

ACM: Dr. Eric A. Johnson**FILE NUMBER:** Z201-121(JM) **DATE FILED:** October 22, 2020**LOCATION:** Southwest corner of Copeland Street and Gay Street**COUNCIL DISTRICT:** 7 **MAPSCO:** 46 V**SIZE OF REQUEST:** ±0.21 acres **CENSUS TRACT:** 27.01**REPRESENTATIVE:** Rik Adamski**APPLICANT/OWNER:** Anilkumar and Rama Thakrar Family Trust

REQUEST: An application for an MF-1(A) Multifamily Subdistrict with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The purpose of the request is to bring an existing non-conforming multifamily use into compliance. Deed restrictions volunteered by the applicant limit the maximum building height to 30 feet.

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

STAFF RECOMMENDATION: Denial.

BACKGROUND INFORMATION:

- On September 26, 2001, the City Council approved the creation of PD No. 595 comprised of nine residential and seven nonresidential subdistricts including form districts. Upon adoption, the 0.21-acre subject site zoned an MF-2(A) Multifamily District and developed with a one-story multifamily use containing four dwelling units, became nonconforming.
- The structure is approximately 2,640-square-feet and was constructed in 1960 per City records. DCAD states that the structure was built in 1925, but this is not consistent with historic aerials and City records for the property.
- The proposed MF-1(A) Multifamily Subdistrict will allow the land use of multifamily by right, permitting the existing four-plex to be legally occupied. Any future structures would have to comply with all requirements of the Dallas Development Code, including setbacks, separation from lower density uses, parking, screening, and landscaping.
- The surrounding land uses consist of single-family dwelling units to the northwest, east, and southwest, with several undeveloped parcels to the northeast and southeast. All surrounding properties are zoned an R-5(A) Single Family Subdistrict.

Zoning History: There have been no zoning cases in the area over the past five years; however, the subject site did have the following requests:

1. **Z189-254:** On January 9, 2020, the City Plan Commission recommended denial of an application for a MF-1(A) Multifamily Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.
2. **W190-005:** On August 12, 2020, the City Council overturned the March 26, 2020 denial of City Plan Commission for a waiver to the two-year waiting period on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Copeland Street	Local Street	50 feet
Gay Street	Local Street	50 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that it 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 does not support the following Plan's goals or policies.

The applicant's request is not consistent with the following goals and policies of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.15 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas. The City must ensure affordable, quality rental housing and investments in multifamily housing. Using creative financing options will help create higher standards of living for all Dallas residents.

The multifamily land use is not consistent with the neighborhood land use pattern. The PD changed the vision for the area, no longer permitting multifamily uses in this area. This use does not allow a transition among uses since it is the only multifamily use surrounded by single family properties. Finally, while the request does provide affordable housing, equal consideration should also be given to the quality, safety, and structural integrity of the housing. Over the years, the site has been the subject of code compliance violations, as per reports obtained from Building Inspection. Thus, staff does not believe that the request meets the goal of providing equitable opportunities for Dallas residents. Nonconforming uses are intended to be terminated upon vacancy of six months.

NEIGHBORHOOD PLUS

One of the goals of *Neighborhood Plus* is to expand homeownership. This goal encourages a wider range of housing types to respond to emerging preferences, identifies incentives for infill development and home improvements in targeted neighborhoods, expands programs to reach a broader range of potential home buyers, and develops partnership to increase the pool of eligible loan applicants.

GOAL6 Enhance Rental Housing Options

Policy 6.1 Raise the quality of rental property through better design standards, proactive and systematic code enforcement, and zero tolerance towards chronic offenders.

Action 6.1.3 Strengthen regulatory standards and provide incentives for volume single family and multi-family developers to provide a range of housing unit sizes and include family-friendly amenities such as play area or open/green space for active, healthy living.

Currently, the site cannot provide any of the amenities described above. The site is noncompliant with the front yard block face continuity along Gay Street, cannot comply with Article X which requires off-street parking and multifamily uses to be screened from single family use; and cannot comply with the off-street parking requirement. If the existing structure were demolished and reconstructed, it would be extremely difficult, even impossible, to comply with the Dallas Development Code and programming of amenities as described in the *Neighborhood Plus* plan.

