty shop and massage establishment allowances to construct a 13-story retirement housing and assisted living development with a central dining room and a maximum floor area ratio of 5.5:1.

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

**STAFF RECOMMENDATION:** Approval, subject to a revised development plan and staff's recommended conditions.

**BACKGROUND INFORMATION:**

- The site consists of the following four residential structures according to Dallas Central Appraisal District Records:

<u>Address</u>	<u>Floor Area (SF)</u>	<u>No. Stories</u>	<u>Year Built</u>
4205 Herschel Ave	2,681	2	1930
4209 Herschel Ave	1,976	1	1930
4215 Herschel Ave	5,328	2	1960
4217 Herschel Ave	1,506	1	1930

- The surface parking lot in the rear of the aforementioned structures appeared in aerial photography between the years 1979 and 1989.
- On September 27, 2017, the City Council approved Planned Development Subdistrict No. 134 for O-2-D Office Subdistrict, barber and beauty shop, and massage establishment uses with a D Liquor Control Overlay and terminated existing deed restrictions. The terminated deed restrictions required that when development voluntarily demolished 50 percent or more of the westernmost structure, construction was limited to 36 feet in height and was limited to residential uses.
- On June 20, 2019, the City Plan Commission approved a waiver to the two-year waiting period to allow this application to be submitted.

**Zoning History:** There has not been any zoning changes in the surrounding area in the last five years.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request, including maintaining access to the alley for the existing buildings and the requested parking reduction, and determined that the proposed development will not have a negative impact on the surrounding street system.

<b>Thoroughfare/Street</b>	<b>Function</b>	<b>ROW</b>
Herschel Avenue	Local	60 feet

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

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

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

Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities.

**URBAN DESIGN ELEMENT**

**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

Policy 5.1.3 Encourage complementary building height, scale, design and character.

**Area Plans:** The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The applicant’s request to amend PDS No. 134 meets the above listed objectives. The proposed development complies with the first objective because it will remove the nonconforming parking and allowances for massage establishments and barber and beauty shops to construct a mid-rise tower. The second objective is not applicable since the underlying subdistrict is an office district and not a retail district. The proposed development plan shows the parking to be underground with a minimal amount of surface parking for convenience and therefore the request complies with the third objective. The podium-style setback conditions promote appropriate development with the nearby neighborhoods and therefore complies with the fourth objective. The request outlines a tiered floor area bonus that encourages residential development in an office subdistrict and therefore complies with the fifth objective. Finally, the request complies with the last two objectives because, simply stated, the existing zoning restrictions are remaining but with only a few exceptions as described in staff’s analysis below.

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

	<b>Zoning within PDD No. 193</b>	<b>Land Use</b>
<b>Site</b>	PDS No. 134	Vacant barber and beauty shop, massage establishment and residential
<b>North</b>	MF-1	Single Family, duplex, multiple family
<b>East</b>	O-2-D, PDD No. 205	Multiple family, Mixed Use
<b>South</b>	O-2-D, DR No. Z034-289	Multiple family
<b>West</b>	PDS No. 59	Duplex

**Land Use Compatibility:**

Adjacent surrounding land uses include mixed residential to the north, multiple family to the east and south, and duplexes to the west. The request site contains four structures that were originally built to house residential uses; however, the structures have been converted into barber and beauty shop and massage establishment uses over the past 28 or more years and are now vacant. Staff supports the applicant’s request to eliminate the provisions in the existing Planned Development Subdistrict because the applicant intends to demolish the existing structures and convert the site to a retirement housing and assisted living (termed *convalescent, nursing home, hospice care, and related institutions* in PDD No. 193) development.

The applicant proposes to construct a building for assisted living in the lower stories and retirement housing in the upper stories with a common dining area for both uses in one of the lowest levels of the building. The O-2 Office Subdistrict of PDD No. 193 allows retirement housing uses without central dining facilities by right and retirement housing uses with common dining facilities and assisted living uses by Specific Use Permit. Staff supports the applicant’s requested uses that would have required a Specific Use Permit because an assisted living facility and a retirement housing use with a central dining area are not foreseen to be detrimental to surrounding properties and because the site must comply with a development plan, which will address how the site is developed in relation to surrounding properties.

**Development Standards:**

DISTRICT	SETBACKS		FAR	Height	Lot Coverage
	Front	Side/Rear			
Existing PDS No.134 (O-2 Subdistrict base)	10’ for single family and duplex 20’ for other uses	0’ for single family; 5/10’ for duplex; 10’ with additional setbacks above 36’ for other uses, max 50 feet for residential uses, max 85 feet for other	4:1; 4.5:1 when 1:1 FAR is residential	240’	75%
CPC Recommended Amendment to PDS No.134	10’ for single family and duplex 20’ for other uses	0’ for single family; 5/10’ for duplex; 10’ with additional setbacks above 36’ for other uses, max 50 feet for <b>assisted living and</b> residential uses, max 85 feet for other	4:1; 4.5:1 when 1:1 FAR is residential <b>5.0:1 when 2:1 FAR is residential</b> <b>5.5:1 when 3:1 FAR is residential</b> <b>140 units/suites max</b>	240’	75%

The applicant requests three modifications to the development standards which include 1) a 20-foot front yard setback, 2) classifying assisted living as a residential use to simplify the side and rear yard setbacks for the west and north property lines, and 3) a

tiered floor area ratio increase which depends on the amount of residential and assisted living uses.

### **Minimum Front Yard:**

Except for single family structures, the O-2 Subdistrict of PDD No. 193 requires a 20-foot front yard setback for portions of a building below 36 feet in height and an additional setback is currently required for portions of a building which exceed 36 feet, up to a maximum overall front yard setback of 50 feet when perpendicularly across from a TH Townhouse Subdistrict, which only extends 25 feet on the west portion of the site.

CPC supports the applicant's request for a flat 20-foot front yard setback for all portions of the building. However, staff does not support this portion of the request because it is not considered to be a suitable transition because it abuts PDS No. 59 to the west, which limits buildings to a maximum height of 36 feet. However, staff can support an additional 10-foot front yard setback, or a total of 30 feet from the front lot line, for portions of a structure above 36 feet because it would encourage a podium-tower design that is consistent with development within the Oak Lawn Special Purpose District when high-rise towers abut low-lying residential areas. Additionally, the development plan for PDD No. 205 to the east, which does not have residential subdistrict adjacency, has additional setbacks on Hershel Street which range from approximately 25 to 27 feet for the upper portions of the building which staff sees as comparable with the staff recommended 30-foot front yard setback for portions of the subject site which exceed 36 feet in height and therefore a suitable transition from PDS No. 59 to the west.

### **Minimum Side and Rear Yard:**

The O-2 Office Subdistrict in PDD No. 193 has the following provision for side and rear yard setbacks which abut TH and MF-1 Subdistricts (emphasis added)

An additional setback must be provided for that side (rear) yard that is equal to the height of the portion of the building that exceeds 36 feet in height, up to a maximum total setback of 85 feet; **except the maximum total setback is only 50 feet** if the floor area in the "encroachment bonus" does not exceed the total floor area on the building site devoted to **residential uses**. For purposes of this paragraph, "encroachment bonus" means the portion of the building over 36 feet in height that would violate the additional setback requirements of this paragraph but for this exception. The additional and maximum total setbacks are measured from the nearest lot line of the nearest building site in the TH, MF-1, or MF-2 subdistrict and are only required for the portion of the building that: (A) is

perpendicularly across from the TH, MF-1, or MF-2 subdistrict; and (B) exceeds 36 feet in height.<sup>1</sup>.

Since assisted living (or convalescent, nursing home, hospice care, and related institutions) is categorized as a medical use in PDD No. 193, an O-2 Subdistrict would require up to a maximum side and rear yard setback of 85 feet for this use. However, staff supports the applicant's request to consider it as a residential use, for purposes of establishing additional side and rear yard setbacks because the occupants of the assisted living facility would reside at the building, which is similar to a residential use. Additionally, since a 15-foot-wide alley separates the subject site from the MF-1 building sites to the north, the O-2 Subdistrict would have allowed a residential tower to have a 35-foot additional rear yard setback.

