

FILE NUMBER: Z234-285(GB) **DATE FILED:** July 17, 2024

LOCATION: Northwest line of Indian Creek Trail, between Foxboro Lane and University Hills Boulevard

COUNCIL DISTRICT: 3

SIZE OF REQUEST: Approx. 8,040 sq. ft. **CENSUS TRACT:** 48113011202

OWNER/APPLICANT: Penny Ihemelu [Sole Owner]

REQUEST: An application for a Specific Use Permit for a handicapped group dwelling unit on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of the request is to allow a handicapped group dwelling unit on the property within the existing building.

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

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

BACKGROUND INFORMATION:

- The area of request is currently zoned R-7.5(A) and is developed with a single-family home.
- The applicant proposes to utilize the existing home for a handicapped group dwelling unit.
- Chapter 51A defines a handicapped group dwelling unit as a single dwelling unit that is the domicile of not more than eight handicapped persons who are not a “family” as that term is defined in this chapter, and who are living together as a single housekeeping unit.
- The use is permitted by right within the R-7.5(A) District, but requires an SUP when within 1,000 feet of another group residential facility. Due to the presence of existing facilities within the surrounding area, but not located within this block, an SUP is required for the use.

Zoning History:

There have been not been any zoning cases in the area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Indian Creek Trail	Local	-

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 the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCE GROWTH

Policy 5.2.4 Ensure that zoning is flexible enough to changing economic conditions.

NEIGHBORHOOD PLUS POLICY

GOAL 4.3 ENHANCE NEIGHBORHOOD DESIRABILITY BY IMPROVING INFRASTRUCTURE, HOUSING STOCK, RECREATION AND SAFETY

Land Use:

	Zoning	Land Use
Site	R-7.5(A) Single Family District	Single-Family
North	R-7.5(A) Single Family District	Single-Family
South	R-7.5(A) Single Family District	Single-Family
East	R-7.5(A) Single Family District	Single-family
West	R-7.5(A) Single Family District	Single-Family

Land Use Compatibility:

The area of request is currently surrounded by single-family homes to the north, south, east and west. Staff finds the applicant’s proposal compatible with these surrounding uses.

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 supports the request because the use is not foreseen to be detrimental to surrounding properties. Staff also finds the proposed time limit of five years with eligibility for automatic renewal for additional five-year periods appropriate for this site.

Landscaping:

Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a handicapped group dwelling unit is one parking space per dwelling unit when located in R-7.5(A) zoning district. Per the site plan, the applicant is providing the required amount of parking.

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 currently within a "F" MVA cluster.

**CPC Action
November 21, 2024**

Motion: It was moved to recommend **approval** of a Specific Use Permit for a handicapped group dwelling unit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an R-7.5(A) Single Family District, on the northwest line of Indian Creek Trail between Foxboro Lane and University Hills Boulevard.

Maker: Herbert
Second: Shidid
Result: Carried: 10 to 0

For: 10 - Hampton, Herbert, Forsyth, Shidid,
Carpenter, Blair, Sleeper, Hall, Kingston,
Rubin

Against: 0
Absent: 4 - Chernock, Wheeler-Reagan, Housewright, Haqq
Vacancy: 1- District 11

Notices: Area: 200 Mailed: 30
Replies: For: 0 Against: 4

Speakers: For: Ahmed Haruna, 1041 Indian Creek Trl. Dallas, TX, 75241
Against: Toby McGilbra, 1035 Indian Creek Trl., Dallas, TX, 75241
Adena Price-McGilbra, 1035 Indian Creek Trl., Dallas, TX, 75241

**CPC Action
October 24, 2024**

Motion: In considering an application for a Specific Use Permit for a handicapped group dwelling unit on property zoned an R-7.5(A) Single Family District, on the northwest line of Indian Creek Trail between Foxboro Lane and University Hills Boulevard, it was moved to **hold** this case under advisement until November 21, 2024

Maker: Herbert
Second: Hampton
Result: Carried: 12 to 0

For: 12 - Chernock, Hampton, Herbert, Forsyth,
Shidid, Carpenter, Wheeler-Reagan,
Sleeper, Housewright, Hall, Kingston, Ruben

