
FILE NUMBER: Z189-324(JM) **DATE FILED:** July 31, 2019
LOCATION: Southeast corner of North Denley Drive and May Hall Street
COUNCIL DISTRICT: 4 **MAPSCO:** 55 B
SIZE OF REQUEST: ± 0.4 acres **CENSUS TRACT:** 41.00

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

APPLICANT/OWNER: Texas Heavenly Homes, LTD

REQUEST: An application to amend existing deed restrictions [Z134-198] on property zoned a TH-1(A) Townhouse District with deed restrictions.

SUMMARY: The purpose of the request is to amend the existing deed restrictions which 1) require a minimum lot size of 5,000 square feet; 2) require a minimum front yard setback of 20 feet with an allowable encroachment of a front porch of up to eight feet; 3) require a minimum side and rear yard setback of five feet; 4) provide a maximum of one single-family dwelling unit per lot; 5) require a maximum height of 30 feet; 6) require that not more than two sides of a front porch may be enclosed by a solid wall; 7) provide a maximum drive approach width of 16 feet; and, 8) prohibit carports as defined by Dallas Building Code, as amended. The applicant proposes to modify the existing deed restrictions on a portion of the original lot area by eliminating: **1)** the minimum lot size requirement; **2)** the front yard setback; **3)** the side and rear yard setback; and, **4)** requiring single family structures to be detached.

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

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

BACKGROUND INFORMATION:

- On August 27, 2015, the City Council approved a zoning change for the subject site from an R-5(A) Single Family District to a TH-1(A) Townhouse District with deed restrictions volunteered by the applicant. The deed restrictions reverted the yard, lot, and space regulations to the original R-5(A) District standards while allowing front porches to encroach into the front yard, providing porch design requirements, driveway standards, and prohibiting carports.
- The property is located in The Bottom, a 126-acre area with direct connections to Downtown Dallas. The area is largely vacant and in the process of revitalization.
- The subject site contains seven undeveloped lots with approximately 0.4 acres of land, or 2,500 square feet each.

Zoning History: There has been one recent zoning request in the area within the last five years.

1. **Z134-198:** On August 27, 2015, the City Council approved a TH-1(A) Townhouse District with deed restrictions volunteered by the applicant, on property zoned an R-5(A) Single Family District, located on the southeast corner of North Denley Drive and May Hall Street. *(The subject site is a portion of this area.)*

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
North Denley Drive	Community Collector	60 feet	--
May Hall Street	Community Collector	Varies	--

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street 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 land use goals and policies of the Comprehensive Plan:

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

NEIGHBORHOOD PLUS PLAN

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

Area Plans:

The request complies with the recommendation of the Trinity River Corridor Comprehensive Land Use Plan, March 2005, which displays 'Residential—Neighborhood Infill' to reflect continued single family use within the area.

The Bottom Urban Structure and Guidelines was adopted by City Council on April 8, 2015. Located on a low-lying stretch of land adjacent to the Trinity River, The Bottom is geographically among the closest areas to downtown. The Bottom is comprised of 126 acres with direct connections to Downtown Dallas by I-35 and to The Cedars by the Corinth Street Bridge. It is bounded by I-35 to the west, Eighth Street to the south, Corinth Street to the east, and Trinity River Levee to the north. The Bottom is also among a growing number of river edge communities discussing revitalization as the city re-focuses its center back to the Trinity River.

The Bottom Urban Structure and Guidelines have nine fundamental objectives:

1. Create vehicular and pedestrian connections linking existing streets;
2. Preserve and enhance existing single family neighborhood;
3. Develop quality market and affordable infill single family housing;
4. Introduce diverse housing choices west of Denley Drive, including townhomes, live-work, and multi-family increasing density toward IH35;
5. Mixed-use development along 8th Street from I-35 to Brackins Village and along I-35 from 8th to the Trinity River;
6. Enhance existing and add new pedestrian infrastructure and amenities;
7. Make 8th Street a great street;

- 8. Convert existing open area along 8th Street at Townview into a community plaza;
- 9. Develop access paths into the river and invest in public spaces, such as an amphitheater and major entry features.

