

FILE NUMBER: Z212-347(RM) **DATE FILED:** September 16, 2022

LOCATION: Southwest line of South Fitzhugh Avenue and the northeast line of Caldwell Avenue, north of South Haskell Avenue

COUNCIL DISTRICT: 2

SIZE OF REQUEST: ± 8,760 square feet **CENSUS TRACT:** 48113002500

REPRESENTATIVE: Elias Rodriguez, Construction Concepts Inc.

OWNER/APPLICANT: Mustafa Jawadwala, Murai Homes LLC

REQUEST: An application for a TH-3(A) Townhouse District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District.

SUMMARY: The purpose of the request is to allow residential uses on the site.

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

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

BACKGROUND INFORMATION:

- The area of request is currently zoned an R-5(A) Single Family District. The property is currently undeveloped.
- The lot has frontage on both South Fitzhugh Avenue and Caldwell Avenue.
- The applicant proposes to develop the property with residential uses.
- To accomplish this, they request a TH-3(A) Townhouse District. This district would allow single family and duplex residential uses.
- The applicant has also volunteered deed restrictions that would 1) limit the property to a maximum of two detached dwelling units, and 2) require one detached dwelling unit to face South Fitzhugh Avenue and one detached dwelling unit to face Caldwell Avenue.

Zoning History:

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

1. **Z190-168:** On May 27, 2020, City Council approved an amendment to existing deed restrictions [Z978-150] volunteered by the applicant on property zoned a CS Commercial Service District on the northeast line of South Fitzhugh Avenue, north of South Haskell Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Fitzhugh Avenue	Local Street	-
Caldwell Avenue	Local Street	-
South Haskell Avenue	Principal Arterial	90 feet

Traffic:

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

STAFF ANALYSIS:

Comprehensive Plan:

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

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

LAND USE ELEMENT

GOAL 1.1 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

1.3.1.1 Encourage creation of diverse housing types by establishing ways to foster such development and find ways to foster homeownership.

1.3.1.7 Implement zoning tools to accommodate alternative housing products.

GOAL 2.1 PROMOTE BALANCED GROWTH

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

2.1.1.6 Ensure that zoning regulations are sensitive to existing context by incorporating urban design principles and appropriate mitigation measures.

2.1.1.7 Encourage a range of housing options through zoning regulations while being transparent and predictable to property owners and prospective developers.

2.1.1.8 Promote development of sustainable and quality housing through zoning regulations that provide for higher densities at appropriate infill and greenfield site locations in order to attract and retain urban homeowners.

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.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

NEIGHBORHOOD PLUS

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

POLICY 5.1 Encourage a wider range of well designed and affordable housing types as a response to emerging homeownership preferences.

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

POLICY 6.2 Expand affordable housing options and encourage its distribution throughout the city and region.

Land Use:

	Zoning	Land Use
Site	R-5(A)	Undeveloped
Northeast	R-5(A)	Single family, undeveloped
Southeast	R-5(A), CS	Single family, undeveloped, vehicle or engine repair or maintenance
Southwest	R-5(A), CS	Single family, undeveloped
Northwest	R-5(A)	Single family

Land Use Compatibility:

The area of request is currently undeveloped. The property abuts single family homes and undeveloped lots on all sides. Further southeast of the request area along South Haskell Avenue are vehicle or engine repair or maintenance uses. Staff assesses the applicant's proposal for residential uses to be compatible with surrounding uses in the area.

The area of request is currently zoned an R-5(A) Single Family District. The applicant proposes to develop the property with two detached dwelling units, which would be classified as a duplex use under Chapter 51A. To accomplish this, they request a TH-

3(A) Townhouse District, which would permit single family and duplex uses. As can be seen in the development standards comparison table below, the allowance of this additional duplex use is one of the primary differences between the existing and proposed districts.

Another important consideration with the applicant's request is the front yard requirement. Per [Sec. 51A-4.401\(a\)\(5\)](#), if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets. Therefore, a front yard would be required on both the South Fitzhugh Avenue and Caldwell Avenue frontages.