Surrounding Land Uses:

	Subdistricts in PD No. 595	Land Use
Site	R-5(A)	Multifamily
Northwest	R-5(A)	Single Family
Northeast	R-5(A)	Undeveloped
East	R-5(A)	Single Family
Southeast	R-5(A)	Undeveloped
Southwest	R-5(A)	Single Family

Land Use Compatibility:

Upon research, staff could not obtain evidence of an active Certificate of Occupancy, the required multitenant permit or permits for necessary utility connections.

The surrounding land uses consist of single-family dwelling units to the northwest, east, and southwest, with several undeveloped parcels to the northeast and southeast. All surrounding properties are zoned an R-5(A) Single Family Subdistrict.

Staff believes that the continued operation of a multifamily use in this predominately low-density single-family neighborhood could have a potentially negative impact on the character of the surrounding area. As indicated in the development standards table below, the regulations differ between the existing R-5(A) Single Family Subdistrict and proposed MF-1(A) Multifamily Subdistrict as they relate to the height, lot coverage, lot size, parking, and screening requirements. While the proposed multifamily district technically allows a height of up to 36 feet-in-height, according to the residential proximity slope standards within Chapter 51A-4.412, for any structure over 26 feet-in-height, that portion may not be located above a residential proximity slope originating in an R-District. Since the subject site is surrounded by R-District properties, the maximum height is 26 feet.

The biggest change in development rights is lot coverage. The MF-1(A) District proposed would allow up to 60 percent in impervious lot coverage versus 45 percent in single family districts.

Similar to the issue with the added height, a five-foot reduction in the required front yard setback from the proposed MF-1(A) District is not achieved due to a provision requiring the site to adhere to block continuity or maintain the established front yard setback pattern.

While the use previously operated in the neighborhood and in compliance with zoning, the use is no longer an adequate or compatible use as the neighborhood is predominately low-density single family and the rights granted through the requested zoning will allow a use and regulations inconsistent with the existing single family lot pattern. Therefore, staff is recommending denial of the proposed zoning change. This is the second zoning request made on this site, changing the request to MF-1(A), while the previous request was for MF-2(A). Additionally, the applicant is proposing one-bedroom units rather than two-bedroom units. Ultimately, this is what was previously permitted in 1960.

The change from an R-5(A) to an MF-1(A) District would allow for the multifamily use to remain in the existing nonconforming structure (to setbacks) and with nonconforming parking. All other building permit issues could potentially be resolved since the zoning would now allow the use.

Below, all three (current, proposed, previously proposed) districts are compared.

Development Standards:

<u>DISTRICT</u>	SETBACKS		Density	Height	Lot Cover- age	Special Stand- ards	PRIMARY Uses
	Front	Side/ Rear					
PD No. 595 R-5(A) - Existing Single Family	20'	5'	1 Dwelling Unit/ 5,000 sq. ft.	30'	45%	Min. Lot: 5,000 sq. ft.	Single family
PD No. MF-1(A) - Proposed Multifamily	15' However, 20' is required for continuity	10'/15' for other permitted uses	Min lot 3,000 sq. ft. 1,000 sq. ft – E 1,400 sq. ft – 1 BR 1,800 sq. ft – 2 BR +200 sq. ft each add BR	36'	60%	RPS	Multifamily, Duplex & single family
PD No. MF-2(A) – Previously Proposed Multifamily	15' However, 20' is required for continuity	10'/15' for other permitted uses	Min lot 1,000 sq. ft. 800 sq. ft – E 1,000 sq. ft – 1 BR 1,200 sq. ft – 2 BR +150 sq. ft each add BR	36'	60%	RPS	Multifamily, Duplex & single family

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. For multifamily uses, one parking space is required per bedroom. An additional one-quarter space per dwelling unit must be provided for resident parking if the required parking is restricted to resident parking only.

The existing multifamily use and layout on the site does not provide any off-street parking as required by code. If the previously nonconforming use is established as a legal land use with this rezoning request, the nonconforming parking provided originally will allow the property to be re-occupied without meeting today's code requirements as described above due to delta theory. However, those parking credits must be maintained according to the rules under delta theory.

