

FILE NUMBER: Z212-113(RM) **DATE FILED:** October 12, 2021

LOCATION: South line of President George Bush Turnpike, west of Preston Road

COUNCIL DISTRICT: 12 **MAPSCO:** AA 7

SIZE OF REQUEST: Approx. 1.65 acres **CENSUS TRACT:** 317.15

REPRESENTATIVE: Forrest Branam, Mod Studio LLC

OWNER/APPLICANT: City of Dallas

REQUEST: An application for a Planned Development District for CS Commercial Service District uses and a temporary housing use on property zoned a CS Commercial Service District with deed restrictions [Z945-231].

SUMMARY: The purpose of the request is to allow modified development standards primarily related to definitions, permitted uses, and parking to allow a temporary housing use to occupy an existing building on site.

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

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions.

BACKGROUND INFORMATION:

- The area of request is currently developed with a building that was formerly a hotel, plus associated parking. In January 2021, the City of Dallas invited a local social services organization to operate the building for families displaced during the COVID-19 pandemic.
- The site is currently being used to provide housing for displaced families. The site also currently provides related social services limited to those residing at the facility. These services include case management (for social service); child-care and tutoring services; and the provision of basic needs such as food, clothing, toiletries, and diapers.
- The applicant proposes renovations for the building and site that will allow for more accessible and sensitive delivery of services with attention to privacy. They propose 53 rooms, plus one employee housing unit. The related services currently provided on site would continue as well. These services would continue to be limited to those residing at the facility.
- To accomplish this, the applicant proposes a Planned Development District that would allow for a temporary housing use by right, plus child-care facility and office uses as accessory uses. They propose to define the temporary housing use within the PD as three or more dwelling units located on a lot where supportive services are provided onsite for residents. Supportive services include, but are not limited to, counseling services, health services, workforce training, and job placement assistance.
- The applicant also proposes to add play areas to the front and rear of the existing building. No other modifications are proposed to the existing site or development standards.

Zoning History:

There have been no zoning cases in the area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
President George Bush Turnpike	Highway	-
Preston Road	Principal Arterial	130 feet

Traffic:

Transportation Development Services staff 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. The *forwardDallas! Comprehensive Plan* 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 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

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

NEIGHBORHOOD PLUS

GOAL 2.2 Expand workforce training programs.

GOAL 2.3 Expand health, childcare, and transportation programs for low income areas.

GOAL 2.4 Improve Pre-K education opportunities for children in poverty.

GOAL 2.5 Facilitate integration of homeless population back into the workforce and society.

Land Use:

	Zoning	Land Use
Site	CS Commercial Service District with deed restrictions [Z945-231]	Hotel or motel
North	City of Plano	Vehicle display, sales, and service
East	CS Commercial Service District with deed restrictions [Z945-231]	Vehicle display, sales, and service
South	Tract 9 within Planned Development District No. 170	Multifamily
West	CS Commercial Service District with deed restrictions [Z945-231]	Mini warehouse

Land Use Compatibility:

The area of request is currently developed with a building that was formerly occupied by a hotel or motel use. The site is currently being used to provide housing for displaced families, and the applicant proposes to continue this temporary housing use under the proposed PD. North of the request area within Plano city limits is a vehicle display, sales, or service use. East and west of the site are vehicle display, sales, or service and mini warehouse uses, respectively. South of the area of a request is a multifamily use. Staff believes the applicant's proposed land use is compatible with these surrounding uses.

In January 2021, the City of Dallas invited a local social services organization to operate the existing building for families displaced during the COVID-19 pandemic. In addition to providing temporary housing for families, the site also currently provides related social services such as case management; child-care and tutoring services; and the provision of basic needs such as food, clothing, toiletries, and diapers. The provision of these social services is limited to those residing at the facility.

Through their request for a Planned Development District for CS Commercial Service District uses and a temporary housing use, the applicant proposes to continue using the site for this purpose. Other than interior renovations and the addition of play areas to the front and rear of the existing building, no other modifications are proposed to the site.

The proposed PD would retain most of the development standards that apply under the current CS District, with the only exceptions being related to definitions, permitted uses, and parking. Because the use of the site is not currently defined in Chapter 51A, the applicant proposes to define the use in the PD as temporary housing. This use is defined as "three or more dwelling units located on a lot where supportive services are provided onsite for residents. Supportive services include, but are not limited to, counseling

services, health services, workforce training, and job placement assistance.” This use would be permitted by right in the PD; otherwise, all other permitted uses default to those of the CS base district.

To continue to provide social services in addition to the housing use, the applicant proposes child-care facility and office uses as accessory to the main temporary housing use. This will allow these uses to operate in conjunction with the main use while exempting these uses from parking requirements.

Staff supports the request because it will allow a local social services organization to continue to operate on the site while retaining much of the development standards of the existing zoning district. Through the requested PD, this organization can continue to provide vital services to those most in need during a challenging time.

It should also be noted that the area of request and surrounding properties are subject to deed restrictions [Z945-231]. The applicant’s proposal does not conflict with these existing deed restrictions; therefore, they do not propose to amend or terminate them. The deed restrictions do prohibit some uses that could be considered similar to elements of the proposed temporary housing use, such as labor hall, halfway house, lodging or boarding house, and overnight general-purpose shelter. Because the applicant is specifically defining their temporary housing use in the proposed PD, this use does not conflict with the uses prohibited through the deed restrictions.