Typically, no front yard would be required in a TH-3(A) District. Per [Sec. 51A-4.401\(a\)\(6\)](#), if a blockface is divided by two or more zoning districts, the front yard for the entire blockface must comply with the requirements of the district with the greatest front yard requirement. Because the remaining lots along the South Fitzhugh Avenue and Caldwell Avenue frontages would still be zoned an R-5(A) District, the 20-foot front yard of this district would be imposed on the proposed TH-3(A) District lot.

In addition to the request for a TH-3(A) District, the applicant has volunteered deed restrictions that would further restrict development of the property and require development to be compatible in appearance with surrounding uses. Specifically, the applicant's volunteered deed restrictions would 1) limit the property to a maximum of two detached dwelling units, and 2) require one detached dwelling unit to face South Fitzhugh Avenue and one detached dwelling unit to face Caldwell Avenue.

Although the requested TH-3(A) District and proposed duplex use would be different from surrounding zoning districts and land uses, staff supports the request, subject to the deed restrictions volunteered by the applicant. These volunteered deed restrictions would functionally create the appearance of one detached dwelling unit facing both frontages of this double frontage lot.

Additionally, blockface continuity requirements would create further compatibility with the adjacent R-5(A) District lots by imposing a 20-foot front yard on both frontages. The request is also supported by several goals and policies from the comprehensive plan and Neighborhood Plus plan related to encouraging diverse housing types and maintaining neighborhood character.

Development Standards

Following is a comparison of the development standards of the current R-5(A) District and the proposed TH-3(A) District.

District	Setback		Density	Height	Lot Cvrg.	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: R-5(A)	20 ^{1,2}	5'	1 du/5,000 sf	30'	45%		Single family
Proposed: TH-3(A)	0 ^{1,2}	SF: 0' Duplex: 5' Side/ 10' Rear Other: 10'	12 du/ac ³ (3,630 sf avg per du) 2,000 sf min lot size	36'	60%		Duplex and single family

¹ Per [Sec. 51A-4.401\(a\)\(5\)](#), if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.

² Per [Sec. 51A-4.401\(a\)\(6\)](#), if a blockface is divided by two or more zoning districts, the front yard for the entire blockface must comply with the requirements of the district with the greatest front yard requirement.

³ Applicant has volunteered deed restrictions that restrict the property to a maximum of two detached dwelling units.

Landscaping:

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

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for single family in a TH district is one space. The parking requirement for a duplex is two spaces per dwelling unit. The applicant would be required to comply with standard parking ratios at permitting.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies

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nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is currently in an "H" MVA cluster that extends to the northeast and northwest. South of the request area across South Haskell Avenue are "I" MVA clusters.

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List of Officers

Murai Homes LLC

Mustafa Jawadwala, Managing Member

Anish Thakrar, Managing Member

**CPC Action
May 18, 2023**

Motion I: It was moved to recommend **denial** of a TH-3(A) Townhouse District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District, on the southwest line of South Fitzhugh Avenue and the northeast line of Caldwell Avenue, north of South Haskell Avenue.

Maker: Hampton
Second: Kingston
Result: Failed: 5 to 6

For: 5 - Hampton, Anderson*, Blair, Stanard, Kingston

Against: 6 - Herbert, Shidid, Wheeler-Reagan, Housewright, Treadway, Rubin

Absent: 4 - Popken, Carpenter, Jung, Haqq
Vacancy: 0

*out of the room, shown voting in favor

Motion II: It was moved to recommend **approval** of a TH-3(A) Townhouse District, subject to deed restrictions volunteered by the applicant to include the following: 1) The Property is limited to a maximum of two dwelling units; 2) If the Property is developed with two dwelling units, one dwelling unit must face South Fitzhugh Avenue, and one dwelling unit must face Caldwell Avenue; 3) Maximum height is 30 feet; 4) Maximum lot coverage is 45 percent; and 5) A 20-foot front yard on South Fitzhugh Avenue is required, and a 20-foot front yard on Caldwell Avenue is required on property zoned an R-5(A) Single Family District, on the southwest line of South Fitzhugh Avenue and the northeast line of Caldwell Avenue, north of South Haskell Avenue.