If the delta credits were ever lost, a fourplex with one-bedroom units would require a minimum of four parking spaces plus up to two parking spaces for guests if the parking provided is reserved for tenants. Additionally, the required parking cannot be in the required front yard. If the site were redeveloped under today's code, it would be extremely difficult to comply with parking requirements.

Landscaping:

Landscaping of any development will be in accordance with the landscape regulations of PD No. 595. No landscaping is triggered if the impervious lot coverage is not being increased. Maintaining the existing structure in a nonconforming state in accordance with the provisions of the code is possible; however, future redevelopment as a multifamily use would prove difficult to meet the required landscaping.

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 all immediately surrounding properties on the block are categorized as being within an "H" MVA cluster.

List of Partners/Principals/Officers

Anilkumar and Rama Thakrar Family Trust

Anilkumar Thakrar	Trust member
Rama Thakrar	Trust member
Anish Thakrar	Trust member

CPC Action:
March 4, 2021

Motion: It was moved to recommend **approval** for an MF-1(A) Multifamily Subdistrict, subject to deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the southwest corner of Copeland Street and Gay Street.

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

For: 14 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung,
Suhler, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 43
Replies: For: 2 Against: 0

Speakers: For: Anish Thakrar, 3208 Cole Ave., Dallas, TX, 75204
Rik Adamski, 701 Commerce St., Dallas, TX, 75202
Against: None

DEED RESTRICTIONS

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

1.

The undersigned, Anilkumar and Rama Thakrar Family Trust ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Thomas Lagow Survey, Abstract No. 759, City Block 10/1856, an Addition to the City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Biniam Teffera and Yewubday Assefa Tekelmariam, by deed dated December 11, 2018, and recorded in Instrument No. 201800323986, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

HARLEM BLK 10/1856 LOT 3 &

4 II.

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

Maximum building height is 30 feet.

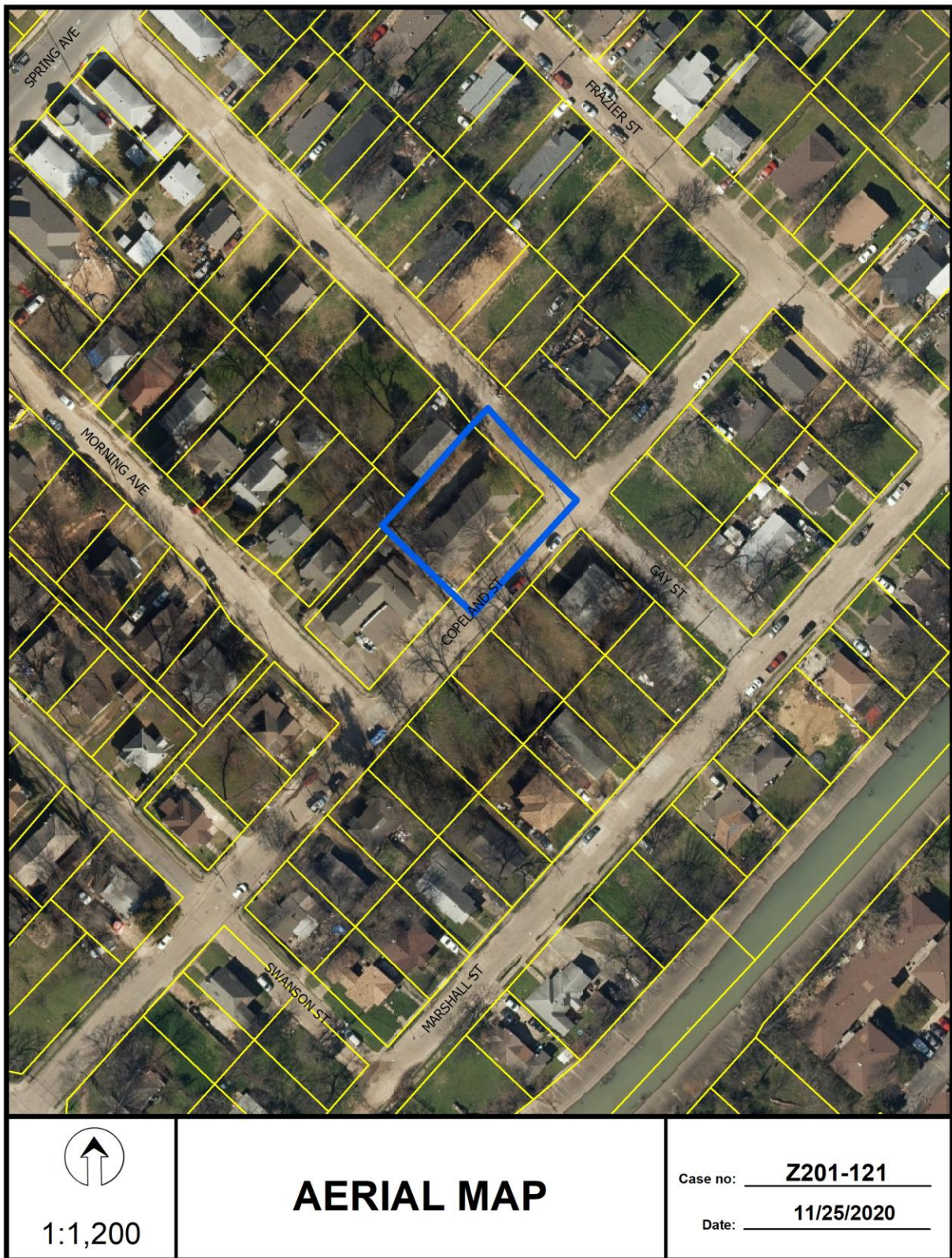
III.

