

**FILE NUMBER:** Z201-114(JK)

**DATE FILED:** October 16, 2020

**LOCATION:** Southeast corner of East Mockingbird Lane and Norris Street

**COUNCIL DISTRICT:** 14

**MAPSCO:** 36 L

**SIZE OF REQUEST:** Approximately 2.0 Acres

**CENSUS TRACT:** 2.01

**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**APPLICANT:** Merit Lakewood, LLC

**OWNER:** First United Lutheran Church

**REQUEST:** An application for an amendment to Specific Use Permit No. 1274 for a child-care facility and a private school on property zoned an R-7.5(A) Single Family District.

**SUMMARY:** The purpose of this request is to remove the private school use and make modifications to the child-care facility regarding hours of operation

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

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

**BACKGROUND INFORMATION:**

- Originally approved by Council on January 10, 1996, Specific Use Permit No. 1274 for a child-care facility & private school has no expiration date.
- The property is developed with a church use and existing structures. The existing use is approximately 9,038 square feet of floor area.
- In 2007, Specific Use Permit No. 1274 was amended for site plan revisions, increase the number of classrooms from 8 to 5, and enrollment for student from 100 to 120.
- In 2009 Specific Use Permit No. 1274 was amended for a minor site plan revision for fencing alignment of the outdoor play area.
- The area of request is currently developed and was previously a day- care facility and private school. The last use of operation was in 2019. Currently the site is not in operation.
- The Development Code allows a child-care facility within an R-7.5 (A) District subject to a Specific Use Permit.

**Zoning History:** There has been no zoning requests in the surrounding area in the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
E. Mockingbird Road	Principal Arterial	100" ft

**Traffic:**

The Engineering Division of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

**Comprehensive Plans:**

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 applicant's request is 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 1.1.5** Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

#### **IMPLEMENTATION MEASURES**

1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

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

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools.

## URBAN DESIGN ELEMENT

### **GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE**

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

#### **IMPLEMENTATION MEASURES**

5.3.1.5 Build neighborhood facilities, such as schools, libraries and community centers, within walking distance of transit stations and homes.

*The Neighborhood Plus Plan* was adopted by the City Council in October 2015 to set a new direction and shape new policy for housing and neighborhood revitalization in Dallas. The final chapter, Strategic Goals, delineates six strategic goals to shift our approach, policies and actions to achieve greater equity and prosperity for all Dallas residents, expand the range of housing options, and enhance the quality of neighborhoods.

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-7.5(A) Single Family	Church
<b>North</b>	NS(A) Neighborhood Service	Restaurant
<b>South</b>	R-7.5(A) Single Family	Single Family
<b>East</b>	CR Community Retail	Restaurant
<b>West</b>	CR Community Retail, P (A), Parking	Office Use/ Parking

**Land Use Compatibility:**

The site is developed with a one-story structure. The applicant is seeking a request to modify hours of operation for the child-care facility and remove the private school use from the SUP. The site is surrounded by residential and retail uses. North of the site is currently zone NS (A) Neighborhood district and the location of a restaurant. Zoning to the south from intersection of Norris Rd and E. Mockingbird is currently zoned R-7.5 (A) and the location of single-family homes. West of the property is zoned CR, Community Retail District, & P(A) Parking District. Currently the site is the location of a several medical offices, and adjacent to the south is parking that serves the medical offices. East of the property is currently zoned CR, Community Retail District and the location of a restaurant. The applicant proposes operating hours for the child-care facility from Monday through Friday 6:30 a.m. to 6:30 p.m. The conditions in relation to Indoor Floor Area, Outdoor Floor Area and Enrollment can be eliminated as these requirements are regulated by the state.

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 recommends approval of this request for a five-year period with eligibility for automatic renewals for additional five years period subject to a revised site plan and conditions.

**Parking:**

Per Section 51A-4.203, the parking requirement for a child-care facility may be establishment by the SUP. The Development Code recommends the off-street parking requirement for a child-care facility is one space per 500 square feet of floor area. The proposed child-care facility is required to have 18 parking spaces. There are 66 spaces provided to serve the proposed child care facility.

**Landscaping:**

Landscaping must be provided in accordance with the landscaping requirements in Article X as amended. No new construction or expansion is proposed with this request therefore the applicant request will not trigger and landscaping requirements at this time.

