

FILE NUMBER: Z223-298(LG) **DATE FILED:** July 15, 2023
LOCATION: West corner of Reagan Street and Dickason Avenue
COUNCIL DISTRICT: 14
SIZE OF REQUEST: Approx. 0.2777 acres **CENSUS TRACT:** 48113000501

REPRESENTATIVE: Peter Kavanagh, Zone System, Inc.

OWNER/APPLICANT: The A W Family, LLC

REQUEST: An application for an O-1 Office Subdistrict with deed restrictions volunteered by the applicant on property zoned an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, H/115 Talley/Polk House Historic District Overlay.

SUMMARY: The purpose of the request is to allow an office.

STAFF RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

- The area of request is currently developed with a home which has been used as a Bed and Breakfast.
- On October 8, 2002, the City Council approved the establishing of Historic Overlay District No. 115 (Talley/Polk House) comprised of the property in question, which allows the following use by right: bed and breakfast.
- “Bed and breakfast” as used in the Historic Overlay District No. 115 ordinance, means a lodging use that has no more than five guest room; provides accommodations for periods not to exceed five nights; serves no meals other than breakfast; and is a member of, or certified by a recognized bed and breakfast association such as the National Bed and Breakfast Association (NBBA) or Historic and Hospitality Accommodation of Texas (HAT).
- The applicant is proposing to add an office use along with the current use of a Bed and Breakfast; thus, they are requesting an O-1 Office Subdistrict.
- Deed restrictions have been volunteered by the applicant to prohibit certain uses allowed in the O-1 Subdistrict.
- Staff recommends a base O-1 Subdistrict because the deed restrictions as proposed do not offer significant regulatory oversight beyond the base district.

Zoning History:

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

1. Z201-128: On May 12, 2021, the City Council approved an application for an amendment to Planned Development Subdistrict No. 19 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northeast side of Throckmorton Street between Cedar Springs Road and Dickason Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Reagan Street	Local Street	50 feet
Dickason Avenue	Local Street	40 feet

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

ECONOMIC ELEMENT

GOAL 2.1 PROMOTED BALANCED GROWTH

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

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.8 Target business recruitment to match industry with specific geographic areas.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Area Plans

Downtown Dallas 360 Plan was adopted by City Council in December 2017. The 360 Plan is a strategic document that sets a clear, cohesive vision for Downtown Dallas and its surrounding neighborhoods, guiding the City Center to continued, long-term success. Building upon the strategies found in the original plan, adopted in 2011, the 360 Plan is organized around the idea of creating a complete and connected City Center that provides an enriching urban experience for residents, workers, and visitors. The public-private

planning process coalesced into a unified vision and three transformative strategies to:

- Advance urban mobility
- Build complete neighborhoods
- Promote great placemaking

The site is within the Uptown community situated to the north of downtown Dallas. Uptown has become a popular destination for employers and residents seeking a successful balance of jobs, housing, and services. Since the 1980s, Uptown has experienced tremendous growth – rivaling that of Downtown – transforming from a low-rise, sleepy residential neighborhood into a vibrant, mixed-use urban district. The proposed land use will revitalize the surrounding community with additional service opportunities.

Land Use:

	Zoning	Land Use
Site	MF-2 Multiple-family Subdistrict within Planned Development District No. 193	Bed and breakfast
Northwest	MF-2 Multiple-family Subdistrict within Planned Development District No. 193	Multifamily and Single family
Northeast	PDS-19(Subarea A-2) within Planned Development No. 193	Restaurant without drive-in service, alcoholic beverage establishment
East	P Subdistrict within Planned Development No. 193	Surface parking
South	MF-2 Multiple-family Subdistrict within Planned Development District No. 193	Multifamily
West	MF-2 Multiple-family Subdistrict within Planned Development District No. 193	Single family

Land Use Compatibility:

The area of request is currently developed with a two-story house, which has been in use as a Bed and Breakfast. On October 8, 2002, the City Council approved the establishment of Historic Overlay District No. 115 (Talley/Polk House) comprised of the property in question, which allows the additional use of a bed breakfast as a permitted use. The applicant is proposing to add an office use along with the current use of the bed and breakfast. The existing MF-2 Subdistrict does not allow the proposed use; therefore, the applicant requests an O-1 Subdistrict. Surrounding land uses consist of multifamily to the northwest and south. To the north and west there is single family, to the northeast there is restaurant without drive-in service, and alcoholic beverages establishments. There is a surface parking to the east of the property. Staff therefore finds the proposed office use compatible with the surrounding area.