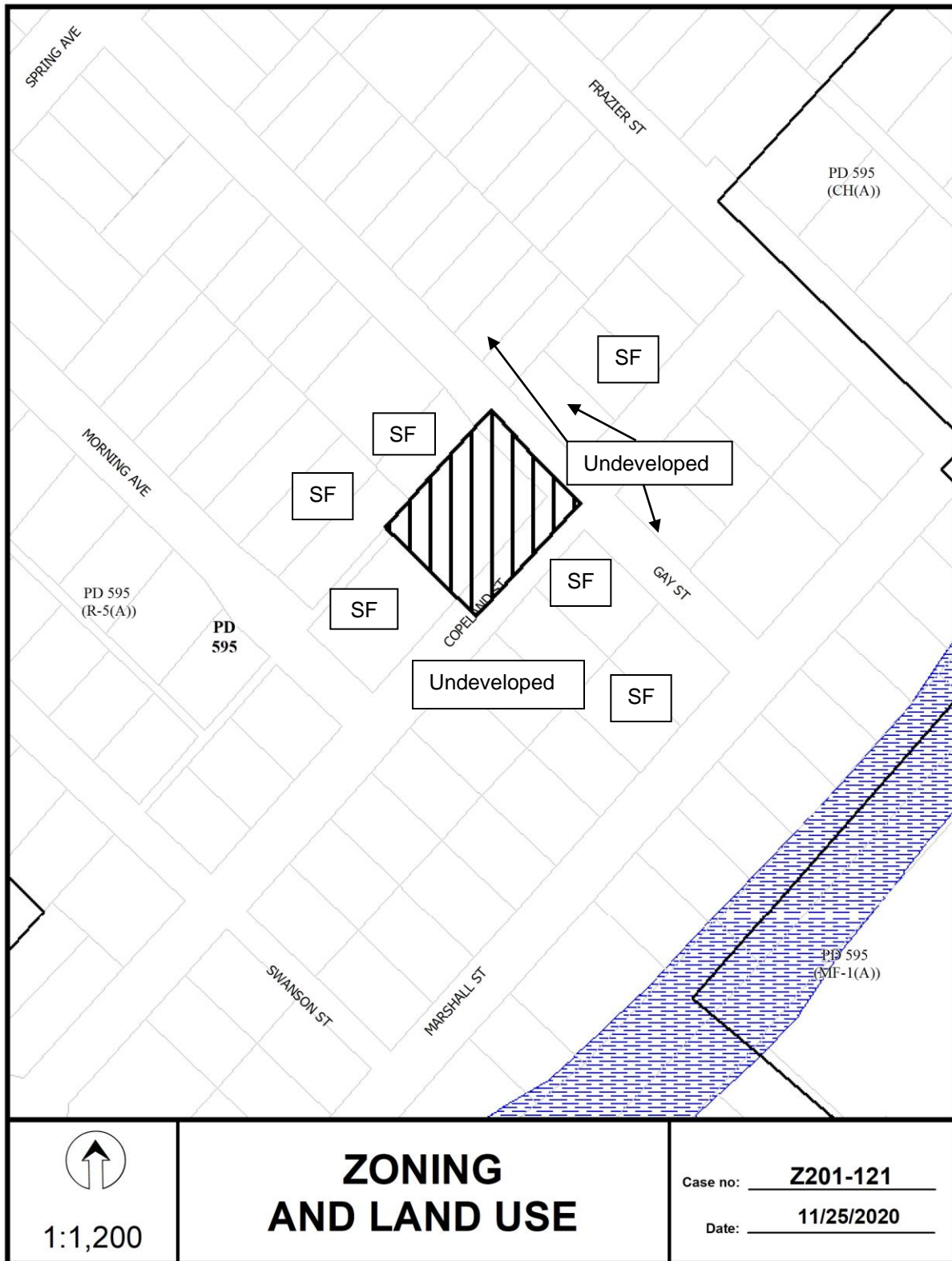
These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