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Against: 0
Absent: 3 - Blair, Eppler, Haqq
Vacancy: 0

Notices: Area: 200 Mailed: 30
Replies: For: 0 Against: 4

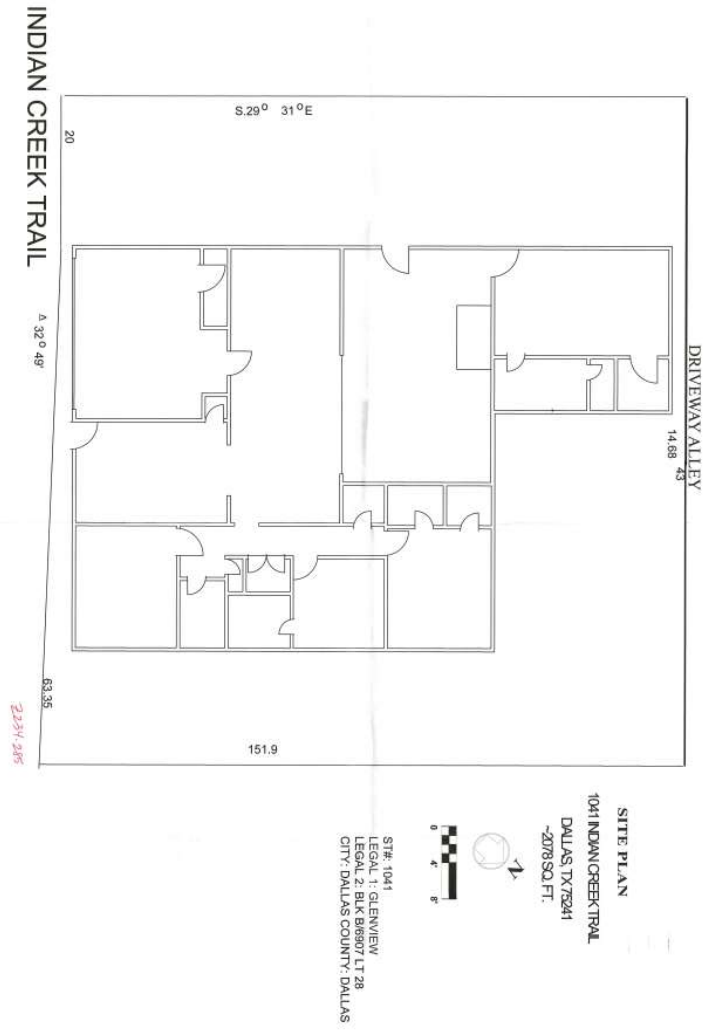
Speakers: For: None
Against: None

Against(Did not speak): Toby McGilbra, 1035 Indian Creek Trl., Dallas, TX, 75241
Adena McGilbra, 1035 Indian Creek Trl., Dallas, TX, 75241
Shan White, 1047 Indian Creek Trl., Dallas, TX, 75241

