

ACM: Majed Al-Ghafry

FILE NUMBER: Z189-292(CY) **DATE FILED:** June 19, 2019

LOCATION: East side of Tyree Street, north of Savage Street

COUNCIL DISTRICT: 2 **MAPSCO:** 34 L

SIZE OF REQUEST: ± 0.14 acres **CENSUS TRACT:** 71.02

REPRESENTATIVE: Parvez Malik, Business Zoom

APPLICANT/OWNER: 4901-4903 Newmore, LLP

REQUEST: An application for an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67.

SUMMARY: The purpose of this request is to allow for a duplex use to be developed on a property currently designated for a single family use, according to the Existing Land Use Map (Exhibit 67A) for the planned development district.

CPC RECOMMENDATION: **Denial.**

STAFF RECOMMENDATION: **Approval,** subject to a revised Existing Land Use Map.

BACKGROUND INFORMATION:

- PD No. 67 was approved by City Council on May 24, 1976, is comprised of approximately 92.22 acres, and is divided into five tracts.
- The area of request is zoned Tract III within PD No. 67. Tract III allows R-5 Single Family uses, duplex uses and other permitted uses [parking, school, church] regulated by the requirements of Chapter 51.
- The Tract III use and development standard regulations indicate that land use must remain as indicated on the Existing Land Use Map (Exhibit 67A).
- The Existing Land Use Map indicate the subject site's land use is single family.
- The area of request is currently undeveloped, but Building Inspections' records indicate that it previously contained a single family structure that was demolished in 2009.
- The purpose of this request is to change the designation on the Existing Land Use Map Exhibit 67A and to develop the site with a duplex use.

Zoning History: There have been three recent zoning requests in the area within the last five years. All three sites are south of the area shown on the Zoning History Map.

1. **Z189-110:** On March 21, 2019, the City Plan Commission recommended denial without prejudice of an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67 on property located on the east side of Victoria Avenue, north of West Mockingbird Lane, southeast of the area of request.
2. **Z189-117** On March 21, 2019, the City Plan Commission recommended denial without prejudice of an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67 on property located on the west side of Roper Street, south of Thedford Avenue, northeast of the area of request.
3. **Z189-119:** On March 21, 2019, the City Plan Commission recommended denial without prejudice of an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67 on property located on the west side of Victoria Avenue, north of West Mockingbird Lane, southeast of the area of request.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|----------------|--------------|--------------|
| Tyree Street | Minor Arterial | 50 ft. | 50 ft |

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.

Surrounding Land Uses:

| Area | Zone | Use |
|-------|---------------------|---------------------------------------|
| Site | PD No. 67 Tract III | Undeveloped |
| North | PD No. 67 Tract III | Single Family |
| East | PD No. 67 Tract III | Single Family |
| South | PD No. 67 Tract III | Child care facility and Single Family |
| West | PD No. 67 Tract III | Church |

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.

ECONOMIC ELEMENT**GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS**

Policy 2.5.2 Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

NEIGHBORHOOD PLUS PLAN

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

GOAL 5.1 Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.

Land Use Compatibility:

PD No. 67 was approved by City Council on May 24, 1976 and contains five tracts. The area of request is a 0.14-acre undeveloped lot and is zoned Tract III within PD. No. 67.

Tract III allows R-5 Single Family uses, duplex uses and other permitted uses (parking, school, church) regulated by Chapter 51. However, the use and development standard regulations for Tract III, indicate that land use must remain as indicated on the Existing Land Use Map (Exhibit 67A). This Exhibit identifies allowable land uses for each property within each tract.

In the Land Use Map, the subject site is designated for single family uses. The purpose of this request is to change the designation on the Existing Land Use Map for the area of request from a single family use to a duplex use.

According to the PD regulations, single family uses, and other permitted uses are regulated by the requirements of the appropriate zoning district (i.e. single-family uses regulated by the R-7.5 or R-5 Districts, duplex uses regulated by the requirements of the Duplex Dwelling District). For Tract III, a single family use would have to comply with the regulations of the R-5 District, and the proposed duplex would have to comply with the regulations of the D District.

Additionally, the PD regulations establish that in Tracts I, III and V, vacant property may be developed in accordance with the provisions of the zoning district classification designated for the property. [Section 51P-67.110]. Approval of any use of vacant property not permitted by the zoning district classification designated for the property must be determined by a public hearing before the city plan commission and the city council in accordance with Section 34 of the Comprehensive Zoning Ordinance. This means that a PD amendment is required to change the allowable use on a property.