**Floor Area Ratio (FAR):**

The maximum floor area ratio (FAR) for the O-2 Office Subdistrict is 4:1 with a provision to allow an additional 0.5:1 FAR when the FAR for residential uses is a minimum of 1:1. For purposes of calculating residential FAR, the applicant proposes to consider assisted living (or convalescent, nursing home, hospice care, and related institutions) as residential uses and to allow incremental FAR bonuses based upon the proportion of the building that is assisted living and residential uses. Staff supports the applicant's request to incremental increases in maximum FAR for three reasons. First, although only the Central Area and I-2 Industrial Subdistricts of PDD No. 193 have maximum FAR limitations that exceed those of the O-2 Office Subdistricts, the applicant's proposed incremental FAR bonuses are proposed at the same rate as the O-2 Office Subdistrict as shown on the development standards table on a previous page. Additionally, the proposed project will construct up to 140 dwelling units where none have existed before which helps alleviate the City's housing shortage. Finally, the applicant's proposed development plan prohibits aboveground parking structures. Because parking is excluded from the development's overall floor area, aboveground parking structures increase building bulk beyond that of a building where parking is concealed underground.

**Landscaping:**

Except for one provision to accommodate a deed restriction which was terminated in conjunction with the creation of PDS No. 134, landscaping must be provided in accordance with Part I of PDD No. 193, the Oak Lawn Special Purpose District. The applicant has decided to not withdraw the original request to allow new construction that exceeds 34 feet in height, which is now 24 feet in height, within 50 feet of the western

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<sup>1</sup> Reference Sections 51P-193.119(c)(1) and 51P-193.120(c)(1)

Property line, to trigger a minimum 25-foot landscape buffer. Therefore, the applicant will provide the currently required 25-foot landscape buffer area. Staff supports the applicant's request to comply with the existing landscaping provision because it creates a landscape buffer to the adjacent property.

**Parking:**

The applicant requests to repeal the parking reductions that were previously approved for the exiting barber and beauty shops and the massage establishments because the applicant proposes to demolish those structures which are now vacant. The applicant also requests to update the parking requirements for retirement housing to Chapter 51A's requirement. PDD No. 193 requires a minimum of 0.7 spaces per dwelling unit or suite, plus one space per 300 square feet of floor area not in a dwelling unit or a suite. Chapter 51A requires a minimum of one space for each suite or dwelling unit. The applicant requests this reduction because, when the hallways, service areas, and communal spaces of the anticipated building are parked at one space per 300 square feet, the requirement is excessive. On September 26, 2012, the retirement housing parking requirements in Chapter 51A were updated by City Council from the PDD No. 193 standard to the ratio of the applicant's request.

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request for the parking requirement update and determined that the request will not have a negative impact on the surrounding properties and it is consistent with how parking is required in the areas of the City that are governed by Chapter 51A.

**Market Value Analysis:**

Dallas 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). Although the area of request is not within an identifiable MVA cluster, it is surrounded with a "C" MVA cluster to the north, south, and west.

**LIST OF OFFICERS**

**SBM Forward, LLC**

Dale Foster

Graham Acquisitions, Inc.

Dean Castelhana, Manager

**CPC Action**  
**September 19, 2019**

**Motion:** In considering an application for an amendment to Planned Development Subdistrict No. 134 for O-2 Office Subdistrict with a D Liquor Control Overlay; retirement housing; and convalescent and nursing homes, hospice care, and related institutions uses within Planned Development District No. 193, the Oak Lawn Special Purpose District on the north line of Herschel Avenue, east of Throckmorton Street, it was moved to **hold** this case under advisement until October 17, 2019.

Maker: Ridley  
Second: Schultz  
Result: Carried: 12 to 0

For: 12 - MacGregor, Schulte, Criss, Johnson, Shidid,  
Carpenter, Brinson, Jung, Housewright,  
Schultz, Murphy, Ridley

Against: 0  
Absent: 1 - Tarpley  
Vacancy: 2 - District 8, District 12

**Notices:** Area: 500 Mailed: 202  
**Replies:** For: 2 Against: 19

**Speakers:** For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202  
Against: Stephen Collins, 4300 Throckmorton St., Dallas, TX, 75219

**CPC Action**  
**October 17, 2019**

**Motion:** In considering an application for an amendment to Planned Development Subdistrict No. 134 for O-2 Office Subdistrict with a D Liquor Control Overlay; retirement housing; and convalescent and nursing homes, hospice care, and related institutions uses within Planned Development District No. 193, the Oak Lawn Special Purpose District on the north line of Herschel Avenue, east of Throckmorton Street, it was moved to **hold** this case under advisement until November 21, 2019.

Maker: Ridley  
Second: Murphy  
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Ridley

Against: 0  
Absent: 0  
Vacancy: 2 - District 3, Place 15

**Notices:** Area: 500 Mailed: 202  
**Replies:** For: 3 Against: 26

**Speakers:** For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202  
Against: None

**CPC Action**  
**November 21, 2019**

**Motion:** In considering an application for an amendment to Planned Development Subdistrict No. 134 for O-2 Office Subdistrict with a D Liquor Control Overlay; retirement housing; and convalescent and nursing homes, hospice care, and related institutions uses within Planned Development District No. 193, the Oak Lawn Special Purpose District on the north line of Herschel Avenue, east of Throckmorton Street, it was moved to **hold** this case under advisement until December 12, 2019.

Maker: Garcia  
Second: MacGregor  
Result: Carried: 12 to 0

For: 12 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope,  
Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 199  
**Replies:** For: 3 Against: 26

**Speakers:** For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202  
Against: None

**CPC Action**  
**December 12, 2019**

***De minimus Significant Change Motion:*** In considering the requirement in Section 5(m)(1)(B) of the CPC Rules of Procedure, the finding is it does not apply because the impact of the applicant’s proposed change in the Commission’s judgment is *de minimus* in nature.

Maker: Garcia  
Second: Johnson  
Result: Carried: 12 to 0

For: 12 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Blair, Jung, Schultz, Schwope,  
Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Brinson, Housewright  
Vacancy: 1 - District 3

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development Subdistrict No. 134 for O-2-D Office Subdistrict; retirement housing; and convalescent and nursing homes, hospice care, and related institutions uses, subject to a revised development plan and staff’s recommended conditions with the following changes: 1) Section S134.109, follow the applicant’s request for a minimum 20-foot front yard; 2) add a new subsection “(c)” in Section S134.110 to read as follows: “For convalescent, nursing home, hospice care, and related institutions, 0.45 parking spaces for each suite or dwelling unit is required.”; 3) add a new subsection “(c)(3)” to Section S134.109 to read: “When floor area ratio exceeds 4.5, compliance with S-134.113.1 is required.”; and 4) add a new section “S-134.113.1” to read: “UPPER STORY ARCHITECTURAL TREATMENTS.” (a) Applicability. This section only applies when floor area ration exceeds 4.5. (b) Upper story architecture treatments. For the top two stories and on all facades of a building, two of the following architectural treatments is required. (1) Contrasting façade colors from the middle portion of the building which include the fourth and higher stories of a building and exclude the top three stories. (2) Belt course, cornices, finials, gargoyles, statuettes, cove detailing and other architectural features which project more than nine inches on the top two stories. (3) Vertical striping which creates a contrasting vertical stripe that contrasts in color, or is articulated a minimum of 12 inches in depth. (4) Accent lighting at the top edge of all facades.” within Planned Development District No. 193, the Oak Lawn Special Purpose District with a D Liquor Control Overlay, on the north line of Herschel Avenue, east of Throckmorton Street.

Maker: Garcia  
Second: MacGregor

Z189-312(SM)

Result: Carried: 12 to 0

For: 12 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Blair, Jung, Schultz, Schwope,  
Murphy, Garcia, Rubin

Against: 0

Absent: 2 - Brinson, Housewright

Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 199

**Replies:** For: 8 Against: 26

**Speakers:** For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202  
Ryan Carron, 130 E. Randolph St., Chicago, IL, 60601  
Dale Foster, 5640 Bryn Mawr Dr., Dallas, TX, 75209  
Brenda Kronenberg, 3321 Cole Ave., Dallas, TX, 75204

Against: None

**CPC Recommended Amendments to**

**Division S-134. PD Subdistrict 134.**

**SEC. S-134.101. LEGISLATIVE HISTORY.**

PD Subdistrict 134 was established by Ordinance No. 30658, passed by the Dallas City Council on September 27, 2017.