Maker: Rubin
Second: Housewright
Result: Carried: 7 to 4

For: 7 - Herbert, Anderson*, Shidid, Wheeler-Reagan, Housewright, Treadway, Rubin

Against: 4 - Hampton, Blair, Stanard, Kingston

Absent: 4 - Popken, Carpenter, Jung, Haqq
Vacancy: 0

*out of the room, shown voting in favor

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Notices: Area: 200 Mailed: 32
Replies: For: 0 Against: 3

Speakers: For: Mustafa Jawadwala, 3411 Garden Ln., Dallas, TX, 75215
Against: None

CPC Action
April 20, 2023

Motion: In considering an application for a TH-3(A) Townhouse District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District, on the southwest line of South Fitzhugh Avenue and the northeast line of Caldwell Avenue, north of South Haskell Avenue, it was moved to **hold** this case under advisement until May 18, 2023.

Maker: Hampton
Second: Housewright
Result: Carried: 11 to 0

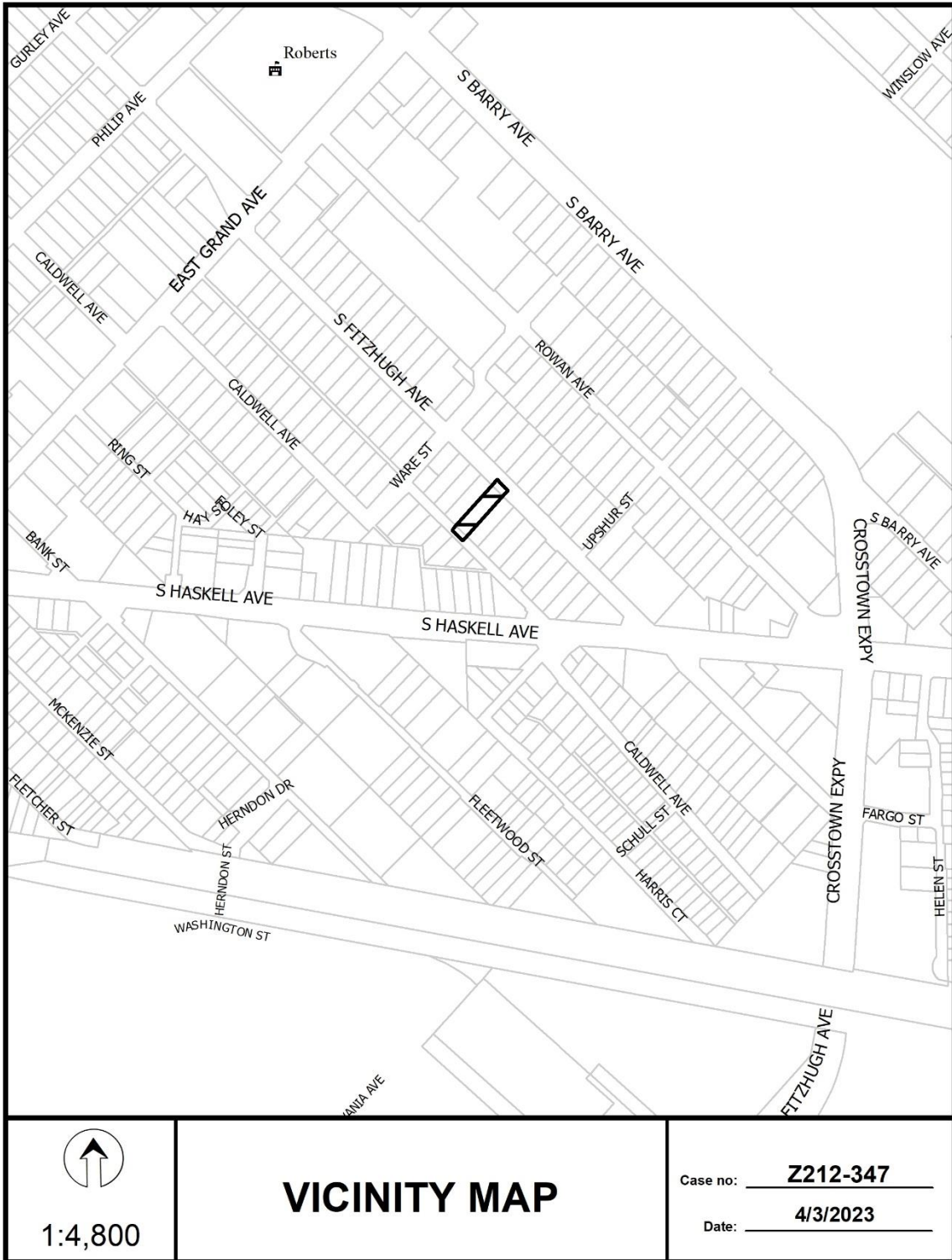
For: 11 - Popken, Hampton, Herbert, Anderson, Shidid,
Carpenter, Wheeler-Reagan, Jung,
Housewright, Stanard, Kingston
Against: 0
Absent: 4 - Blair, Treadway, Haqq, Rubin
Vacancy: 0