Surrounding land uses include single family contiguous to the site to the north and east. Directly adjacent to the south there is a child care facility and to the west, across Tyree Street, there is a church use.

The “Existing Land Use Map” for the PD shows the neighborhood as an area largely identified as single family but including intermittent duplex, church, and parking lot uses. Since the exhibit clearly indicates that from the creation of the PD, duplex uses were allowed to be scattered throughout the single family areas, staff supports the request to convert the subject site from single family to duplex uses.

Development Standards:

| DISTRICT | SETBACKS | | Density | Lot Size | Lot Width | Lot Depth | Height | Lot Coverage | PRIMARY Uses |
|---|----------|-----------|-----------------------------|----------|-----------|-----------|--------|--------------|---------------------------|
| | Front | Side/Rear | | | | | | | |
| Existing: PD No. 67 Tract III Single Family (R-5) | 20' | 5' | One dwelling unit per lot. | 5,000 SF | 50' | 100' | 30' | 45% | Single family. |
| Proposed: PD No. 67 Tract III Duplex | 25' | 10' | Two dwelling units per lot. | 6,000 SF | 60' | 100' | 36' | 60% | Duplex and single family. |

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 is categorized as being within a “D” MVA cluster, as well as all surrounding properties to the north, south, and east. Properties located across Roper Street [approximately two blocks] further to the east, are designated a Category “B”.

Parking:

Parking will be in accordance with the parking regulations of Chapter 51. A duplex use is required to provide a minimum of two parking spaces for each dwelling unit. Four off-street parking spaces will be required for the proposed duplex use.

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Landscaping:

Landscaping will be in accordance with the landscape regulations of Chapter 51.

LIST OF OFFICERS
4901-4903 Newmore, LLP

- Akber Meghani Manager
- Zitoon Meghani Member

CPC Action
September 19, 2019

Motion: In considering an application for an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67, on the east side of Tyree Street, north of Savage Street, it was moved to **hold** this case under advisement until October 17, 2019.

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

For: 11 - MacGregor, Schulte, Johnson, Shidid,
Carpenter, Brinson, Jung, Housewright,
Schultz, Murphy, Ridley

Against: 0
Absent: 2 - Criss, Tarpley
Vacancy: 2 - District 8, District 12

Notices: Area: 200 Mailed: 28
Replies: For: 2 Against: 0

Speakers: For: Parvez Malik, 320 Decker Dr., Las Colinas, TX, 75062
For (Did not speak): Akber Meghani, 5329 Northmoor Dr., Dallas, TX, 75229
Clay Stapp, 3404 Greenville Ave., Dallas, TX, 75206
Against: None

CPC Action
October 17, 2019

Motion: In considering an application for an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67, on the east side of Tyree Street, north of Savage Street, it was moved to **hold** this case under advisement until November 7, 2019.

Maker: Hampton
Second: Carpenter
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Ridley

Against: 0
Absent: 0
Vacancy: 2 - District 3, Place 15

Notices: Area: 200 Mailed: 28
Replies: For: 3 Against: 1

Speakers: None

CPC Action
November 7, 2019

Motion: It was moved to recommend **denial** of an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67, on the east side of Tyree Street, north of Savage Street.

Maker: Hampton
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Ridley, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

Notices: Area: 200 Mailed: 28
Replies: For: 3 Against: 1

Speakers: For: Parvez Malik, 320 Decker Dr., Las Colinas, TX, 75062
Against: Jonathan Maples, 6525 Oriole Dr., Dallas, TX, 75209
Against (Did not speak): Pattie Walker, 4619 W. University Blvd., Dallas, TX, 75209
Zac Thompson, 4715 University Blvd., Dallas, TX, 75209

EXISTING REGULATIONS FOR TRACT III WITHIN PD No. 67

SEC. 51P-67.107. TRACT III USES AND DEVELOPMENT STANDARDS.