Landscaping:

The applicant does not propose to modify the existing landscaping of the site. Any future modifications to landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

The applicant proposes to specify a parking ratio for the temporary housing use in the PD conditions. This use will be required to provide a minimum of one space per dwelling unit. Because the child-care facility and office uses will be permitted as accessory to the main temporary housing use, parking will not be required of these uses. All other uses will need to meet the standard parking requirements in Chapter 51A.

The applicant proposes 53 dwelling units, so a minimum of 53 parking spaces will be required. As demonstrated on the proposed development plan, the site provides 89 parking spaces.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policymakers 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 request is not within an MVA cluster. South of the request area are “B,” “D,” and “E” MVA clusters.

List of Partners/Principals/Officers

Family Gateway

Ellen Magnis, President & CEO

Gary Moor, Chair

Exa Whiteman, Vice-Chair

Michelle Frymire, Treasurer

Melissa Hensley, Secretary

Alexa Sharma, Immediate Past Chair

Justin Bailey, Board Member

Charles O'Connell, Board Member

Directors:

Purvil Albers

Alison Battiste

Katie Beaird

Jorge Bernal

F John Garza

Juanita Harris

Florence Hosanna

Mirjam Kirk

Maritza Liaq

Clayton Main

Kamini Mamdani

Mika Manaster

Steve Martin

Paula Miltenberger

Deanna Reyna Munoz

Almas Muscatwalla

Shay Phillips

Quincy Roberts

Amy Warren

**CPC ACTION
DECEMBER 16, 2021**

Motion: It was moved to recommend **approval** of a Planned Development District for CS Commercial Service District uses and a temporary housing use, subject to a development plan and conditions on property zoned a CS Commercial Service District with deed restrictions [Z945-231], on the south line of President George Bush Turnpike, west of Preston Road.

Maker: Haqq
Second: Carpenter
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid,
Carpenter, Jackson, Blair, Jung, Haqq,
Kingston, Rubin

Against: 0
Absent: 2 - Suhler, Stanard
Vacancy: 2 - District 3, District 10

Notices: Area: 500 Mailed: 9
Replies: For: 0 Against: 0

Speakers: For: None

For (Did not speak): Forrest Branam, 1504 Burlew St., Dallas, TX, 75204
Against: None

CPC RECOMMENDED CONDITIONS

ARTICLE ____.

PD ____.

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No.____, passed by the Dallas City Council on ____.

SEC. 51P- ____ .102. PROPERTY LOCATION AND SIZE.

PD ____ is established on property located on the south line of President George Bush Turnpike, west of Preston Road. The size of PD ____ is approximately 1.65 acres.

SEC. 51P- ____ .103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district:

(1) TEMPORARY HOUSING means three or more dwelling units located on a lot where supportive services are provided onsite for residents. Supportive services include, but are not limited to, counseling services, health services, workforce training, and job placement assistance.

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

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

SEC. 51P- ____ .104. EXHIBIT.

The following exhibit is incorporated into this article:

Exhibit ____A: development plan.

SEC. 51P- _____.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit ____A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P- _____.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the CS Commercial Service District, subject to the same conditions applicable in the CS Commercial Service District, as set out in Chapter 51A. For example, a use permitted in the CS Commercial Service District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the CS Commercial Service District is subject to DIR in this district; etc.

(b) The following use is an additional permitted main use:

- Temporary housing.

SEC. 51P- _____.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following uses are additional accessory uses permitted as customarily incidental to a temporary housing use:

- Child-care facility.
- Office.

SEC. 51P- _____.108. 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 Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

The yard, lot, and space regulations for the CS Commercial Service District apply.

SEC. 51P- _____.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) A minimum of 1 space per dwelling unit is required for a temporary housing use.

SEC. 51P- _____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- _____.111. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

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

SEC. 51P- _____.112. SIGNS.

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

SEC. 51P- _____.113. ADDITIONAL PROVISIONS.