The proposed amendment to the existing deed restrictions will allow for the existing configuration of seven lots to be developed with detached single family units. While the subject site is located east of Denley Drive, not west as iterated in objective number four, the general zoning of a TH-1(A) Townhouse District was approved months after passing the neighborhood plan. Staff believes the zone change at this site in 2015 lends to the idea of flexibility in using Denley Drive as the divider for adding housing diversity. Finally, an amendment to existing deed restrictions combined with general zoning does not provide an opportunity to address the nine objectives above, since many have to do with the dedication of right-of-way and use of public spaces.

Surrounding Land Uses:

Area	Zoning	Use
Site	TH-1(A) w/DRs	Undeveloped
North	R-5(A) and Subdistrict 2 w/in PD No. 571	Single family and undeveloped
East	TH-1(A) w/DRs and R-5(A)	Single family and undeveloped
South	TH-1(A) w/DRs, Subdistrict 2 w/in PD No. 571, and R-5(A)	Single family and undeveloped
West	Subdistrict 2 w/in PD No. 571	Single family and undeveloped

Land Use Compatibility:

The property contains seven lots with approximately 0.4 acres of undeveloped land. According to historic aerials, the site and surrounding neighborhood was a fully developed and thriving single family neighborhood from 1952 (earliest available aerial) through the 1990s when lots quickly became vacant.

Surrounding land uses consist of single family and mostly undeveloped or vacant lots in all directions. Farther northwest is the Eloise Lundy Recreation Center. Southwest of Hutchins Avenue lies the Townview Magnet School in an area generally more developed which serves as the southern end of The Bottom neighborhood.

The existing deed restrictions contain the following requirements: 1) a minimum lot size of 5,000 square feet; 2) a minimum front yard setback of 20 feet with an allowable encroachment of a front porch of up to eight feet; 3) a minimum side and rear yard setback of five feet; 4) a maximum of one single-family dwelling unit per lot; 5) a maximum height of 30 feet; 6) that not more than two sides of a front porch may be

enclosed by a solid wall; 7) a maximum drive approach width of 16 feet; and, 8) prohibit carports as defined by Dallas Building Code, as amended.

The applicant proposes to modify the existing deed restrictions on a portion of the original lot area by eliminating: **1)** the minimum lot size requirement; **2)** the front yard setback; **3)** the side and rear yard setback; and, **4)** requiring single family structures to be detached.

Staff found that the original deed restriction, which allowed an encroachment into the 20-foot front yard (more restrictive than the TH-1(A) Townhouse District), was negated by the Dallas Development Code Sec.4.401(a)(6) which requires block face continuity. The block face continuity standard effectively makes the minimum front yard in this case 20 feet due to the remainder of the block maintaining the R-5(A) District requirements. This element of the deed restrictions was stricken at the recommendation of staff. Reinstating the TH Districts lot size and side and rear setbacks could lead to the development of the seven lots, which have approximately 2,500 square feet each, with double the density of the prescribed deed restrictions.

Staff cautiously supports this request as an effort to draw a mix of single family housing units to the area. While the area plan for The Bottom identified the need for low density single family infill east of Denley Drive and greater density and mix of housing units to the west of Denley Drive, staff believes that the passing of the TH-1(A) District zoning months after adopting the area plan shows a flexibility in boundaries in support of the overall goal of achieving greater infill within the once thriving single family neighborhood.

Development Standards:

DISTRICT	SETBACKS		Height	Lot Coverage	Density	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: TH-1 w/Volunteered Deed Restrictions*	20’*	5’*	30’* No max stories	60% res 25% nonres	1 unit per lot, min lot size 5,000 square feet*	Proximity Slope	Single family, duplex, and institutional.
Proposed: TH-1 w/Amended Deed Restrictions**	0’***	0’ SF 5’/10’ Duplex 10’ Others	30’* No max stories	60% res 25% nonres	1 unit per lot Min lot size 2,000 square feet**	Proximity Slope	Single family, duplex, and institutional.

***Sec.4.401(a)(6) requires block continuity, thereby making the minimum front yard in this case, 20 feet due to adjacency and remainder of the block maintaining the R-5(A) District requirements.

Parking:

Parking will be in accordance with the parking regulations the Dallas Development Code, as amended. For a single family use in a TH-1(A) District, one space is required per dwelling unit.

Landscaping:

Landscaping will be in accordance with Article X, as amended.

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 to orange, representing the weakest markets. The area of request and surrounding properties are located within an "E" MVA cluster.