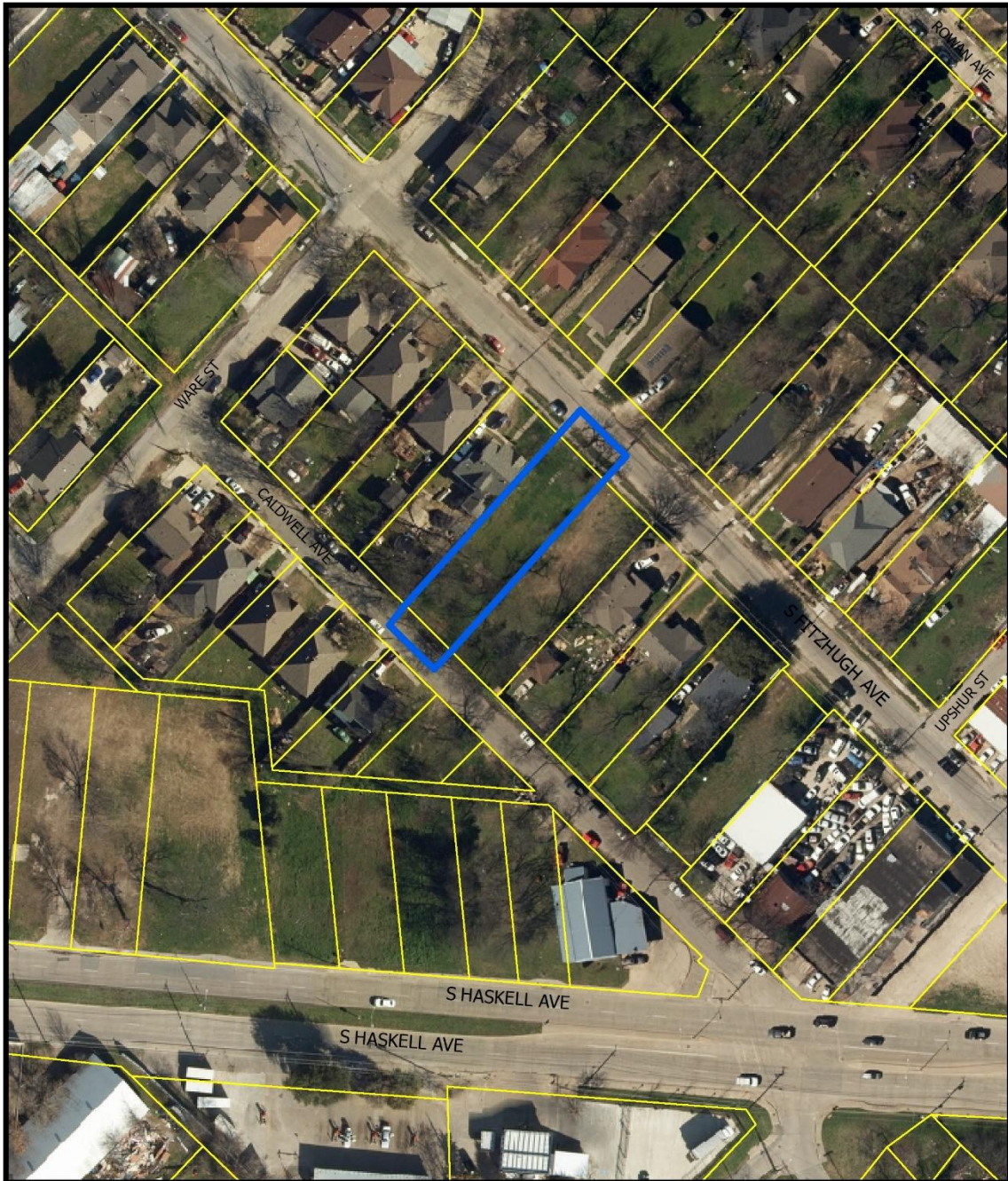
Notices: Area: 200 Mailed: 32
Replies: For: 0 Against: 1

