

FILE NUMBER: Z223-166(MP) **DATE FILED:** December 21, 2022

LOCATION: Southeast line of Gaston Avenue, southwest of North Fitzhugh Avenue

COUNCIL DISTRICT: 2

SIZE OF REQUEST: 10,507 square feet **CENSUS TRACT:** 48113001502

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

APPLICANT/OWNER: Michael Gibson

REQUEST: An application for an amendment to Specific Use Permit No. 2418 for a bed and breakfast use on property zoned Subarea III within Planned Development District No. 362 with H/72 Peak's Suburban Addition Neighborhood Historic District Overlay.

SUMMARY: The purpose of the request is to continue to allow a bed and breakfast use to operate within the existing structure.

CPC RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to an amended site plan and conditions.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to an amended site plan and conditions.

BACKGROUND INFORMATION:

- The site is currently occupied with a bed and breakfast use.
- The “bed and breakfast” land use is a definition within Planned Development District No. 362 and it means “one dwelling unit on a lot containing five or fewer guest rooms or suites that are rented to occupants for 14 or fewer consecutive days.”
- The lot would be accessed only from Gaston Avenue.
- The existing SUP was approved on June 9th, 2021 for a period of two years.
- The applicant proposes minor changes to the site plan. These do not include changes to the existing structure but are limited to the open space and parking areas.
- The applicant does not propose changes to the conditions beyond the time period.

Zoning History:

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

1. **Z201-166:** On June 9th, 2021, City Council approved a Specific Use Permit for a bed and breakfast use, on property zoned Subarea III within Planned Development District No. 362, on the southeast line of Gaston Avenue, southwest of North Fitzhugh Avenue. [*Subject site*]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Proposed ROW
Gaston Avenue	Community Collector	44 feet pavement, 60-foot ROW

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 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 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

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

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

NEIGHBORHOOD ELEMENT

GOAL 7.2 PRESERVATION OF HISTORIC AND CULTURAL ASSETS

Policy 7.2.2 Create a sense of place through the built environment while maintaining the existing historic fabric.

Policy 7.2.4 Protect historic and cultural assets.

Land Use:

	Zoning	Land Use
Site	Subarea 3 within PD No. 362	Bed and breakfast
Northeast	Subarea 3 within PD No. 362	Single family

Southeast	Planned Development District No. 98	Multifamily
Southwest	Subarea 3 within PD No. 362	Single family
Northwest	Subarea 3 within PD No. 362	Single family / Office

** All adjacent and relevant properties include the H/72 Peak's Suburban Addition Neighborhood Historic District overlay*

Land Use Compatibility:

The subject site is currently developed as a bed and breakfast within a historic structure. The next door adjacencies to the northeast and southwest are single family homes, but further beyond that are multifamily and retail properties. Southeast behind the site, there are multifamily properties. Across Gaston to the northeast are offices located within single family homes.

Staff supports the proposed zoning change as compatible with the surrounding properties and consistent with the development patterns within the area.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city. Staff finds that each of these criteria are met by the proposed SUP.

The existing zoning, Subarea III, specifically on Gaston Avenue, functions as a low intensity mixed use district, as it allows single family, duplex, office, medical clinic, and multifamily uses by right, and child-care facility and bed and breakfast uses by right, provided the bed and breakfast is in a contributing structure as defined by the PD. The subject property is designated as a contributing structure.

Continued authorization of the use with the limits of the specific use permit is appropriate along a significant transit corridor and within walking distance to retail uses. Any further changes to the use or site plan would necessitate changes to the SUP site plan. Additions or significant changes to the structure would be further limited by the substantial provisions of both the planned development district and the historic district, which would maintain the character of the structure and the property as a whole.

The proposed changes to the site plan comply with the conditions of the SUP and PD No. 362 and serve to reflect the current state of the property, landscaping, and parking.

The PD has additional restrictions for the proposed use, which continue to apply, although they are outside of the scope of zoning and land use.

- (1) The operator of this use may serve one meal a day to occupants, but not between the hours of 6:00 p.m. and 3:00 a.m.
- (2) This use may not have cooking facilities in a guest room or suite.
- (3) The operator must reside in the facility when it is in use.
- (4) No more than one sign may be erected on the lot subject to the following restrictions: (A) The sign regulations governing single family and duplex residential premises in non-business zoning districts apply to the sign, except those regulations governing effective area and height. (B) The sign may not exceed 10 square feet in effective area or four feet in height.
- (5) The facility where this use is located must be designated as a contributing structure as shown on the contributing structures map in Exhibit 362B.
- (6) A register of all occupants must be maintained including names, addresses, and dates of occupancy.

Landscaping:

Landscaping and tree preservation must be provided in accordance with the requirements in Article X, as amended.

Parking:

Parking must be provided in accordance with PD No. 362, which requires two parking spaces for the use and one space per bedroom. With four existing bedrooms on site, the use requires six total car spaces. The site plan depicts six parking spaces. The proposed site plan moves the spaces from the previous plan but maintains the code required quantity.