**SEC. S-134.102. PROPERTY LOCATION AND SIZE.**

PD Subdistrict 134 is established on property located on the north line of Hershel Avenue, east of Throckmorton Street and west of Oak Lawn Avenue. The size of PD Subdistrict 134 is 0.6582 acres.

**SEC. S-134.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls. In this division,

(1) ~~MAJOR MODIFICATION means reconstruction of an original building or an expansion of floor area of an original building by a minimum of 50 percent.~~

~~(2) MASSAGE ESTABLISHMENT and MASSAGE mean a massage establishment or massage as defined by Texas Occupation Code Chapter 455, as amended.~~

~~(3) NEW CONSTRUCTION means construction of a main structure that is not an original building.~~

~~(4) ORIGINAL BUILDING means a structure existing on September 27, 2017, the date of the establishment of this district, but does not include a structure that has undergone a major modification.] ASSISTED LIVING FACILITY means a permanent residential facility which furnishes (in single or multiple facilities) food, shelter, laundry, and other assistance in activities of daily living to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment. Assisted living facilities must be licensed as Assisted Living Facilities under Chapter 247 of the Texas Health and Safety Code. Assisted living facilities do not include other licensed health facilities under Subtitle B, "Licensing of Health Facilities," of Title 4, "Health Facilities," of the Texas Health and Safety Code, specifically nursing homes.~~

~~(2[5]) SUBDISTRICT means a subdistrict of PD 193.~~

(b) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

- (c) This subdistrict is considered to be a nonresidential zoning district.

**SEC. S-134.104. EXHIBIT.**

The following exhibit is incorporated into this division: Exhibit S-134A: development [~~conceptual~~] plan.

**SEC. S-134.105. RESERVED [CONCEPTUAL PLAN.**

~~Development and use of the Property must comply with the conceptual plan (Exhibit S-134A). If there is a conflict between the text of this division and the conceptual plan, the text of this division controls.]~~

**SEC. S-134.106. DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development plan (Exhibit S-134A). If there is a conflict between the text of this division and the development plan, the text of this division controls. [~~(a) Except as provided in this section, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this subdistrict. If there is a conflict between the text of this division and the development plan, the text of this division controls.~~

~~(b) — For development and use of the Property within an original building or for work that does not meet the standards of a major modification, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.]~~

**SEC. S-134.107. MAIN USES PERMITTED.**

(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the O-2 Office Subdistrict, subject to the same conditions applicable in the O-2 Office Subdistrict, as set out in Part I of this article. For example, a use permitted in the O-2 Office Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the O-2 Office Subdistrict is subject to DIR in this subdistrict; etc.

(b) The following main uses are permitted by right [when located within an original building]:

-- Convalescent and nursing homes, hospice care, and related institutions [Limited to an assisted living facility.] [~~Barber and beauty shop~~].

-- Retirement housing [Including a common dining facility] [Massage establishment].

**SEC. S-134.108. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

**SEC. S-134.109. 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 Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the O-2 Office Subdistrict apply.

(b) Convalescent and nursing homes, hospice care, and related institutions and residential uses.

*CPC recommended:*

(1) <u>Front yard.</u> Except as provided in this paragraph, minimum front yard is 20 feet. <del>[For purposes of determining yard, lot, and space regulations, this subdistrict is considered one lot].</del>
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*Staff recommended:*

(1) <u>Front yard.</u> Except as provided in this paragraph, minimum front yard is 20 feet. For portions of a building exceeding 36 feet in height, minimum front yard setback is 30 feet. <del>[For purposes of determining yard, lot, and space regulations, this subdistrict is considered one lot].</del>
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(2) Side and rear yard. The following side and rear yard setbacks apply to the west and north property lines

(A) Except as provided in this paragraph, minimum side and rear yard is 10 feet.

(B) When a building exceeds 36 feet in height, the maximum setback is 50 feet for that portion of a building over 36 feet in height.

(3) Density. A maximum dwelling units or suites is 140. A minimum of 30 percent of the total dwelling units must be for convalescent and nursing homes, hospice care,

and related institutions uses.

(c) Floor area ratio.

(1) When the combined floor area for convalescent and nursing homes, hospice care, and related institutions and residential uses on a lot is twice the lot area and when all off-street parking and loading is provided at or below grade, maximum floor area ratio is 5.0:1.

(2) When the combined floor area for convalescent and nursing homes, hospice care, and related institutions and residential uses on a lot is equal to or greater than three times the lot area and when all off-street parking and loading is provided at or below grade, maximum floor area ratio is 5.5:1.

(3) When floor area ratio exceeds 4.5, compliance with S-134.113.1 is required.

(d[e]) Height. Maximum structure height within 50 feet of the western Property line is 36 feet.

**SEC. S-134.110. OFF-STREET PARKING AND LOADING.**

(a) Except as provided in this section, consult Part I of this article for the specific off- street parking and loading requirements for each use.

(b) For a retirement housing use, one parking space for each suite or dwelling unit is required [barber and beauty shop and a massage establishment located in an original building:

(1) One parking space per 372 square feet of floor area is required.

(2) No loading space is required].

(c) For convalescent and nursing homes, hospice care, and related institutions, 0.45 parking space per dwelling unit or suite is required.

(d) For parking purposes, this subdistrict is considered one lot.

**SEC. S-134.111. RESERVED. [NONCONFORMING STRUCTURES.**

(a) ~~In general.~~ Except as provided in this section, consult Part I of this article for the specific requirements for nonconforming structures.

(b) ~~Nonconforming structures.~~ A person may, without board approval, cause a structure to become nonconforming as to the yard, lot, and space regulations by converting the

~~use of an original building to a barber and beauty shop or a massage establishment.]~~

**SEC. S-134.112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. S-134.113. LANDSCAPING.**

(a) Except as provided in this section, landscaping and screening must be provided in accordance with Part I of this article.

(b) For landscaping purposes, this subdistrict is considered one lot.

(c) Landscaping is not required when nonpermeable coverage of the lot is increased by 1,000 square feet or less.

(d) Except for alley access, a screening fence or wall with a minimum height of six feet must be constructed along the north Property line prior to the issuance of a certificate of occupancy.

(e) For new construction that exceeds 24 feet in height within 50 feet of the western Property line, a minimum 25-foot landscape buffer is required. The landscape buffer area must include a minimum 60 percent landscape site area and a general planting area that is at least one-half of the landscape site area.

(f) Plant materials must be maintained in a healthy, growing condition.

**SEC. S-134.113.1. UPPER STORY ARCHITECTURAL TREATMENTS.**

(a) Applicability. This section only applies when floor area ratio exceeds 4.5.

(b) Upper story architectural treatments. For the top two stories and on all facades of a building, two of the following architectural treatments are required.

(1) Contrasting facade colors from the middle portion of the building which include the fourth and higher stories of a building and exclude the top three stories.

(2) Belt courses, cornices, finials, gargoyles, statuettes, cove detailing and other architectural features which project more than nine inches on the top two stories.

(3) Vertical striping which creates a contrasting vertical stripe that contrasts in

color or is articulated a minimum of 12 inches in depth.

(4) Accent lighting at the top edge of all facades.

**SEC. S-134.114. SIGNS.**

Signs must comply with the provisions for non-business zoning districts in Article VII.

**SEC. S-134.115. ADDITIONAL PROVISIONS.**

(a) The Property must be properly maintained in a state of good repair and neat appearance.