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

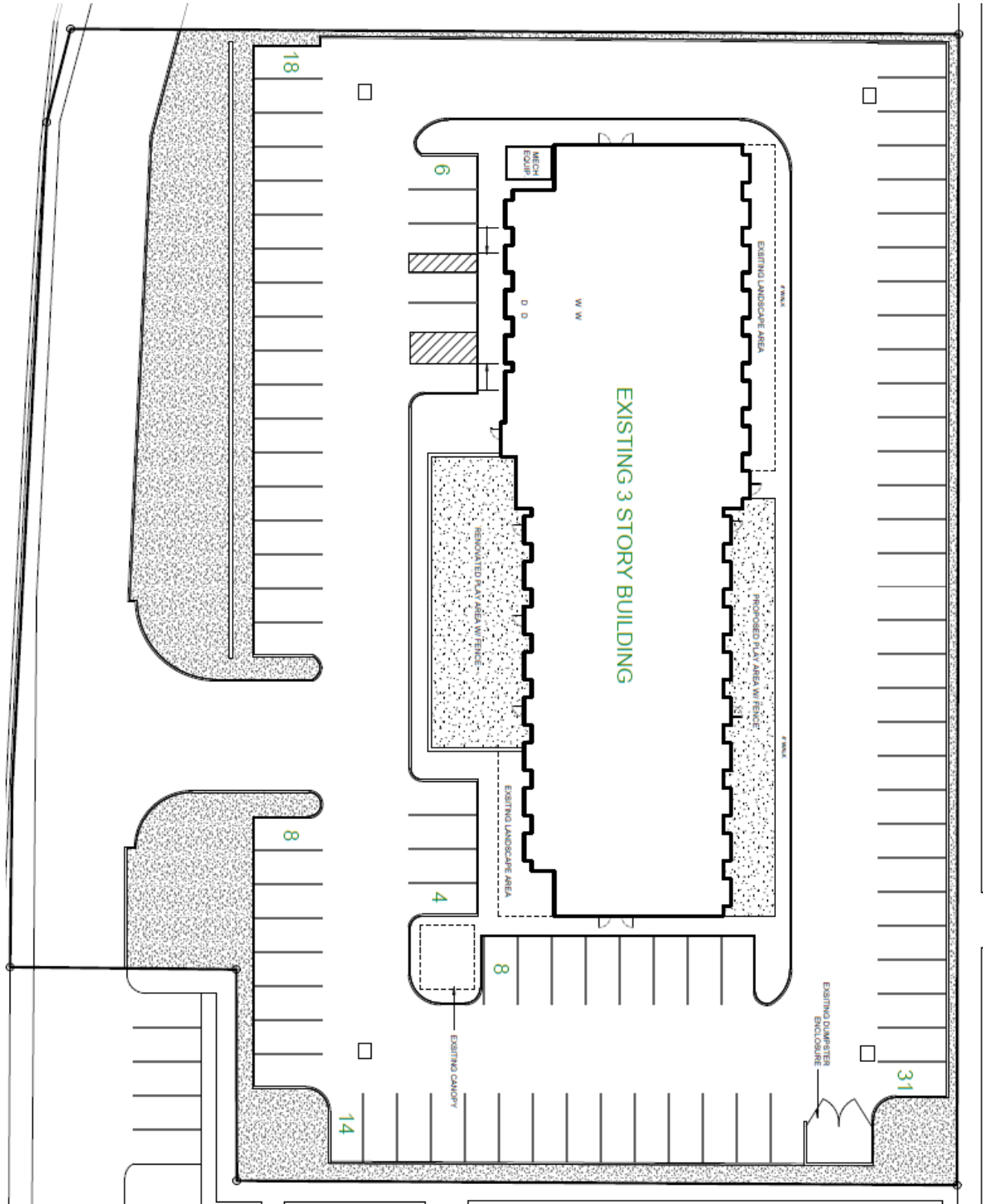
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P- _____.114. 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, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

CPC RECOMMENDED DEVELOPMENT PLAN



EXISTING DEED RESTRICTIONS (NO CHANGES PROPOSED)

August 9, 1995 **952732**

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a CS Commercial Service District which was approved by the City Council on August 9, 1995, on Zoning Case #Z945-231/9468-N on property at the southwest corner of Preston Road and State Highway 190; and

WHEREAS, said deed restrictions have been approved as to form; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the deed restrictions set forth in the attached instrument be and are hereby accepted by the City Council of the City of Dallas, Texas, to be used in conjunction with the development of property zoned a CS Commercial Service District as described in Ordinance 22513.

Section 2. That said deed restrictions shall be filed in the Deed Records of Collin County, Texas.

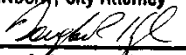
Section 3. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED BY
CITY COUNCIL**

AUG 9 1995


City Secretary

Approved as to form:
SAM LINDSAY, City Attorney

By 
Assistant City Attorney

APPROVED


HEAD OF DEPARTMENT

APPROVED

DIRECTOR OF FINANCE

APPROVED

CITY MANAGER

S/N 753-036-006

9UP-0805A

952732

DEED RESTRICTIONS

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
 COUNTY OF COLLIN §

I.

The undersigned, LLOYD INVESTMENT COMPANY, LTD., a Texas limited partnership ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Traugher Survey, Abstract No. 905, City Block 8736, City of Dallas ("City"), Collin County, Texas, and being a portion of the tract of land conveyed to Gladys Kirk Lloyd by deed recorded in Volume 818, Page 420, in the Deed Records of Collin County, Texas, and being more particularly described in Exhibit "A" attached hereto for all purposes.

II.

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

A. The following uses are prohibited on the Property:

1. bus or rail transit vehicle maintenance/storage facility
2. commercial cleaning/laundry plant
3. labor hall
4. machine/welding shop
5. vehicle/engine repair or maintenance
6. temporary concrete or asphalt batching plant
7. halfway house
8. hospital
9. lodging or boarding house
10. overnight general purpose shelter
11. college dormitory, fraternity or sorority house
12. ambulance service
13. animal shelter or clinic with/without outside runs
14. auto service center
15. bar, lounge, or tavern
16. drive-in theater
17. liquor store
18. motor vehicle fueling station
19. swap or buy shop
20. police or fire station

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21. auto auction
22. freight terminal
23. manufactured building sales lot
24. petroleum product storage and wholesale
25. sand, gravel, or earth sales/storage
26. building repair/maintenance shop
27. building mover's temporary storage yard
28. contractor's maintenance yard
29. machine/heavy equipment sales and service
30. light manufacturing
31. commercial radio or TV transmitting station

- B. Prior to the issuance of a Certificate of Occupancy on the Property, the then owner of the Property shall install a minimum ten foot (10') landscape buffer adjacent to the existing alley at the southwest corner of the Property as shown on Exhibit "B" attached hereto for all purposes. The landscape buffer will include shrubs, a minimum of eight (8) evergreen trees with a minimum of three inch (3") caliper with heights averaging between twelve feet (12') and fourteen feet (14') planted on thirty foot (30') centers and solid screening with a minimum of six feet (6') in height along the north edge of said landscape buffer. All landscape areas will be irrigated and maintained in a healthy, growing condition. Plant material will be replaced if damaged.

III.