**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 not within an identifiable MVA Category; however, it is in proximity to a B cluster south of the area of request.

**List of Officers**

First United Lutheran Church

- Russell Vardell, Pastor

Merit Lakewood , LLC

- Kevin Cantrell, Manager
- Raj Akolkar, Manager

**CPC ACTION**  
**FEBRUARY 4, 2021**

**Motion:** It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1274 for a child-care facility for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions on property zoned an R-7.5(A) Single Family District, on the southeast corner of East Mockingbird Lane and Norris Street.

Maker: Garcia  
Second: Murphy  
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: 300 Mailed: 50  
**Replies:** For: 1 Against: 0

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None

**CPC RECOMMENDED SUP CONDITIONS**

1. USE: The only uses authorized by this specific use permit ~~are a private school and is a~~ child care facility.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

**CPC Recommendation:**

3. TIME LIMIT: This specific use permit will expire on (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).

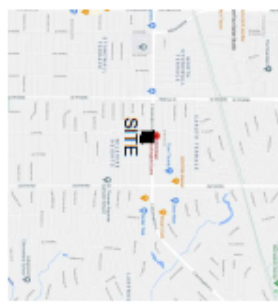
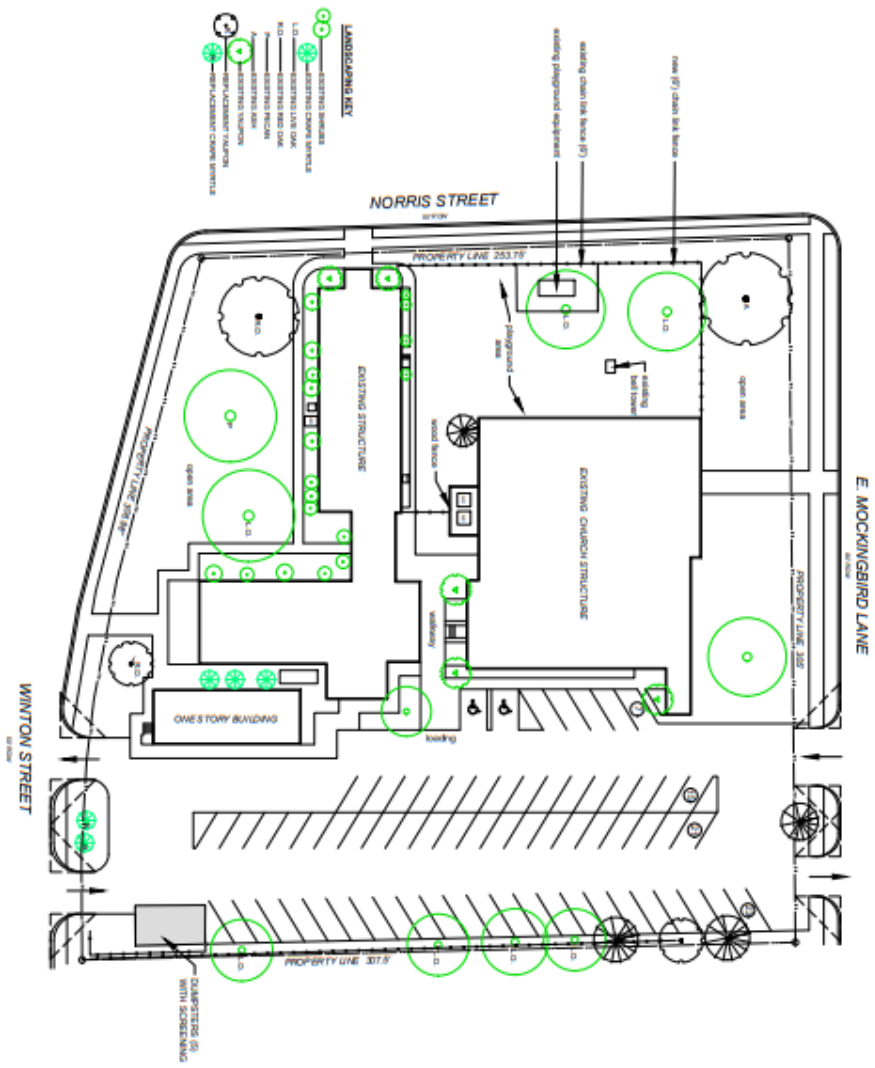
**Applicant's Request:**