List of Officers

List of officers

Texas Heavenly Homes, LTD

Richard E. LeBlanc, President

**CPC Action
November 21, 2019**

Motion: It was moved to recommend **approval** of an amendment to the existing deed restrictions [Z134-198], subject to amended deed restrictions on property zoned a TH-1(A) Townhouse District with deed restrictions, on the southeast corner of North Denley Drive and May Hall Street.

Maker: Johnson
Second: MacGregor
Result: Carried: 11 to 0

For: 11 - MacGregor, Johnson, Shidid, Carpenter,
Brinson, Blair, Jung, Schultz, Schwope,
Murphy, Rubin

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

***abstained due to absence from bus tour

Notices: Area: 200 Mailed: 29
Replies: For: 0 Against: 1

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: Diane Wynn, 452 Sparks St., Dallas, TX, 75203
Bradyn Boone, 3025 Allister St., Dallas, TX, 75229
Staff: David Noguera, Director, Housing and Neighborhood Revitalization Department
Luis Tamayo, Chief Planner, Planning and Urban Design Department

Amending Deed Restrictions

AMENDMENT TO DEED RESTRICTIONS

THE STATE OF TEXAS)
) KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS)

I.

The undersigned, Texas Heavenly Homes, Ltd. ("the Owner"), is the owner of the following described property ("the Property"), being in particular Lots 1 thru 7 in Block 1/7675 of the Dewberry Addition out of the W.S. Beatty Survey, Abstract No. 57 in the City of Dallas, Dallas County, Texas and being that same tract of land conveyed to the Owner by Instrument Numbers: 200900259741 (200900259015), 201000185526, 200503565221, and Volume 2004214, Page 7262 of O.P.R.D.C.T., and being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

That the Property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated August 27, 2014, signed by Texas Heavenly Homes, Ltd. and recorded in Instrument Number 201400236366 of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "B" and made a part of this instrument.

III.

That the Owner does hereby amend restriction numbers 1, 2, 3, and 4 of the Original Restrictions to read as follows:

- 1) ~~Minimum lot size of 5,000 square feet.~~
- 2) ~~Front yard set back of a minimum of 20 feet, with an allowable encroachment of a front porch of up to 8 feet.~~
~~Porches shall be noted on house plans submitted for building permit.~~
- 3) ~~Side and rear yard set backs of a minimum of 5 feet.~~
- 4) A maximum of one detached single-family dwelling unit per lot.

IV.

That the preceding amendment was made following notice and public hearing before the City Plan Commission and City Council of the City as required in the Original Restrictions and notice of such public hearing was given as would have been required by law for a zoning change on the Property. The Owner must file this 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 becomes effective.

Existing Deed Restrictions

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF Dallas) KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Texas Heavenly Homes, 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 W.S. Beatty Survey, Abstract No. 57, City Block 1/7675, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Instrument Numbers: 201000185526; 200900259741; 200503565221; 200503568367; 200900335783 of the O.P.R.D.C.T. and Volume 2004214, Page 7262 of O.P.R.D.C.T and being more particularly described as follows:

Lots 1 thru 8, 45 & 46 in Block 1/7675 of the Dewberry Addition out of the W.S. Beatty Survey, Abstract No. 57 in the City of Dallas, Dallas County, Texas having the addresses of 514 N. Denley Drive, 512 N. Denley Drive, 432 N. Denley Drive, 430 N. Denley Drive, 428 N. Denley Drive, 426 N. Denley Drive, and 449 Sparks Street Dallas, TX 75203.

II.

