

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, DECEMBER 14, 2022

ACM: Majed Al-Ghafry

FILE NUMBER: Z212-282(JM)

DATE FILED: June 17, 2022

LOCATION: Southwest corner of Ellsworth Avenue and McMillan Avenue

COUNCIL DISTRICT: 14

SIZE OF REQUEST: ±1.821 acres

CENSUS TRACT: 3.00

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

APPLICANT: Mark Weatherford

OWNER: Ridgecrest Baptist Church

REQUEST: An application for an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned a D(A) Duplex District.

SUMMARY: The applicant proposes a shared access development consisting of detached single-family units. Deed restrictions volunteered by the applicant prohibit multifamily uses and limit the density of the single-family development.

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

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

BACKGROUND INFORMATION:

- The 1.821-acre request site contains a 12,328-square-foot church built in 1960 and surface parking. The property is largely surrounded by duplexes, single-family, and multifamily uses.
- The zoning change would permit multifamily uses and amend development standards reducing the required setbacks, increasing the dwelling unit density, and minimizing the lot size requirements. However, the remainder of the surrounding block is already zoned an MF-2(A) District, which means the request aligns with the development standards that exist in the vicinity.
- The applicant proposes a shared access development with volunteered deed restrictions limiting the number of dwelling units to a maximum of 21; permitting only two access points onto Ellsworth Avenue; requiring architectural design standards for the facades; prohibiting multifamily and short-term rental uses; and limiting the number of stories to two. The property abutting the site to the west is zoned an MF-2(A) District with deed restrictions (Z112-289) with similar requirements.

Zoning History:

There have been no recent zoning requests at or within the vicinity of the request site within the last five years.

Thoroughfares/Streets:

Thoroughfares/Streets	Type	Existing ROW
Ellsworth Avenue	Local	50 feet
McMillan Avenue	Local	50 feet

STAFF ANALYSIS:

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, outlining several goals and policies which 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.

LAND USE ELEMENT

GOAL 1.3 Provide equitable opportunities for Dallas residents

Policy 1.3.1 Create housing opportunities throughout Dallas

URBAN DESIGN ELEMENT

GOAL 5.2 Strengthen community and neighborhood identity

Policy 5.2.1 Maintain neighborhood scale and character

NEIGHBORHOOD ELEMENT

GOAL 7.1 Promote vibrant and viable neighborhoods

Policy 7.1.2 Promote neighborhood-development compatibility.

NEIGHBORHOOD PLUS

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

POLICY 5.2 Encourage infill development and existing home improvements in target neighborhoods to attract and retain homeowners.

POLICY 6.2 Expand affordable housing options and encourage its distribution throughout the city and region.

Comprehensive Housing Policy:

On May 11, 2022, the City Council amended the Comprehensive Housing Policy (CHP) which was originally adopted on May 9, 2018. The policy goals included: 1) Create and maintain available and affordable housing throughout Dallas, 2) Promote greater fair housing choices, and 3) Overcome patterns of segregation and concentrations of poverty through incentives and requirements.

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 target intervention strategies more precisely 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 subject site is located within Category “E” and adjacent to Category “B” to the west.

Land Use:

	Zoning	Land Use
Site	D(A) Duplex District	Church
North	D(A) Duplex District	Duplex and single-family
East	D(A) Duplex District	Duplex and single-family
South	MF-2(A) Multifamily District	Duplex and multifamily
West	MF-2(A) Multifamily District	Duplex and single-family

Land Use Compatibility:

The 1.821-acre request site contains a 12,328-square-foot church built in 1960 and surface parking. Surrounding land uses include duplex and single-family to the north, east, and west, with duplex and multifamily uses to the south. Glencoe Park is located across Glencoe Street to the west.

The applicant proposes a shared access development with volunteered deed restrictions limiting the number of dwelling units to a maximum of 21. The property abutting the site to the west is zoned an MF-2(A) District with deed restrictions (Z112-289) with similar requirements. The remainder of the block is zoned an MF-2(A) District.

The volunteered deed restrictions would prohibit multifamily uses and limit the density of single-family development. Pursuant to the Dallas Development Code, there is no maximum dwelling unit density for an MF-2(A) Multifamily District. Pursuant to Section 51A-4.411, shared access development must be restricted by plat to single-family use.