Speakers: For: None
Against: None
Against (Did not speak): Juan Olivo, 1418 S. Fitzhugh Ave., Dallas, TX, 75223

APPLICANT'S VOLUNTEERED DEED RESTRICTIONS

1. The Property is limited to a maximum of two dwelling units.
2. If the Property is developed with two dwelling units, one dwelling unit must face South Fitzhugh Avenue, and one dwelling unit must face Caldwell Avenue.
3. Maximum height is 30 feet.
4. Maximum lot coverage is 45 percent.
5. A 20-foot front yard on South Fitzhugh Avenue is required, and a 20-foot front yard on Caldwell Avenue is required.



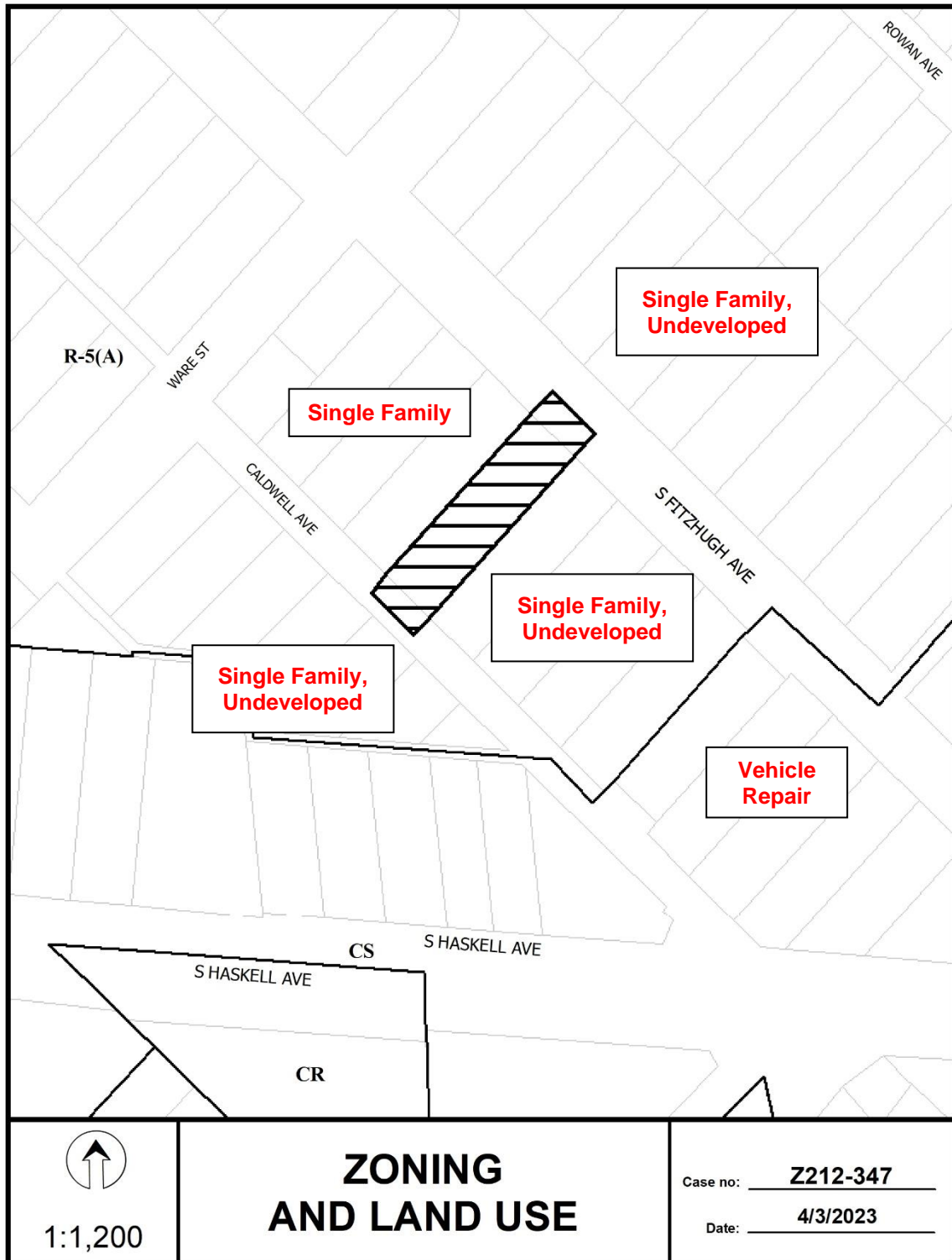


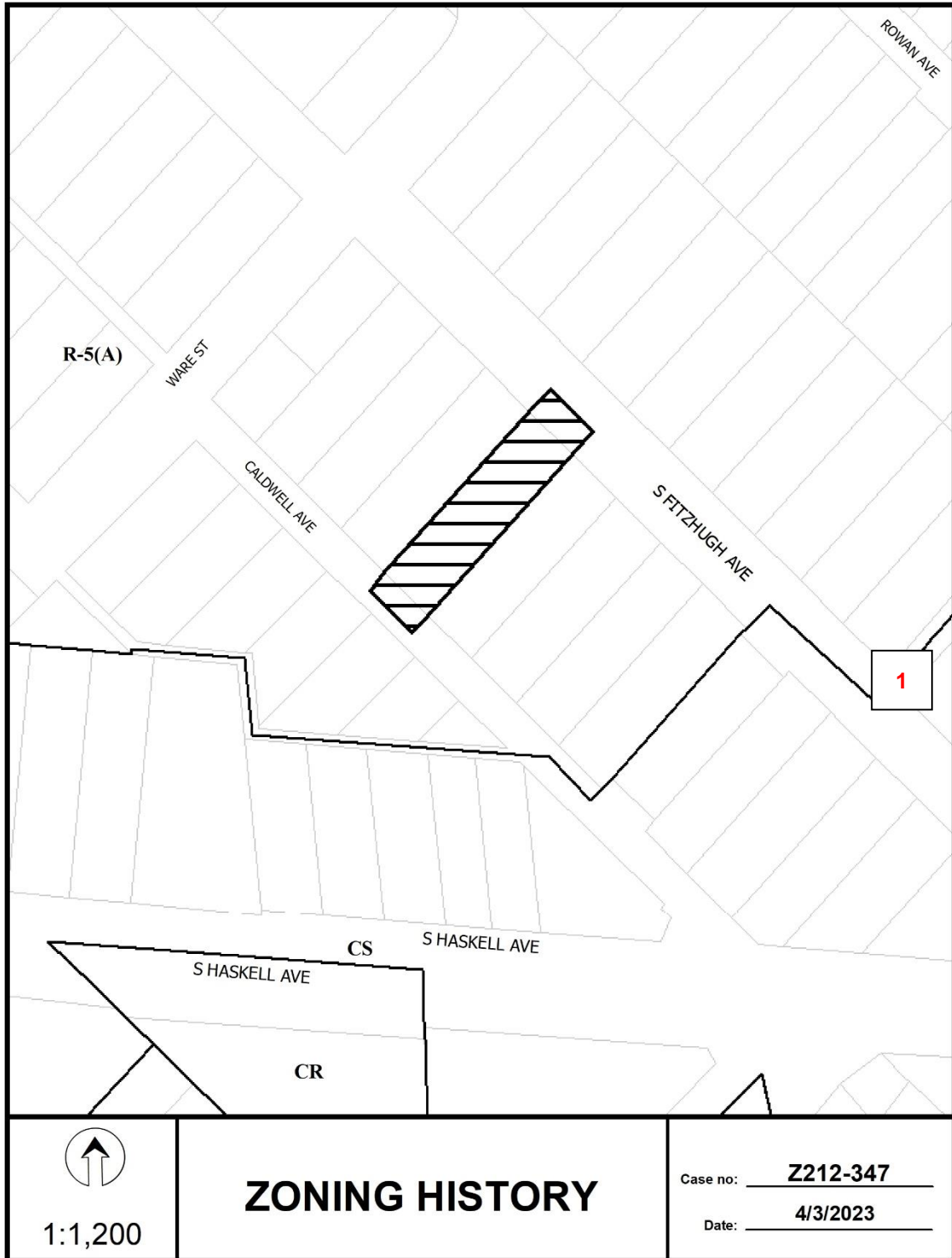
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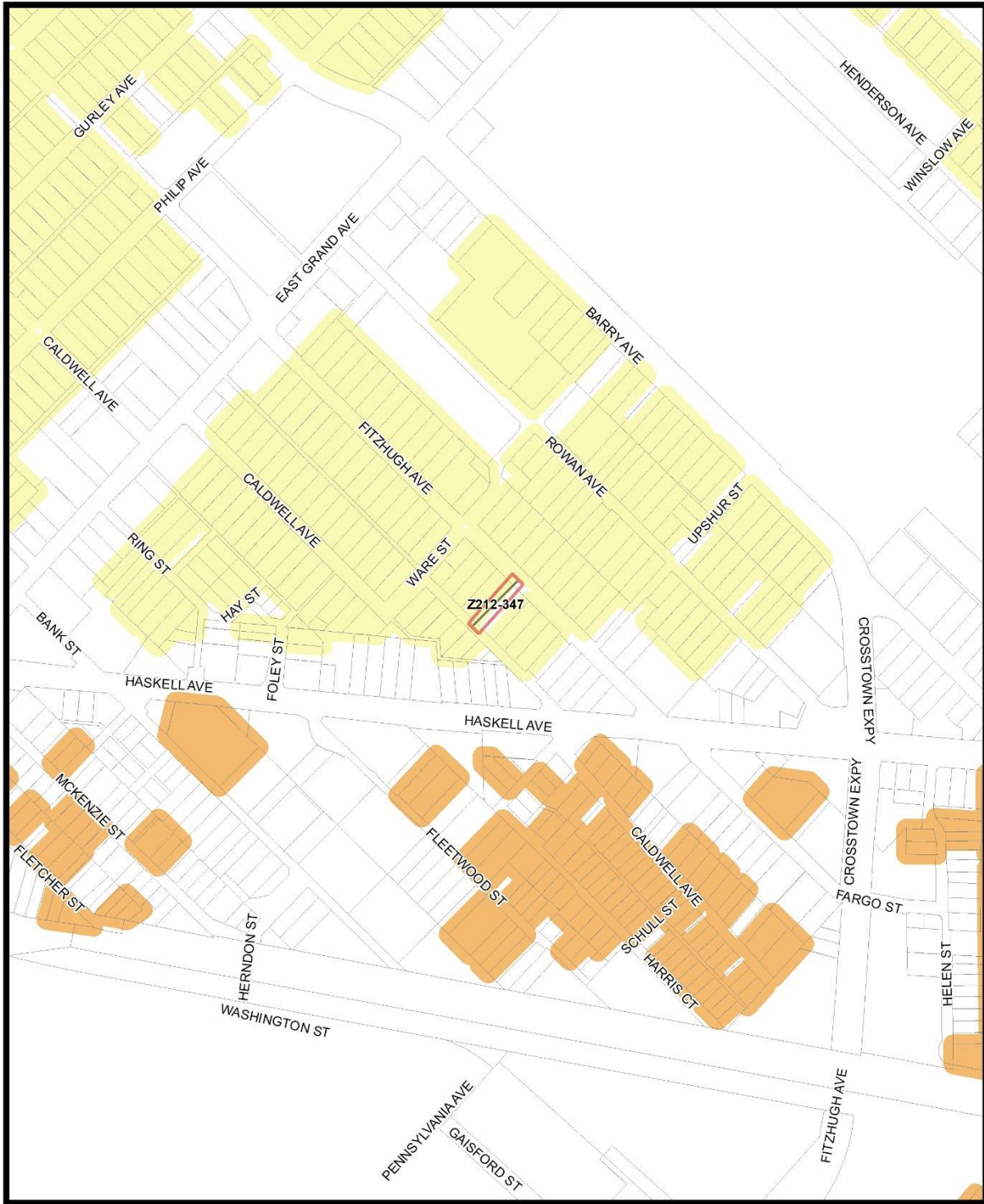
AERIAL MAP

