

FILE NUMBER: Z190-186(AM)

DATE FILED: January 22, 2020

LOCATION: Southeast corner of North Winnetka Avenue and Gallagher Street

COUNCIL DISTRICT: 6

MAPSCO: 44 K

SIZE OF REQUEST: ±0.512 acres

CENSUS TRACT: 101.02

REPRESENTATIVE: Robert Baldwin; Baldwin Planning

OWNER/APPLICANT: Vickery Meadow Learning Center

REQUEST: An application for an amendment to and the renewal of Specific Use Permit No. 1763 for a community service center use on property zoned an R-5(A) Single Family District.

SUMMARY: The purpose of this request is to amend the existing site plan to allow for an exterior playground recreation area. A total of five off-street parking spaces will be removed from the site to accommodate the proposed playground recreation area. [Vickery Meadow Learning Center]

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:

- SUP No.1763 was originally granted by the City Council on June 24, 2009 for a five-year period with five-year automatic renewals.
- SUP No.1763 was amended and renewed by the City Council on May 30, 2015 for a five-year period with five-year automatic renewals.
- On January 11, 2020 the applicant applied for an automatic renewal of SUP No. 1763.
- Upon review of the site to verify compliance, staff discovered changes to the site which differed from the existing site plan. These changes included the addition of an outdoor playground and the reduction of the number of off-street parking spaces. The applicant was notified of these discrepancies and given the option to bring the site into compliance or amend the site plan.
- The applicant went before the Board of Adjustment to request a special exception for five off-street parking spaces in order to allow for the continued use of the exterior playground on the site. On August 17, 2020, the Board of Adjustment Panel C granted the applicant's request for the parking reduction.
- The applicant amended the existing site plan to reflect the changes as permitted by the Board of Adjustment to reflect a revised site plan for the property. The applicant is requesting the site plan be amended to allow for the playground area and to revise the parking spaces.

Zoning History: There have been no zoning change requests in the area within the last five years.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
North Winnetka Ave	Local	56 feet
Gallagher Street	Local	53 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the original SUP request and determined that the existing development would not have a negative impact on the surrounding street system and the Engineering Division maintains this recommendation.

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 proposed zoning request meets the below goals and objectives of the Comprehensive Plan.

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

Surrounding Land Uses:

	Zoning	Land Use
Site	R-5(A), SUP 1763	Community Service Center
North	R-5(A)	Single Family
East	R-5(A)	Single Family
South	R-5(A)	Single Family
West	R-5(A)	Single Family

Land Use Compatibility:

The request site is currently developed with a one story ±4,977-square-foot structure. The site has been used as a community service center since 2009 and will continue to be used as such.

The site is located in a residential neighborhood with single family homes located directly to the north, east, south, and west of the property. Benito Juarez Park can be found on the east line of Winnetka Avenue, approximately 200 feet south of the property.

Pursuant to §51A-4.204 a community service center use requires one off-street parking space per 200 square feet of floor area. Although 25 off-street parking spaces would be required for this use, the applicant received a special exception from the Board of Adjustment for five parking spaces on August 19, 2020. The applicant intends to provide 20 off-street parking spaces. The revised plan includes a playground area where prior parking was previously shown. As the intended demographic of the Vickery Meadow

Learning center is individuals and their families in and around the surrounding neighborhood, the impact of reducing the required parking by five spaces and the impact this would pose on the surrounding neighborhood is deemed to be minimal.

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.

The community service center has been operational since 2009. As the request does not alter the operational standards of the SUP, and the use has been in good standing, staff considers an amendment to be appropriate. Staff recommends the continuation of the SUP for a five-year time period with eligibility for automatic renewals for five-year periods.

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 site bordered on the north, east, south, and west by the "G" MVA category.

Landscaping:

The landscaping is per Article X and is require as shown on the site plan.

List of Partners

Vickery Meadow Learning Center (dba Literacy Achieves)

David M. Hundley, President
Shelton G. Hopkinds, Vice President
Sarah Papert, Executive Director
Jeff Morales, Treasurer
Myra Fischel, Secretary

CPC ACTION
November 5, 2020

Motion: It was moved to recommend **approval** of an amendment to and renewal of Specific Use Permit No. 1763 for a community service center use 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-5(A) Single Family District, on the southeast corner of North Winnetka Avenue and Gallagher Street.