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

IV.

These restrictions may be amended or terminated only after public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

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VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagors or lienholders subscribed below.

DEED RESTRICTIONS - Page 3

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XII.

The invalidation of any provision of this instrument by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the 7th day of August, 1995.

LLOYD INVESTMENT COMPANY, LTD.

By: Charles L. Lloyd, Jr.
Its: General Partner

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

By: [Signature]
Assistant City Attorney

ACKNOWLEDGEMENT

STATE OF COLORADO §
§
COUNTY OF Eagle §

This instrument was acknowledged before me on August 7, 1995, by Charles L. Lloyd, Jr., General Partner, on behalf of Lloyd Investment Company, Ltd., a limited partnership.

[Signature]
Notary Public in and for the State of Colorado

DA951730080
080799plg1
178:8286-1

My Commission Expires
6-1-97

DEED RESTRICTIONS - Page 4

952732

EXHIBIT "A"

LEGAL DESCRIPTION

BEING a tract of land situated in the William Traugher Survey, Abstract No. 305, Collin County, Texas, City Block Number 8715 of the City of Dallas, Texas and being part of an original 182.905 acre tract of land conveyed to Gladys Kirk Lloyd by deed recorded in Volume 818, Page 420, Deed Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at an 1/2-inch iron rod in the west line of Preston Road (a 120 foot right-of-way); said iron rod also being the northeast corner of Preston Village Apartments, an addition to the City of Dallas as recorded in Cabinet F, Page 777 of the Plat Records of Collin County, Texas;

THENCE North 86 deg. 19 min. 38 sec. West along the north line of said Preston Village Apartments, passing at 1336.88 feet a 1/2-inch iron rod at the northeast corner of Lloyd Addition Tract 8, an addition to the City of Dallas as recorded in Cabinet G, Page 176 of the Plat Records of Collin County, Texas, a total distance of 1436.02 feet to a 1/2-inch iron rod for corner;

THENCE North 89 deg. 45 min. 14 sec. West along the north line of said Lloyd Addition Tract 8 a distance of 170.00 feet to a 1/2-inch iron rod at the northwest corner of said addition;

THENCE North 00 deg. 14 min. 46 sec. East a distance of 241.55 feet to a 1/2-inch iron rod at the southwest corner of a 13.3942 acre tract of land conveyed to the State of Texas by deed recorded in Volume 92-60136 of the Deed Records of Collin County, Texas;

THENCE along the southerly line of said 13.3942 acre State of Texas tract the following calls and distances:

South 89 deg. 40 min. 14 sec. East a distance of 98.61 feet to a 1/2-inch iron rod;

South 88 deg. 47 min. 18 sec. East a distance of 196.94 feet to a 1/2-inch iron rod;

South 87 deg. 47 min. 18 sec. East a distance of 196.94 feet to a 1/2-inch iron rod;

South 86 deg. 47 min. 18 sec. East a distance of 196.94 feet to a 1/2-inch iron rod;

South 85 deg. 54 min. 48 sec. East a distance of 147.71 feet to a 1/2-inch iron rod;

South 83 deg. 28 min. 29 sec. East a distance of 177.27 feet to a 1/2-inch iron rod;

South 71 deg. 33 min. 32 sec. East a distance of 136.05 feet to a 1/2-inch iron rod;

South 70 deg. 31 min. 17 sec. East a distance of 286.01 feet to a 1/2-inch iron rod;

South 77 deg. 16 min. 10 sec. East a distance of 99.88 feet to a 1/2-inch iron rod;

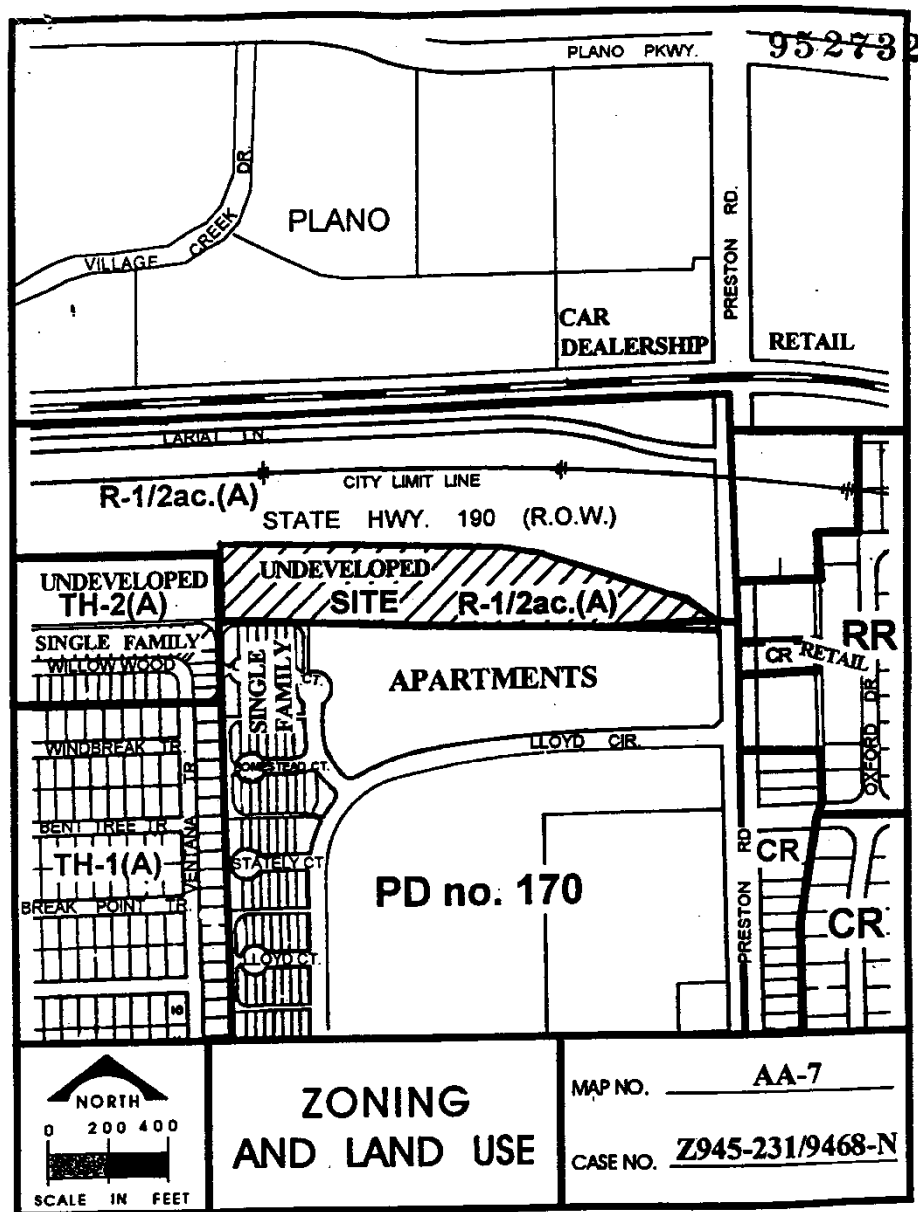
South 53 deg. 00 min. 15 sec. East a distance of 117.27 feet to a 1/2-inch iron rod in the west line of said Preston Road;