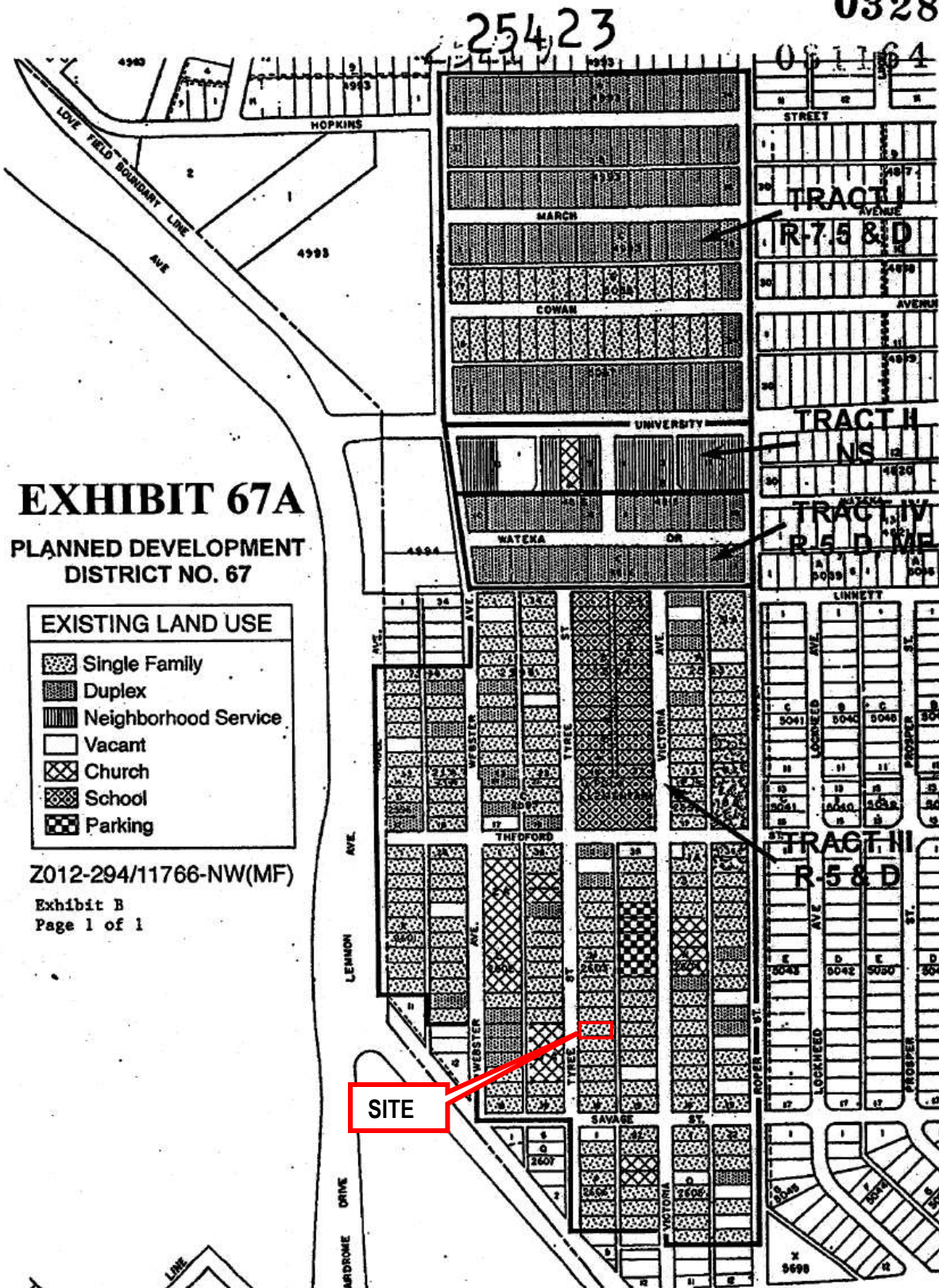
Land use must remain as indicated on the "Existing Land Use" map with single-family uses and other permitted uses regulated by the requirements of the Single-Family Dwelling District 5,000 Square Feet and with duplex uses and other permitted uses regulated by the requirements of the Duplex Dwelling District and with the development of vacant property and the redevelopment of property governed by the provisions of Section 51P-67.110 below. Lots 27 through 31 of City Block M/2603 may be used for P Parking District uses subject to the approved site plan (Exhibit 67C). (Ord. Nos. 25219; 25423; 29890)