3. TIME LIMIT: This specific use permit has no expiration date.
4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan and must be maintained in a healthy, growing condition.
5. HOURS OF OPERATION: The ~~private school and~~ child-care facility may only operate between ~~8:00 a.m. and 3:30 p.m.~~ 6:30 a.m. and 6:30 p.m., Monday through Friday.
6. ~~INDOOR FLOOR AREA: For the child care facility use, a minimum of 50 30 square feet of indoor floor area must be provided for each child in attendance.~~
7. ~~OUTDOOR FLOOR AREA: For the child care facility use, a minimum of 100 80 square feet of outdoor floor area must be provided for each child in the play area at any one time. The outdoor play area must be located as shown on the attached site plan.~~
8. ~~CLASSROOMS: No more than eight classrooms are permitted on the Property for the private school use.~~
9. ~~ENROLLMENT: No more than 200 120 children are permitted on the Property at any one time.~~
10. FENCING: The outdoor play area must be enclosed by a minimum four-foot-high fence, as shown on the attached site plan.

11. PARKING: Parking must be located as shown on the attached site plan.
12. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
13. 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.

**PROPOSED SITE PLAN  
(Classrooms removed)**

**1** SUP Site Plan  
SCALE 1" = 20'-0"



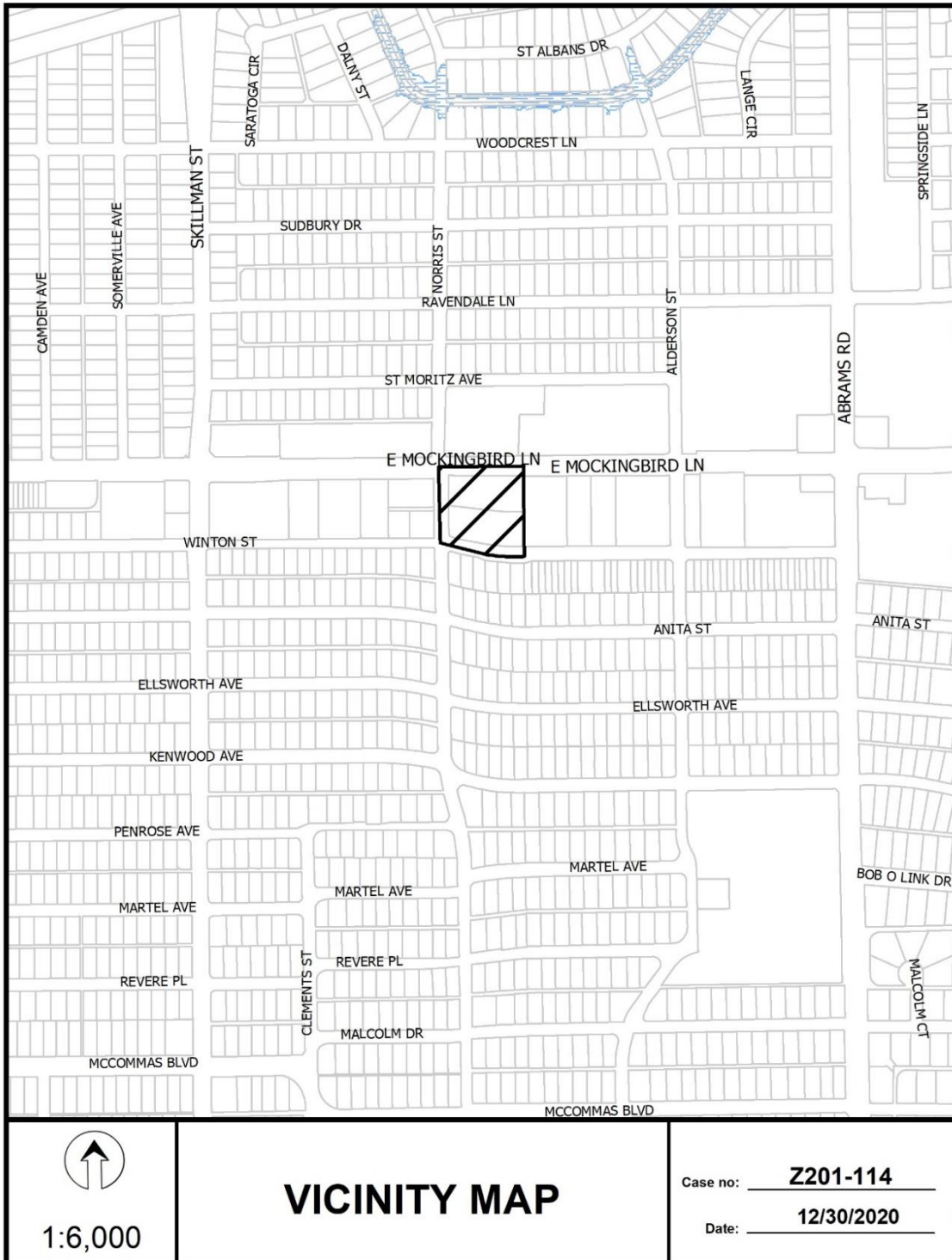
**SITE DATA TABLE**

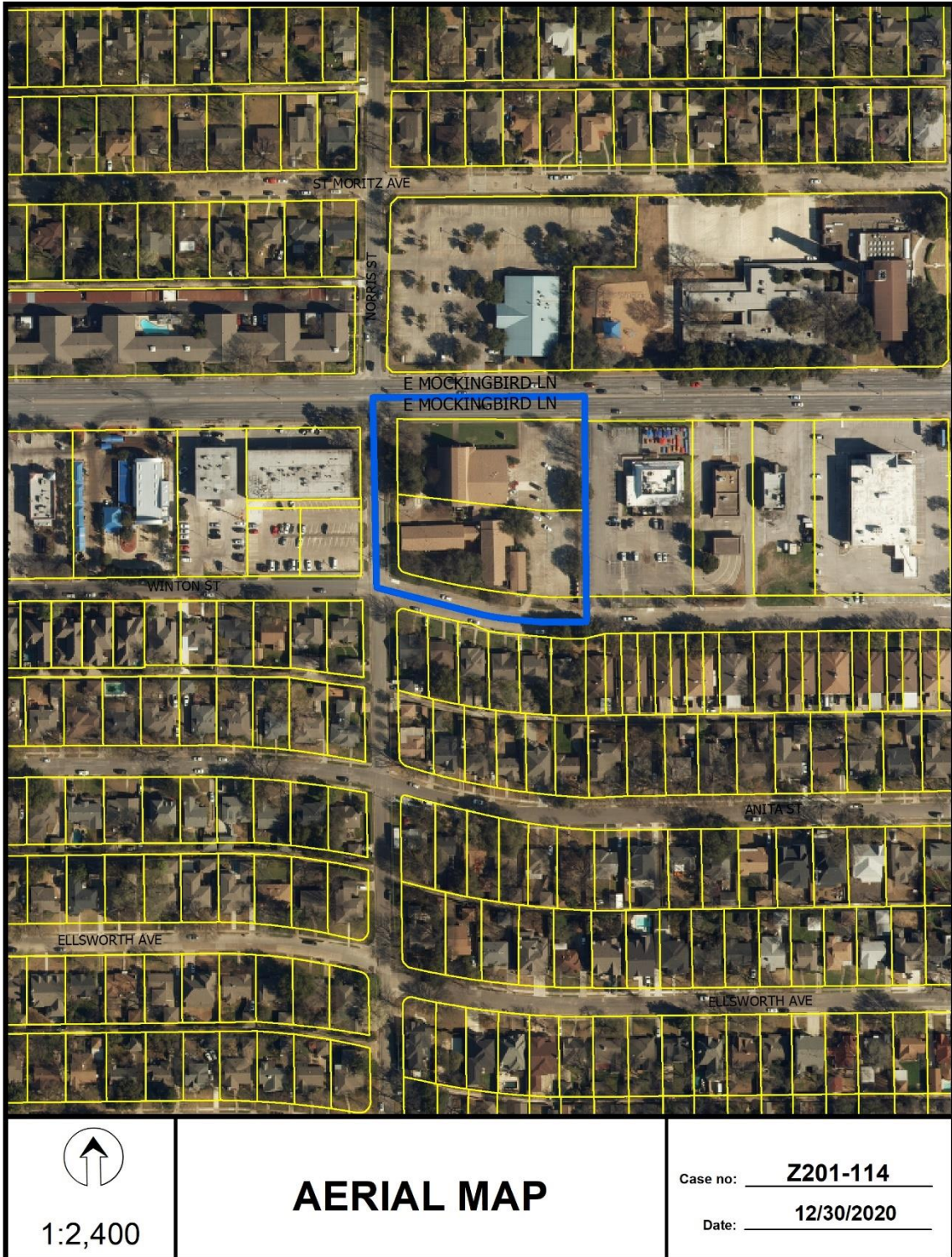
SUP NO. 074 FOR CHILD-CARE FACILITY	6022 E. MOCKINGBIRD LANE	2.01 ACRES
TOTAL SITE AREA		
LAND USE	CHILD-CARE FACILITY	
TOTAL FLOOR AREA FOR CHILD-CARE FACILITY	9,838 SF	
CHILD-CARE FACILITY (1,200)	45.03	60

