

FILE NUMBER: Z212-348(JM) **DATE FILED:** September 19, 2022

LOCATION: East side of South Polk Street, between Cascade Avenue and Elmhurst Place

COUNCIL DISTRICT: 1

SIZE OF REQUEST: ± 8,760 square feet **CENSUS TRACT:** 48113006200

**REPRESENTATIVE/
APPLICANT:** L. Charles Mitchell

OWNER: Phase II of The Bailey Group, Inc.

REQUEST: An application for an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant, on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of the request is to allow a group residential facility on the site.

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

STAFF RECOMMENDATION: Denial.

BACKGROUND INFORMATION:

- The area of request is currently zoned an R-7.5(A) Single Family District. Per DCAD records, the property contains 7,575 square feet of area developed with a one-story structure built in 1940. The structure has 4,417 square feet of living area with nine dwelling units.
- As defined in Chapter 51A-2.102, a [\(34\) dwelling unit](#) means one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.
- Originally, the site operated as a handicapped group dwelling unit, which is permitted in the existing single family zoning district. When renovation were completed to create individual dwelling units, the use was reclassified as either a group residential facility or multifamily use. Neither use is permitted in the R-7.5(A) Single Family District.
- The applicant is seeking to maintain the group residential facility use at the site.
- Deed restrictions offered at CPC prohibit a multifamily use and limit the maximum height to 30 feet. Chapter 51A-[4.209 \(3\)](#) defines a group residential facility use as an interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a “family” as that term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. Additional provisions state that (ii) This use must comply with statutory licensing requirements, if any. (iii) This use may include dwelling units or suites that are exclusively restricted to visitors or members of the staff.

Zoning History:

There have not been any zoning cases in the area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Polk Street	Local Street	-

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 ***does not comply*** with the following land use goals and policies of the Comprehensive Plan:

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.

Area Plan:

The West Oak Cliff Area Plan (2022) envisions an equitable, enriching, and welcoming neighborhood that celebrates its peoples, its history, and its culture, and prioritizes the safety, health, and economic resilience of its residents. However, the plan expresses concern regarding zoning transitions in single-family neighborhoods.

Land Use:

	Zoning	Land Use
Site	R-7.5(A)	Multifamily
North	R-7.5(A)	Single family
East	R-7.5(A)	Single family
South	R-7.5(A)	Single family
West	R-7.5(A)	Single family

Land Use Compatibility:

The area of request is currently developed with a multifamily structure containing nine dwelling units. The applicant was operating this as a handicapped group dwelling unit; however, a Code Compliance check identified the structure as noncompliant due to the individual dwelling unit configuration. Development Services Department determined the land use to be either a group residential facility or a multifamily use, which are not permitted in the existing Single Family District.

The property is surrounded by single family zoning and land uses.

Staff does not support the requested MF-2(A) District at a mid-block point within a well-established single-family neighborhood. Additionally, once the multifamily land use is allowed, the dwelling units will require permits and must comply with the parking and landscaping requirements. Staff does not believe the site will be able to comply.

Development Standards

Following is a comparison of the development standards of the current R-7.5(A) District and the proposed MF-2(A) District.

District	Setback		Density	Height	Lot Cvrg.	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: R-7.5(A)	25'1	5'	1 du/7,500 sf	30'	45%		Single family
Proposed: MF-2(A)	15'1	SF: 0' Duplex: 5' Side/ 10' Rear Other: 15'	Depending on the number of units and total lot area. For nine one-bedroom units, 9,000 square feet.	* 36' 30'	60%		Residential uses including SF, MF, etc.

¹ 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.

* The applicant has offered deed restrictions to limit the height to 30 feet.

Typically, a 15-foot front yard would be required in a MF-2(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 Polk Street would still be zoned an R-7.5(A) District, the 25-foot front yard of this district would be imposed on the proposed MF-2(A) District lot.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended. If the use is identified as multifamily, the landscape requirements will include a residential buffer zone varying in width from five to 30 feet with an average of 10 feet to separate the use from the adjacent single-family uses. The required parking area will also need screening.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a multifamily use is one space per bedroom with a minimum of one space per dwelling unit. The parking requirement for the nine units is nine spaces. The applicant would be required to comply with standard parking ratios at permitting.

The off-street parking requirement for a group residential facility use requires 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required.

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 in an “G” MVA cluster that extends to the north, east, and south. Properties to the west are within an “F” MVA cluster.