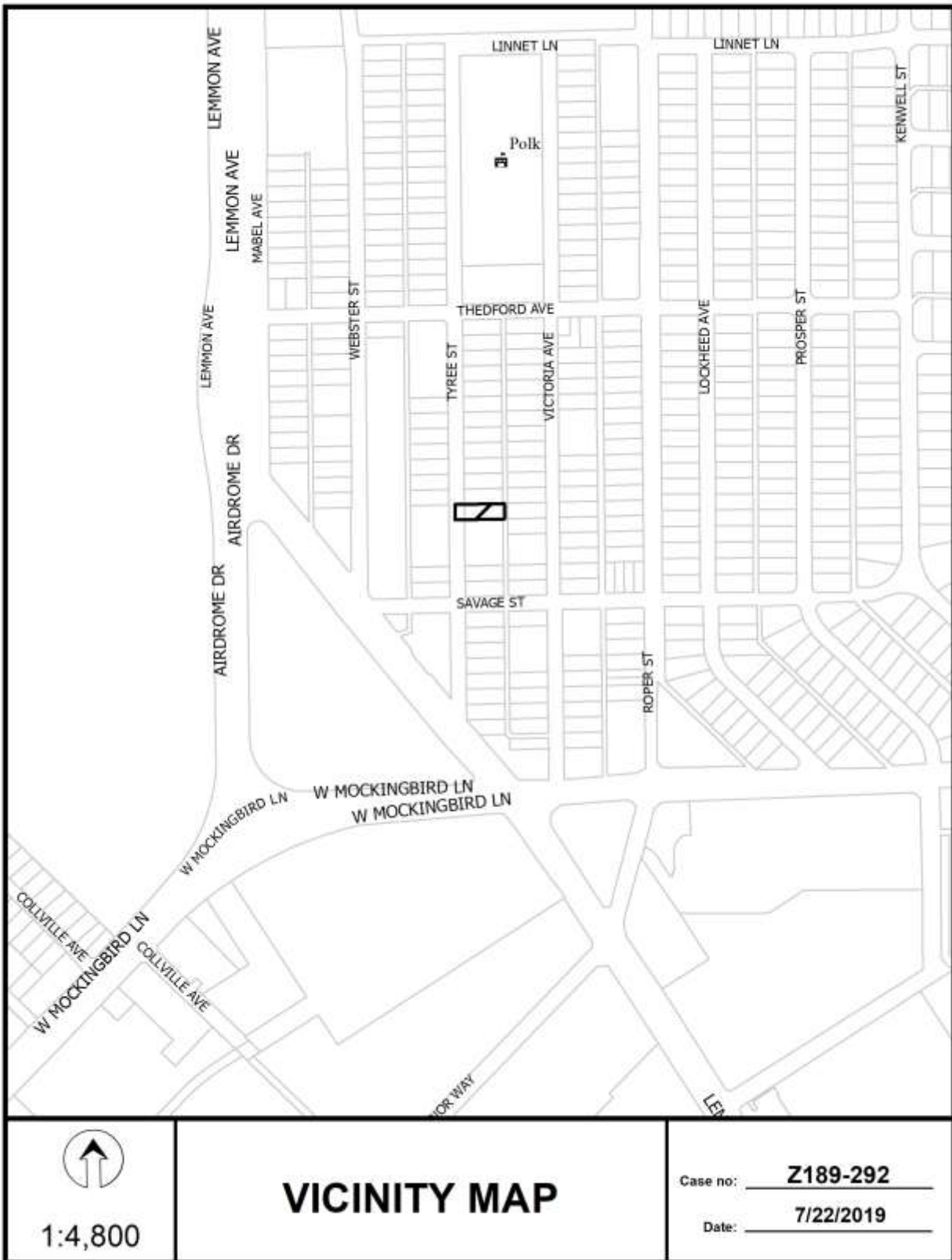
SEC. 51P-67.110. DEVELOPMENT OF VACANT AREA AND REDEVELOPMENT OF EXISTING STRUCTURES ON TRACTS I, III, AND V.

Any vacant property may be developed in accordance with the provisions of the zoning district classification designated for the property. Approval of any use of vacant property not permitted by the zoning district classification designated for the property must be determined by a public hearing before the city plan commission and the city council in accordance with Section 34 of the Comprehensive Zoning Ordinance. The filing fee, however, will be based on the amount of land area involved in the amendment in accordance with the fee schedule established for zoning changes. Redevelopment of existing structures on Tract V may be permitted with an approved development plan. (Ord. Nos. 25283; 25423)