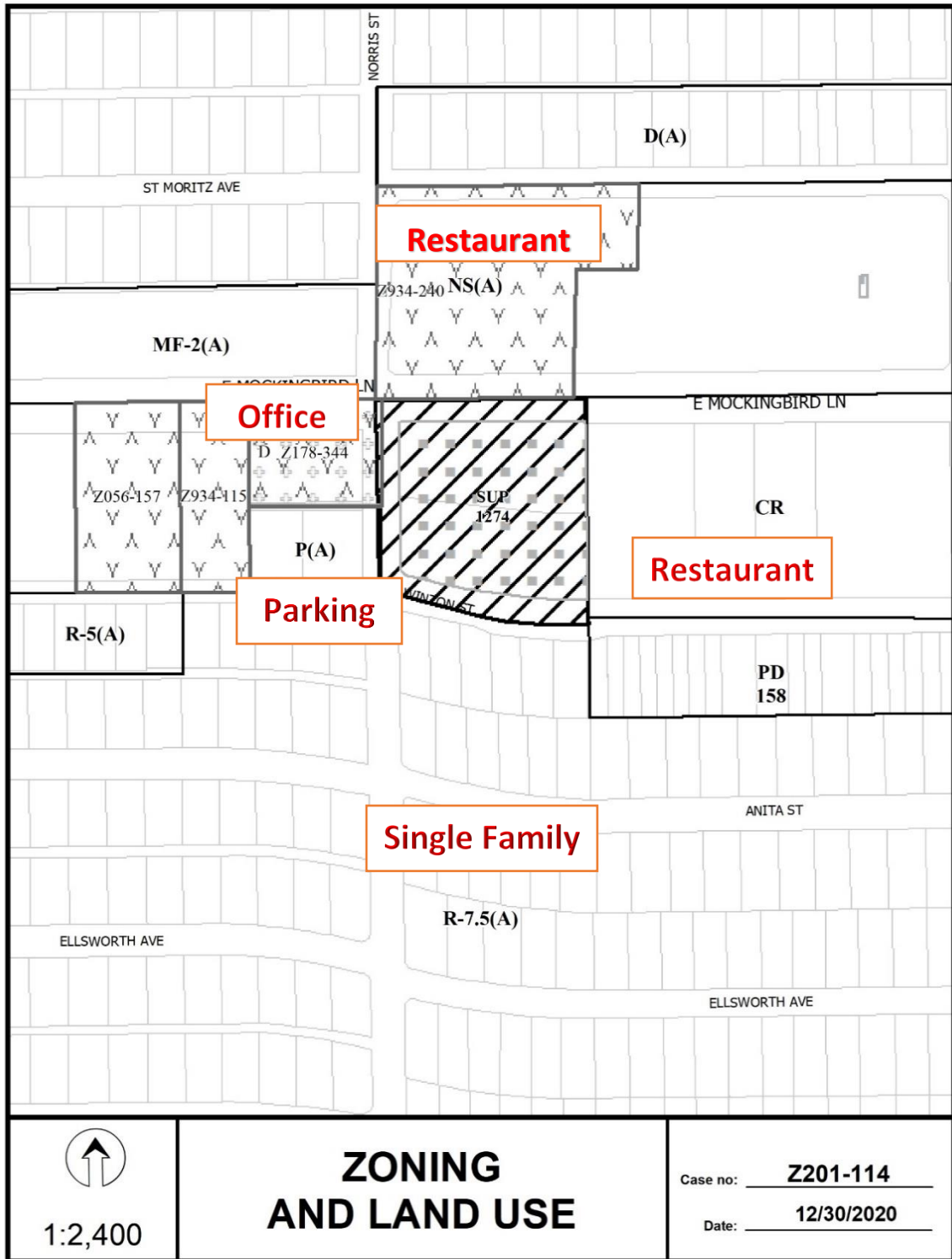
Z201-114(JK)