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

For: 14 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Jung, Myers,
Suhler, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 1 - Blair
Vacancy: 0

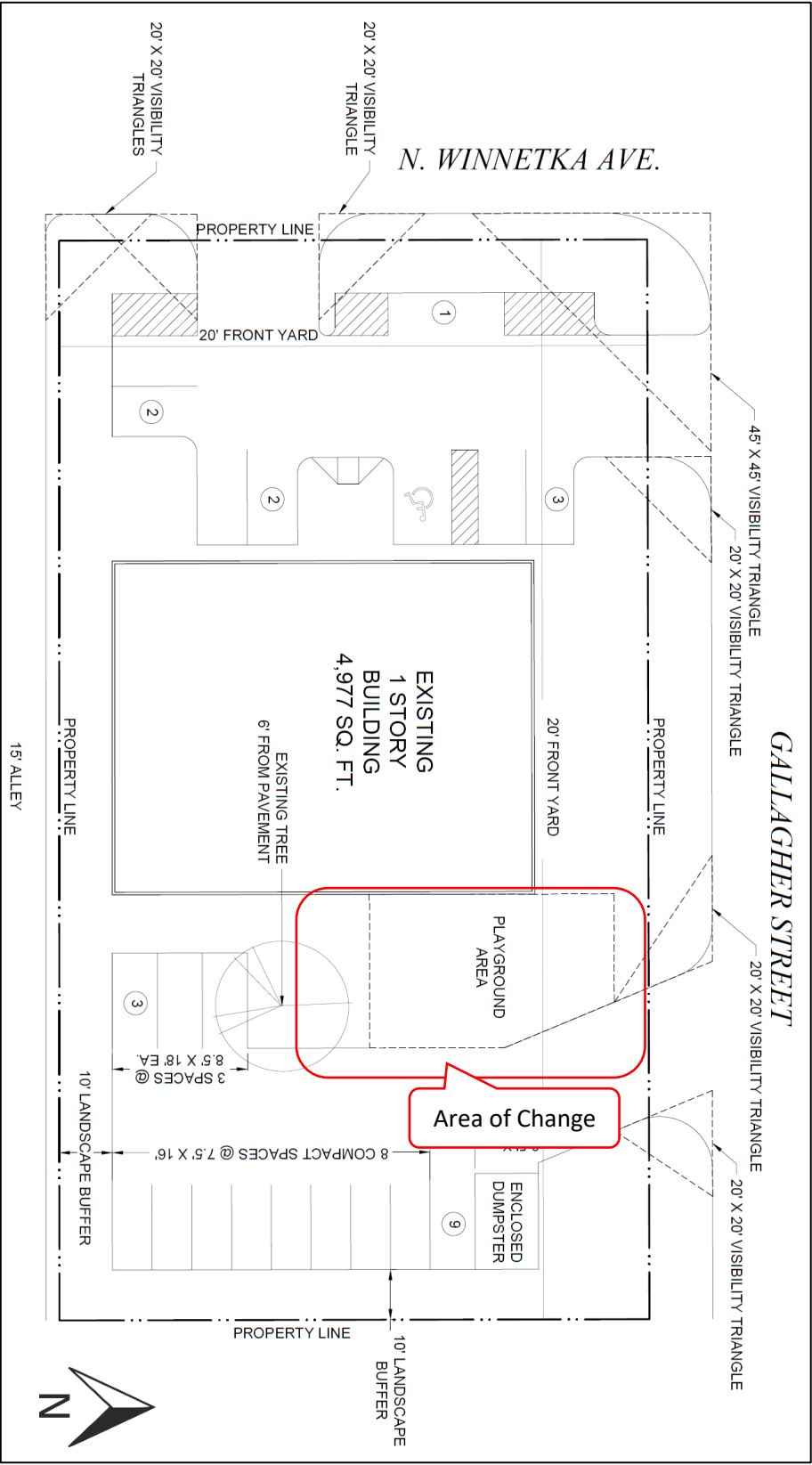
Notices: Area: 200 Mailed: 40
Replies: For: 0 Against: 1