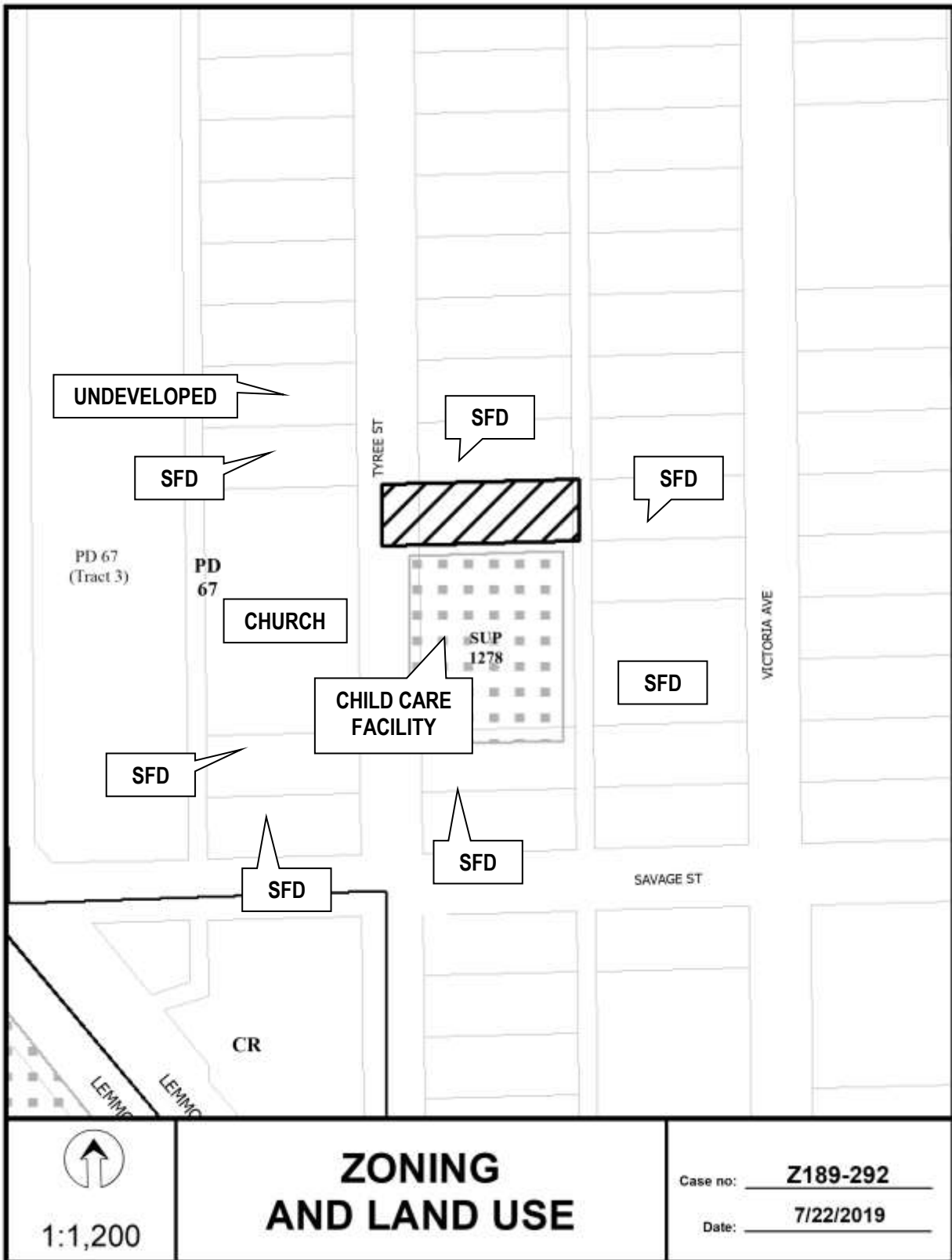
EXISTING LAND USE MAP (EXHIBIT 67A)