The deed restrictions proposed would permit only two access points onto Ellsworth Avenue; require architectural design standards for the facades; prohibit multifamily and short-term rental uses; and limits the number of stories to two.

The proposed MF-2(A) Multifamily District is consistent with the existing zoning to the west and south, for the remainder of the block. Additionally, surrounding low-density

residential properties zoned a D(A) Duplex District to the north and east ensure a mix of residential products are available within the neighborhood.

Development Standards:

The zoning change would permit multifamily uses and amend development standards reducing the required setbacks, increasing the dwelling unit density, and minimizing the lot size requirements. However, the remainder of the surrounding block is already zoned an MF-2(A) District, which means the request aligns with the development standards that exist in the vicinity.

Pursuant to Section 51A-4.411 of the Dallas Development Code, a shared access development is considered one lot for the purposes of compliance with front, side and rear yard setbacks but each individual lot within the shared access development must meet the minimum lot size for the zoning district. The DA(A) Duplex District requires a minimum lot size of 6,000 square feet; the applicant's intended shared access development will consist of 21 ±3,000-square foot lots, which is permitted in the MF-2(A) Multifamily District.

District	Setbacks		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: D(A) Duplex	25'	5'	1 Dwelling Unit/ 3,000 sq. ft.	36'	60%	Min. Lot: 6,000 sq. ft	Duplex & single family
Proposed: MF-2(A) Multifamily	15'	15'	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%	Proximity Slope	Multifamily, duplex, single family

Parking:

Pursuant to Section 51A-4.200 of the Dallas Development Code, a single-family home in a MF-2(A) Multifamily District requires two off-street parking spaces. In addition to the parking spaces required for each dwelling unit, shared access developments must provide 0.25 unassigned spaces available for use by visitors and residents for each dwelling unit.

Landscaping:

Landscaping will be required in accordance with Article X of the Dallas Development Code. Specifically, street trees and a 20 percent landscape area will be required for the shared access development proposed by this application.

List of Officers

Ridgecrest Baptist Church

Ruben Segura, Trustee (Chairman)

Donna Fugitt, Trustee

Joann Chapman, Trustee

Greg Byrd, Senior Pastor

Mark Weatherford, private individual

NOVEMBER 3, 2022 – DRAFT CITY PLAN COMMISSION MINUTES

Z212-282(JM)
Muñoz

Planner: Jennifer

Motion: It was moved to recommend **approval** of an MF-2(A) Multifamily District, subject to deed restrictions volunteered by the applicant to include the following two additional deed restrictions: 1) #6. All guest parking spaces, and shared access driveways shall be permeable as permitted by the Fire Marshall and 2) #7. Trees numbered 1 thru 4 as marked on Exhibit A will be subject to a tree preservation plan on property zoned a D(A) Duplex District, at the southwest corner of Ellsworth Avenue and McMillan Avenue.

Maker: Kingston
Second: Blair
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Gracey, Shidid, Carpenter,
Blair, Jung, Housewright, Stanard, Kingston,
Rubin

Against: 0
Absent: 3 - Anderson, Vann, Haqq
Vacancy: 1 - District 11

Notices: Area: 300 Mailed: 82
Replies: For: 18 Against: 3

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Greg Byrd, 6794 E. Northwest Hwy., Dallas, TX, 75231
Against: Richard Harper, 5465 Ellsworth Ave., Dallas, TX, 75206
Ellie Adelman, 5519 Ellsworth Ave., Dallas, TX, 75206
Martha Carlson, 5506 Matalee Ave., Dallas, TX, 75206
Saphir Parod, 5530 Ellsworth Ave., Dallas, TX, 75206
Peter Adelman, 5519 Ellsworth Ave., Dallas, TX, 75206
Camille Gilchrist, 5830 Penrose Ave., Dallas, TX, 75206
Against (Did not speak): S. Rodriguez, 6205 Oram St., Dallas, TX, 75214

VOLUNTEERED DEED RESTRICTIONS

The property is more particularly described in Exhibit A:

II.