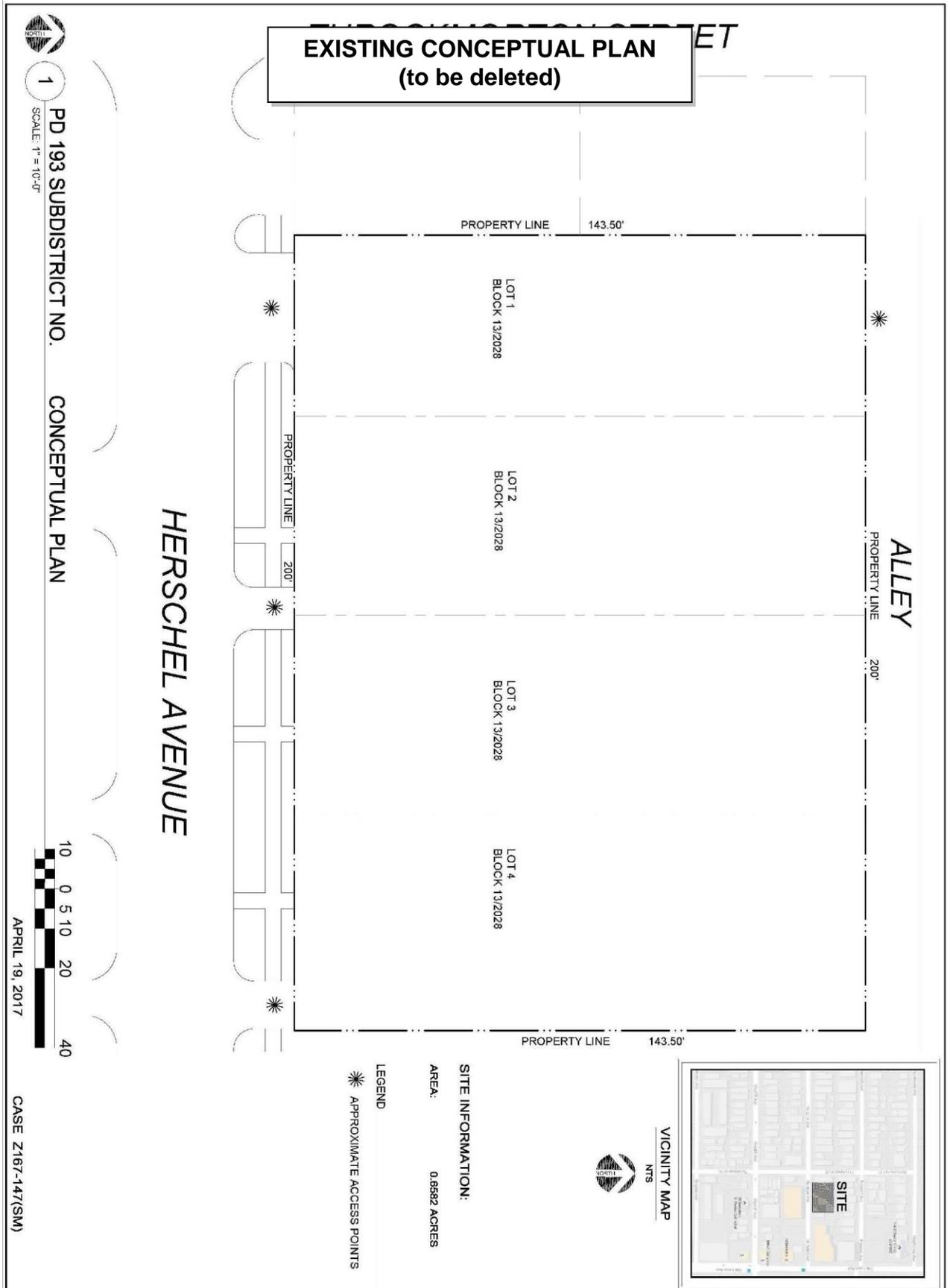
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Development and use of the Property must comply with Part I of this article. (Ord. 30658)

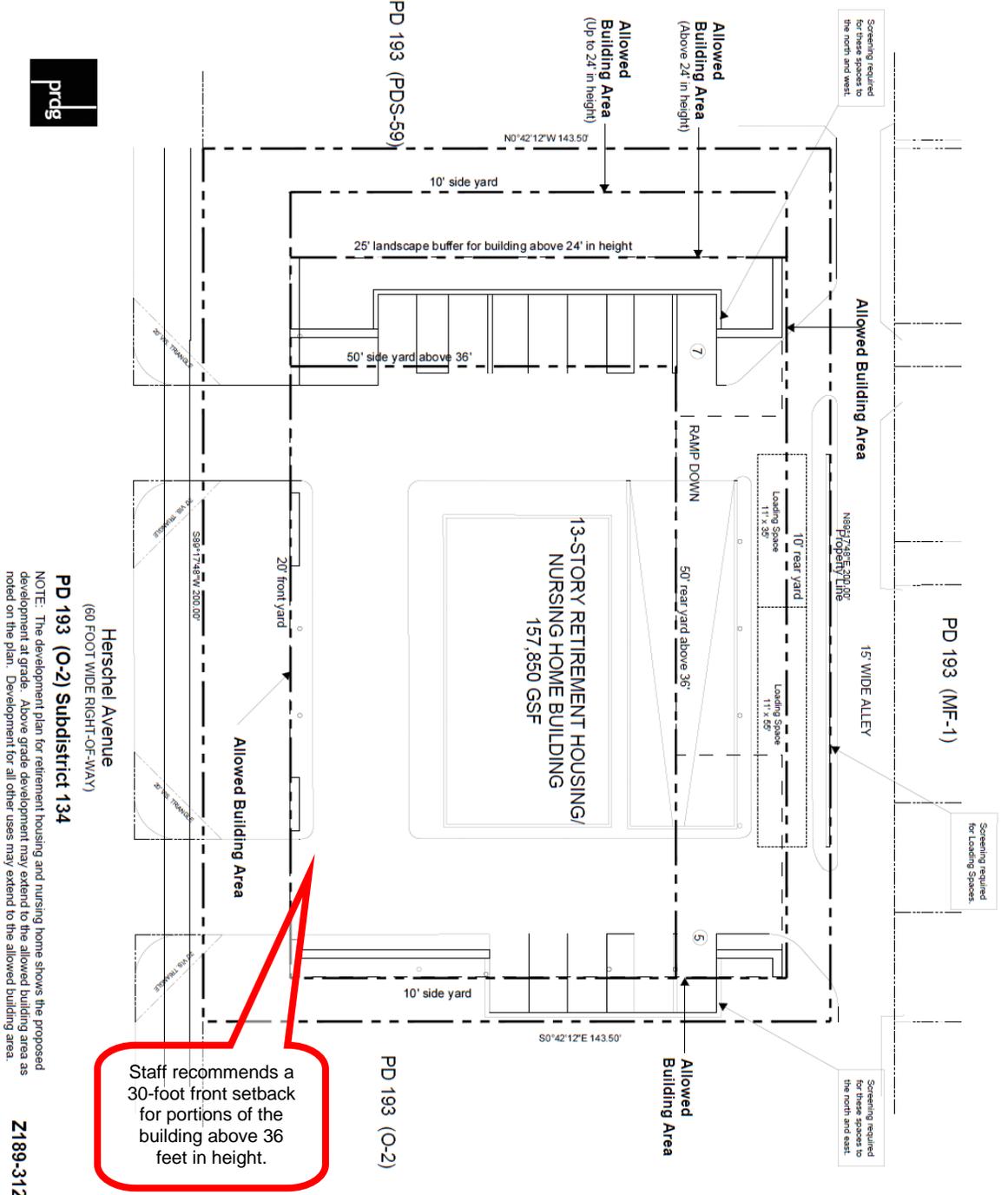
**SEC. S-134.116. COMPLIANCE WITH CONDITIONS.**

(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 city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.



**PROPOSED DEVELOPMENT PLAN**



Staff recommends a 30-foot front setback for portions of the building above 36 feet in height.