List of Officers

Phase II of the Bailey Group:

L. Charles Mitchell, Director and Registered Agent

James H. Bailey, Director

Douglas Brown, Director

**CPC Action
September 21, 2023**

Motion: It was moved to recommend **approval** of an MF-2(A) Multifamily District, subject to deed restrictions volunteered by the applicant to include 30 ft. height limit and prohibit MF-2(A) uses allowing Group Residential Facility and all R-7.5(A) uses on property zoned an R-7.5(A) Single Family District, on the east side of South Polk Street, between Cascade Avenue and Elmhurst Place.

Maker: Popken
Second: Kingston
Result: Carried: 10 to 3

For: 10 - Popken, Hampton, Herbert, Anderson, Shidid,
Treadway, Haqq, Stanard, Kingston, Rubin*

Against: 3 - Carpenter, Jung, Housewright
Absent: 2 - Wheeler-Reagan, Blair
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 35
Replies: For: 0 Against: 5

Speakers: For: Phillip Mitchell, 1608 S. Polk St., Dallas, TX, 75224
Against: None

August 17, 2023

Motion I: It was moved to recommend **denial without prejudice** of an MF-2(A) Multifamily District on property zoned an R-7.5(A) Single Family District, on the east side of South Polk Street, between Cascade Avenue and Elmhurst Place.

Maker: Popken
Second: Blair
Result: **Commissioner Popken, the Maker of the Motion, withdrew her motion. Commissioner Blair, the Seconder, also withdrew her second.**

Motion II: In considering an application for an MF-2(A) Multifamily District on property zoned an R-7.5(A) Single Family District, on the east side of South Polk Street, between Cascade Avenue and Elmhurst Place, it was moved to **hold** this case under advisement until August 17, 2023.

Maker: Popken
Second: Blair
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Herbert, Anderson, Shidid,
Carpenter, Blair, Jung, Housewright, Treadway,
Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Wheeler-Reagan
Vacancy: 0

Notices: Area: 200 Mailed: 35
Replies: For: 0 Against: 5

Speakers: For: Charles Mitchell, 1608 S. Polk St., Dallas, TX, 75224
For (Did not Speak): Michelle Mitchell, 1608 S. Polk St., Dallas, TX, 75224
Against: None

May 18, 2023

Motion: In considering an application for an MF-2(A) Multifamily District on property zoned anR-7.5(A) Single Family District, on the east side of South Polk Street, between Cascade Avenue and Elmhurst Place, it was moved to **hold** this case under advisement until June 15, 2023.

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

For: 11 - Hampton, Herbert, Anderson, Shidid, Wheeler-
Reagan, Blair, Housewright, Treadway,
Stanard, Kingston, Rubin

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

Notices: Area: 200 Mailed: 35
Replies: For: 0 Against: 2

Speakers: For: None
Against: Claire St. Pierre, 1111 Elmhurst Pl., Dallas, TX, 75224

Deed Restrictions Volunteered
CPC Accepted

I.

The undersigned, Phase II of the Bailey Group, Inc., a corporation ("the Owner"), is the owner of the following described property ("the Property"), being a portion of Lot 6, City Block 5160, Cedar Heights Acreage Addition, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Jose Manuel Medina-Moreno, Sintia Michelle Sanchez Baca, Anastacio Medina-Nunez, and Elia Mar Moreno Macias, by deed dated December 10, 2020, Instrument Number 202000344272, in the Deed Records of _____ County, Texas, and being more particularly described as attached in Exhibit A.

II.

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

- (1) The following uses are prohibited on the Property:

Institutional and community service uses.

- Convalescent and nursing homes, hospice care, and related institutions.
- Hospital.

Lodging uses.

- Short-term rental lodging.
- Lodging or boarding house.