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

- (1) Single family uses are restricted to a maximum density of 21 dwelling units.
- (2) A maximum of two shared access points are permitted on Ellsworth Avenue and a maximum of two shared access points are permitted on McMillan Avenue.
- (3) Multifamily uses are prohibited.
- (4) The maximum height of dwelling units is two (2) stories.
- (5) Short-term rental lodging use is prohibited. Short-term rental lodging is defined as a full or partial unit containing one of more kitchens, one or more bathrooms, and one or more bedrooms that is rented to occupants for fewer than 30 consecutive days per rental period.
- (6) All guest parking spaces, and shared access driveways shall be permeable as permitted by the Fire Marshall.
- (7) Trees shown on the Tree Preservation Plan (Exhibit B) are protected and must remain on the Property.

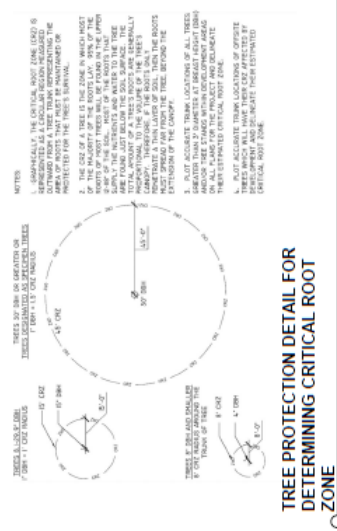
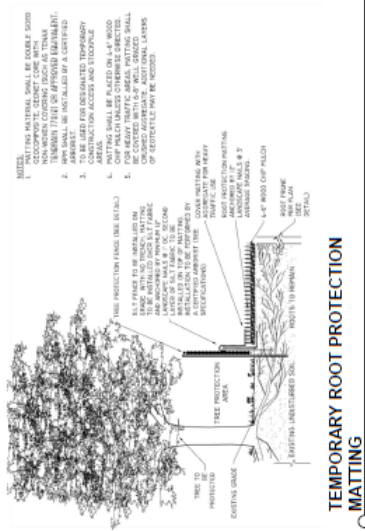
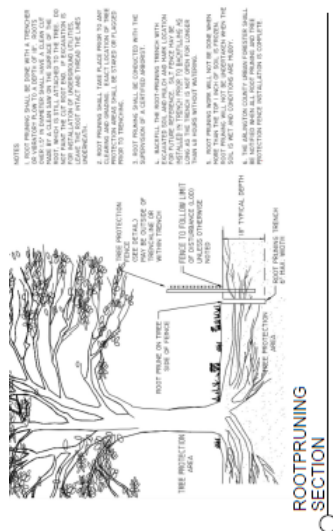
III.