Case no: Z212-347

Date: 4/3/2023







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

 1:4,800

Market Value Analysis

Printed Date: 4/3/2023



<u>32</u>	Property Owners Notified (36 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>3</u>	Replies in Opposition (3 parcels)
<u>200'</u>	Area of Notification
<u>5/18/2023</u>	Date

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1:1,200

05/17/2023

Reply List of Property Owners***Z212-347******32 Property Owners Notified 0 Property Owners in Favor 3 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1419 S FITZHUGH AVE	OWENS JOHN C SR
	2	1400 S FITZHUGH AVE	ARAMBURO MARIA &
	3	1404 S FITZHUGH AVE	ARAMBURO MARIA SANCHEZ
	4	1408 S FITZHUGH AVE	BEAMON BILL
	5	1412 S FITZHUGH AVE	SCALES JUNIOR DENNIS JAMES
	6	1418 S FITZHUGH AVE	CAZARES MARIA T
	7	1422 S FITZHUGH AVE	WANG LIEN I &
X	8	1426 S FITZHUGH AVE	CHISM ZABRINA L
	9	1430 S FITZHUGH AVE	VALDEZ ANTONIO
	10	1434 S FITZHUGH AVE	MARTINEZFLORES JOSE CARMEN
	11	1403 S FITZHUGH AVE	GONZALES JUAN &
	12	1400 CALDWELL AVE	VILLARREAL MARTHA OLIVIA G &
X	13	1405 S FITZHUGH AVE	AMAYA OVIDA EVELYN
	14	1409 S FITZHUGH AVE	GRANADOS AGUSTIN
	15	1415 S FITZHUGH AVE	URQUIZA HERIBERTO & YANETH
	16	1423 S FITZHUGH AVE	VARGAS SERGIO J GARCIA
	17	1425 S FITZHUGH AVE	VARGAS BENITA
	18	1431 S FITZHUGH AVE	JERONIMO MARIO S
	19	1435 S FITZHUGH AVE	VARGAS SERGIO J GARCIA
	20	1439 S FITZHUGH AVE	JAHANGIRI MARIA
	21	1624 S HASKELL AVE	MURCHISON HEIGHTS JV
X	22	1403 CALDWELL AVE	ARIZMENDI AMY
	23	1405 CALDWELL AVE	HERNANDEZ ALONSO &
	24	1411 CALDWELL AVE	ELEGANT INVESTMENT GROUP INC
	25	1415 CALDWELL AVE	VELAZQUEZ ISABEL DIAZ
	26	1419 CALDWELL AVE	ALONZO MARY E

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1425	CALDWELL AVE	ETCETERA REAL ESTATE
28	1634	S HASKELL AVE	GSI PORTFOLIO LLC
29	1638	S HASKELL AVE	GSI PORTFOLIO LLC
30	1644	S HASKELL AVE	GARNICA CLEMENTE &
31	1646	S HASKELL AVE	REIGER ASSOC 90 I LTD
32	1658	S HASKELL AVE	BOTELLO ADAN & MARTHA A