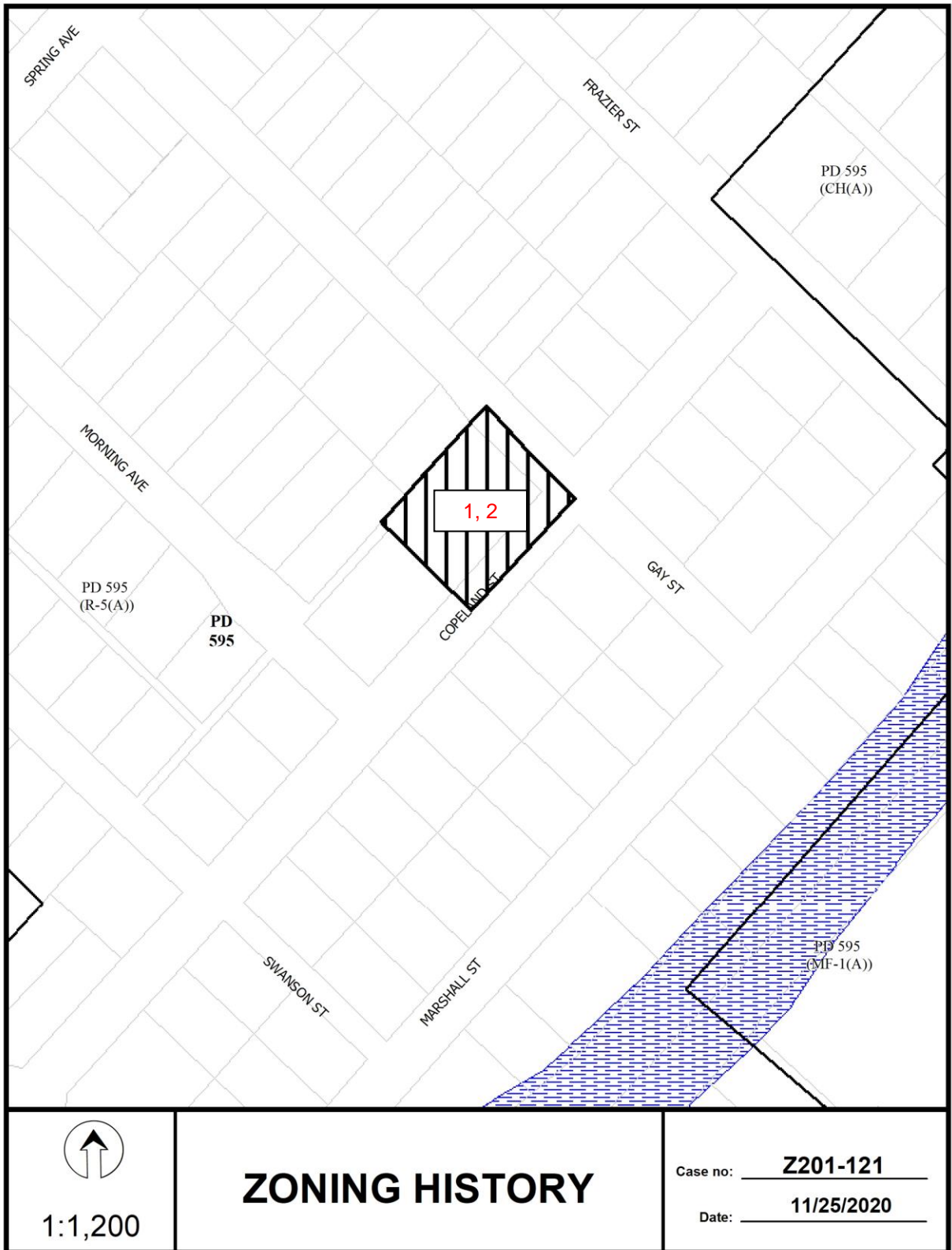
IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a 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