Certain uses permitted in the requested O-1 Subdistrict have been prohibited per the volunteered deed restrictions in an effort to lessen the impact of any future uses at the requested site would have on the adjacent residential neighborhood. However, the proposed deed restrictions do not offer significant regulatory oversight beyond the base district.

The proposed deed restrictions do not constitute what the comprehensive plan refers to as “zoning flexible enough to respond to changing economic conditions,” nor does it accomplish the goal of long-term land use planning. Deed restrictions, especially those that remove uses desired by an operator in the immediate term, cannot serve as a replacement for thoughtful distribution of zoning districts throughout the city, and conflict with the intended function of zoning districts altogether.

The O-1 Subdistrict will continue to allow multifamily use. Staff finds that the applicant’s request for an O-1 Subdistrict is appropriate and will not have a negative impact in the surrounding area.

Development Standards

Following is a comparison of the development standards of the current MF-2 Subdistrict and the proposed O-1 Subdistrict.

District	Setback		Density	Height	Lot Cvrg.
	Front	Side/Rear			
Existing: MF-2 Subdistrict	20 ft. Other: 15 ft.	5 ft. Side Duplex 10 ft. Side Multifamily (36 ft. or less in height) 10 ft. Side Other 5 ft. Rear Single family 10 ft. Rear Duplex 15 ft. Rear Multifamily (36 ft. or less in height) 15 ft. Rear Other	2000 sq. ft. single family 3000 sq. ft. per du Duplex 800 sq. ft. – E 1000 sq. ft. – 1 BR 1200 sq. ft. – 2 BR + 150 sq. ft. each add BR 0 FAR	36 ft.	60% Res. 50% Nonres.
Proposed: O-1 Subdistrict	10 ft. Other: 15 ft.	5 ft. Side Duplex 10 ft. Side Multifamily (36 ft. or less in height) 10 ft. Side Other 10 ft. Rear Duplex 15 ft. Rear Multifamily (36 ft. or less in height) 10 ft. Rear Other	2000 sq. ft. single family 3000 sq. ft. per du Duplex 800 sq. ft. – E 1000 sq. ft. – 1 BR 1200 sq. ft. – 2 BR + 150 sq. ft. each add BR 0 FAR	36 ft. single family Other: 24 ft.	60%

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Land Use Comparison

Following is a comparison table showing differences in permitted uses between the existing and proposed zoning districts. Highlighted uses indicate uses to be prohibited, per deed restrictions volunteered by the applicant, that would otherwise be permitted in the proposed O-1 Subdistrict.

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

Use	Existing	Proposed
	MF-2	O-1 with DR
RESIDENTIAL USES		
Single-family	•	•
Duplex	•	•
Multiple-family	•	•
Lodging or boarding house	S	
Hotel and motel		
Mobile home park, mobile home subdivision, and campground		
Group residential facility	R	R
Handicapped group dwelling unit	R	★
Retirement housing	R	R
Overnight general purpose shelter		
UTILITY AND SERVICE USES		
Utility or governmental installation other than listed	S	S
Local utilities	•	•
Electrical substation	S	S
Electrical energy generation plant		
Radio, television, or microwave tower	S	S
Commercial radio or television transmitting station		
Sewage pumping station	•	
Sewage treatment plant		
Telephone exchange, switching, and	•	•

	Existing	Proposed
Use	MF-2	O-1 with DR
transmitting equipment		
Water reservoir, well, or pumping station	•	•
Water treatment plant		S
TRANSPORTATION USES		
Airport or landing field	•	•
STOL (short takeoff or landing) port		
Passenger bus station and terminal		
Bus passenger shelter	•	•
Helicopter base		
Heliport		
Helistop		
Motor freight hauling and storage		
Railroad freight terminal		
Railroad passenger station		
Railroad team track		
Railroad yard, roundhouse, or shops		
COMMUNITY SERVICE USES		
Adult day care facility	S	L
Post office		S
Community service center		S
Foster home	S	S
Child-care facility	S	L
Halfway house		S
MEDICAL USES		
Hospital		S
Convalescent and nursing homes, hospice care, and related institutions	S	
Medical clinic		•
Medical or scientific laboratory		
Optical shop		
Medical appliance fitting and sales		
Ambulance service		
RELIGIOUS USES		
Church	•	•
Rectory	•	•
Convent or monastery	•	•
Cemetery or mausoleum	S	
EDUCATIONAL USES		
Public or private school	S	•