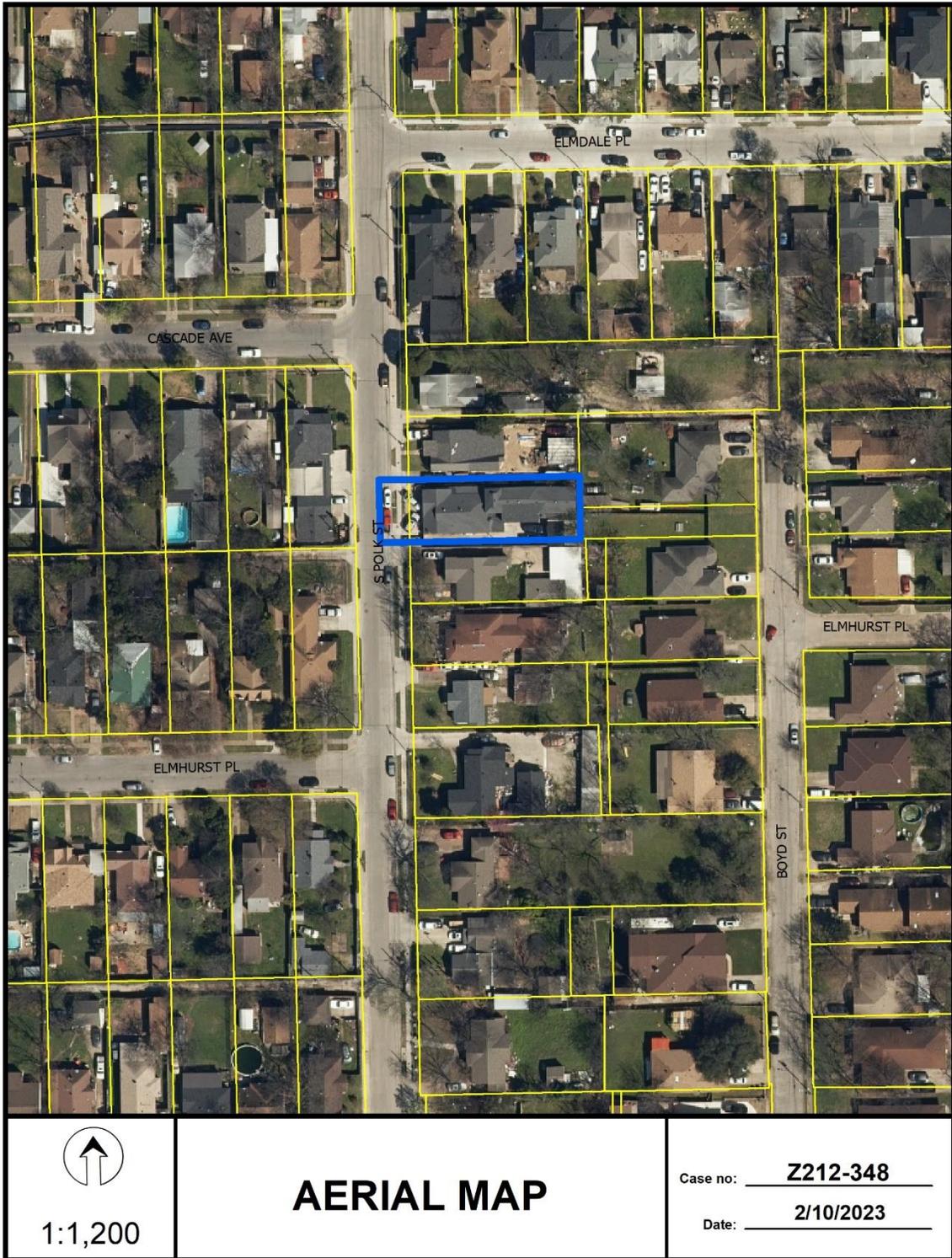
Residential uses.