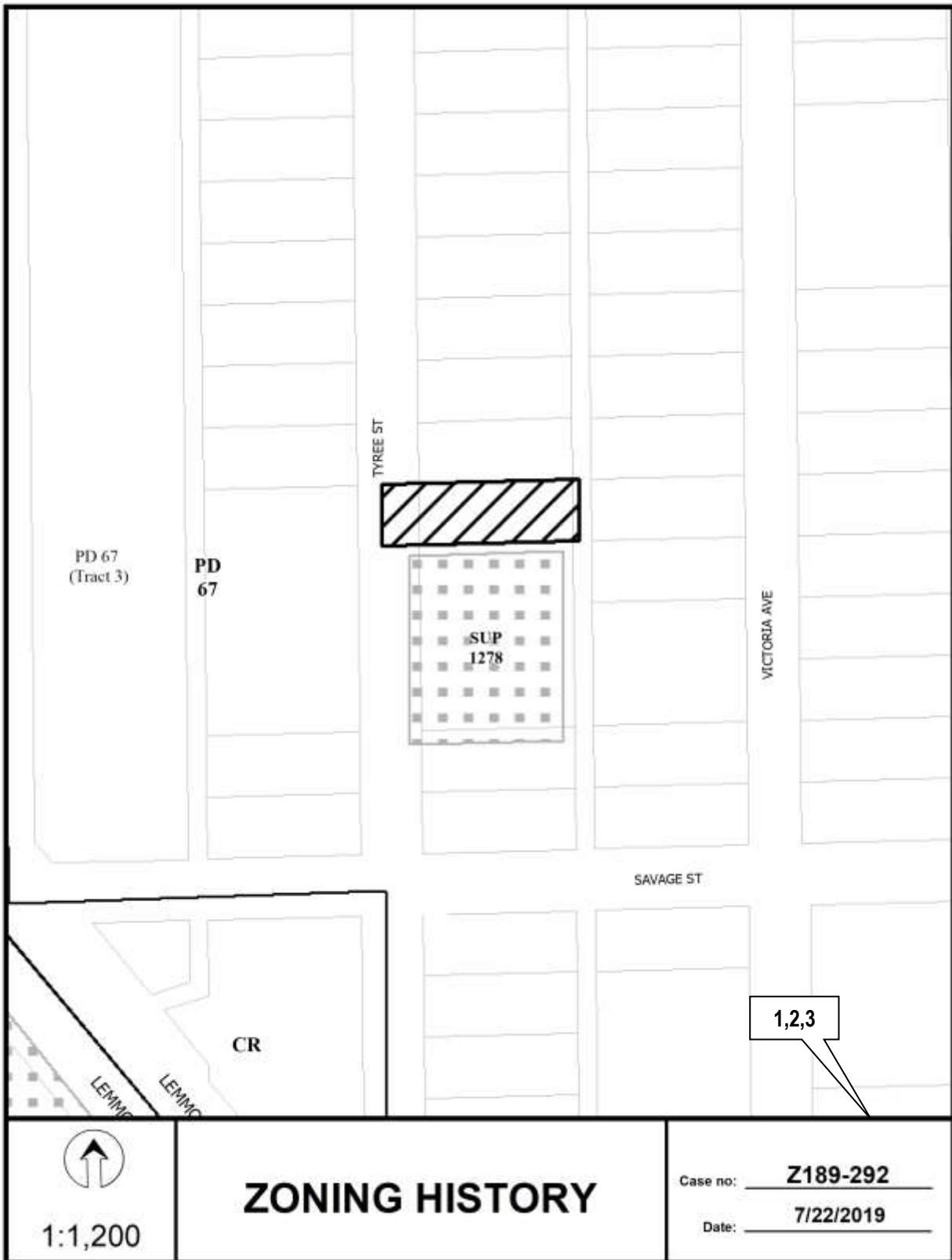
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