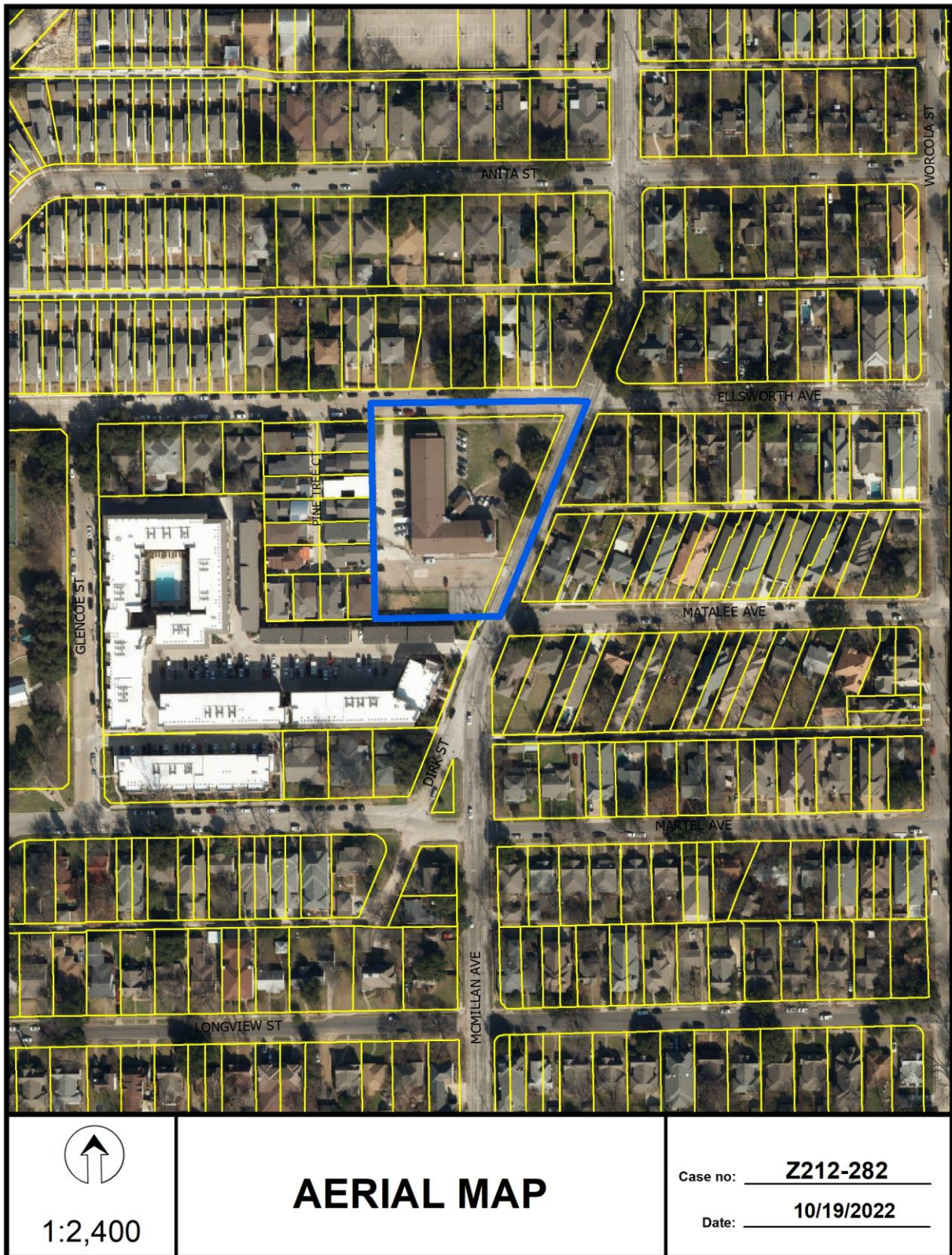
These restrictions shall continue in full force and effect for a period of 20 years from the date of execution and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

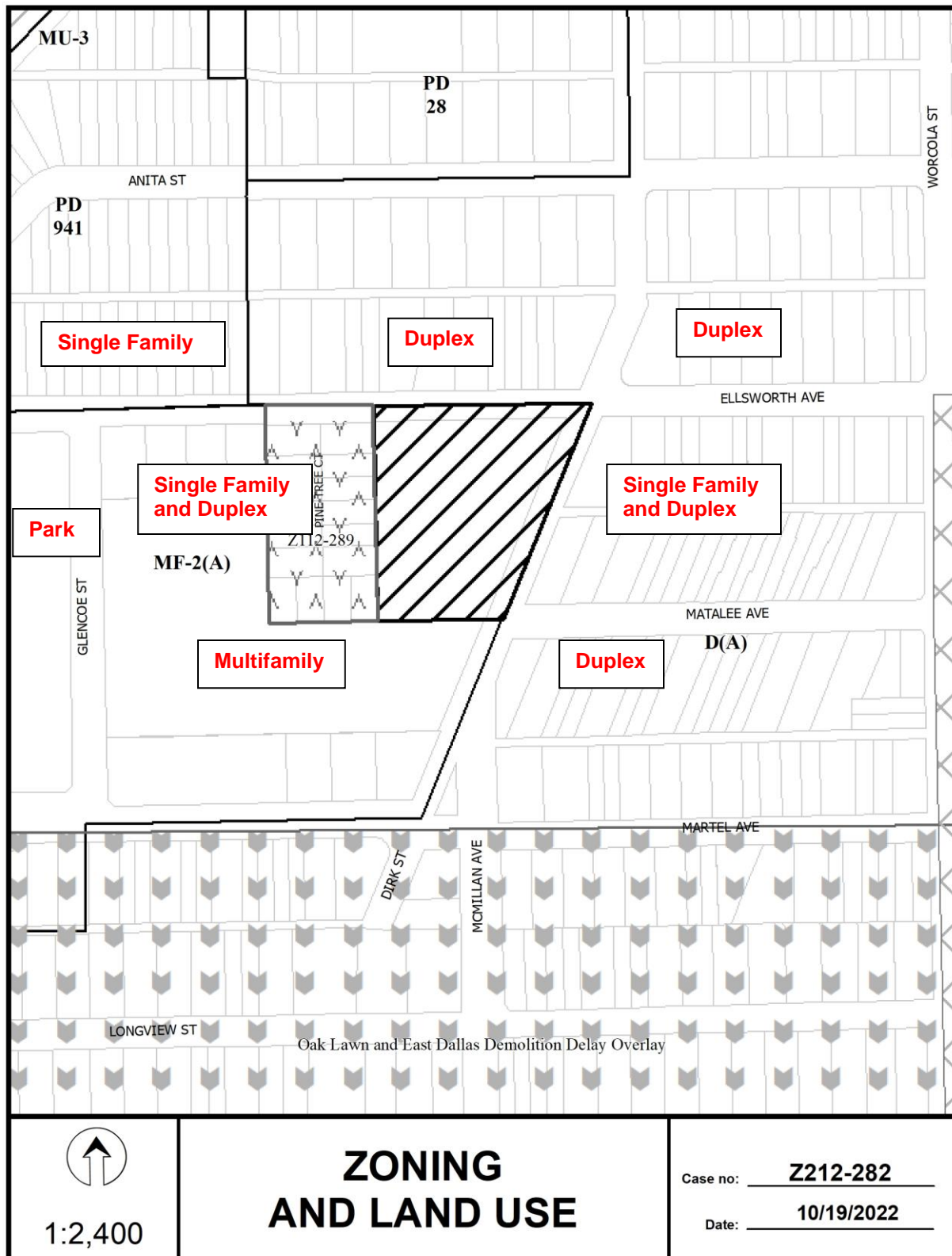
IV.