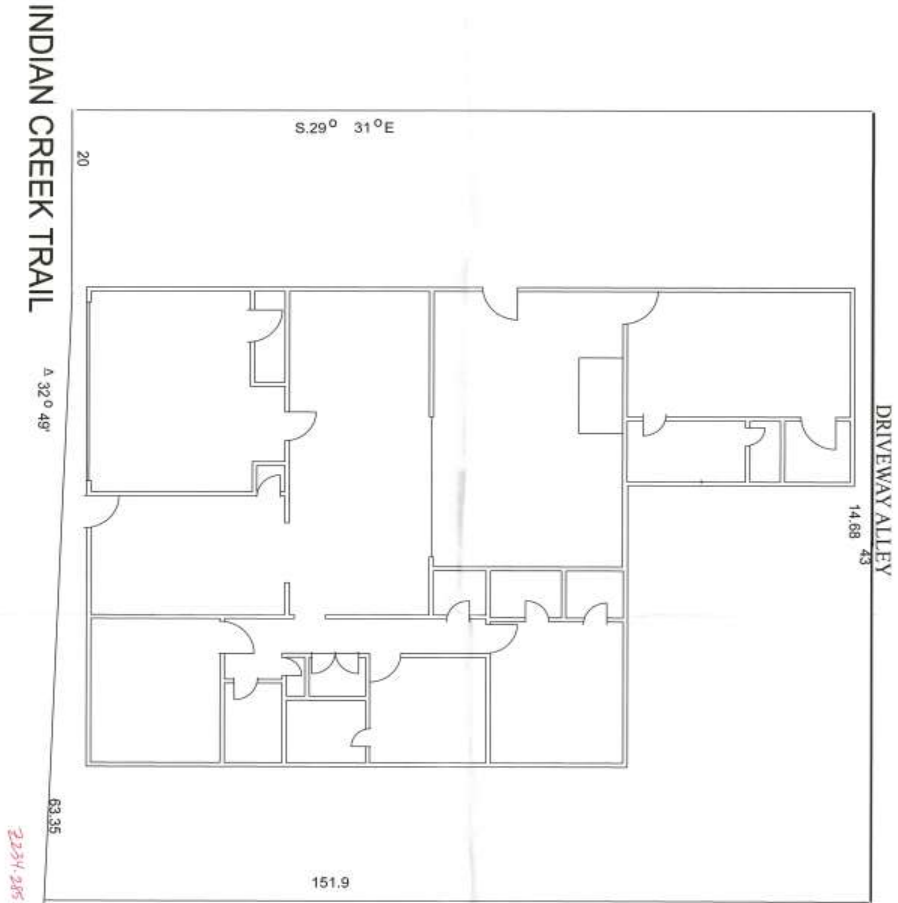
CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is a handicapped group dwelling unit.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two 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.)
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. 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.

CPC RECOMMENDED SITE PLAN



CPC RECOMMENDED SITE PLAN (ENLARGED)



2234-285

SITE PLAN

1041 INDIAN CREEK TRAIL

DALLAS, TX 75241

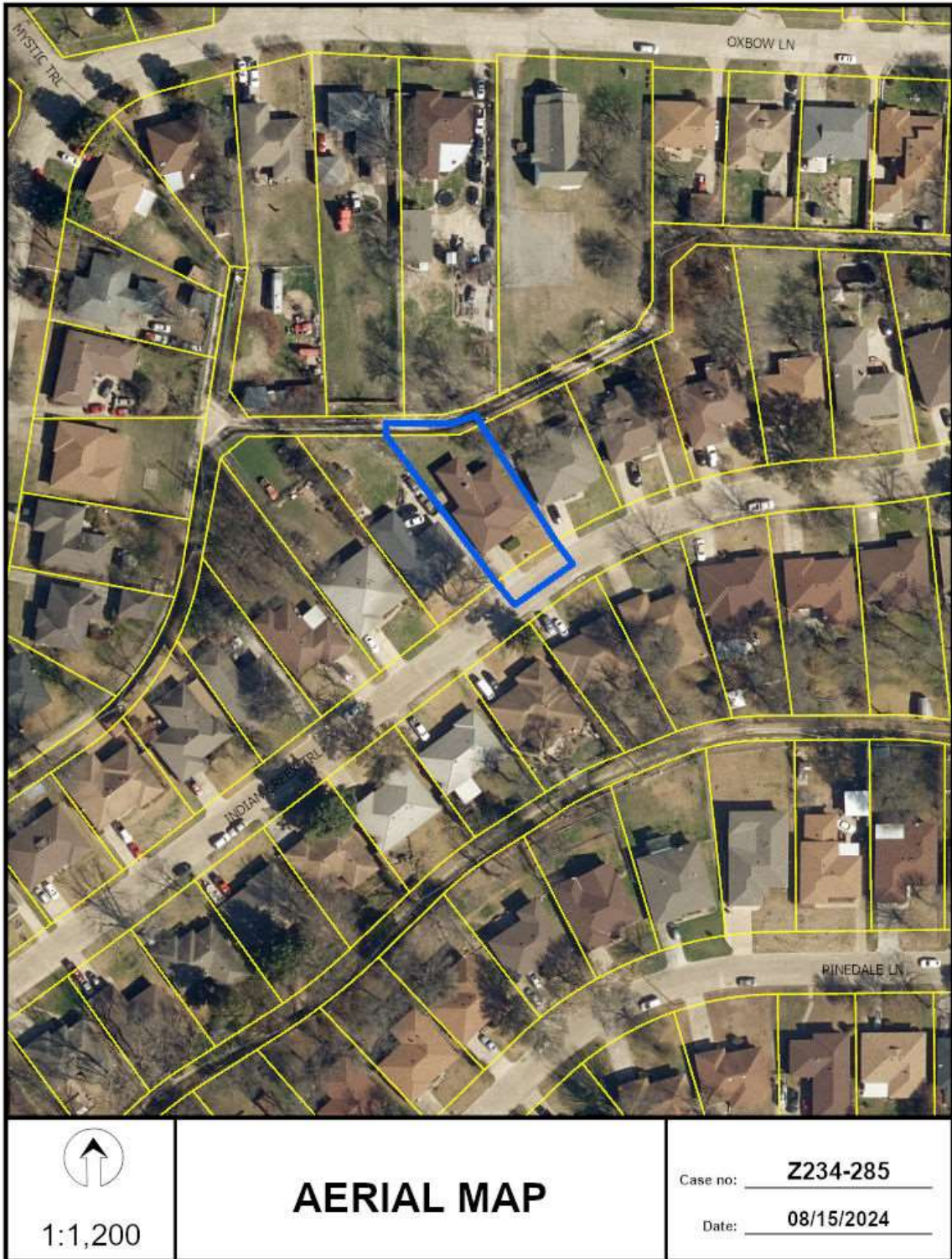
-2078 SQ. FT.