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 located within an “C” MVA area.

CPC Action

May 16, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2418 for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to an amended site plan and conditions for a bed and breakfast use on property zoned Subarea III within Planned Development District No. 362 with H/72 Peak's Suburban Addition Neighborhood Historic District Overlay, on the southeast line of Gaston Avenue, southwest of North Fitzhugh Avenue.

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

For: 11 - Chernock, Herbert, Forsyth, Shidid, Carpenter,
Wheeler-Reagan, Housewright, Haqq, Hall,
Kingston, Rubin

Against: 0
Absent: 4 - Hampton, Blair, Sleeper, Eppler
Vacancy: 0

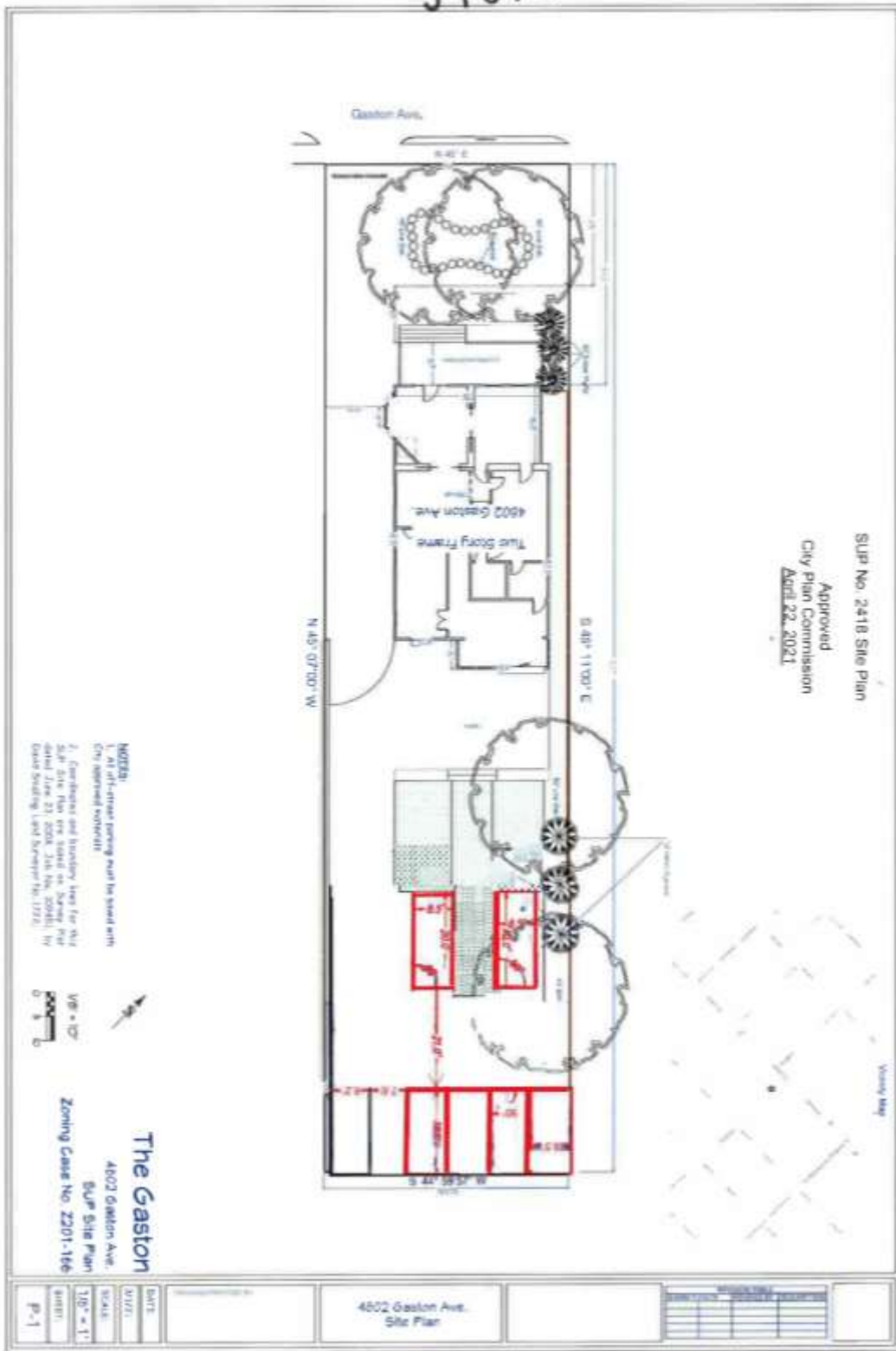
Notices: Area: 200 Mailed: 21
Replies: For: 3 Against: 0