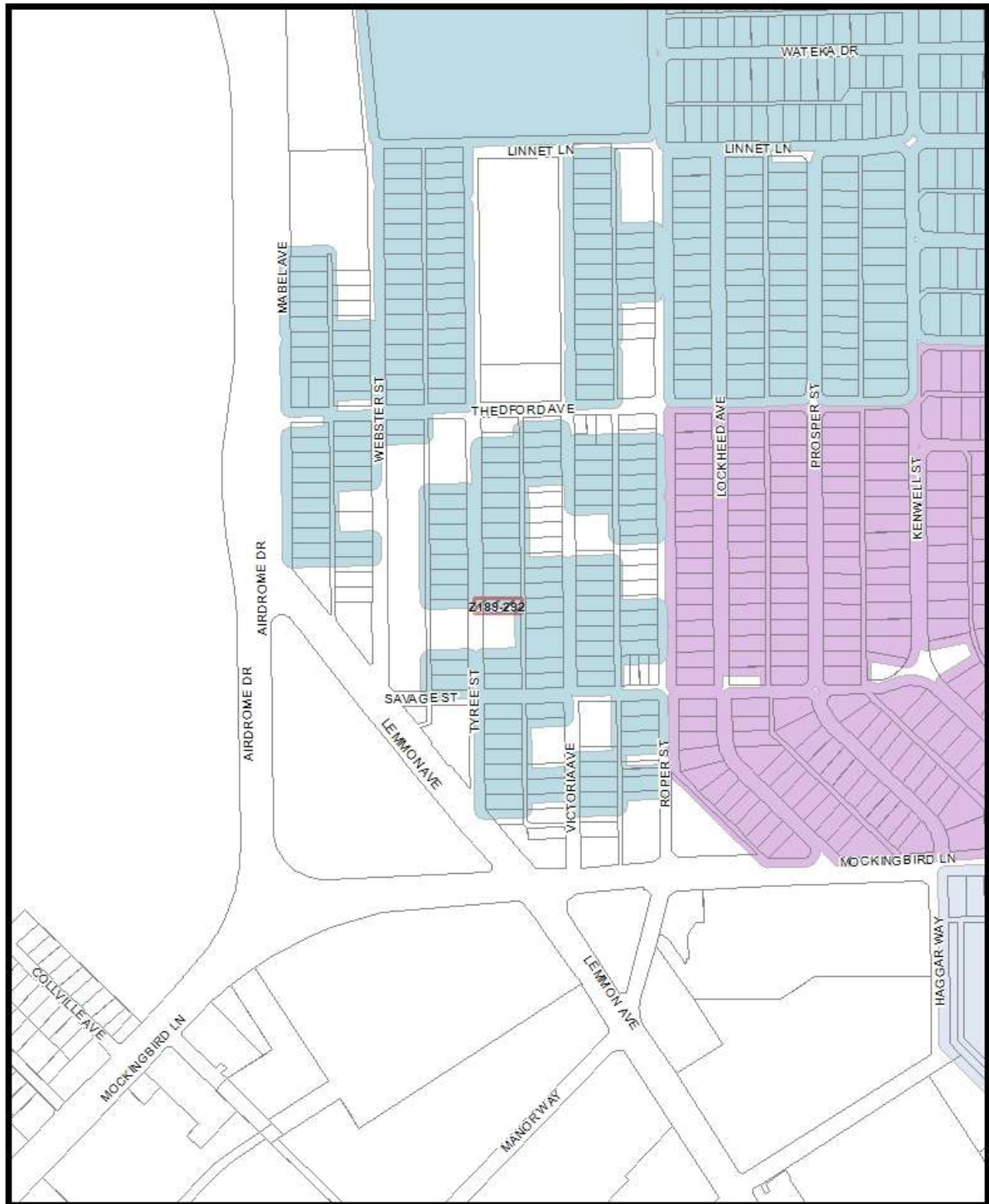