	Existing	Proposed
Use	MF-2	O-1 with DR
Business school		•
Technical school		
College, university, or seminary	•	•
College fraternity or sorority house	•	•
College dormitory	•	•
Library, art gallery, or museum	•	•
RECREATION AND ENTERTAINMENT USES		
Public park or playground	•	
Game court center		
Private recreation club or area	S	S
Public golf course	S	
Country club with private membership	S	
Inside commercial amusement		
Outside commercial amusement		
Theatre		
Drive-in theater		
Rodeo		
Fairgrounds		
Carnival or circus (temporary)	★	★
Wax museum		
BAR AND RESTAURANT USES		
None Permitted		
PROFESSIONAL, PERSONAL SERVICE, AND CUSTOM CRATS USES		
Office		•
Temporary construction or sales office	•	•
Bank or saving and loan office		R
Trade center		
Barber and beauty shop		
Mortuary or funeral home		
Health studio		
Custom cleaning shop		
Commercial cleaning shop		
Self service laundry or dry cleaning		
Commercial laundry or dry cleaning		
Laundry or cleaning pickup and receiving station		
Key shop		
Shoe repair		
Tailor, custom sewing, and millinery		

	Existing	Proposed
Use	MF-2	O-1 with DR
Taxidermist		
Travel bureau		
Broadcasting or recording studio		
Instructional arts studio		
Handcrafted art work studio		
Handcraft bookbinding		
Photography studio		
Safe deposit boxes		
Commercial wedding chapel		
RETAIL USES		
None Permitted		
MOTOR VEHICLE RELATED USES		
None Permitted		
COMMERCIAL USES		
None Permitted		
STORAGE AND WASTE DISPOSAL USES		
Warehouse		
Contractor's maintenance yard		
Building mover, temporary storage yard		
Open storage		
Outside salvage or reclamation		
Metal processing facility		
Inside salvage or reclamation		
Refuse transfer station		
Sanitary landfill		
Recycling buy-back center	★	★
Recycling collection center	★	★
Recycling drop-off container	★	★
Recycling drop-off for special occasion	★	★
ANIMAL RELATED USES		
Farm or ranch	•	•
Veterinarian's office		
Animal clinic without outside runs		
Animal clinic with outside runs		
Kennel with outside run		
Animal pound		
Commercial stable		
Zoo		
Hatchery and breed operation		

	Existing	Proposed
Use	MF-2	O-1 with DR
Live stock auction pens or sheds		
Slaughterhouse		
INDUSTRIAL AND MANUFACTURING USES		
Industrial uses other than listed		
Permanent concrete or asphalt batching plant		
Temporary concrete or asphalt batching plant	★	★
U-cart concrete		
Fiberglass swimming pool fabricator		
Light fabrication and assembly		
Clothing manufacturing		
Bedsprad, drapes, and headboard manufacturing		
Manufacturing laboratory		
Artificial marble manufacturing		
Corrugated cardboard box fabrication		
Tread rubber manufacturing plant		
Metal smelting and plating		
Rendering plant		

Landscaping:

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

Parking:

Pursuant to the parking regulations in PD. No 193, the off-street parking requirement for an office use is one space for each 366 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51P-193.116. As per the Historic Overlay District No. 115 ordinance, a bed and breakfast use must provide a minimum of six-off street parking spaces. The applicant would be required to comply with standard 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

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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 “F” MVA cluster.

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List of Officers

The A.W. Family Limited Liability Company

Wayne Falcone, Owner and Manager

APPLICANT'S VOLUNTEERED DEED RESTRICTIONS

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

The following uses are not permitted:

Community Service Uses.