Speakers: None

EXISTING SITE PLAN

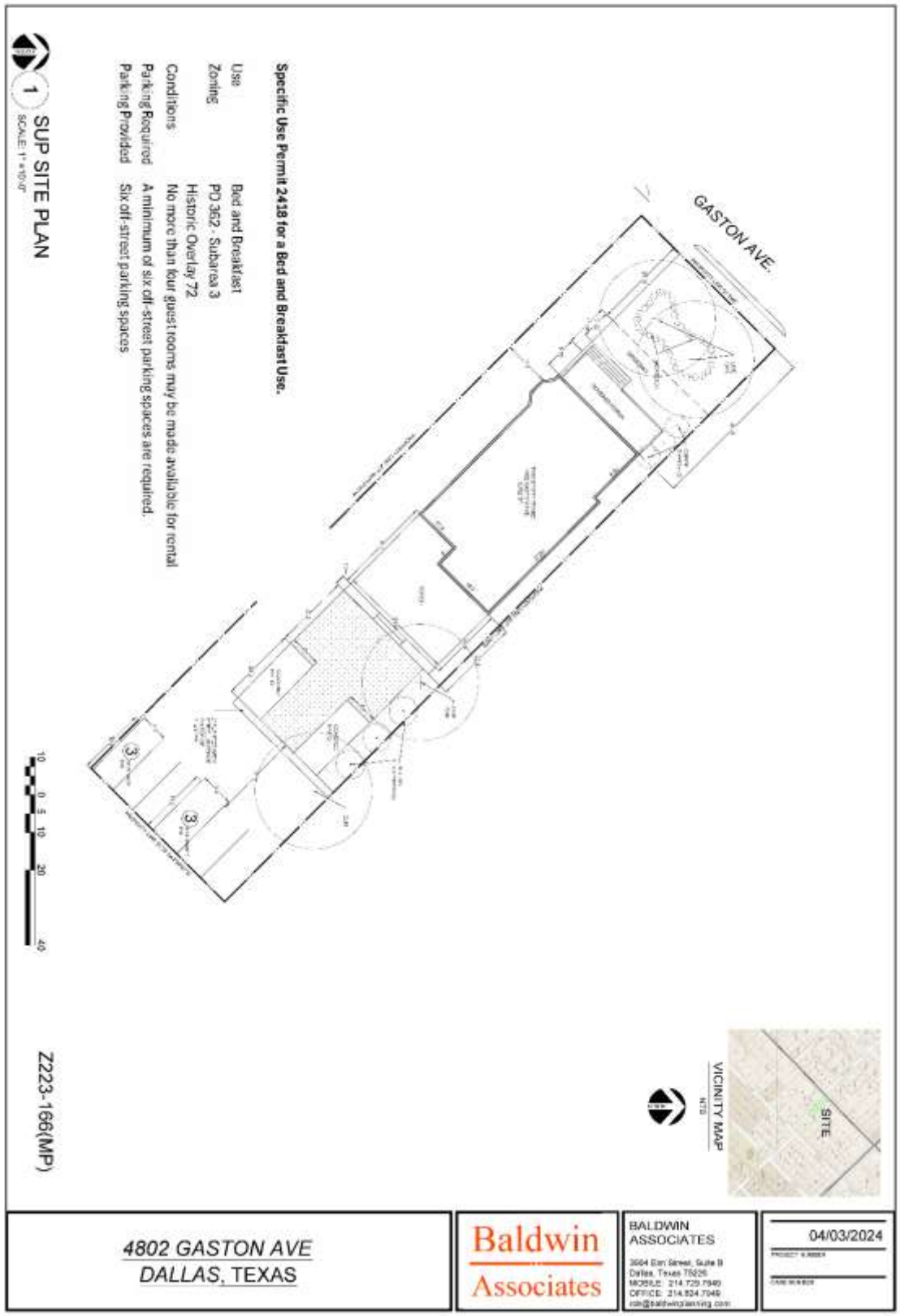
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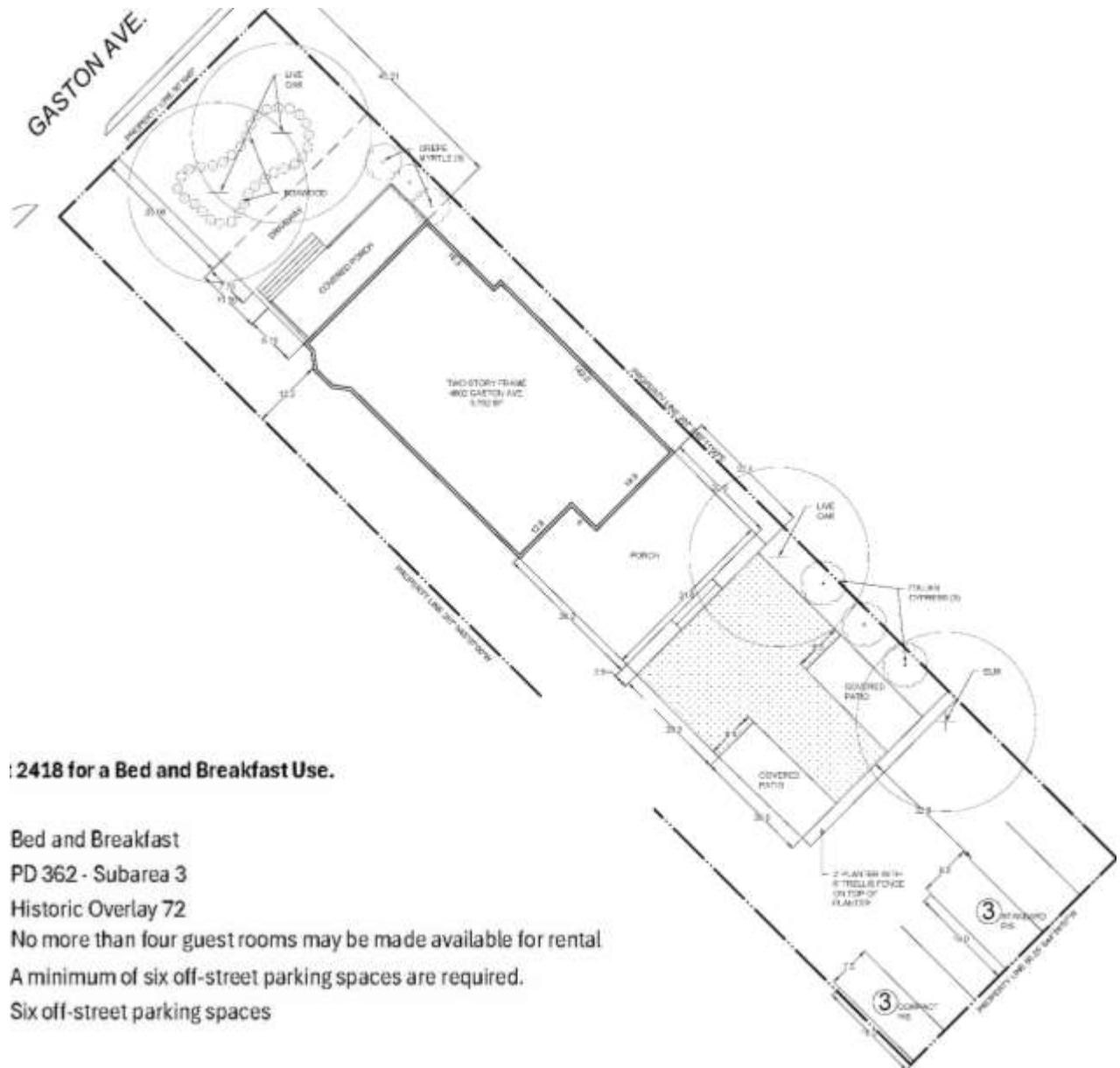