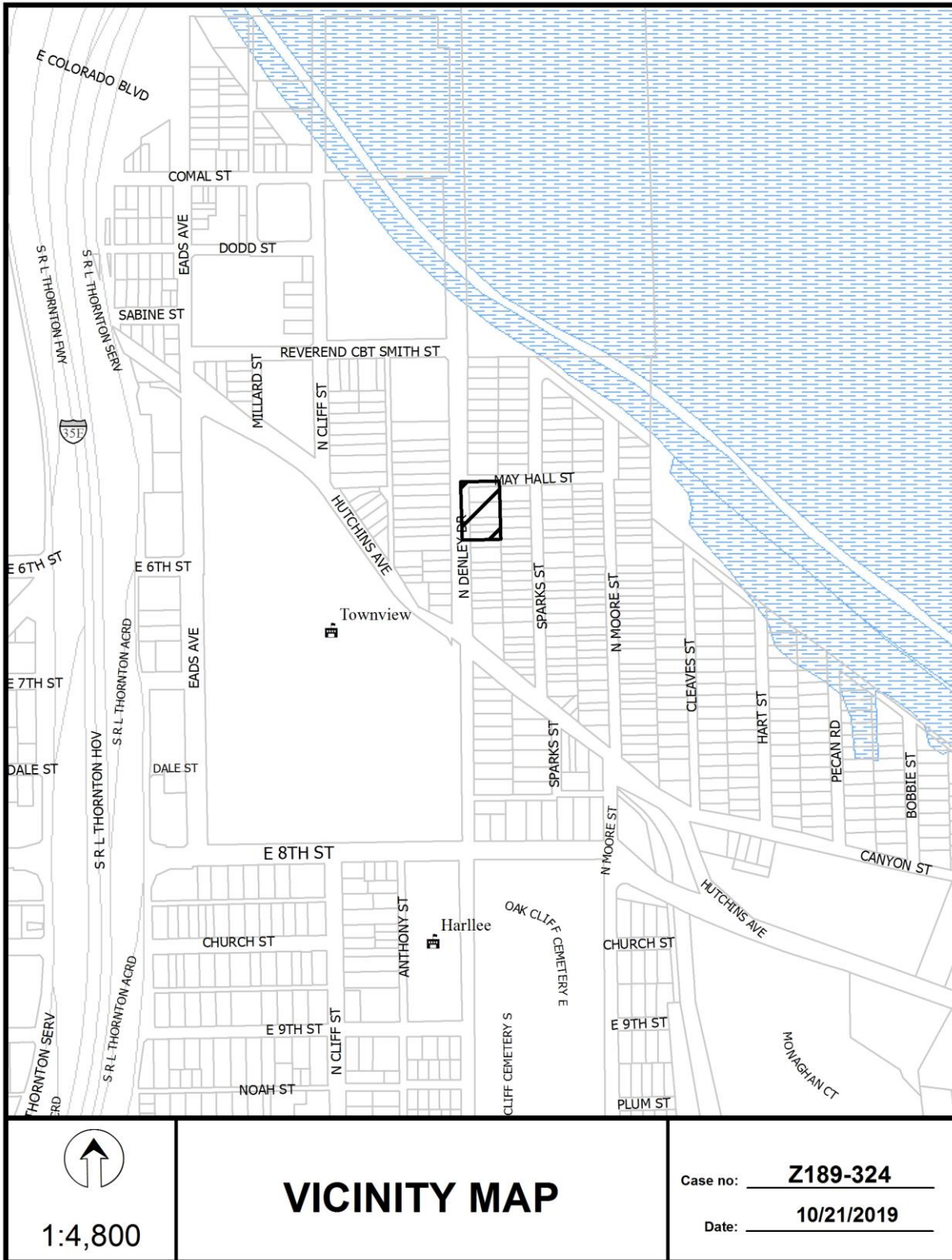
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

- 1) Minimum lot size of 5,000 square feet.
- 2) Front yard set-back of a minimum of 20 feet, with an allowable encroachment of a front porch of up to 8 feet.
Porches shall be noted on house plans submitted for building permit.
- 3) Side and rear yard set-backs of a minimum of 5 feet.
- 4) A maximum of one single-family dwelling unit per lot.
- 5) A maximum height of 30 feet.
- 6) No more than two sides of a front porch shall be enclosed by a solid wall.
- 7) Maximum drive approach of 16 feet.
- 8) No carports are permitted as defined by Dallas Building Code as amended.

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.

IV.