<p><b>6202 E. MOCKINGBIRD LANE</b> CITY OF DALLAS, TEXAS</p>	<p><b>Baldwin Associates</b></p>	<p><b>BALDWIN ASSOCIATES</b> 3904 Elm Street, Suite B Dallas, Texas 75226 MOBILE: 214.729.7949 OFFICE: 214.824.7949 rob@baldwinplanning.com</p>	<p>10/19/2020</p>
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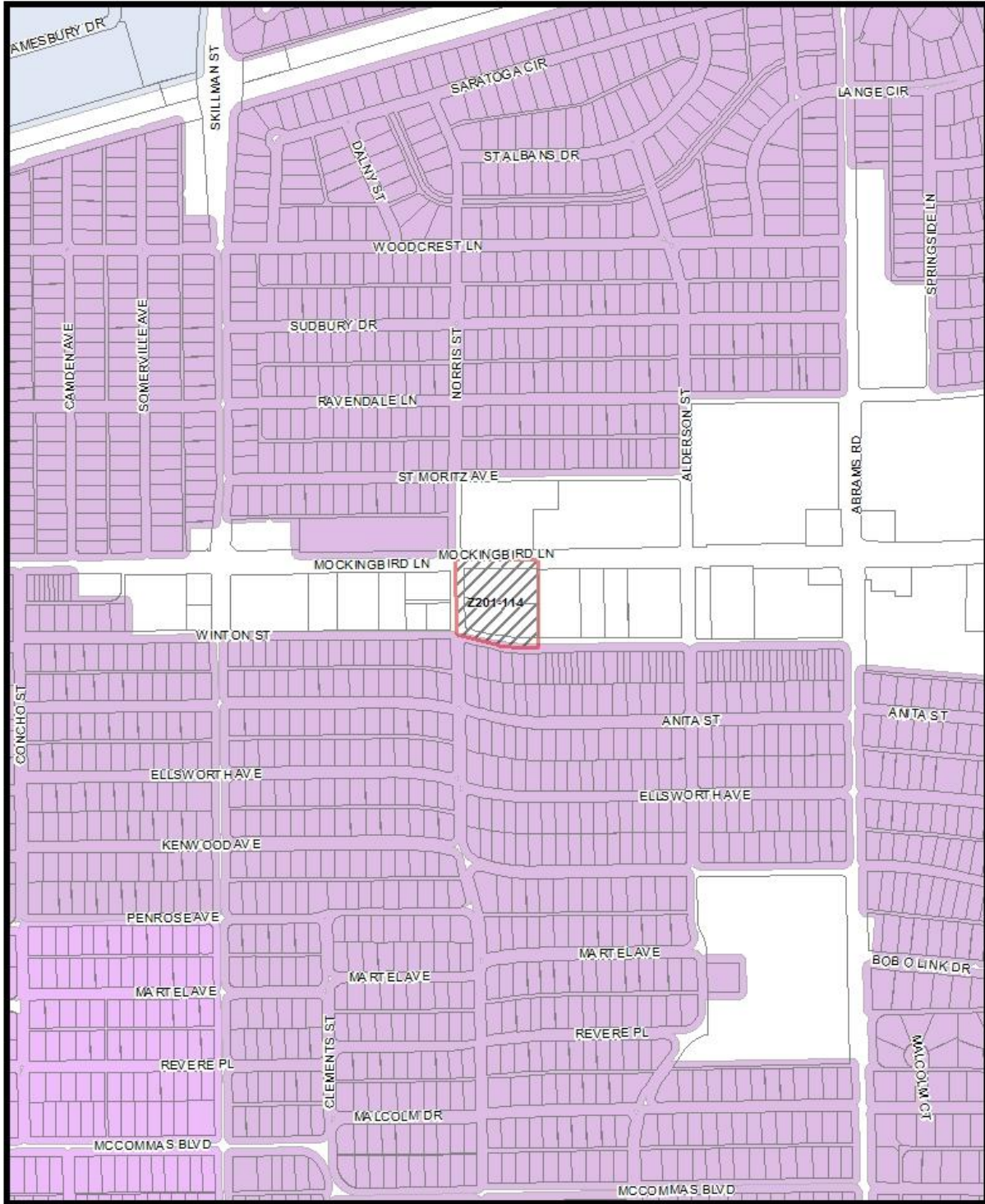