SUP No. 2418 Site Plan
Approved
City Plan Commission
April 22, 2021

CPC RECOMMENDED SITE PLAN



CPC RECOMMENDED SITE PLAN (ENLARGED)



: 2418 for a Bed and Breakfast Use.

Bed and Breakfast

PD 362 - Subarea 3

Historic Overlay 72

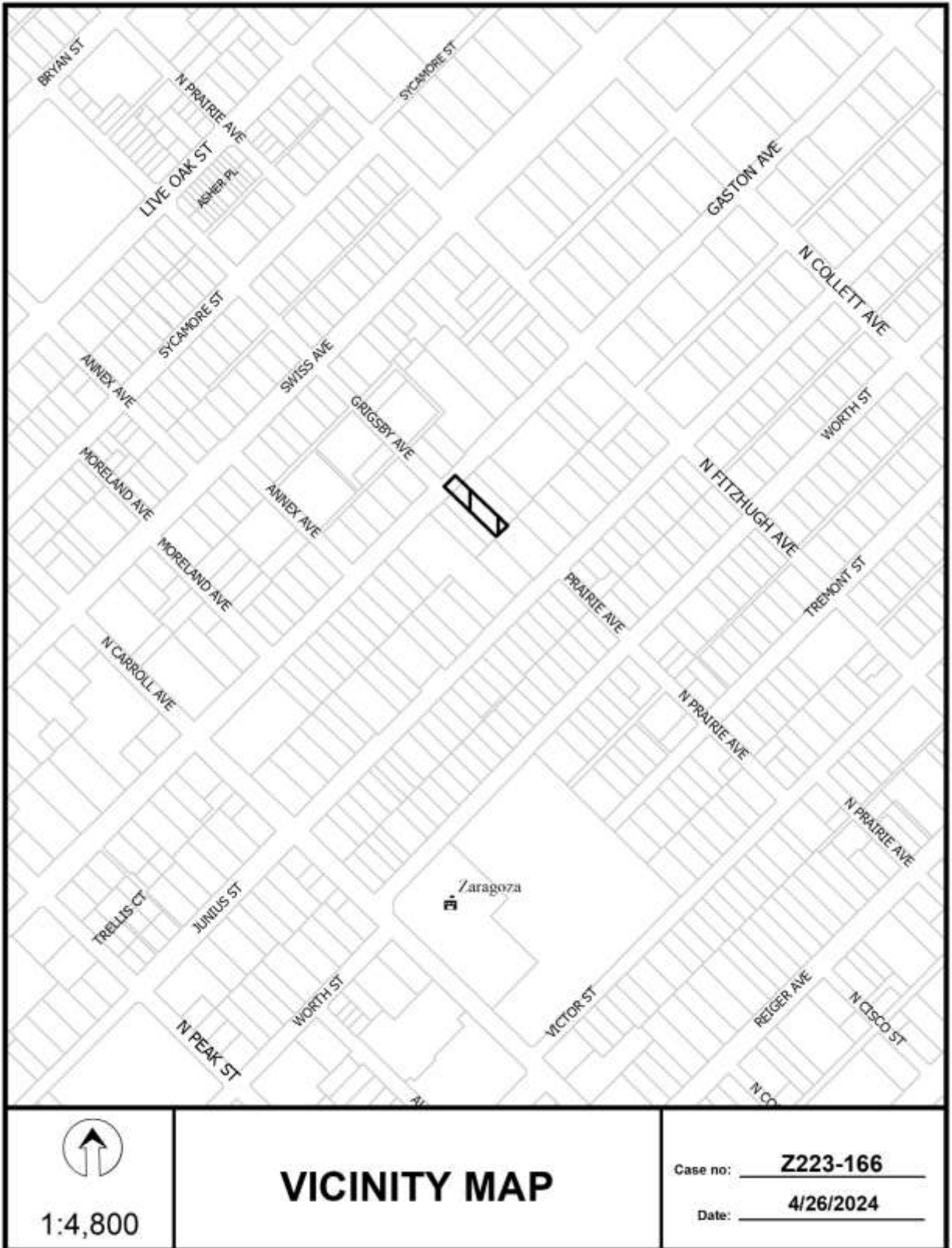
No more than four guest rooms may be made available for rental