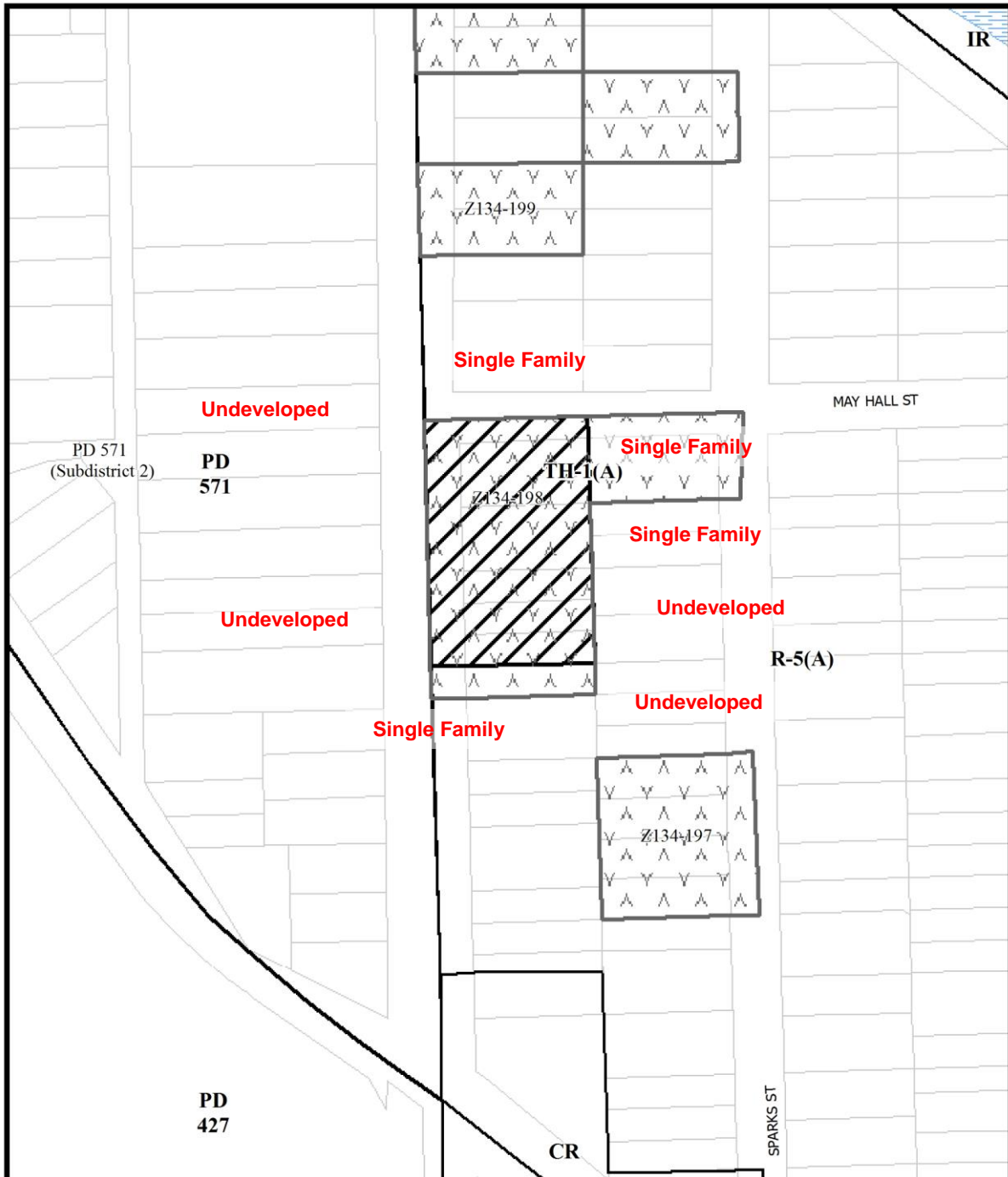


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