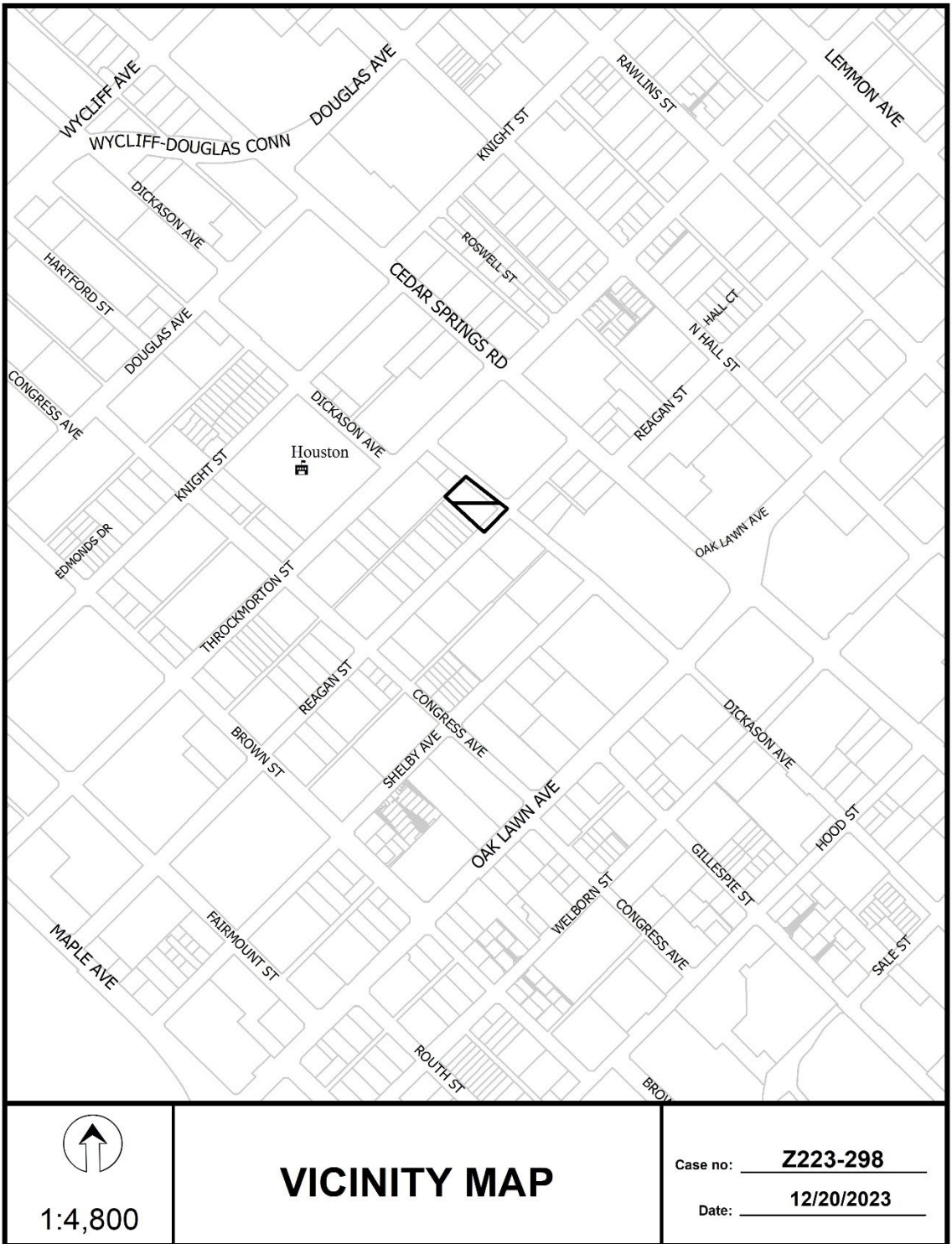
- Halfway House. (Normally requires S)

Educational Uses.

- Public or Private School.
- Business School.

Professional, Personal Service, And Custom Crafts Uses.

- Bank or Saving and Loan Office. (Normally requires R)