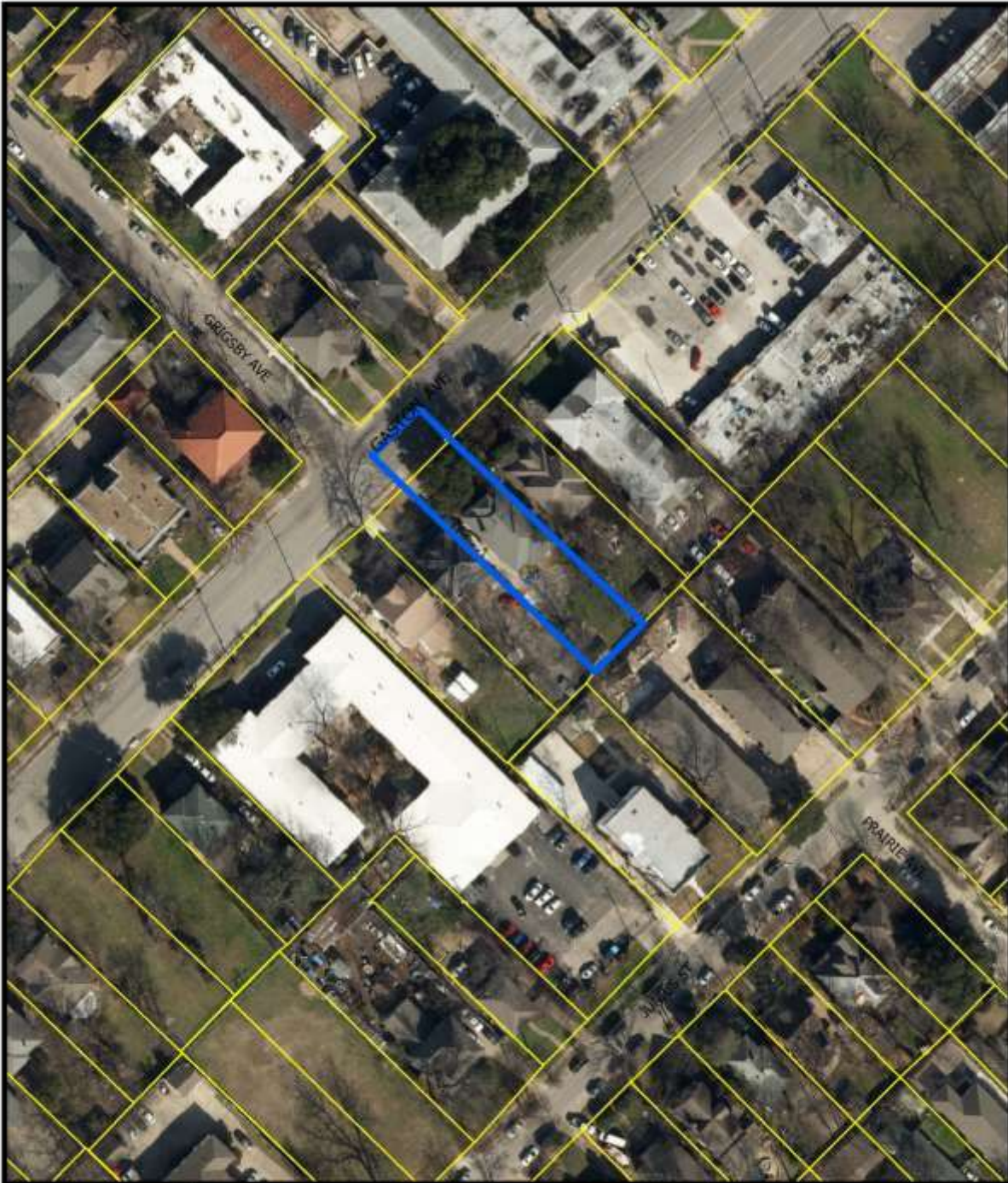
A minimum of six off-street parking spaces are required.