**PD 193 (O-2) Subdistrict 134**  
 (60 FOOT WIDE RIGHT-OF-WAY)  
 Herschel Avenue

**PD 193 (MF-1)**

**PD 193 (PDS-59)**

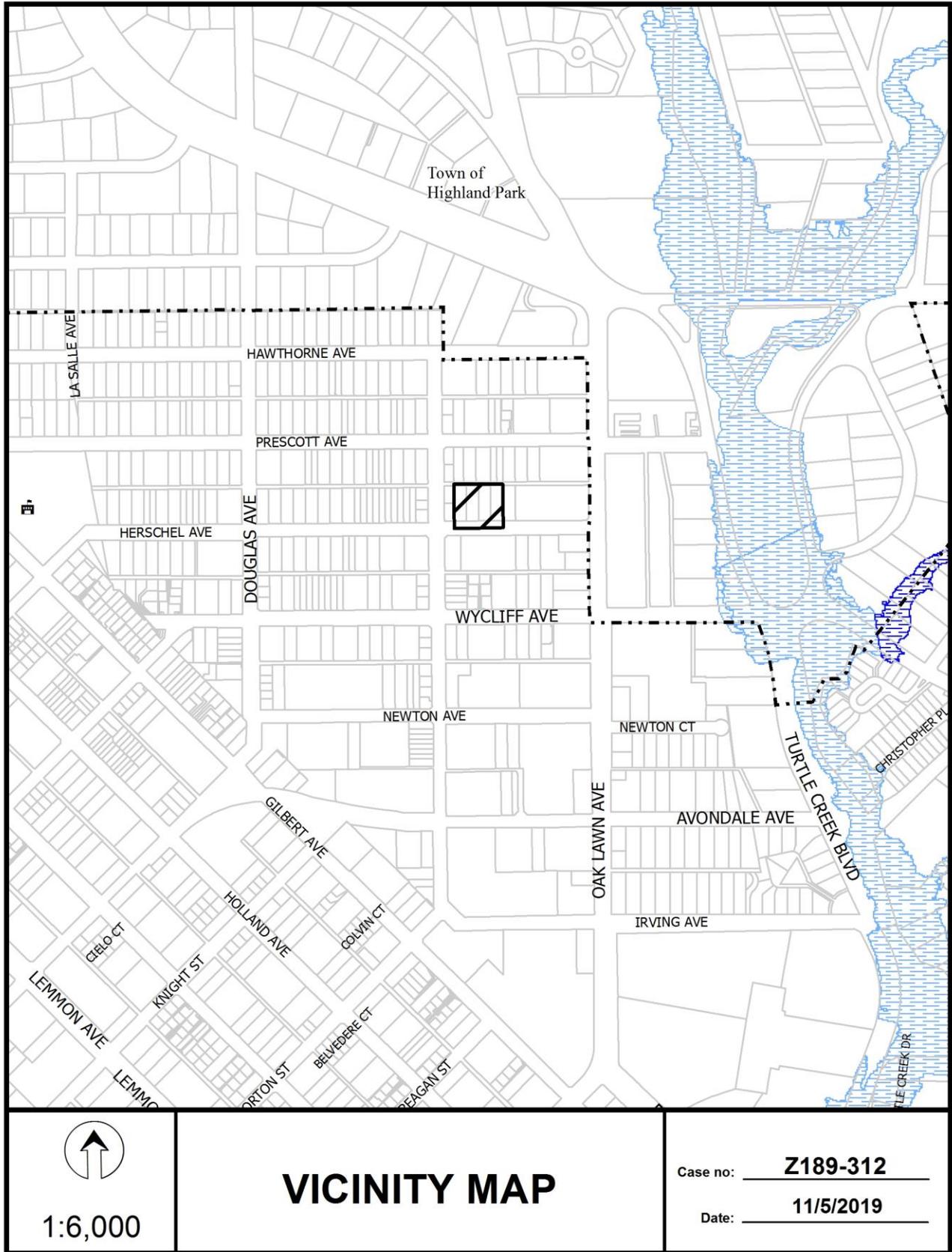
**PD 193 (O-2)**

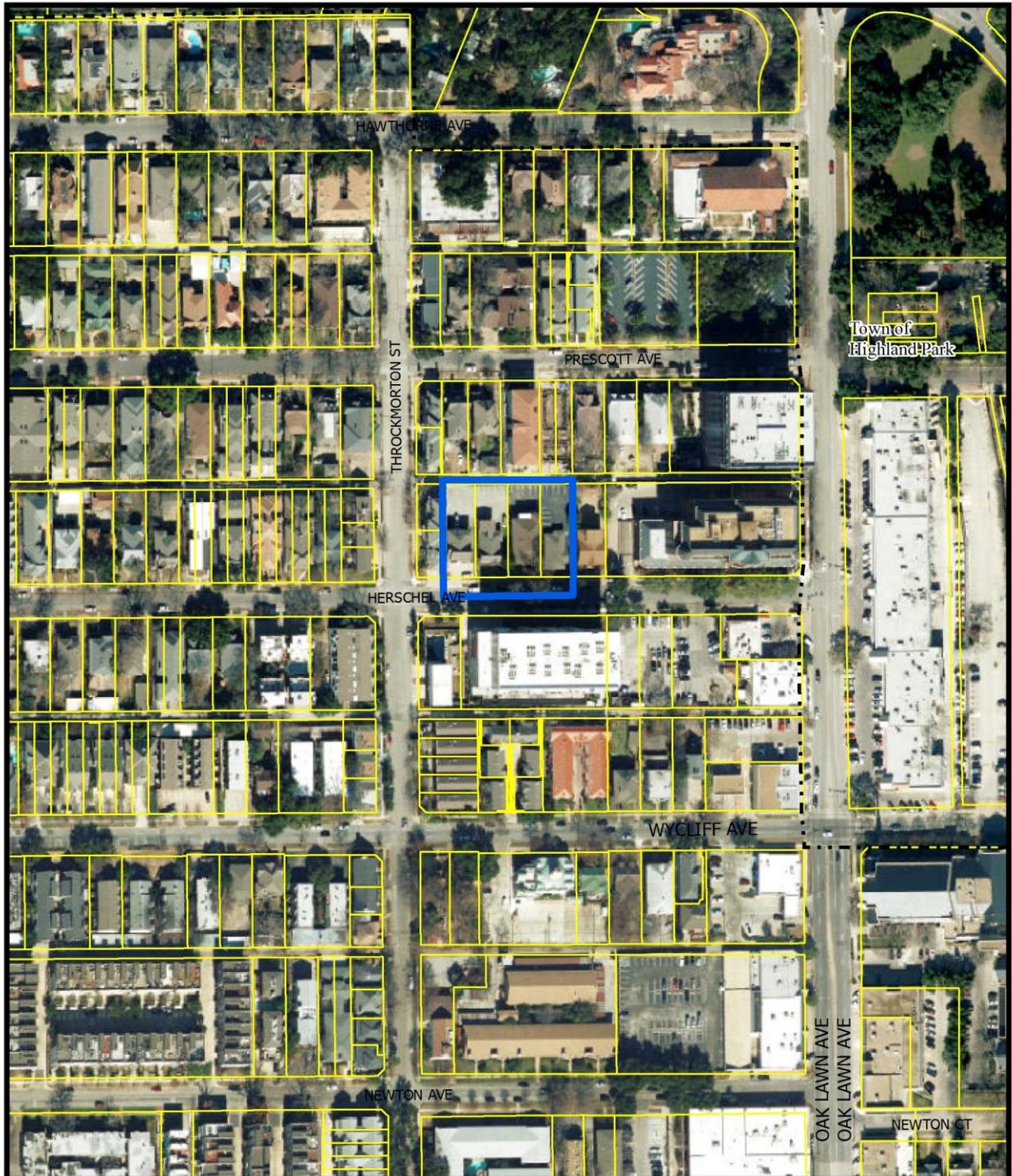
NOTE: The development plan for retirement housing and nursing home shows the proposed development at grade. Above grade development may extend to the allowed building area as noted on the plan. Development for all other uses may extend to the allowed building area.

