



## Legislation Details (With Text)

**File #:** 20-1371      **Version:** 1      **Name:**

**Type:** MISCELLANEOUS      **Status:** Hearing Closed  
HEARINGS

**File created:** 7/20/2020      **In control:** Department of Sustainable Development and Construction

**On agenda:** 8/12/2020      **Final action:** 8/12/2020

**Title:** An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application 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 west corner of Copeland and Gay Streets - W190-005 - Financing: No cost consideration to the City

**Sponsors:**

**Indexes:** 7

**Code sections:**

**Attachments:** 1. Map, 2. Application, 3. Appeal request, 4. CPC minutes, 5. Resolution

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** August 12, 2020

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Majed Al-Ghafry

### SUBJECT

An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application 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 west corner of Copeland and Gay Streets - W190-005 - Financing: No cost consideration to the City

### BACKGROUND

Section 51A-4.701(d) of the Dallas Development Codes states that "after a final decision is reached by the Commission or City Council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision." The code allows for a property owner to apply for a waiver of the two-year limitation. The Commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. If the City Plan Commission denies the request, the applicant may appeal to the City Council.

The applicant, Anilkumar Rama Thakrar Family Trust, submitted an application to bring an existing multifamily use into compliance by applying for an MF-2(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. The request was

denied by the City Plan Commission (CPC) on January 9, 2020. The applicant did not appeal the CPC denial to the City Council.

On February 19, 2020, the applicant submitted an application requesting a waiver of the two-year waiting period. On March 26, 2020, the City Plan Commission denied the request for a waiver for the two-year waiting period.

The applicant indicated that the circumstances that changed from the zoning application denial is a willingness to change the zoning request from an MF-2(A) Subdistrict to an MF-1(A) Subdistrict, and volunteer deed restrictions related to "height, density and any additional restrictions deemed germane to ensure that the proposed use is not a nuisance within the neighborhood."

On June 4, 2020, the applicant appealed the CPC denial of the waiver of the two-year waiting period.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 9, 2020, the City Plan Commission denied an application (Z189-254) for an MF-2(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 on the west corner of Copeland and Gay Streets.

On March 26, 2020, the City Plan Commission denied a request for a waiver for the two-year waiting period, on the west corner of Copeland and Gay Streets.

#### **FISCAL INFORMATION**

No cost consideration to the City.

#### **MAP**

Attached