Six off-street parking spaces

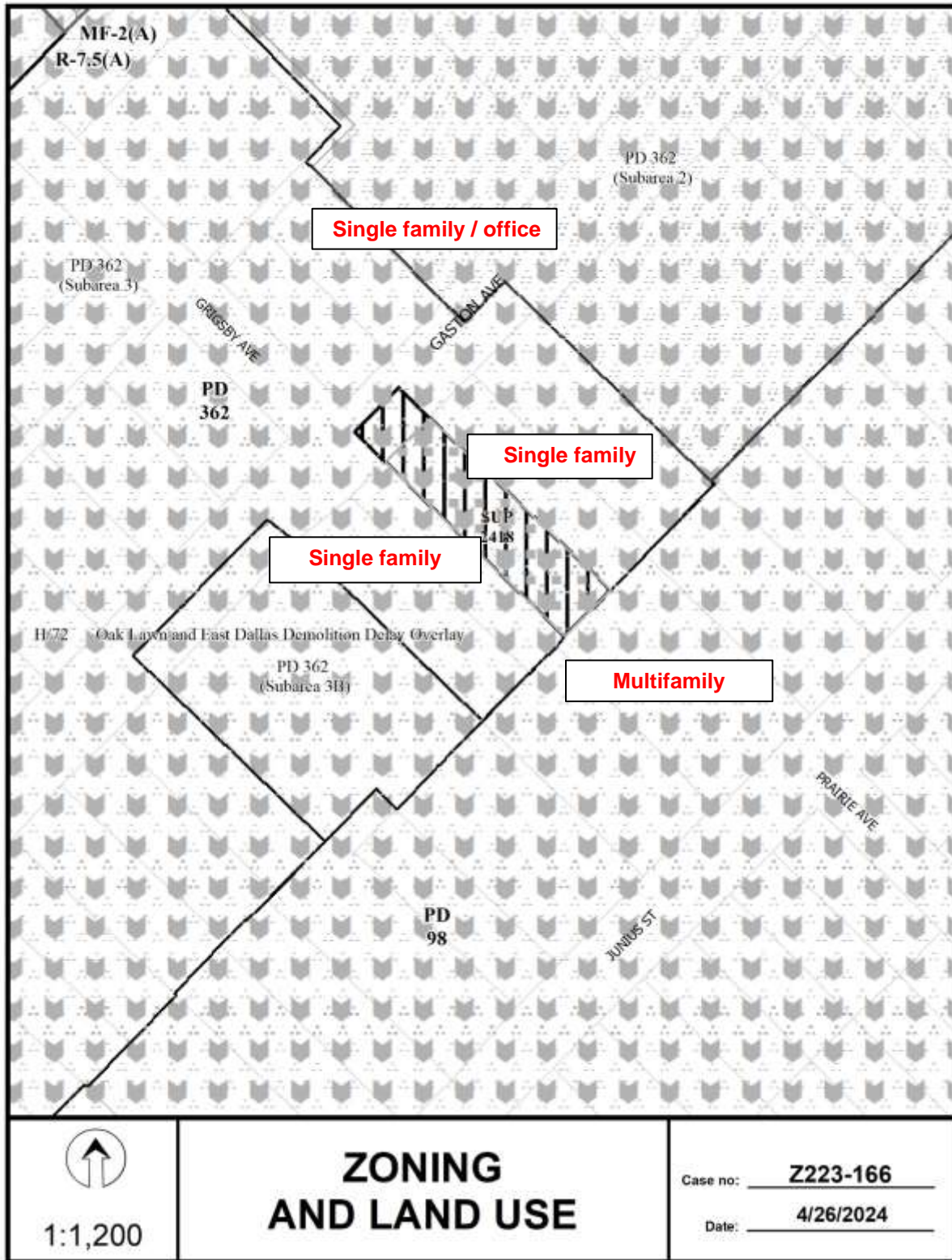
CPC RECOMMENDED CONDITIONS

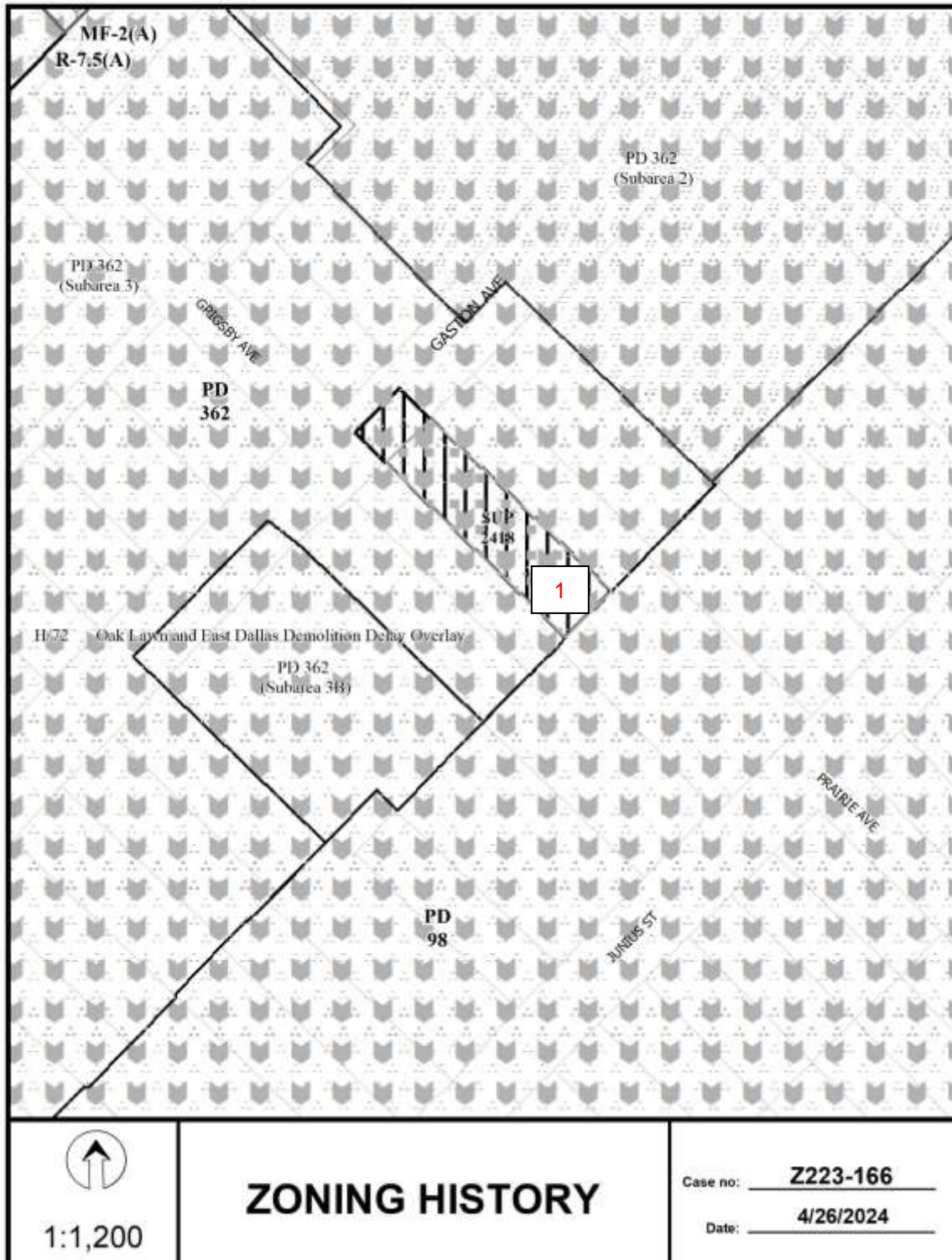
1. **USE**: The only use authorized by this specific use permit is a bed and breakfast.
2. **SITE PLAN**: Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT**: This specific use permit expires on ~~June 23, 2023~~ (five years from the passage of this ordinance) but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. **GUEST ROOMS**: No more than four guest rooms may be made available for rental.
5. **INGRESS/EGRESS**: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.
6. **PARKING**: A minimum of six off-street parking spaces must be provided in the locations shown on the attached site plan.
7. **MAINTENANCE**: The Property must be properly maintained in a state of good repair and neat appearance.
8. **GENERAL REQUIREMENTS**: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