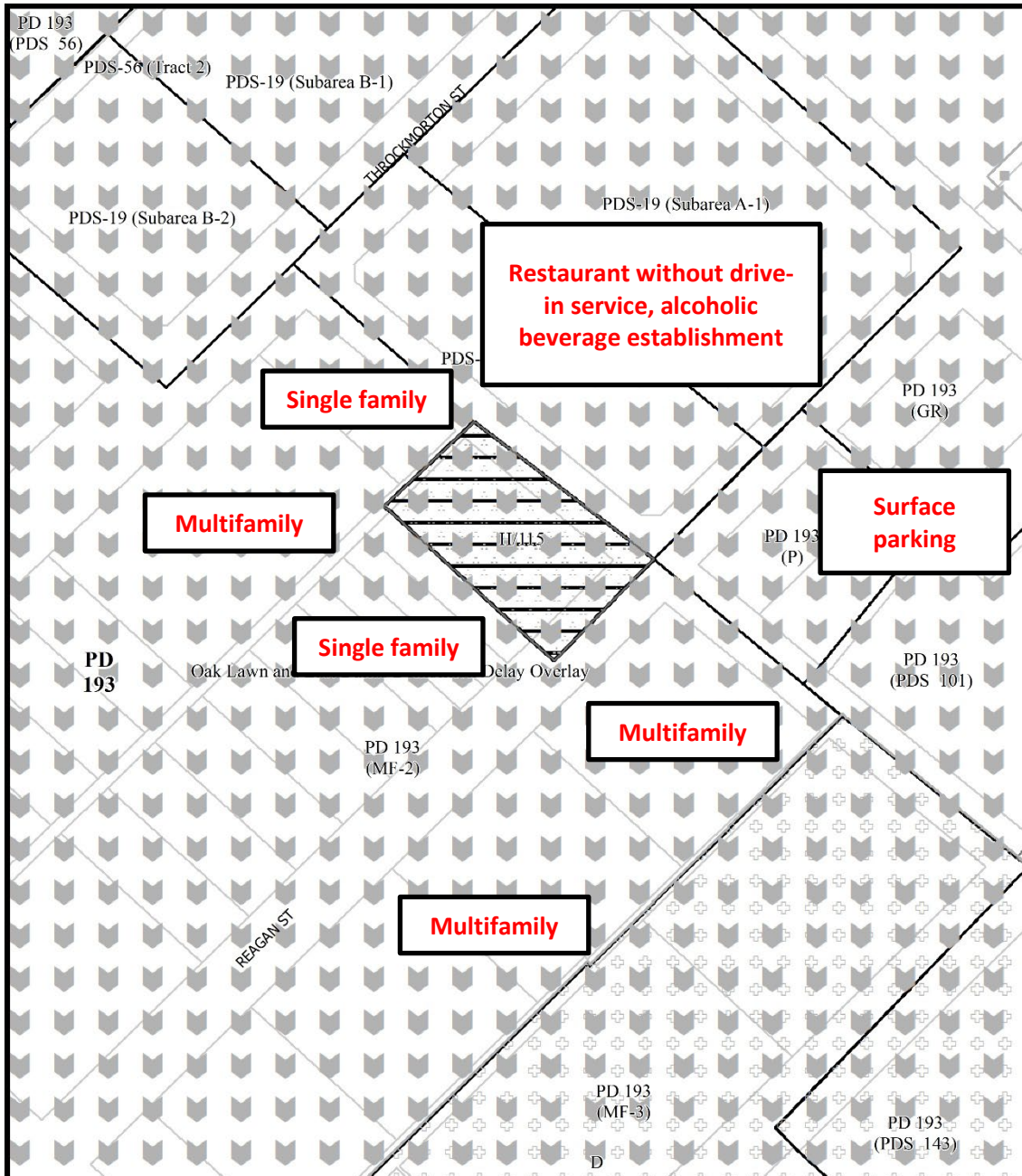


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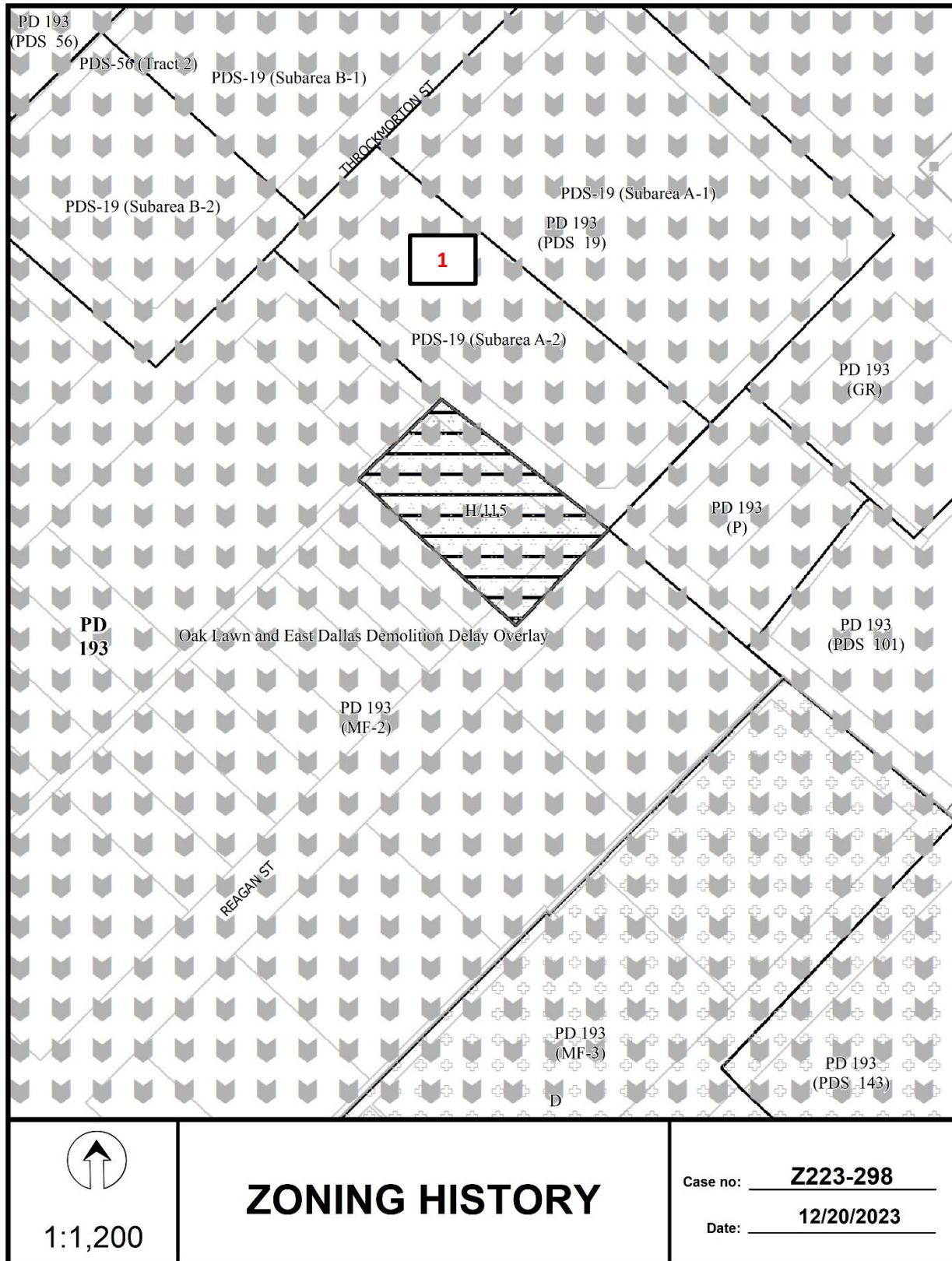
AERIAL MAP