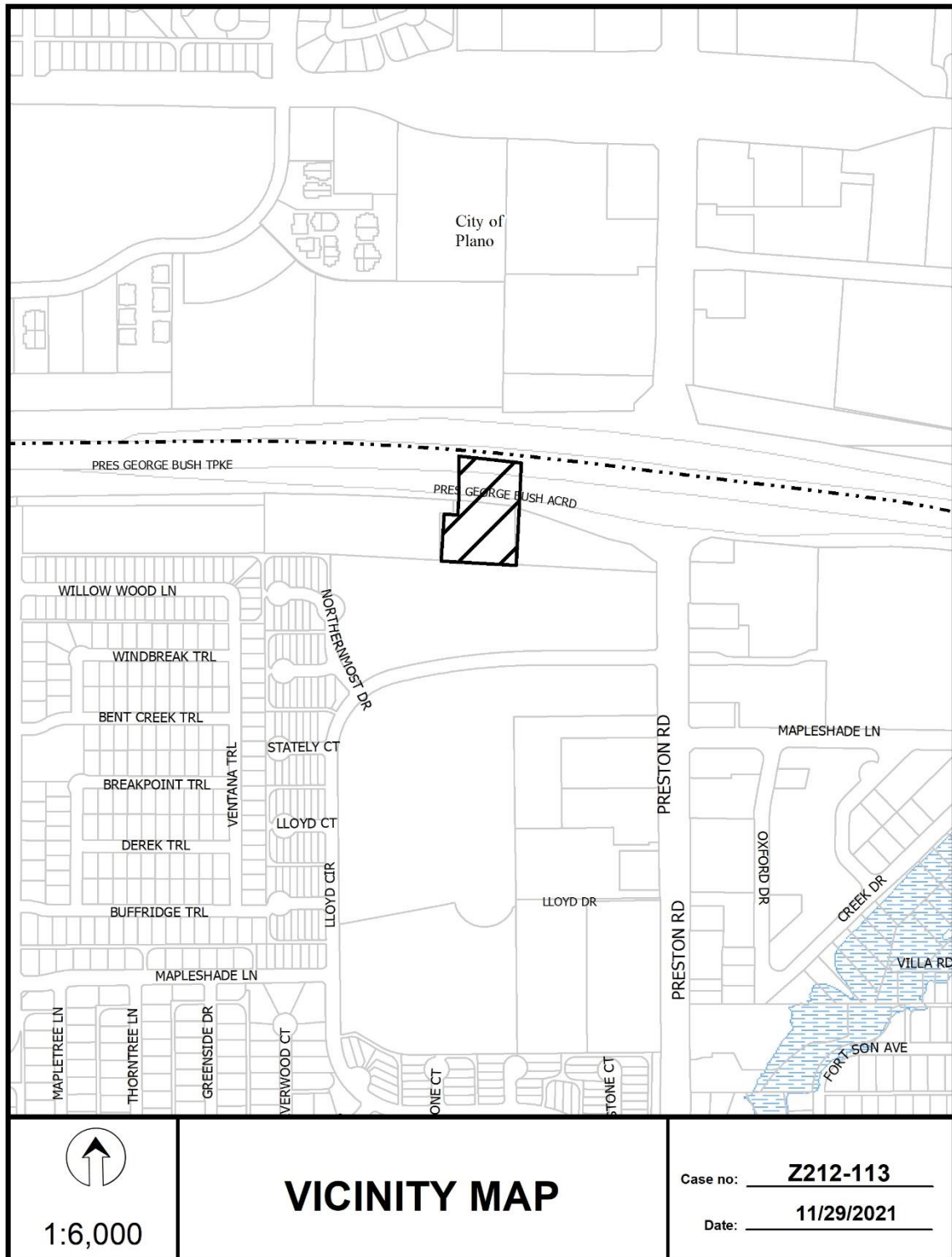
THENCE South 00 deg. 10 min. 46 sec. West along the west line of said Preston Road a distance of 49.25 feet to the POINT OF BEGINNING and containing 344,489.11 square feet or 7.9084 acres of land.