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 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.

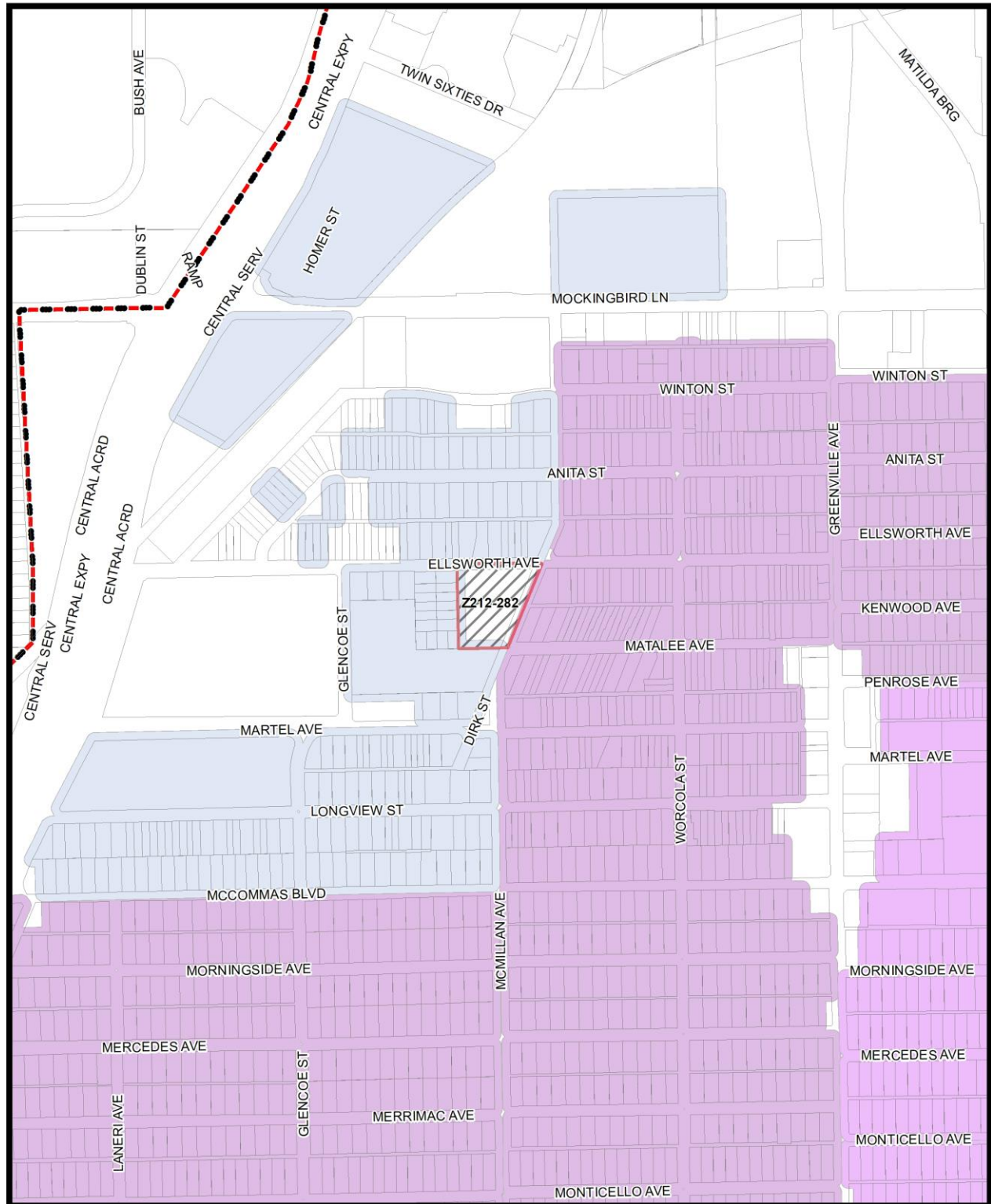
TREE EXHIBIT







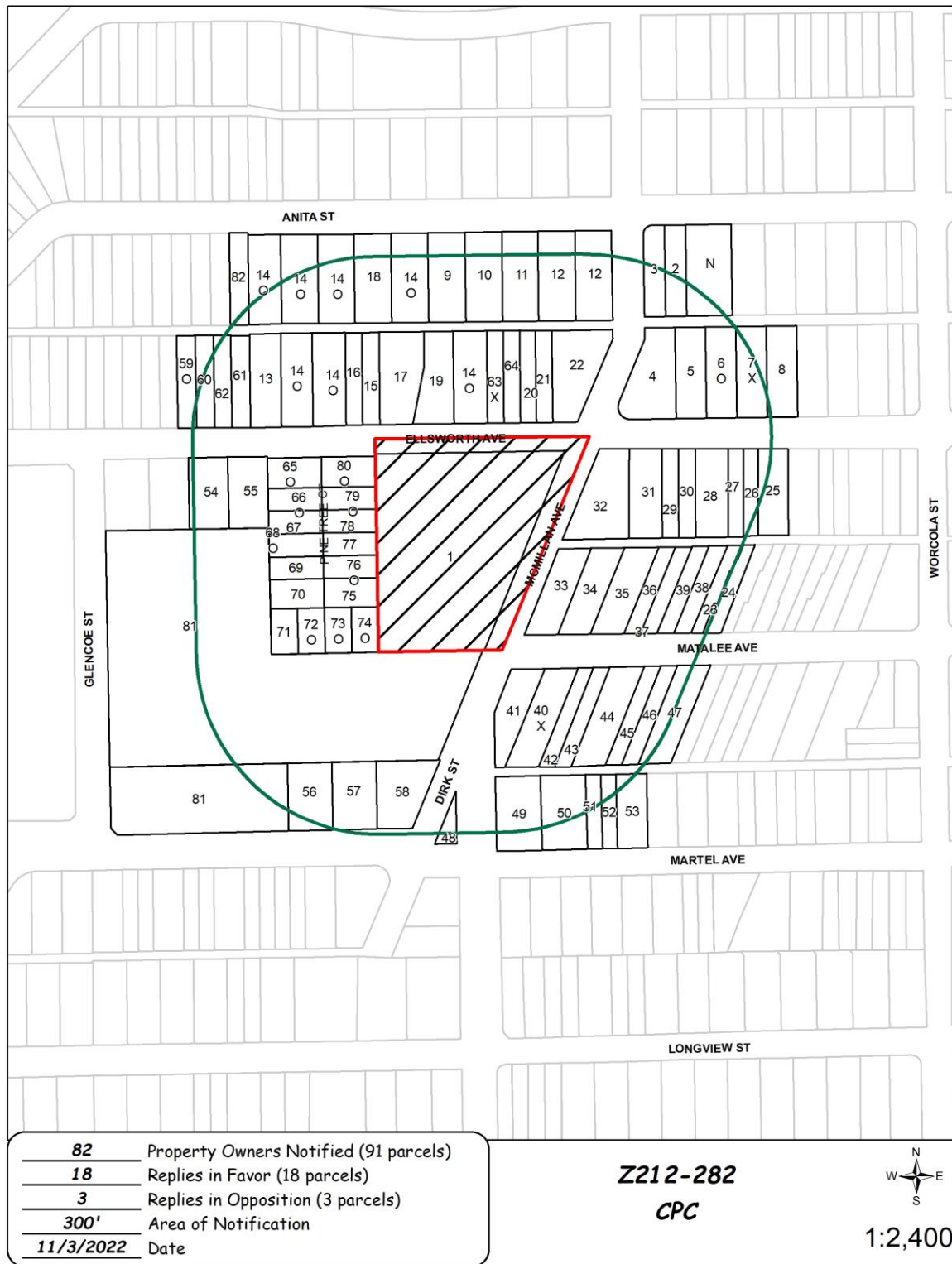
Z212-282(JM)