1:2,400

# ZONING AND LAND USE

Case no: Z201-114

Date: 12/30/2020



Market Value Analysis A B C D E F G H I NA

1:6,000

# Market Value Analysis

Printed Date: 12/30/2020

**CPC RESPONSES**



02/03/2021

**Reply List of Property Owners****Z201-114****50 Property Owners Notified****1 Property Owners in Favor****0 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	6202 E MOCKINGBIRD LN	FIRST UNITED LUTHERAN
	2	6201 WINTON ST	FIRST UNITED LUTHERAN
	3	6232 E MOCKINGBIRD LN	ORIEN L WOOLF & DR JACK WOOLF CHARITABLE FOUNDATIO
	4	6246 WINTON ST	RAY SAMIR
	5	6248 WINTON ST	COYNE SHERYL DENISE
	6	6244 WINTON ST	STEWART ANNA K
	7	6238 WINTON ST	WENDORF ROBERT L
	8	6236 WINTON ST	DEAN JOHN
	9	6234 WINTON ST	Taxpayer at
	10	6230 WINTON ST	HARTL KRISTIN
	11	6232 WINTON ST	GATINS LAURA L
	12	6226 WINTON ST	CHILDERS MARY BESS
	13	6228 WINTON ST	HIRSCHBRICH MARKUS
	14	6227 ANITA ST	BROWNE LOYD WARREN III & DANA C
	15	6231 ANITA ST	BOHANNON JASON A &
	16	6237 ANITA ST	BAKER KAY
	17	6243 ANITA ST	TURNER NICHOLAS
	18	6247 ANITA ST	SMITHSON LESLIE R & CHARLES M
	19	6203 ANITA ST	HIGGINS DEBORAH G
	20	6207 ANITA ST	EIBELL AMY DYAN
	21	6211 ANITA ST	MCLAURIN MICHAEL E
O	22	6215 ANITA ST	CLAUS BERNADETTE
	23	6219 ANITA ST	LAWRENCE CHRISTOPHER &
	24	6223 ANITA ST	RIVARD JOHN M
	25	6218 WINTON ST	Taxpayer at
	26	6214 WINTON ST	LESZINSKI SLAWOMIR TR

02/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	6210 WINTON ST	FIGUEROA SANDRA LIU & STEPHEN A
	28	6204 WINTON ST	SHRIME WINTON INV LLC
	29	6200 WINTON ST	CORDER ANDREA & JOHN GARNER
	30	6153 ANITA ST	AULD ELIZABETH LIFE ESTATE
	31	6159 ANITA ST	CARSON CANDICE M
	32	6163 ANITA ST	RWH HOLDINGS LLC
	33	6167 ANITA ST	ALTEMORE KATHRYN
	34	6173 ANITA ST	MACDADE MICHAEL
	35	6172 WINTON ST	MORRIS JOELLE
	36	6166 WINTON ST	KLOCKENGA JODI
	37	6162 WINTON ST	THOMPSON MARK BRANDON & REBECCA
	38	6158 WINTON ST	COBB BLAKE
	39	6152 WINTON ST	MATULICH ROBIN S
	40	4115 NORRIS ST	TERRAVET HILLSIDE OFFICE LLC
	41	6150 E MOCKINGBIRD LN	TERRAVET HILLSIDE LLC
	42	6151 E MOCKINGBIRD LN	WEHNER JAMES &
	43	6170 ST MORITZ AVE	WILLIAMS CINDY H & JOHN K
	44	6164 ST MORITZ AVE	LEDNICKY SCOTT D
	45	6160 ST MORITZ AVE	DEAN REVOCABLE TRUST
	46	6154 ST MORITZ AVE	MARTINI SARAH GRAY
	47	6248 E MOCKINGBIRD LN	Taxpayer at
	48	6220 WINTON ST	CONLEY PROPERTY GROUP LLC
	49	6255 E MOCKINGBIRD LN	ROMAN CATHOLIC DIOCESE DALLAS
	50	6221 E MOCKINGBIRD LN	Taxpayer at