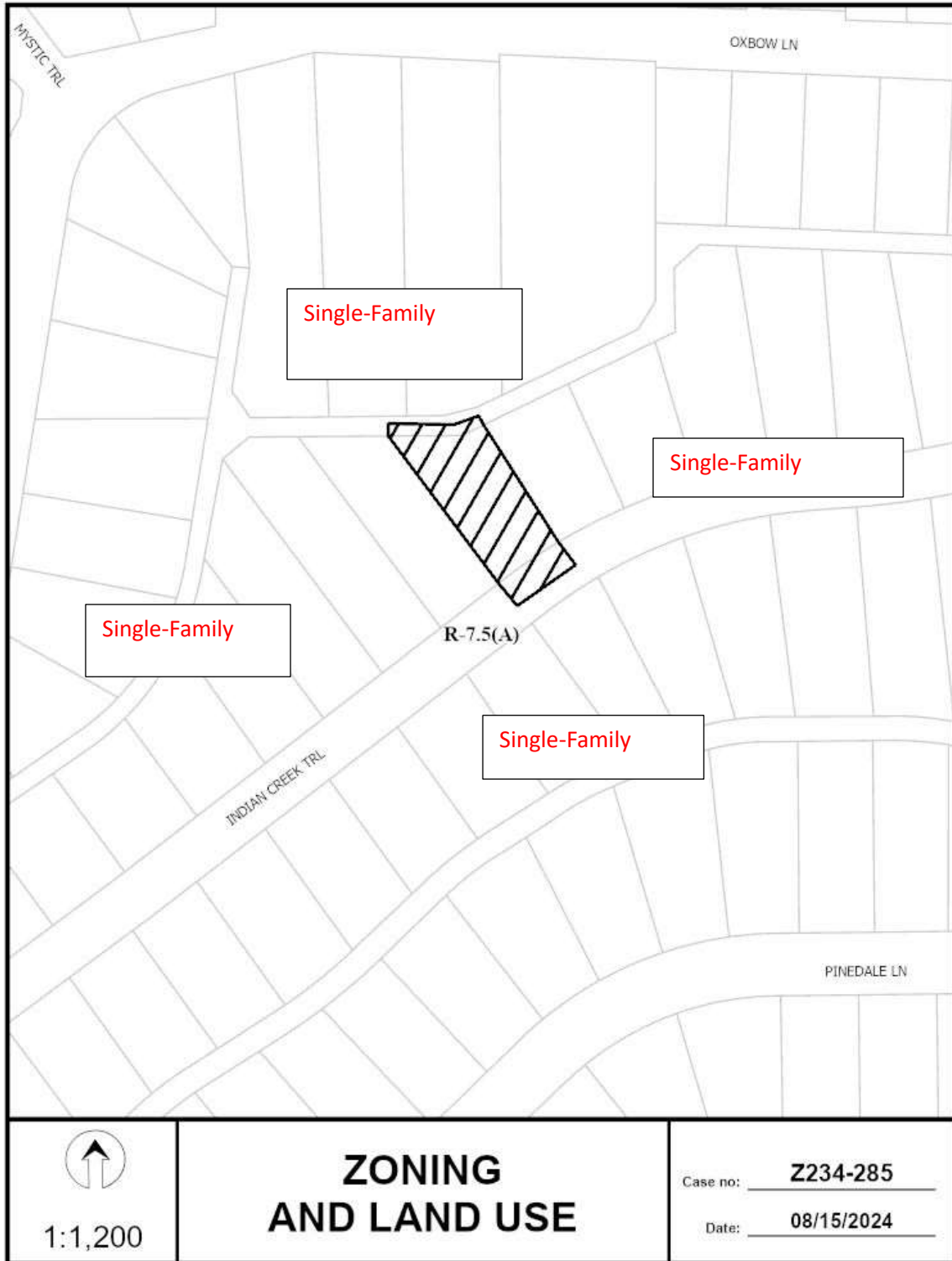


ST#: 1041
LEGAL 1: GLENVIEW/
LEGAL 2: BLK B88807 LT 28
CITY: DALLAS COUNTY: DALLAS

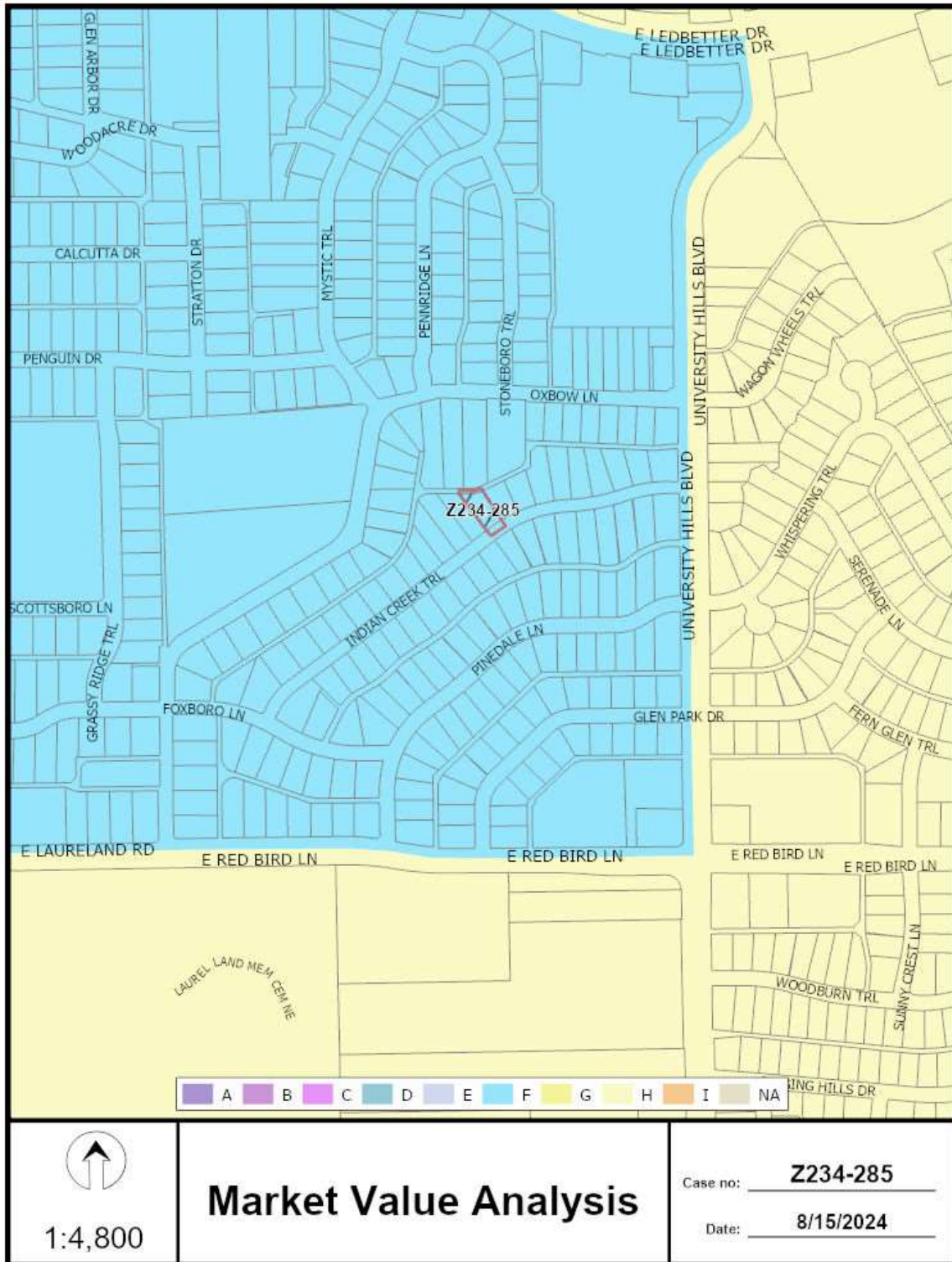
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<u>30</u>	Property Owners Notified (30 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>4</u>	Replies in Opposition (4 parcels)
<u>200'</u>	Area of Notification
<u>11/21/2024</u>	Date