Z189-312

<p><b>LOCATION MAP</b></p>
<p><b>LAND USE</b>                  Retirement Housing and Nursing Home with Central Dining Facility</p> <p><b>SITE AREA</b>                  281,700 SF</p>
<p><b>FLOOR AREA RATIO</b>                  6.6:1</p> <p><b>BUILDING AREA</b>                  197,850 GSF</p> <p><b>BULK STANDARDS</b>                  HEIGHT 197'                  LOT COVERAGE 75%                  MAXIMUM OF 140 UNITS</p> <p><b>SETBACKS</b>                  FRONT 30'                  SIDE - EAST 10', 25' ABOVE 24', 50' ABOVE 36'                  SIDE - WEST 10', 50' ABOVE 36'                  REAR YARD 10', 50' ABOVE 36'</p> <p><b>LANDSCAPING</b>                  Per Planned Development No. 193</p>
<p><b>PARKING</b>                  Required parking: refer to ordinance                  Proposed parking is assumed to be 12 spaces and remaining parking will be below grade.</p>
<p><b>PD 193 SUBDISTRICT NO. 134</b></p> <p><b>HERSCHEL AVENUE RETIREMENT HOUSING/NURSING HOME</b>                  4205, 4208, 4215, 4219 HERSCHEL AVENUE                  DALLAS, TEXAS</p> <p><b>ZONING CASE:</b>                  DATE: 10-24-18</p> <p><b>SCALE: 1" = 10'</b></p>
<p><b>DEVELOPMENT PLAN</b></p>





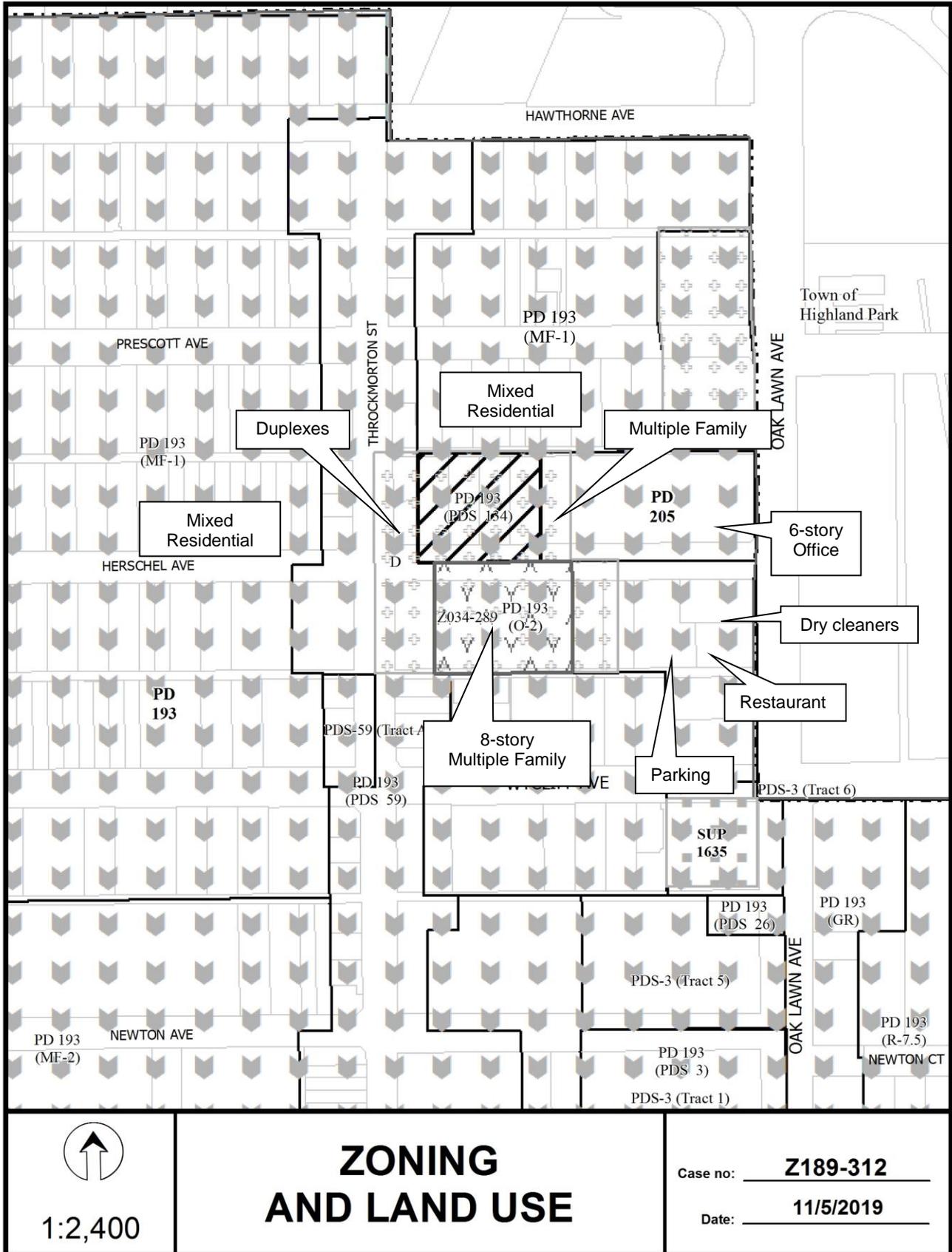


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# AERIAL MAP

Case no:           Z189-312          

Date:           11/5/2019

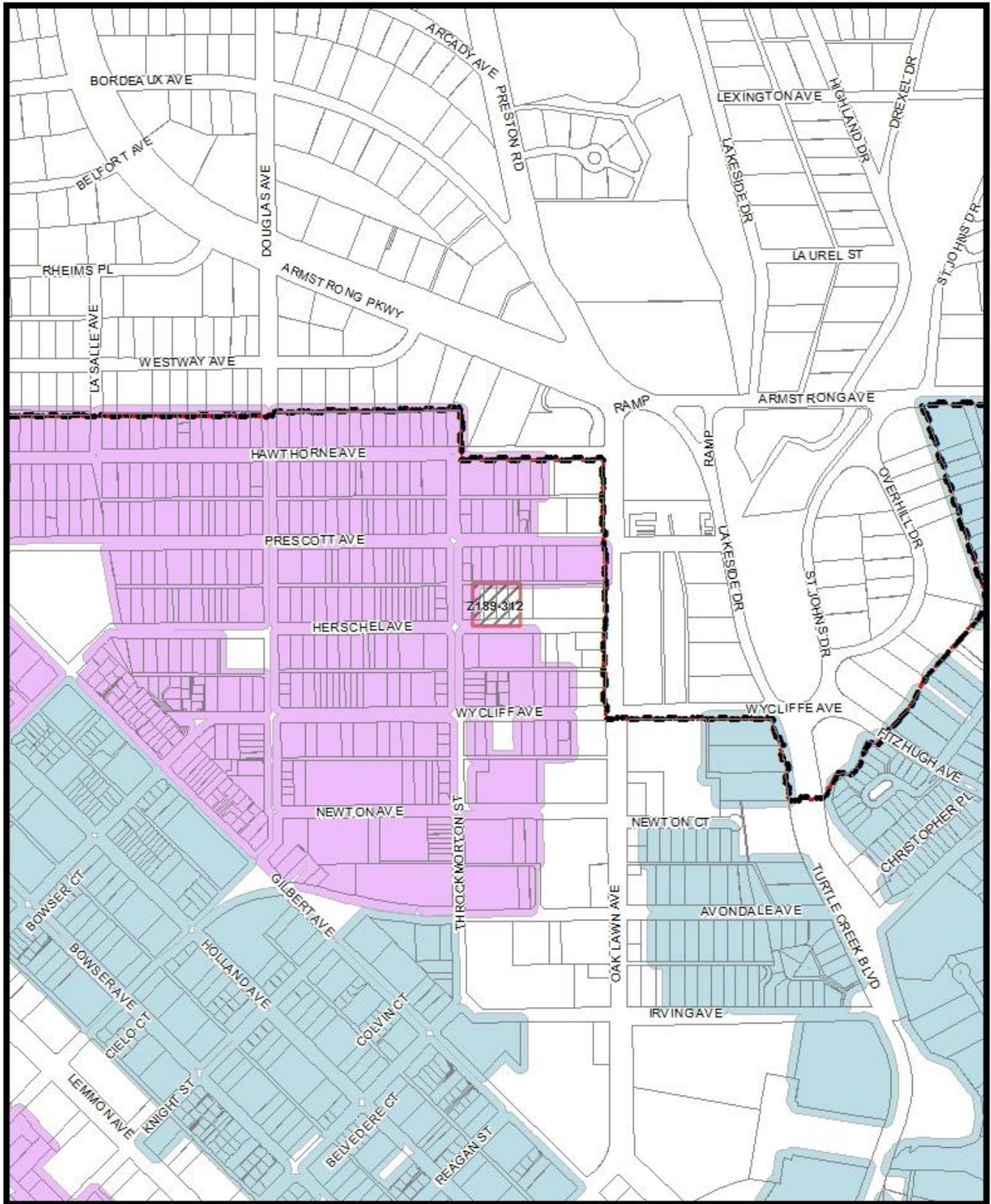


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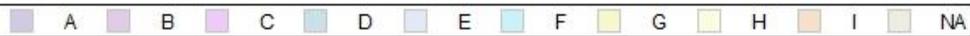
# ZONING AND LAND USE