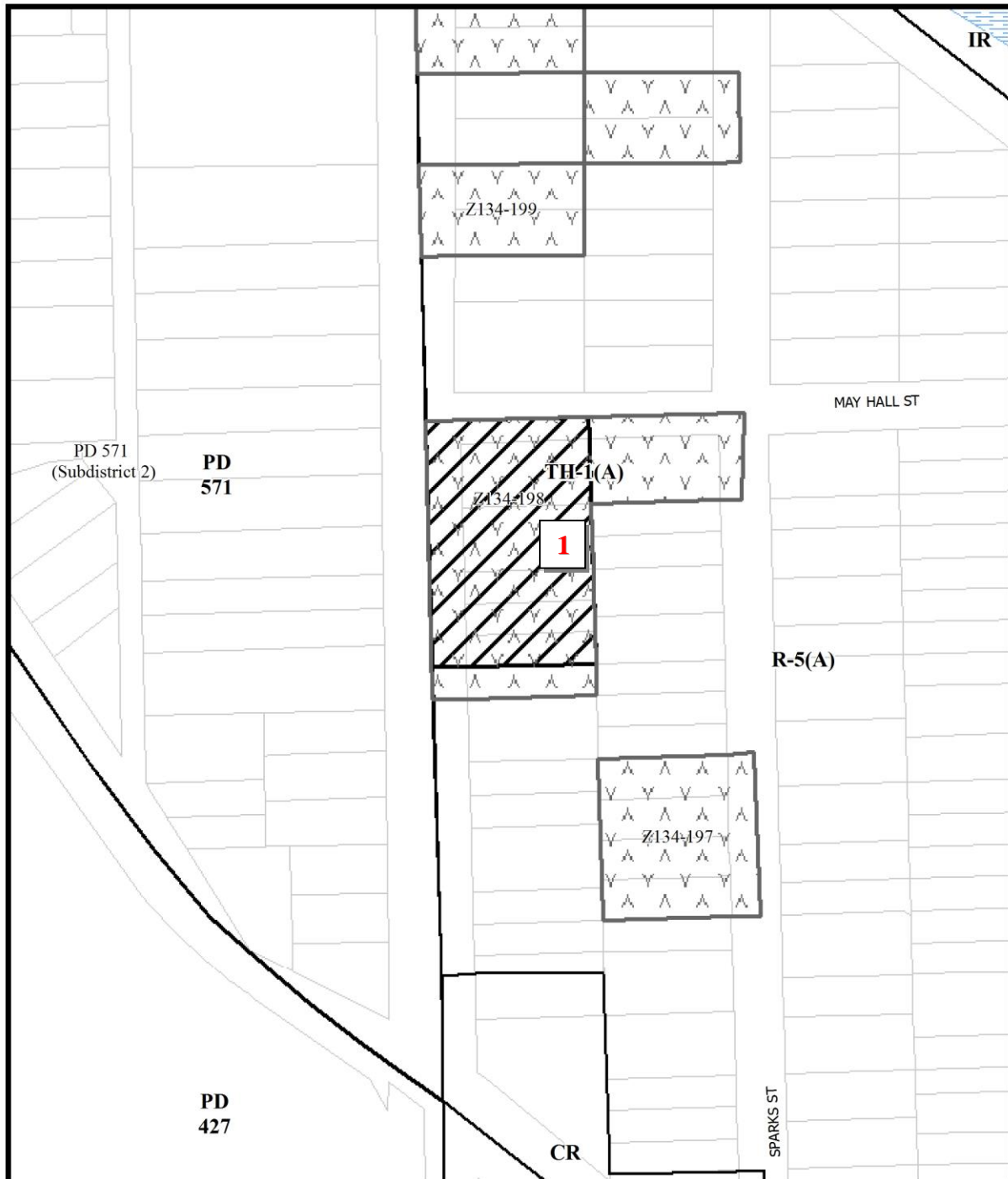
AERIAL MAP