Z234-285
CPC



1:1,200

11/20/2024

Reply List of Property Owners**Z234-285*****30 Property Owners Notified 0 Property Owners in Favor 4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1041 INDIAN CREEK TRL	SAMUELS PORTIA
	2	1047 INDIAN CREEK TRL	KARAGIAS KEVIN R
	3	1136 OXBOW LN	MARQUEZ VICTOR HUGO & ENELDA
X	4	1028 INDIAN CREEK TRL	LEONARD LARRY D
	5	1018 OXBOW LN	GRACE JACQUELINE
X	6	1108 INDIAN CREEK TRL	BURKS JOHNNY L
	7	1023 INDIAN CREEK TRL	JACKSON WILLIE L &
X	8	1035 INDIAN CREEK TRL	MCGILBRA ADENA
	9	1017 INDIAN CREEK TRL	JACKSON ANDREW
	10	1111 PINEDALE LN	DYKES BETTY C
	11	1107 INDIAN CREEK TRL	SIMON GUSTRIA R JR
	12	1022 INDIAN CREEK TRL	PERRY ONITA LIVING TRUST
	13	1146 OXBOW LN	ALLEN JOEY DEMOND &
	14	1012 OXBOW LN	BROADNAX REGINA C &
	15	1047 PINEDALE LN	WILLIAMS ROBBYE
	16	1042 INDIAN CREEK TRL	WILSON JEROME
	17	1115 INDIAN CREEK TRL	WTE3 INVESTMENT LLC
	18	1043 PINEDALE LN	DIGGS BENETTA EST OF
	19	1126 OXBOW LN	HENDRICKS IDA MAE
	20	1116 OXBOW LN	STANSELL LARVENE S
	21	1111 INDIAN CREEK TRL	DANIELS H PAUL
	22	1036 OXBOW LN	VALDEZ JULIAN JR & MIREYA
	23	1024 OXBOW LN	COKES ROBERT EARL
	24	1030 OXBOW LN	SEARCY CYNTHIA
	25	1106 OXBOW LN	LEWIS ROMEO DR H JR
	26	1029 INDIAN CREEK TRL	GILMORE MARY E ESTATE OF

Z234-285(GB)

11/20/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	27	1034 INDIAN CREEK TRL	PRICE DORIS L T
	28	1105 PINEDALE LN	MCGEE ESSIE
	29	1114 INDIAN CREEK TRL	SMITH EDNA L EST OF
	30	1048 INDIAN CREEK TRL	YOUNG ELIZABETH EST OF