Case no: **Z189-312**

Date: **11/5/2019**



Market Value Analysis



# Market Value Analysis

Printed Date: 11/5/2019



<b>199</b>	Property Owners Notified (132 parcels)
<b>8</b>	Replies in Favor (5 parcels)
<b>26</b>	Replies in Opposition (19 parcels)
<b>500'</b>	Area of Notification
<b>12/12/2019</b>	Date

**Z189-312**  
**CPC**



1:2,400

12/11/2019

***Reply List of Property Owners******Z189-312******199 Property Owners Notified 8 Property Owners in Favor 26 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	4205 HERSCHEL AVE	SBM FORWARD LLC
	2	4138 WYCLIFF AVE	MONTANA ROBERT CHARLES III
	3	4142 WYCLIFF AVE	SANDERS JEAN L & JOSEPH LEV
	4	4117 THROCKMORTON ST	ISENMANN GLENN D
	5	4206 WYCLIFF AVE	KHALAF AMAR &
	6	4222 WYCLIFF AVE	DIOCESE OF THE SOUTH
	7	4226 WYCLIFF AVE	KOSTER PROPERTIES LTD
	8	4143 WYCLIFF AVE	TRAN ANH & LANANH
	9	4138 HERSCHEL AVE	SBRJWM LTD
X	10	4134 HERSCHEL AVE	WEIGL FAMILY LP
X	11	4130 HERSCHEL AVE	WALKER DEBORAH
O	12	4201 OAK LAWN AVE	DOWELL CAM F JR
	13	4217 WYCLIFF AVE	PHOL INVESTMENT INC
	14	4223 WYCLIFF AVE	TOPSPIN DEVELOPMENT LP
	15	4233 WYCLIFF AVE	DOWELL CAM F JR
	16	4217 OAK LAWN AVE	C & S RESTAURANTS INC
	17	4225 OAK LAWN AVE	4225 OAK LAWN LP
	18	4232 HERSCHEL AVE	STREET LEISA
	19	4125 HERSCHEL AVE	HERSCHEL HAWTHORNE LLC
	20	4129 HERSCHEL AVE	SIMONSON LEE ANN & RICHARD A
	21	4133 HERSCHEL AVE	SIMONSON RICHARD & LEE ANN
X	22	4135 HERSCHEL AVE	OLSEN BRENDA S
	23	4143 HERSCHEL AVE	4143 HERSCHEL SERIES
X	24	4145 HERSCHEL AVE	VIEHMAN JAMES K & POLLY G
	25	4147 HERSCHEL AVE	4147 HERSCHEL SERIES
	26	4149 HERSCHEL AVE	KESSING KEVIN W

12/11/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4153 HERSCHEL AVE	OAK LAWN PROPERTIES LLC
	28	4151 HERSCHEL AVE	JARVIS BRENDA
X	29	4155 HERSCHEL AVE	WALHOOD PRESTON STEVEN &
	30	4159 HERSCHEL AVE	ALLEN L M CONSULTING LLC
X	31	4157 THROCKMORTON ST	NEEDHAM RONDA M
	32	4152 PRESCOTT AVE	PEARLE MARY JEAN
X	33	4148 PRESCOTT AVE	HOLMES JOHN B
	34	4144 PRESCOTT AVE	ROSS ANNADELE H
	35	4142 PRESCOTT AVE	RASANSKY JEFFREY H
	36	4140 PRESCOTT AVE	PACYNA LEO J JR &
	37	4134 PRESCOTT AVE	SYMNS GLADYS JENELLE
X	38	4130 PRESCOTT AVE	HADDOCK JOHN PHILIP JR & CHRISTINE ELIZABETH
	39	4221 HERSCHEL AVE	HEED CYNTHIA LOUISE
	40	4226 PRESCOTT AVE	TOMLIN F GERALD SR &
X	41	4224 PRESCOTT AVE	PRESPLEXES LLC
	42	4216 PRESCOTT AVE	ARAGHIZADEH FARSHID Y
	43	4214 PRESCOTT AVE	PARKS JAMES KRISTIAN &
	44	4210 PRESCOTT AVE	DU REVT PRESCOTT INVESTMENT LLC &
	45	4206 PRESCOTT AVE	REILLY JOHN G
X	46	4129 PRESCOTT AVE	NELSONBROWN SUSAN E
	47	4131 PRESCOTT AVE	RONAN TIM EDWARD
	48	4135 PRESCOTT AVE	TOLAND JANICE J
O	49	4137 PRESCOTT AVE	GRAY EDWARD W &
	50	4143 PRESCOTT AVE	FILMORE DIANA FELDER TR &
	51	4147 PRESCOTT AVE	HICKOK KRAMER AUSTIN
	52	4145 PRESCOTT AVE	SIMPSON STEPHEN G
	53	4149 PRESCOTT AVE	FLETCHER BLDG PARTNERS LP
	54	4153 PRESCOTT AVE	KRAUSS ANDRES M &
	55	4150 HAWTHORNE AVE	FSG LLC
X	56	4144 HAWTHORNE AVE	HOWARD RAYMOND G
	57	4140 HAWTHORNE AVE	ABTAHI MICHAEL LIVING TRUST

12/11/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	4138 HAWTHORNE AVE	WARD JUDY &
	59	4205 PRESCOTT AVE	GRAHAM JEFFREY
	60	4229 PRESCOTT AVE	THIRD CHURCH OF CHRIST SCIENTIST
X	61	4220 HAWTHORNE AVE	HERSHEL HAWTHORNE LLC
	62	4214 HAWTHORNE AVE	REEVES MARY LEE
	63	4212 HAWTHORNE AVE	STONECOURT INC
	64	4121 THROCKMORTON ST	BOORSTEIN JASON J &
	65	4119 THROCKMORTON ST	YU LINGYA
	66	4208 WYCLIFF AVE	ST SERAPHIM EASTERN
	67	4218 WYCLIFF AVE	ST SERAPHIM ORTHODOX CATHEDRAL
	68	4232 WYCLIFF AVE	MCFARLAND MICHAEL B
O	69	4230 WYCLIFF AVE	GRAY MICHAEL
	70	4236 WYCLIFF AVE	4309 OAK PARTNERS LP
	71	4129 WYCLIFF AVE	SCHROEDER LYNLY
	72	4211 THROCKMORTON ST	MAFOLASIRE OLAWALE &
	73	4219 THROCKMORTON ST	BOOTH ROBERT EARLY FAMILY TRUST
X	74	4225 THROCKMORTON ST	WILSMANN JO
	75	4230 THROCKMORTON ST	LAMSON GROUP LLC THE
	76	4224 THROCKMORTON ST	KING MARSHA & CHERYL KING
	77	4218 THROCKMORTON ST	TERRY SHAWN D
	78	4212 THROCKMORTON ST	BATTS JANE A
	79	4206 THROCKMORTON ST	THIES FREDERICK T
	80	4209 WYCLIFF AVE	QUINONES WILLIAM A
	81	4209 WYCLIFF AVE	BILLIANG AUDREY C
	82	4209 WYCLIFF AVE	SHATSMAN DAVID S
	83	4213 WYCLIFF AVE	HEALING KIMBERLEY NICOLE
	84	4213 WYCLIFF AVE	MATHEW LINDSEY
	85	4213 WYCLIFF AVE	DAS RAJASREE &
	86	4220 HERSCHEL AVE	THROCKMORTON LP
	87	4139 HERSCHEL AVE	MOSTACCERO FLORENCE &
X	88	4141 HERSCHEL AVE	ALLEN RICHARD L &