Case no: Z189-324

Date: 10/21/2019



 1:1,200	ZONING AND LAND USE	Case no: <u> Z189-324 </u> Date: <u> 10/21/2019 </u>
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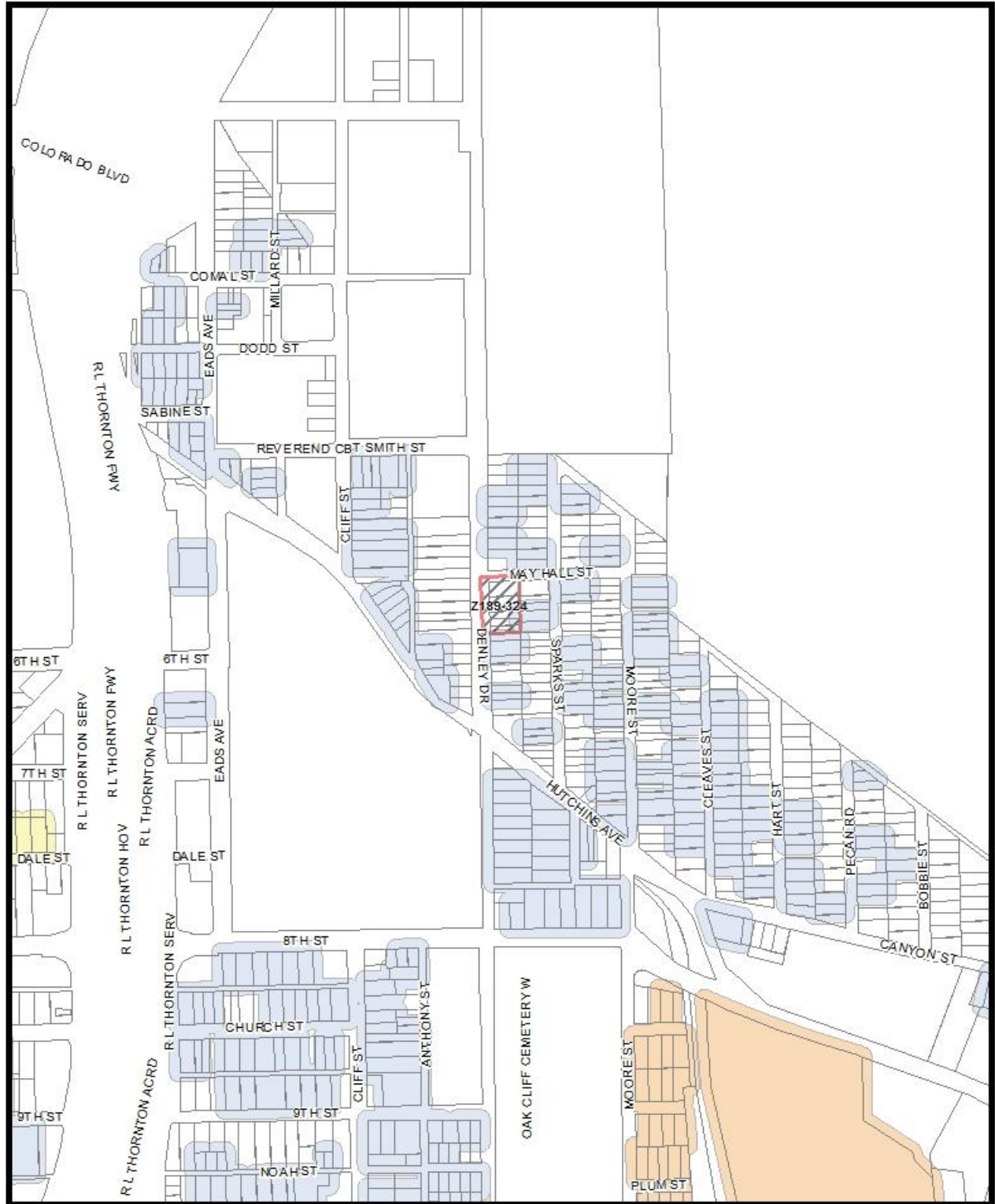