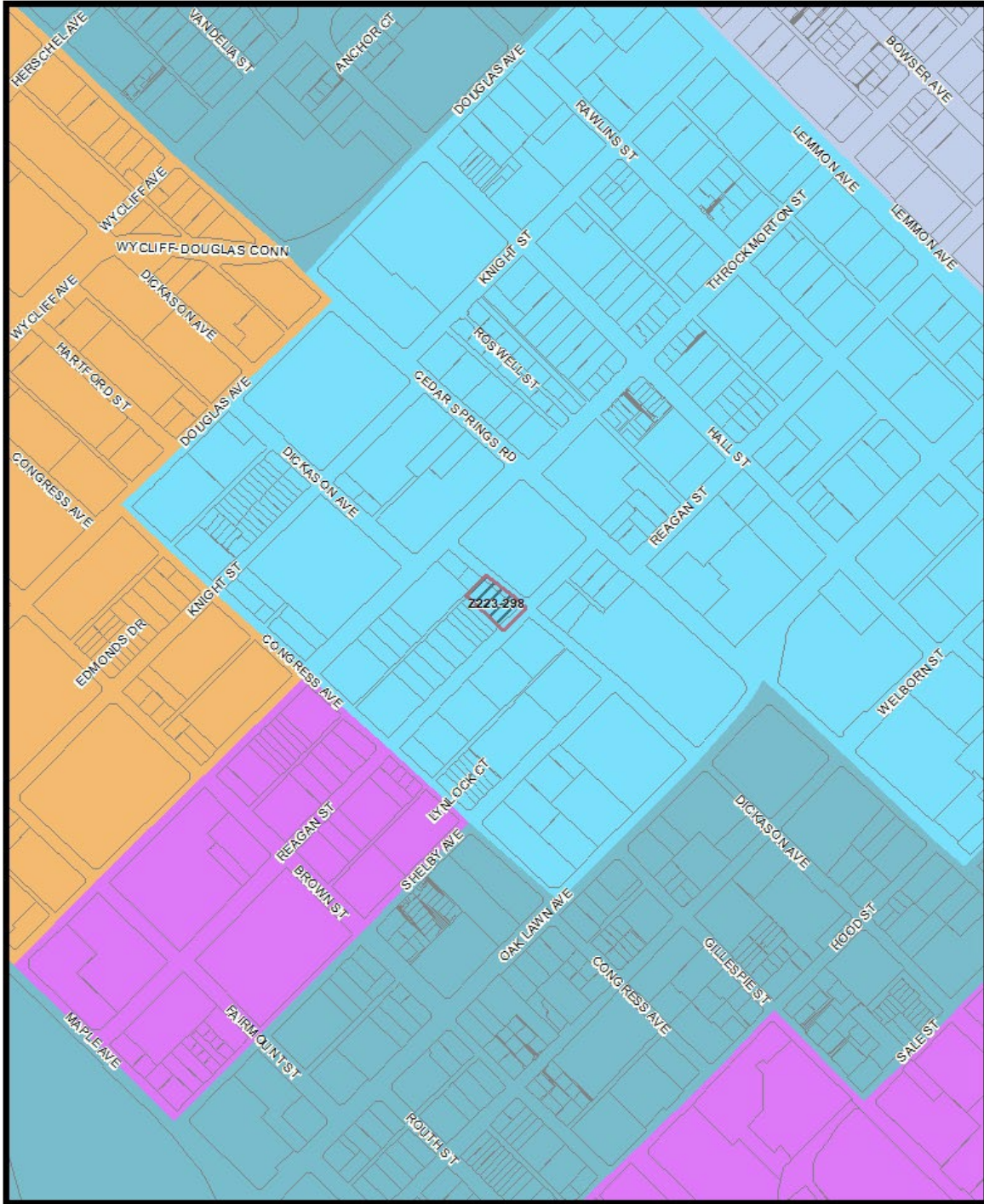
Case no: Z223-298

Date: 12/20/2023



 1:1,200	<h2>ZONING AND LAND USE</h2>	Case no: <u> Z223-298 </u> Date: <u> 12/20/2023 </u>
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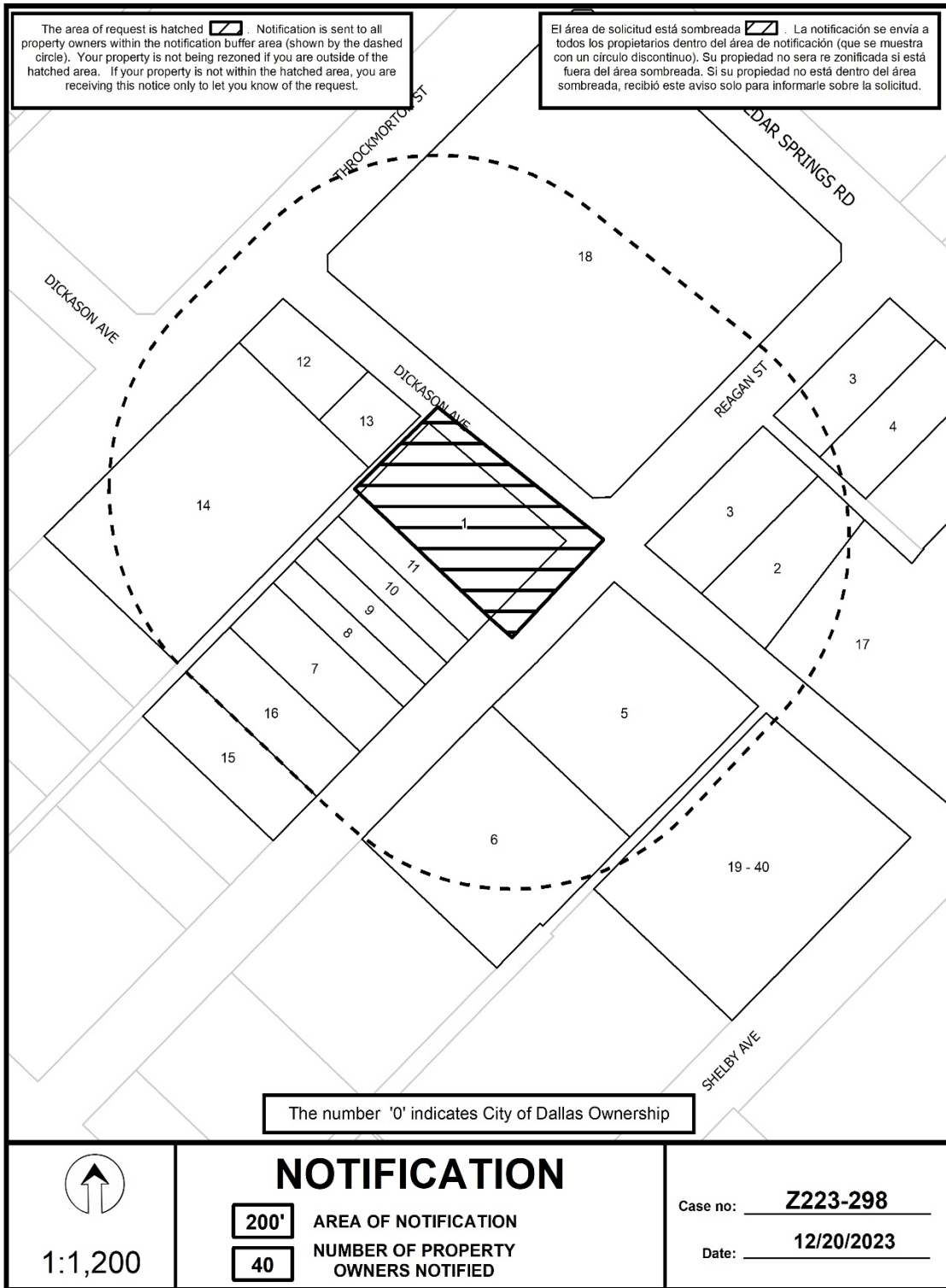