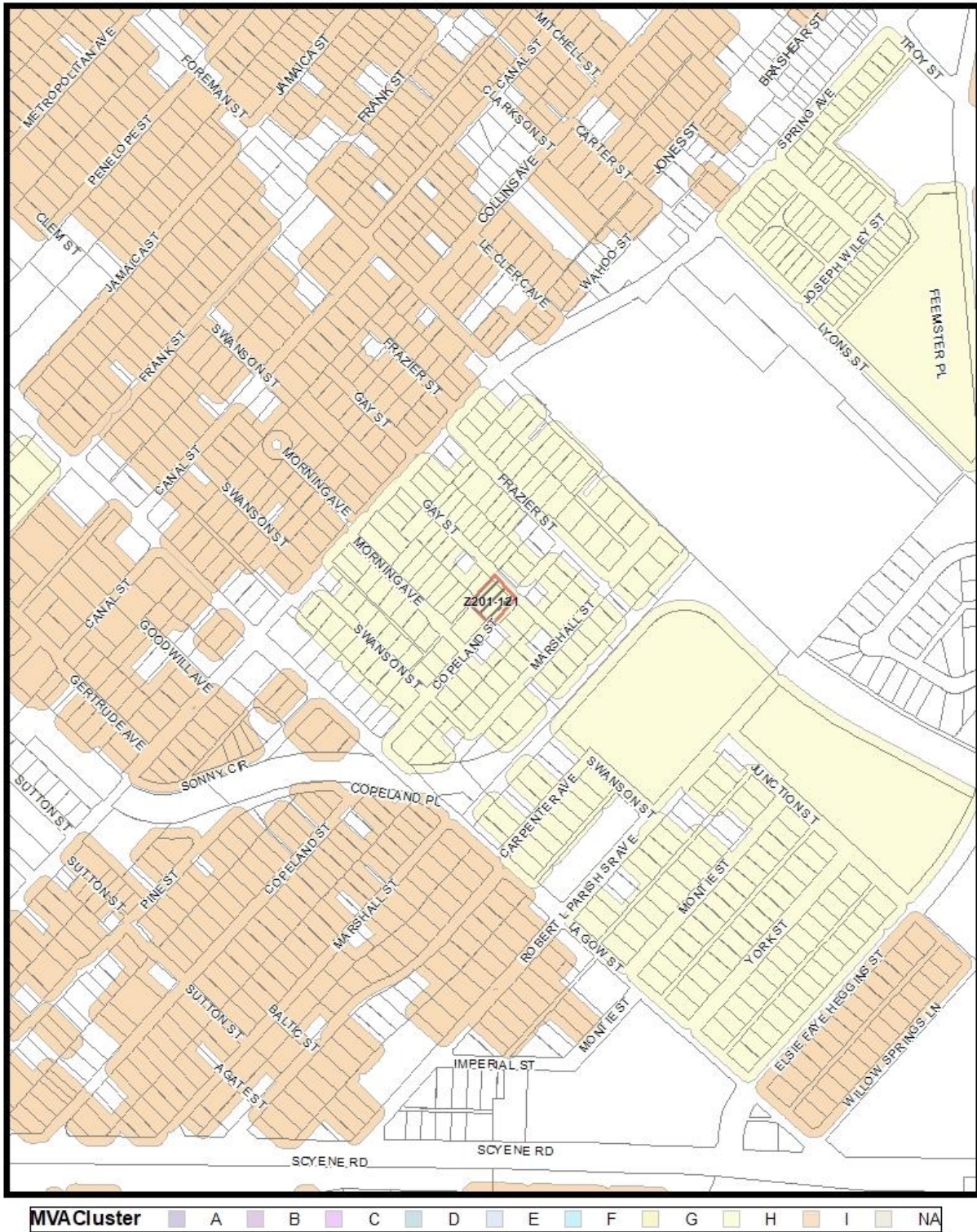








Z201-121(JM)