12/11/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	4138 PRESCOTT AVE	DELGADODALMAU DAVID &
	90	4136 PRESCOTT AVE	MCKELLAR MATTHEW F & JENNIFER D
X	91	4300 THROCKMORTON ST	COLLINS STEPHEN G & SUZANNE B
X	92	4310 THROCKMORTON ST	HICKS M LAWRENCE JR &
	93	4311 OAK LAWN AVE	4311 PARTNERS LTD
	94	4200 PRESCOTT AVE	ROVIRA INTERESTS LLC
	95	4322 THROCKMORTON ST	SIMONE LUCY P
	96	4217 PRESCOTT AVE	PATTON BRYANT H &
X	97	4219 PRESCOTT AVE	TAYLOR CAROL HILL &
	98	4221 PRESCOTT AVE	THOMAS SANDRA W
	99	4223 PRESCOTT AVE	MALVIDO VIRGINIA
X	100	4225 PRESCOTT AVE	SANSONE VICTOR J III
	101	4200 OAK LAWN AVE	HIGHLAND PARK SHOPS LLC
	102	4301 LAKESIDE DR	HUTCHINSON WILLIAM L
	103	4206 HAWTHORNE AVE	FIVE RIVERS EQUITY LLC
	104	4240 PRESCOTT AVE	CREWS KYLE W & ANNE C
	105	4240 PRESCOTT AVE	REGE ROBERT V & GLORIA
	106	4240 PRESCOTT AVE	PATTON FAMILY TRUST THE
	107	4240 PRESCOTT AVE	KLINE KIM W
	108	4240 PRESCOTT AVE	HOGUE WILLIAM ROBERT
	109	4240 PRESCOTT AVE	RAMOS EDID &
	110	4240 PRESCOTT AVE	BRAND DAVID E & SANDRA M
	111	4240 PRESCOTT AVE	HOCHSCHULER STEPHEN H & KIMBERLY A
	112	4240 PRESCOTT AVE	PUTTERMAN BART & ILENE
	113	4240 PRESCOTT AVE	RODEN MARIUM KAYE
	114	4240 PRESCOTT AVE	GOLDSTEIN ELAINE
	115	4240 PRESCOTT AVE	NORWOOD ELSA B
	116	4240 PRESCOTT AVE	COUZELIS JAMES S &
	117	4240 PRESCOTT AVE	LONGFELLOW RANCH PARTNERS LP
	118	4240 PRESCOTT AVE	JOBE REX V
	119	4240 PRESCOTT AVE	ENGLE NANCY SELBY LIVING

12/11/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	4240 PRESCOTT AVE	JENSON BENALEE
	121	4240 PRESCOTT AVE	LANE RANDALL B &
	122	4240 PRESCOTT AVE	BONNER PEGGY B
	123	4240 PRESCOTT AVE	HYMAN CHARLES H
	124	4240 PRESCOTT AVE	JONES KIM P
	125	4240 PRESCOTT AVE	CARLTON SUSAN
	126	4240 PRESCOTT AVE	FIGUEROA DAVID O SR
	127	4240 PRESCOTT AVE	WOOD TRUST
	128	4240 PRESCOTT AVE	BARRETT TERRY L
	129	4240 PRESCOTT AVE	BARRETT DR TERRY
	130	4240 PRESCOTT AVE	HULSEY RONALD R &
	131	4240 PRESCOTT AVE	ALVAREZ ANDREA
	132	4240 PRESCOTT AVE	GILES ROBERT ELLIOT &
	133	4240 PRESCOTT AVE	CLOWDALTEX LLC
	134	4240 PRESCOTT AVE	FALCHI LEE GUNN
	135	4240 PRESCOTT AVE	YARBROUGH JULIE
	136	4240 PRESCOTT AVE	MARJORIE JANE WRIGHT REVOCABLE
	137	4240 PRESCOTT AVE	NORRIS PATRICK LAWSON &
	138	4240 PRESCOTT AVE	EVANS WALTER P III & LAURIE A
	139	4240 PRESCOTT AVE	DETREMPE THOMAS J & SUSAN DESIREE
	140	4240 PRESCOTT AVE	MASON ELVIS L & JOAN B
	141	4240 PRESCOTT AVE	KENDRA FAMILY REVOCABLE TRUST
	142	4240 PRESCOTT AVE	RLC REVOCABLE TRUST
	143	4240 PRESCOTT AVE	KROENER BRENT W & JO A
	144	4240 PRESCOTT AVE	HUTCHINSON KATHLEEN &
	145	4240 PRESCOTT AVE	THOMPSON JOHN & NINA LIVING
	146	4240 PRESCOTT AVE	MOORE KIRK FAMILY TRUST THE
	147	4240 PRESCOTT AVE	JASSIN BASEM
	148	4240 PRESCOTT AVE	DILL SHELLEY M REV TRUST
	149	4240 PRESCOTT AVE	SIMPLE DIRT LLC
	150	4131 WYCLIFF AVE	RODRIGUEZ EDMEE

12/11/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	4131 WYCLIFF AVE	TORNOW KELLY
	152	4131 WYCLIFF AVE	LL&A RIVER RIDGE PPTIES LLC
	153	4131 WYCLIFF AVE	SANTOS LUCIANO OLIVEIRA BELO &
	154	4131 WYCLIFF AVE	FERRARO VERA L &
	155	4135 WYCLIFF AVE	LAN NAN
	156	4135 WYCLIFF AVE	AGHAJANYAN LUCINE
	157	4135 WYCLIFF AVE	SHIPTON LYLE A
	158	4135 WYCLIFF AVE	HASH WILLIAM BARRY
	159	4135 WYCLIFF AVE	BARYLKO BARBARA
	160	4142 HERSCHEL AVE	WEYMAN CAROL ELIZABETH
	161	4142 HERSCHEL AVE	MELTON EMILY K
	162	4142 HERSCHEL AVE	TAPIA ASHFAQ & ALEFIA
	163	4142 HERSCHEL AVE	TAPIA ALEFIA A
	164	4142 HERSCHEL AVE	KRIEG DANA
	165	4142 HERSCHEL AVE	SCHMIDTBORN MICHAEL
	166	4142 HERSCHEL AVE	CALDWELL JESSICA & JOSE HURTADO
	167	4142 HERSCHEL AVE	HOLLIDAY JOHN WYATT
	168	4124 PRESCOTT AVE	EMBREY LAUREN
	169	4126 PRESCOTT AVE	HAJDU ALYSON &
	170	4211 PRESCOTT AVE	SCHILLI KEVIN RANDAL
	171	4215 PRESCOTT AVE	BURROUGHS MARK ALAN JR &
	172	4211 PRESCOTT AVE	BLAND JAMES M & GAIL
	173	4211 PRESCOTT AVE	MEIER ROSANNE
	174	4215 PRESCOTT AVE	OPDERBECK THOMAS H
O	175	4241 THROCKMORTON ST	HOANG THANH
O	176	4243 THROCKMORTON ST	WERLEY JULIE
O	177	4245 THROCKMORTON ST	HETTICH REBECCA P
O	178	4247 THROCKMORTON ST	LIU DAVID JR
O	179	4249 THROCKMORTON ST	SANDLIN PRISCILLA
	180	4139 WYCLIFF AVE	BOND RONALD E
	181	4139 WYCLIFF AVE	DESJARDINS LAURA A & RICHARD R

12/11/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	4139 WYCLIFF AVE	BOWEN BRADLEY H & EMILY
	183	4139 WYCLIFF AVE	SCHLESSER MICHAEL A
X	184	4150 WYCLIFF AVE	MCCARLEY JOHN
X	185	4146 WYCLIFF AVE	MULLEN MAUREEN M
X	186	4150 WYCLIFF AVE	REEVES JIMMY W
X	187	4146 WYCLIFF AVE	POE GARY W
X	188	4150 WYCLIFF AVE	SINGER RUTH &
X	189	4146 WYCLIFF AVE	TURNER LESLIE
X	190	4150 WYCLIFF AVE	GARRISON PAULA
X	191	4146 WYCLIFF AVE	GREENWOOD CHRISTOPHER J
	192	4147 WYCLIFF AVE	TODD ROBERT
	193	4147 WYCLIFF AVE	NAVE OMRI & ELESHA
	194	4147 WYCLIFF AVE	SIMMONS LARRY C JR
	195	4147 WYCLIFF AVE	SMITH KIMBERLY LYNN
	196	4151 WYCLIFF AVE	YOHANNES WENGUEL
	197	4151 WYCLIFF AVE	OSBORN DERRILL R
	198	4151 WYCLIFF AVE	CASH PROPERTIES LLC
	199	4151 WYCLIFF AVE	BERRY JAMES E