Market Value Analysis A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 12/29/2023



12/20/2023

Notification List of Property Owners***Z223-298******40 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4011 DICKASON AVE	Taxpayer at
2	3914 DICKASON AVE	Taxpayer at
3	3918 DICKASON AVE	CEDAR SPRINGS IV LLC
4	3851 CEDAR SPRINGS RD	Taxpayer at
5	2918 REAGAN ST	Taxpayer at
6	2900 REAGAN ST	SPG APARTMENTS ESPERANZA LLC
7	2901 REAGAN ST	Taxpayer at
8	2909 REAGAN ST	ACOSTA KELSEY KATHLEEN
9	2911 REAGAN ST	INGRAHAM WILLIAM B
10	2913 REAGAN ST	HUGH ROGER P &
11	2915 REAGAN ST	Taxpayer at
12	2916 THROCKMORTON ST	OKAI ANNETTE
13	4015 DICKASON AVE	Taxpayer at
14	2910 THROCKMORTON ST	BRIDGE TOWER DALLAS THREE LLC
15	2825 REAGAN ST	S WALSH DESIGN LLC
16	2829 REAGAN ST	WALKER DREW CHARLES
17	3015 OAK LAWN AVE	WARWICK MELROSE DALLAS
18	3917 CEDAR SPRINGS RD	PA CEDAR SPRINGS RETAIL
19	2907 SHELBY AVE	STRAHLER TONYA
20	2909 SHELBY AVE	BROWN JAMES BENTON
21	2929 SHELBY AVE	MAH YEE CHING
22	2931 SHELBY AVE	PUHRINGER JULIAN J
23	2925 SHELBY AVE	EQUITY TRUST CO CUSTODIAN FBO
24	2927 SHELBY AVE	BOLDEN LARRY
25	2947 SHELBY AVE	ALLEN JACQUELINE JONES
26	2949 SHELBY AVE	RUSH BENJAMIN SCOTT

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2911 SHELBY AVE	MENDOLIA PAUL JR
28	2913 SHELBY AVE	RAMIREZ VIRGINIA NOEMI SANZ
29	2915 SHELBY AVE	JJEMMA LLC
30	2917 SHELBY AVE	RUIZ LUIGI
31	2919 SHELBY AVE	LATHROP AUSTIN
32	2921 SHELBY AVE	519 LLC
33	2923 SHELBY AVE	2923 SHELBY LLC
34	2933 SHELBY AVE	RODRIGUEZ NATHANIEL
35	2935 SHELBY AVE	HIGH CASTLE INVESTMENTS
36	2937 SHELBY AVE	RODRIGUEZ ROSA M
37	2939 SHELBY AVE	PRENTICE PHILIP
38	2941 SHELBY AVE	SANDERS DAVID LEE & EDNA M
39	2943 SHELBY AVE	YOUNG KAREN E
40	2945 SHELBY AVE	OBRIEN ANN LOUISE