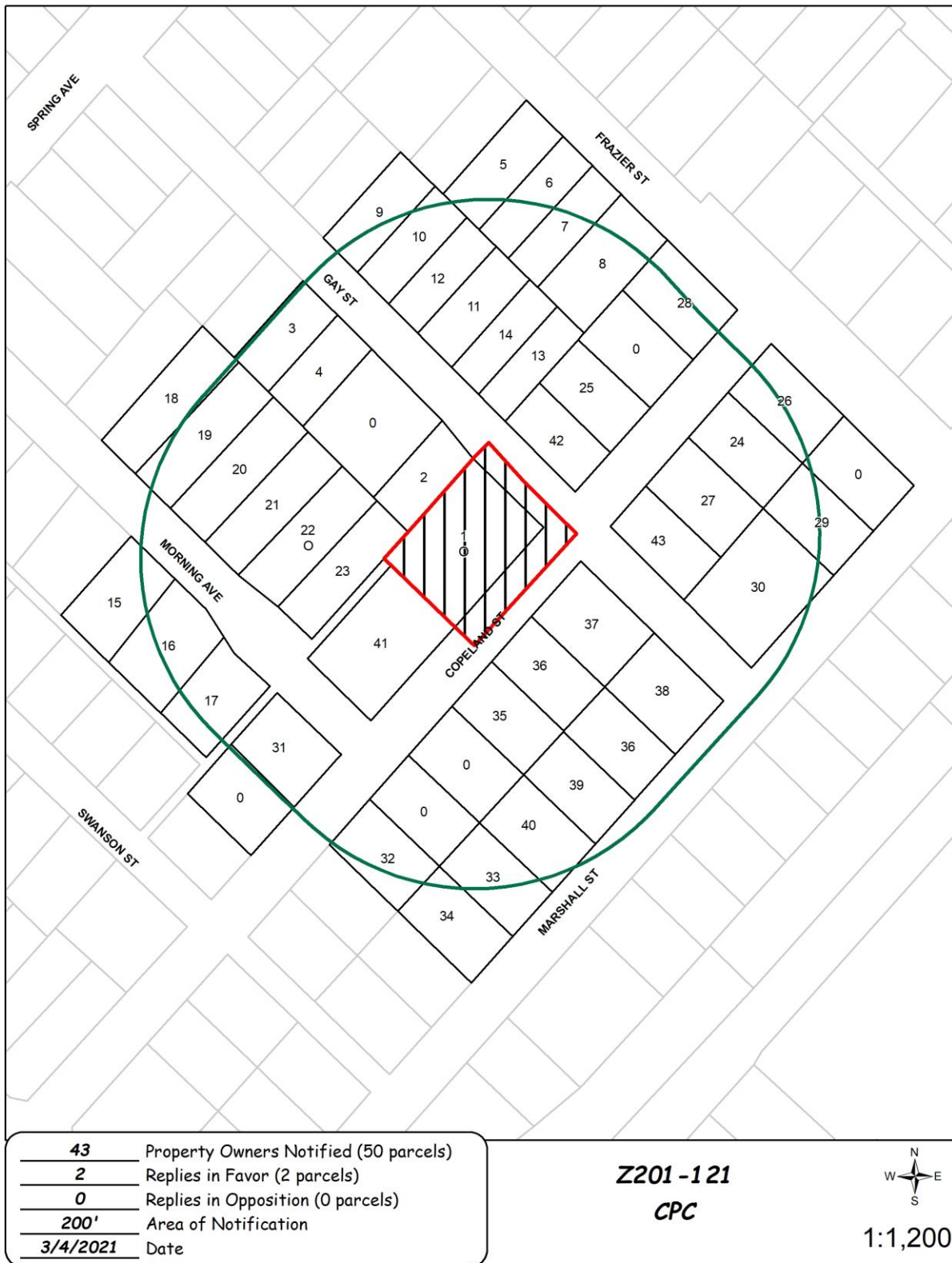


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Market Value Analysis

Printed Date: 11/25/2020

CPC Responses



03/03/2021

Reply List of Property Owners***Z201-121******43 Property Owners Notified******2 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4311 COPELAND AVE	THAKAR ANIKUMAR & RAMA FAMILY
	2	2919 GAY ST	AGUIRRE MARIA T
	3	2905 GAY ST	PHILLIPS MIRIAM EST OF
	4	2909 GAY ST	RAYE COPLEY LEE
	5	2905 FRAZIER ST	LUCKY BOOKER
	6	2909 FRAZIER ST	TURNER CHRISTINE
	7	2911 FRAZIER ST	SEBASTIAN PROPERTIES LLC
	8	2915 FRAZIER ST	DALLAS HOUSING ACQUISITION & DEV CORP
	9	2902 GAY ST	DEBELLO ARMIAS
	10	2904 GAY ST	WILLIAMS LIZERA PRIEST &
	11	2910 GAY ST	BELTRAN BENITA
	12	2908 GAY ST	DEUMANA YESENIA MARISOL A &
	13	2914 GAY ST	MILAN OSCAR
	14	2912 GAY ST	TOVAR OSCAR OMAR MILAN &
	15	2907 MORNING AVE	STAFFORD DONALD A
	16	2911 MORNING AVE	ROSS JAMES FRANCIS
	17	2915 MORNING AVE	REYNOLDS JAMES &
	18	2902 MORNING AVE	WATSON JACKIE EST OF