Market Value Analysis

Printed Date: 10/19/2022

CPC RESPONSES



11/02/2022

Reply List of Property Owners***Z212-282******82 Property Owners Notified******18 Property Owners in Favor******3 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	5470 ELLSWORTH AVE	RIDGECREST BAPTIST CHURCH
	2	5504 ANITA ST	HIMES DOUGLAS D & NANCY F
	3	5502 ANITA ST	MESH DYLAN M
	4	5505 ELLSWORTH AVE	MILLER SEAN & REBECCA
	5	5511 ELLSWORTH AVE	CARTWRIGHT MARK E
O	6	5515 ELLSWORTH AVE	PRIDE DORRELL
X	7	5519 ELLSWORTH AVE	ADELMAN PETER & ELLIE S
	8	5523 ELLSWORTH AVE	LIEVAN MARTHA LEIGH
	9	5452 ANITA ST	SIDERIS KATERINA
	10	5460 ANITA ST	WAGSTAFF DANIEL R & HALEY
	11	5464 ANITA ST	PEARSE JACLYNN &
	12	5466 ANITA ST	BRANTFERGER DORIS FAYE
	13	5433 ELLSWORTH AVE	MVROCKS LLC
	15	5447 ELLSWORTH AVE	JEFFCOAT HOLLY E
	16	5445 ELLSWORTH AVE	PRUNEAU MICHAEL
	17	5451 ELLSWORTH AVE	SUGHRUE ERIC W
	18	5444 ANITA ST	SAVAGE ELIZABETH FRIDAY &
	19	5455 ELLSWORTH AVE	MASSMAN EDWARD L
	20	5469 ELLSWORTH AVE	STANISLAV MARTIN T & WENDY P
	21	5471 ELLSWORTH AVE	HOCK MATTHEW H &
	22	5475 ELLSWORTH AVE	5473 75 ELLSWORTH LLC
	23	5523 MATALEE AVE	DAVOS VASILIOS P & LAUREN CARR
	24	5525 MATALEE AVE	GIANNAZZO FELIPE
	25	5524 ELLSWORTH AVE	LUCIANI EVELYN
	26	5522 ELLSWORTH AVE	ELLSWORTH DEL NORTE LLC
	27	5520 ELLSWORTH AVE	COCKRELL KIMBERLY K