MVACluster A B C D E F G H I NA

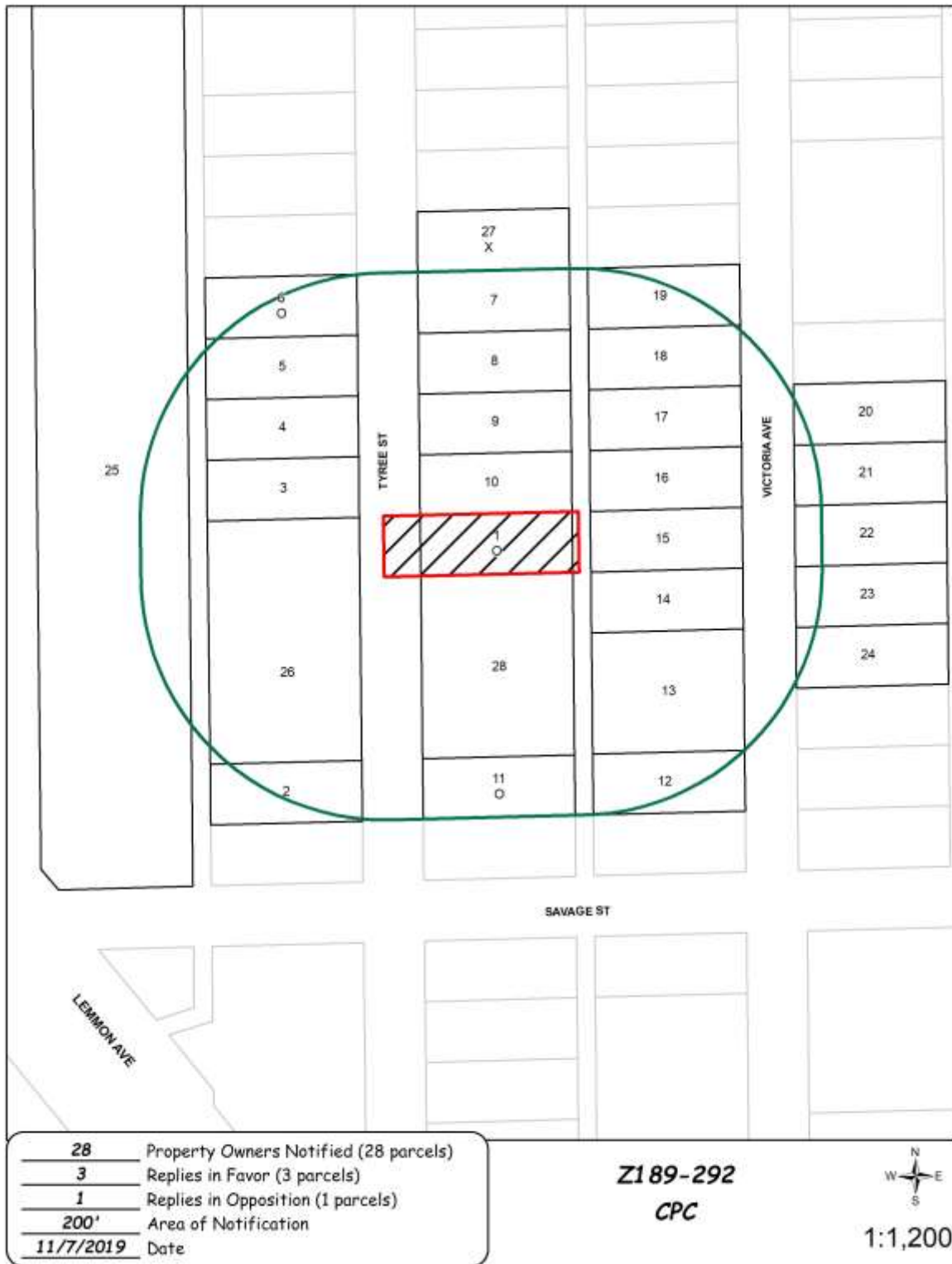


1:4,800

Market Value Analysis

Printed Date: 7/22/2019

CPC RESPONSES



11/06/2019

Reply List of Property Owners***Z189-292******28 Property Owners Notified******3 Property Owners in Favor******1 Property Owners Opposed***

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|---------------------|-----------------------|-----------------------|--|
| O | 1 | 6622 TYREE ST | 4901 4903 NEWMORE LLP |
| | 2 | 6607 TYREE ST | JOHNSON OLLIE MARIE |
| | 3 | 6627 TYREE ST | BLAIR DONALD L |
| | 4 | 6631 TYREE ST | LANCER CONSTRUCTION & DEVELOPMENT LLC |
| | 5 | 6635 TYREE ST | CARRILLO SALVADOR |
| O | 6 | 6703 TYREE ST | WILLIAMS DON |
| | 7 | 6702 TYREE ST | GREER JOHN S & |
| | 8 | 6634 TYREE ST | MARTIN TONI |
| | 9 | 6630 TYREE ST | NGUYEN HOANG & HUONG |
| | 10 | 6626 TYREE ST | GS INVESTMENTS LLC |
| O | 11 | 6606 TYREE ST | WINN ELBERT |
| | 12 | 6607 VICTORIA AVE | LE DAVID V |
| | 13 | 6615 VICTORIA AVE | LOVE MAVIS Y |
| | 14 | 6619 VICTORIA AVE | TRAN QUYNH NHU THI |
| | 15 | 6623 VICTORIA AVE | NGUYEN HEIN CONG |
| | 16 | 6627 VICTORIA AVE | ARREOLO FERNANDO |
| | 17 | 6629 VICTORIA AVE | BEAMON BILL |
| | 18 | 6635 VICTORIA AVE | SAINT LUKE MISSIONARY BAPTIST |
| | 19 | 6703 VICTORIA AVE | SAINT LUKE MISSIONARY |
| | 20 | 6630 VICTORIA AVE | WRIGHT PAUL C |
| | 21 | 6626 VICTORIA AVE | NGUYEN BAO |
| | 22 | 6622 VICTORIA AVE | VI PHONG VAN |
| | 23 | 6618 VICTORIA AVE | BENAVIDES HENRY & |
| | 24 | 6614 VICTORIA AVE | IBARRA J MARCIAL & |
| | 25 | 6710 WEBSTER ST | BETHANY BAPTIST CHURCH |
| | 26 | 6615 TYREE ST | NEW JERUSALEM AFRICAN METHODIST EPISCOPAL CHURCH |

Z189-292(CY)

11/06/2019

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|----------------|-------------------------------|
| X | 27 6706 | TYREE ST | NEW WORLD SERIES LLC SERIES W |
| | 28 6610 | TYREE ST | LANGRUM ALMA JEAN |