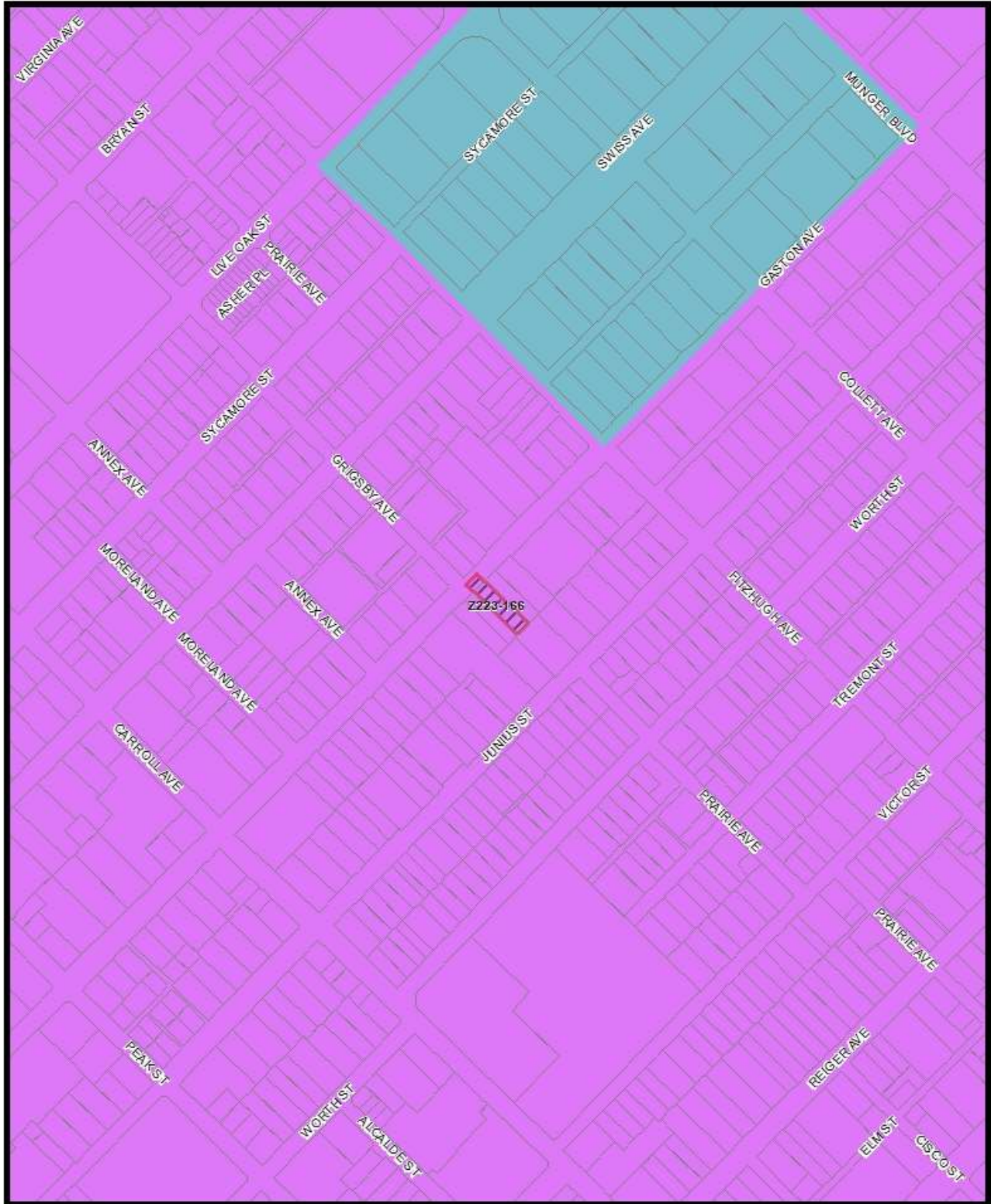




 1:1,200	AERIAL MAP	Case no: <u> Z223-166 </u> Date: <u> 4/26/2024 </u>
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Market Value Analysis A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 4/26/2024



05/15/2024

Reply List of Property Owners

Z223-166

21 Property Owners Notified 3 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4802 GASTON AVE	GIBSON MICHAEL
	2	915 GRIGSBY AVE	915 GRIGSBY DFW LLC
	3	4721 GASTON AVE	LA LAGUNA HOUSING & DEVELOPMENT
	4	4717 GASTON AVE	CPP 5X5 TRUST
	5	4711 GASTON AVE	RODGERS ROBERT & DONNA
	6	1000 GRIGSBY AVE	DALLAS APARTMENTS LLC
	7	4807 GASTON AVE	MCKNIGHT LISA E
	8	4803 GASTON AVE	GSO GASTON LLC
	9	4815 GASTON AVE	GASTON DFW LLC
	10	4803 JUNIUS ST	BRP 5X5 TRUST
	11	4719 JUNIUS ST	YASMEEN ATIYA
	12	4703 JUNIUS ST	PHAM SANH VAN &
	13	4725 JUNIUS ST	KING TEXAS INVESTMENTS LLC &
O	14	4806 GASTON AVE	SADACCA SHARRON STANLEY
O	15	4722 GASTON AVE	GIBSON PATRICK
	16	4712 GASTON AVE	4712 GASTON AVENUE LLC
	17	4720 GASTON AVE	SLOAN SAM ROSS IV
	18	4707 JUNIUS ST	Taxpayer at
	19	4832 GASTON AVE	ENG T K
	20	4811 JUNIUS ST	SILVA ALBERT & LAURIE L
	21	4817 JUNIUS ST	SOK RITHY