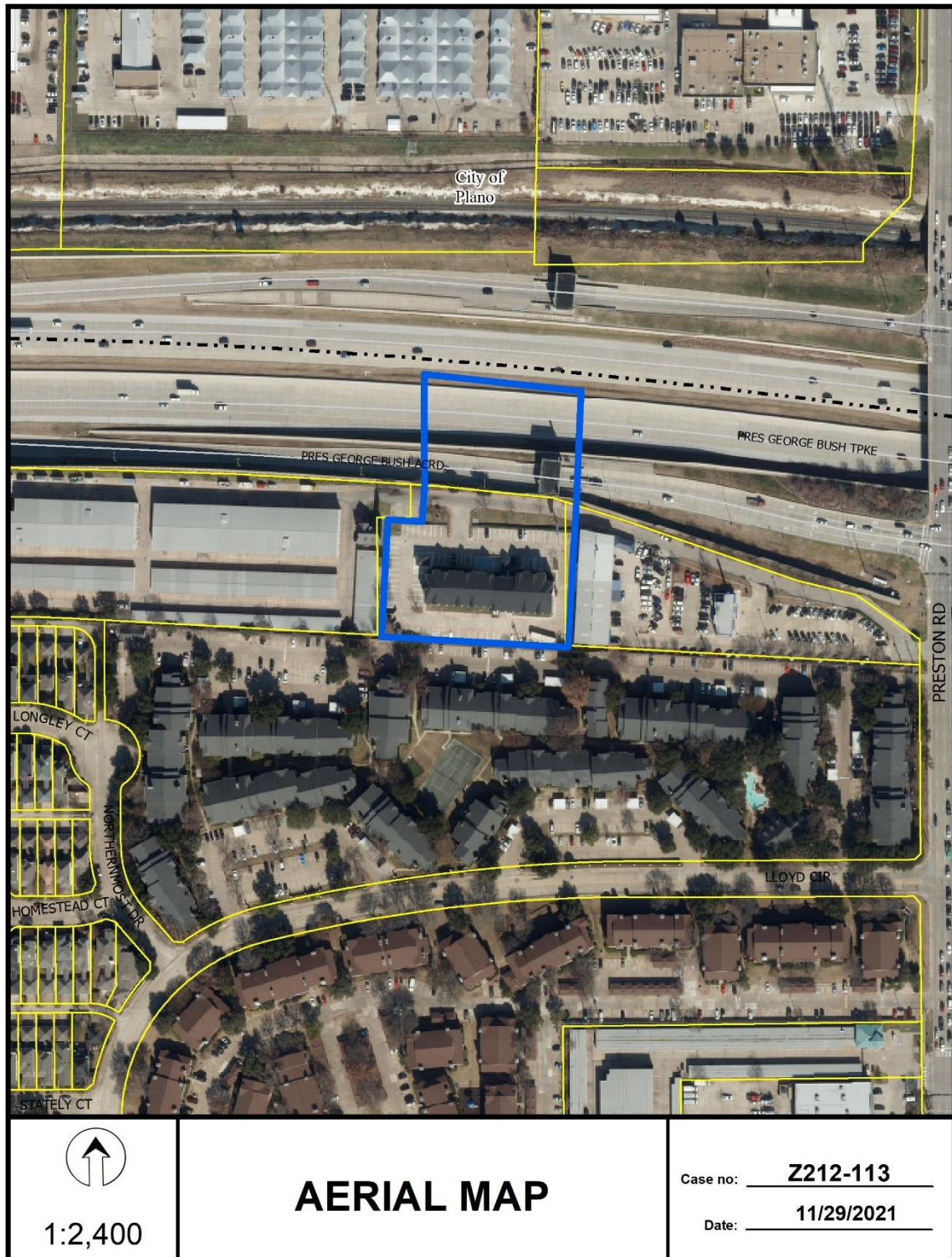
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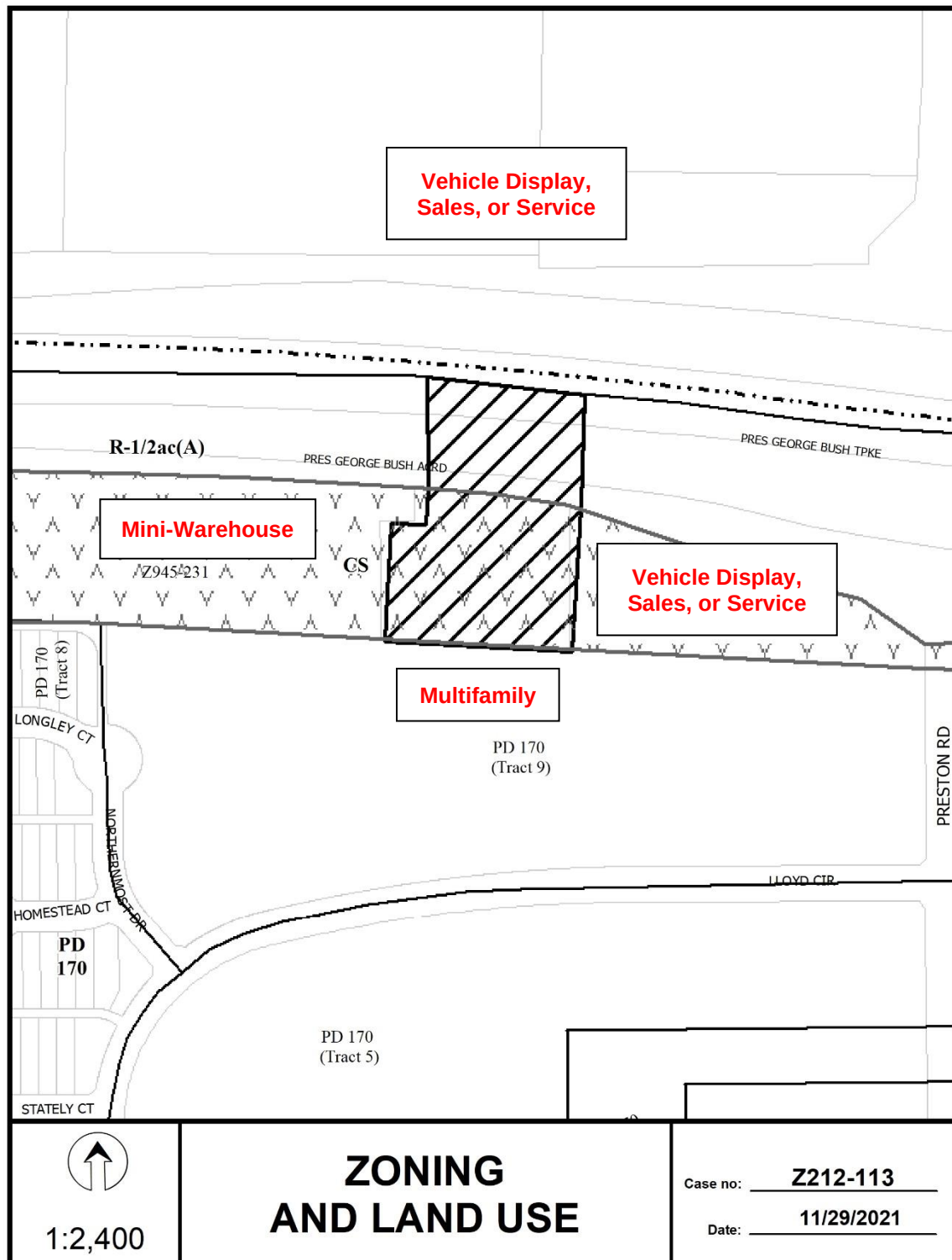
EXHIBIT "B"