	19	2904 MORNING AVE	BROWN ARGIE REE PRICE
	20	2908 MORNING AVE	WINSTON DERRICK D
	21	2910 MORNING AVE	THORNTON LINDA D
O	22	2914 MORNING AVE	RILEY JESSIE MAE
	23	2918 MORNING AVE	JOHNSON OTTO JR &
	24	4330 COPELAND AVE	DELAROSAPICASO RAMON &
	25	4327 COPELAND AVE	TOVAR OSCAR OMAR MILAN &
	26	4334 COPELAND AVE	SANTAMARIA MA SONIA

03/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4326	COPELAND AVE	CLARKSON SHERRI K & JOSEPH
28	4335	COPELAND AVE	LASTER ABE
29	4331	MARSHALL ST	TEFFERA BINIAM
30	4327	MARSHALL ST	WILEY ANTOINETTA W
31	4231	COPELAND AVE	DEBELLO ARMIAS
32	4228	COPELAND AVE	BULLOCK JEFF
33	4235	MARSHALL ST	SKCS TRUST
34	4229	MARSHALL ST	JACKSON JOHN L
35	4306	COPELAND AVE	FREENEY CLIFFORD &
36	4310	COPELAND AVE	GADSON CLOTILE
37	4314	COPELAND AVE	JAIMEZ GLORIA
38	4315	MARSHALL ST	OSA IDUWE AITOR
39	4307	MARSHALL ST	THAKRAR ANIKUMA & RAMA
40	4303	MARSHALL ST	SANDERS SARAH
41	4307	COPELAND AVE	ZENO WILLIAM
42	4323	COPELAND AVE	BUTLER BETTY W
43	4322	COPELAND AVE	JAMES JOE W