11/02/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	28	5516 ELLSWORTH AVE	PAZOKI CASEY &
	29	5512 ELLSWORTH AVE	BRADBURY KENT E & ANGELA J
	30	5514 ELLSWORTH AVE	WANG DANDAN &
	31	5508 ELLSWORTH AVE	GUARISCO KRISTEN KELLY
	32	5504 ELLSWORTH AVE	ZEISS WILLIAM A & LESLIE ANN
	33	5503 MATALEE AVE	TREE ON THE ROCK LLC THE
	34	5507 MATALEE AVE	SAJOVICH ROBERT & HEATHER
	35	5511 MATALEE AVE	WILLIAMSON JACK L
	36	5515 MATALEE AVE	HOOKE DAVID S & TRACI
	37	5517 MATALEE AVE	KAD HOLDINGS LP
	38	5521 MATALEE AVE	MCGLOTHLIN SHARON L
	39	5519 MATALEE AVE	LES CHAMPS DALLAS LLC
X	40	5506 MATALEE AVE	CARLSON MARTHA ELIZABETH
	41	5502 MATALEE AVE	POHLI LAURA A
	42	5510 MATALEE AVE	MOORE JEFFREY COLE &
	43	5512 MATALEE AVE	LOUGEE CLAYTON & LINDSAY
	44	5514 MATALEE AVE	MOORE PAT LAWSON
	45	5518 MATALEE AVE	ROY ARIA & NOVJAL
	46	5520 MATALEE AVE	KEMPLE BERNARD JAMES &
	47	5522 MATALEE AVE	MADINE MARK
	48	3700 MCMILLAN AVE	FALCON CORP
	49	5503 MARTEL AVE	821 WEST OAKDALE LLC
	50	5509 MARTEL AVE	MUSTIQUE DEVELOPMENT LLC
	51	5513 MARTEL AVE	ADAMS JON & TIFFANY
	52	5515 MARTEL AVE	AGATHOKLEOUS MICHAEL
	53	5523 MARTEL AVE	MATTINGLY GILLEY
	54	5412 ELLSWORTH AVE	PATEL MANESH
	55	5418 ELLSWORTH AVE	B & K PPTIES LTD
	56	5441 MARTEL AVE	HARTMAN TOBIN T
	57	5449 MARTEL AVE	SPARKMAN SALLY ANN
	58	5453 MARTEL AVE	BATES BRETT ALAN & TERESA EILAND

11/02/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	59	5417 ELLSWORTH AVE	DAPRA REBECCA &
	60	5419 ELLSWORTH AVE	CERO CHASE AUSTIN
	61	5425 ELLSWORTH AVE	HOLTKAMP CHRISTOPHER & DANA
	62	5423 ELLSWORTH AVE	COLBERT OLGA & RANDALL
X	63	5465 ELLSWORTH AVE	HARPER RICHARD
	64	5467 ELLSWORTH AVE	CHRISTIAN AARON
O	65	3895 PINE TREE CT	BIBLO MALLORY T
O	66	3883 PINE TREE CT	TOMASSO MARK & KATHLEEN
	67	3871 PINE TREE CT	MORRISON ROBERT & KATRINA
O	68	3859 PINE TREE CT	GOTTSCHALK KELLY
	69	3847 PINE TREE CT	NOCERINI ROBERT
	70	3835 PINE TREE CT	GANDHI LAJPAT & AMRITA
	71	3823 PINE TREE CT	WEINER DEREK J & MONICA S
O	72	3811 PINE TREE CT	WEATHERFORD MARK W
O	73	3812 PINE TREE CT	LAWSON WILLIAM W
O	74	3824 PINE TREE CT	CHANG ANDREW
	75	3836 PINE TREE CT	NOLAN JAMES MICHAEL IV
O	76	3848 PINE TREE CT	CULLINS DANIEL
	77	3860 PINE TREE CT	WURSTER EVA M
	78	3872 PINE TREE CT	MITCHELL JEFFREY L
O	79	3884 PINE TREE CT	BLUMIN DIANE
O	80	3896 PINE TREE CT	WELCH REVOCABLE TRUST
	81	3736 GLENCOE ST	WSRE CP GENTRY OWNER L P
	82	5424 ANITA ST	KINNAN INVESTMENTS LLC
O	A1	5439 ELLSWORTH AVE	GLENCOE REAL ESTATE LLC
O	A2	5441 ELLSWORTH AVE	GLENCOE REAL ESTATE LLC
O	A3	5461 ELLSWORTH AVE	GLENCOE REAL ESTATE LLC
O	A4	5428 ANITA ST	GLENCOE REAL ESTATE LLC
O	A5	5432 ANITA ST	GLENCOE REAL ESTATE LLC
O	A6	5438 ANITA ST	GLENCOE REAL ESTATE LLC
O	A7	5448 ANITA ST	GLENCOE REAL ESTATE LLC