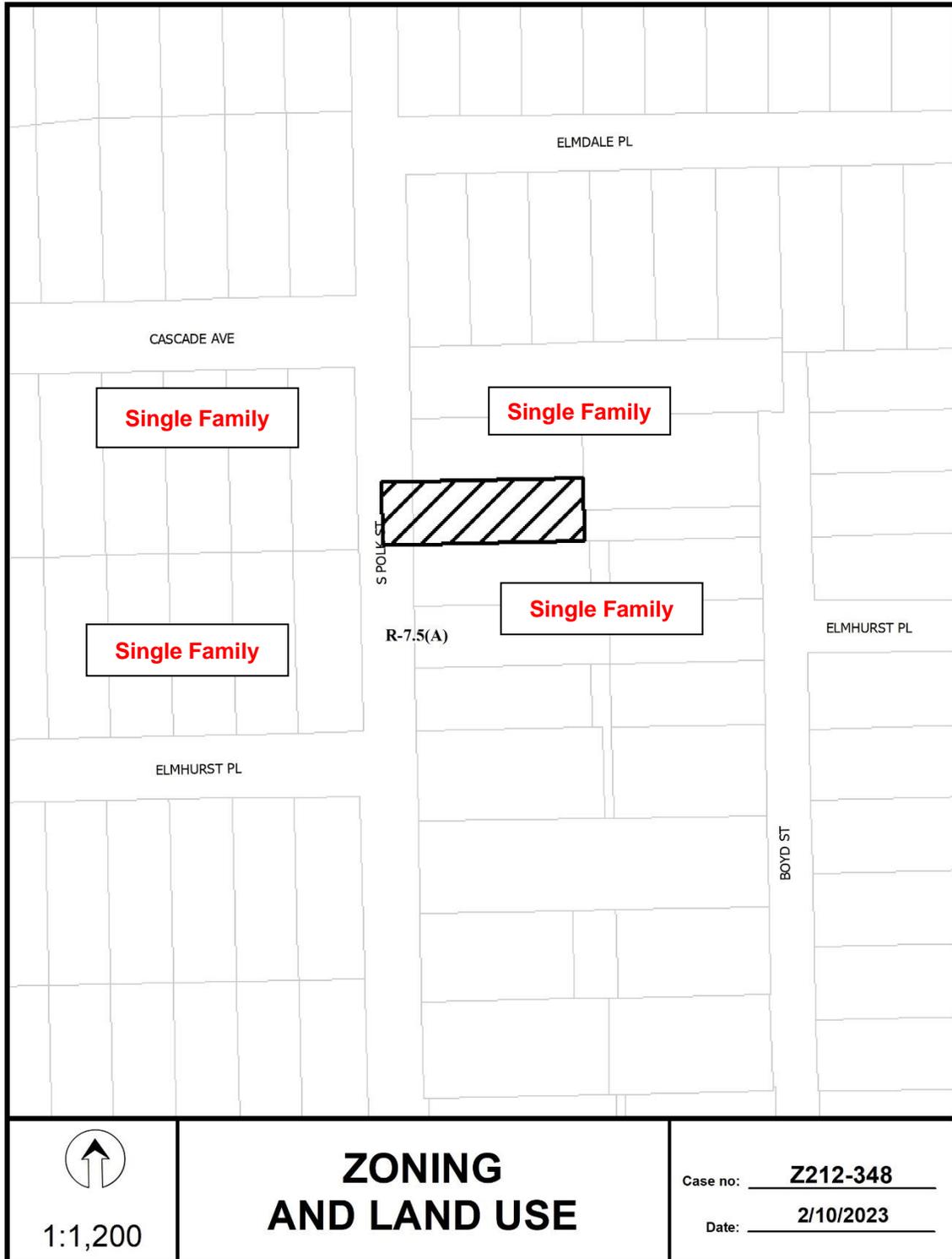
- College dormitory, fraternity, or sorority house.
- Duplex.
- Handicapped group dwelling unit.
- Multifamily.
- Residential hotel.
- Retirement housing.

- (2) Structures shall not exceed a height of 30 feet.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.







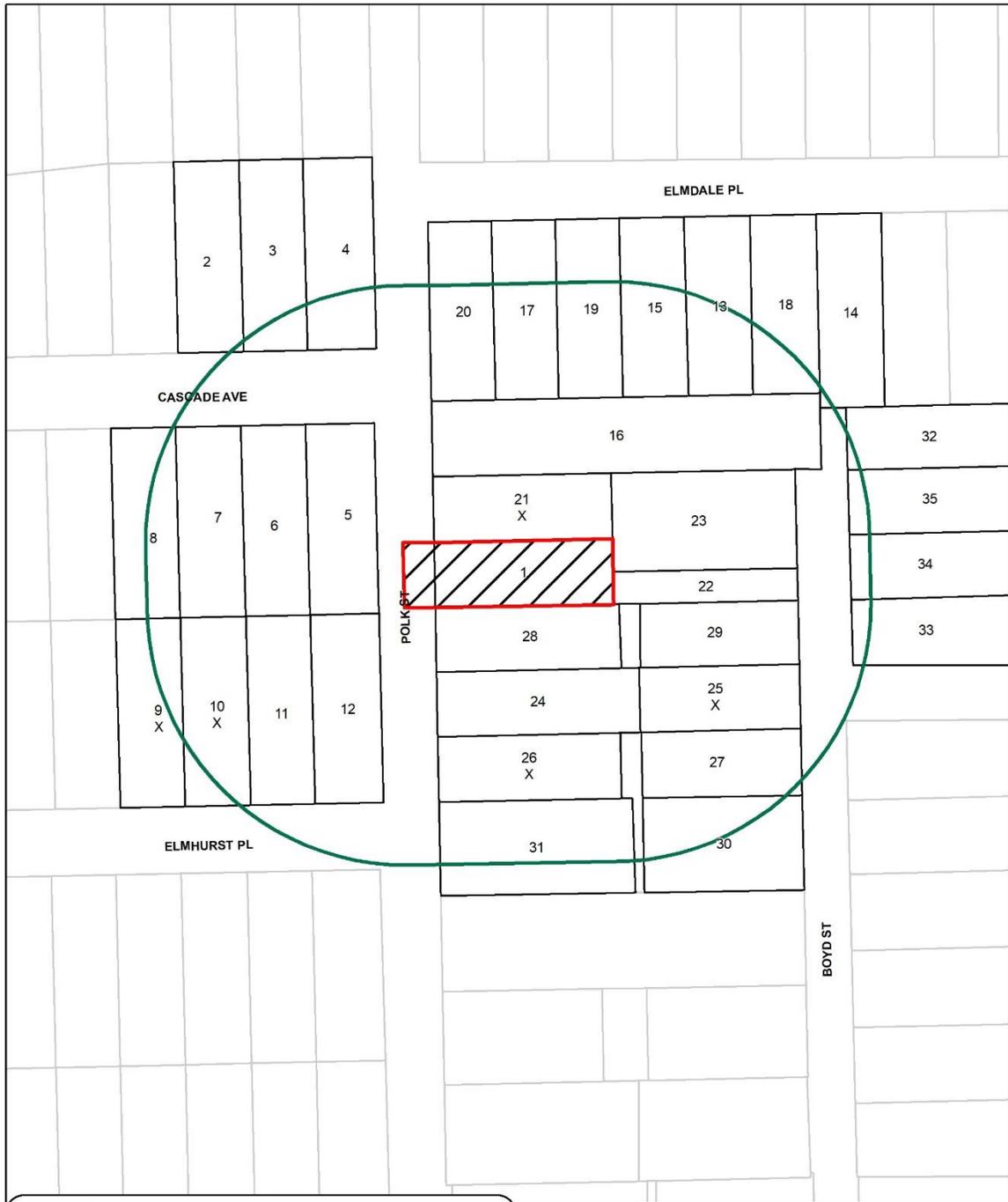
Market Value Analysis A B C D E F G H I NA