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ZONING HISTORY

Case no: Z189-324

Date: 10/21/2019



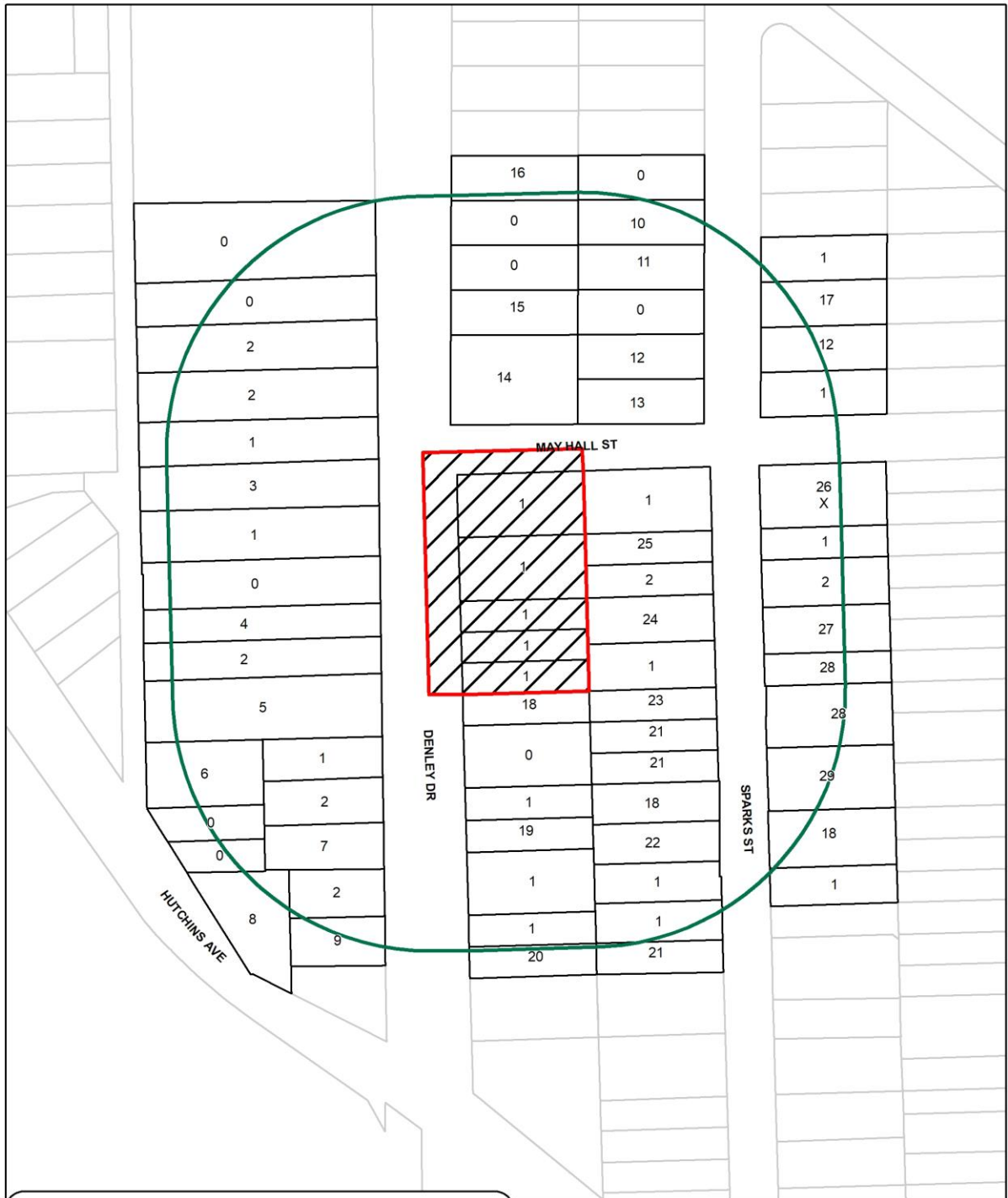
MVA Cluster A B C D E F G H I NA



Market Value Analysis

Printed Date: 10/21/2019

CPC Responses



<u>29</u>	Property Owners Notified (69 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>11/21/2019</u>	Date

Z189-324
CPC



1:1,200

11/20/2019

Reply List of Property Owners***Z189-324******29 Property Owners Notified******0 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	523 N DENLEY DR	TEXAS HEAVENLY HOMES LTD
	2	603 N DENLEY DR	DALLAS HOUSING ACQUISITION & DEV CORP
	3	521 N DENLEY DR	JOHNSON SIRDELLIA EST OF
	4	507 N DENLEY DR	GLOBAL HARVESTERS FDN
	5	501 N DENLEY DR	SPARKS FANNIE
	6	1223 HUTCHINS AVE	EDWARDS NELLA DELOIS
	7	425 N DENLEY DR	CARTER JAMES
	8	1239 HUTCHINS AVE	WALKER ELMORE L
	9	419 N DENLEY DR	MEEKS JAMES
	10	613 SPARKS ST	HOPKINS AUGUSTINE
	11	509 SPARKS ST	SCOTT DORIS
	12	503 SPARKS ST	EDWARDS NELLA D
	13	501 SPARKS ST	HOPKINS OLISTENE
	14	604 N DENLEY DR	GRAVES MICHAEL
	15	608 N DENLEY DR	HILL VERLINE
	16	616 N DENLEY DR	BURKS MARVIN
	17	508 SPARKS ST	TEXAS HEAVENLY HOMES, LTD
	18	426 N DENLEY DR	DALLAS HOUSING ACQUISITION & DEV CORP
	19	418 N DENLEY DR	HAYNES EMMA ET AL
	20	410 N DENLEY DR	MANUEL BERNET
	21	423 SPARKS ST	FELDER ROBERT CARL
	22	429 SPARKS ST	TEXAS HEAVENLY HOMES
	23	435 SPARKS ST	WACHE LLC
	24	439 SPARKS ST	LOWERY TASHA M
	25	443 SPARKS ST	JONES CHARLES E
X	26	452 SPARKS ST	WYNN DIANE

Z189-324(JM)

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	438 SPARKS ST	COBBS CLYDE B SR
	28	436 SPARKS ST	MOORE MRS LORAIN
	29	432 SPARKS ST	NEDD ETHEL