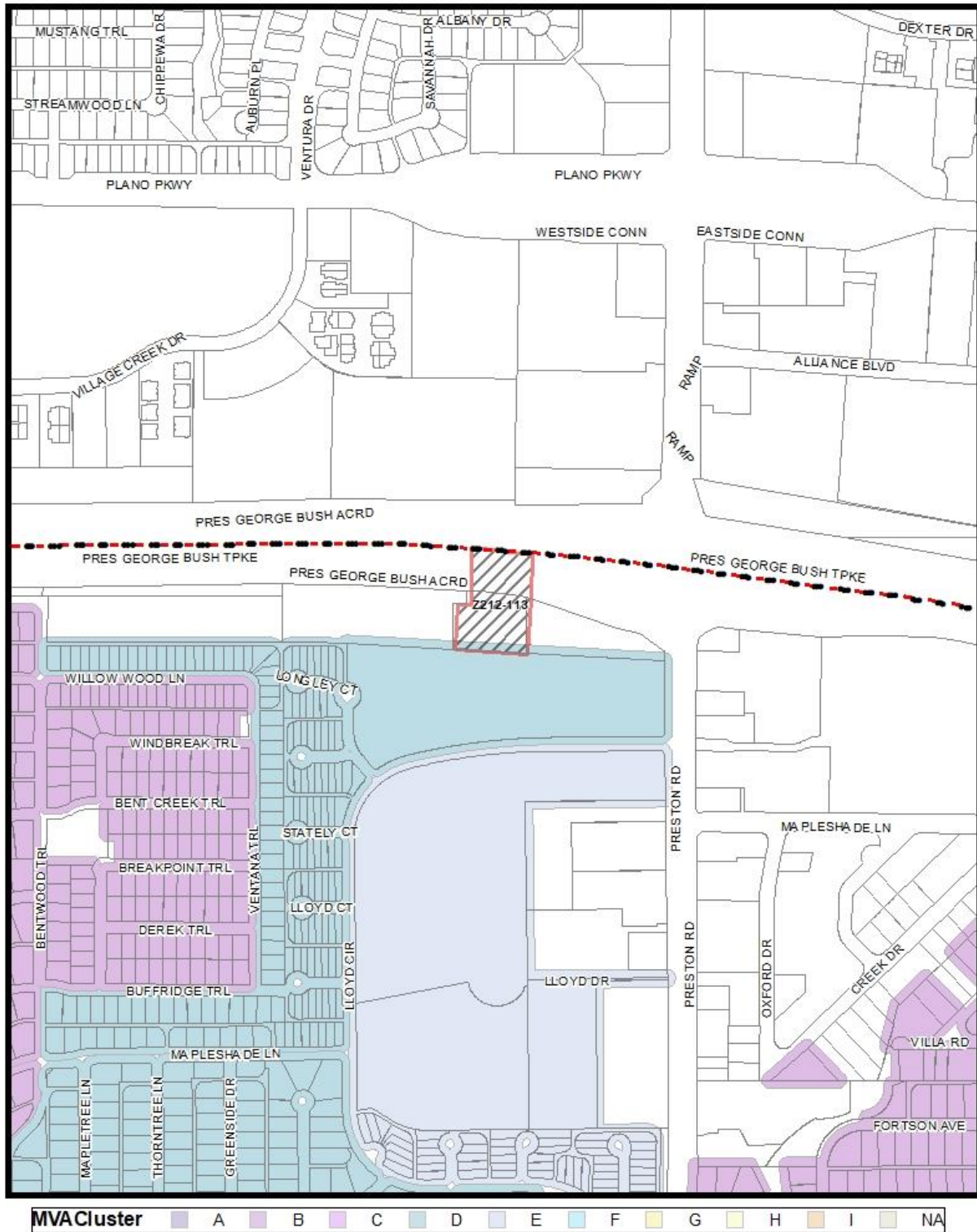








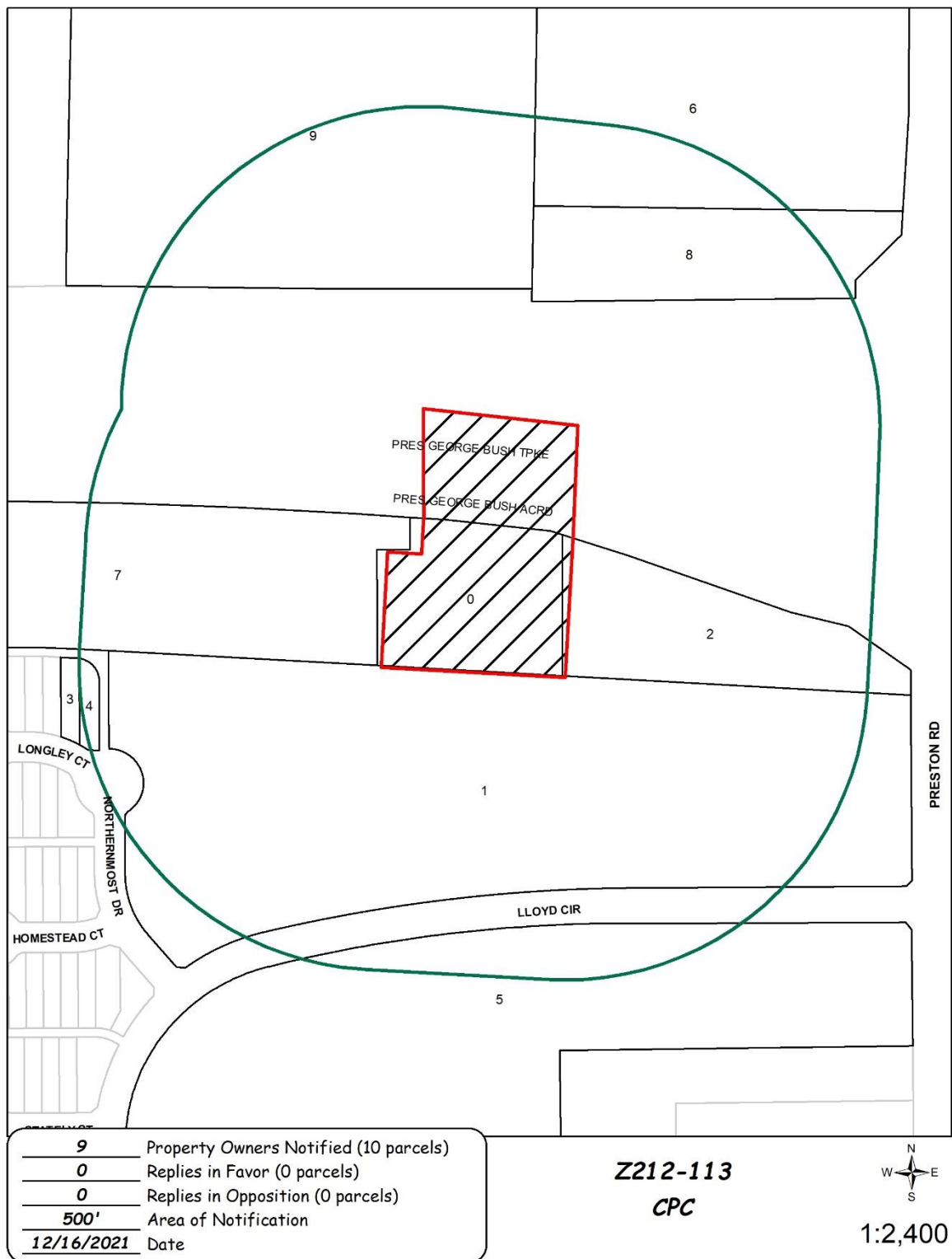




Market Value Analysis

Printed Date: 11/29/2021

CPC RESPONSES



12/23/2021

Reply List of Property Owners

Z212-113

9 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	18909 LLOYD CIR	TEXAS SFI PPARTNERSHIP 48 LTD
	2	19353 PRESTON RD	DALLAS KHODROW INC
	3	6027 LONGLEY CT	LEE CHONG UK & OK KYUNG
	4	6031 LONGLEY CT	DARVISH NILOUFAR &
	5	19251 PRESTON RD	LC PROPERTY OWNER LP
	6	1001 PRESTON RD	PRESTIGE POSH LLC
	7	19383 PRESTON RD	EXTRA SPACE PROPERTIES NINETY FOUR LP
	8		DAVIS HELEN BUCHANAN &
	9	1021 PRESTON RD	AUTO COMPANY VI INC