 1:4,800

Market Value Analysis

Printed Date: 2/10/2023

CPC RESPONSES



<u>35</u>	Property Owners Notified (35 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>5</u>	Replies in Opposition (5 parcels)
<u>200'</u>	Area of Notification
<u>9/21/2023</u>	Date

Z212-348
CPC



1:1,200

09/20/2023

Reply List of Property Owners***Z212-348******35 Property Owners Notified******0 Property Owners in Favor******5 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1608 S POLK ST	PHASE II OF THE BAILEY GROUP INC
	2	1111 CASCADE AVE	ROGERS BENJAMIN DANIEL &
	3	1107 CASCADE AVE	ORTIZ J MANUEL & LETICIA
	4	1101 CASCADE AVE	REYES DOMINGO G
	5	1102 CASCADE AVE	MARIN SAMUEL &
	6	1106 CASCADE AVE	MITCHELL RUSSELL C
	7	1110 CASCADE AVE	YORK DAVID WAYNE &
	8	1114 CASCADE AVE	CRONE FREDERICK J
X	9	1115 ELMHURST PL	FRANKLIN DON R
X	10	1111 ELMHURST PL	STPIERRE CLAIRE C
	11	1107 ELMHURST PL	DUBOSE WADE LEE EST OF
	12	1103 ELMHURST PL	CANTU DEBRA MONTEZ & DANNY RAY
	13	1006 ELMDALE PL	ESQUIVEL RAMON
	14	922 ELMDALE PL	TEXAS ETHIO
	15	1010 ELMDALE PL	TOBIAS JUAN JOSE &
	16	1602 S POLK ST	PERALTA MIGUEL L
	17	1018 ELMDALE PL	HERNANDEZ ROY JR &
	18	1002 ELMDALE PL	CRUZ MAURO S & MARGARET
	19	1014 ELMDALE PL	SALAS JOSE
	20	1022 ELMDALE PL	OCONNOR RAYMOND M
X	21	1606 S POLK ST	MONSIVIAS JOSE JR
	22	1623 BOYD ST	DANIELS CHRISTOPHER K &
	23	1615 BOYD ST	SOTO JOSE A & SABINA G
	24	1618 S POLK ST	MONTEZ DAVID
X	25	1701 S BOYD ST	MARROQUIN MARIE &
X	26	1622 S POLK ST	OWENS RODNEY W & KAYE S

Z212-348(JM)

09/20/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1705 BOYD ST	SALAS GERARDO
	28	1614 S POLK ST	TORRES JUAN PEDRO &
	29	1623 BOYD ST	SOTO JOSE & SABINA
	30	1709 S BOYD ST	PEREZ EUSEBIO &
	31	1626 S POLK ST	ALONSO IGNACIO &
	32	1603 S TYLER ST	LUNA PATRICIA D
	33	1624 BOYD ST	RAMIREZ JORGE & MARIA
	34	1620 BOYD ST	Taxpayer at
	35	1616 BOYD ST	SOTO JOSE & SABRINA