Speakers: For: None
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

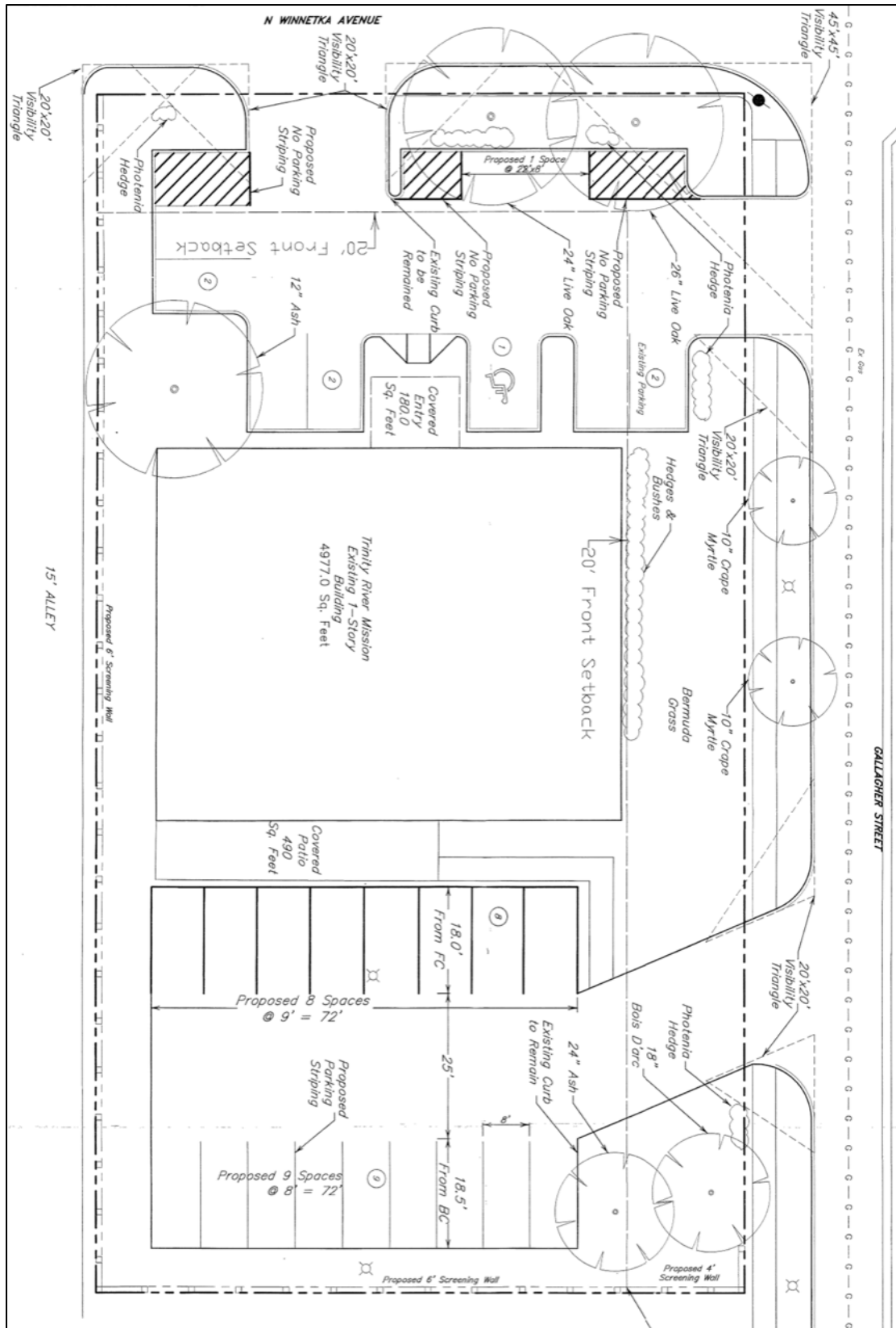
CPC RECOMMENDED SUP CONDITIONS

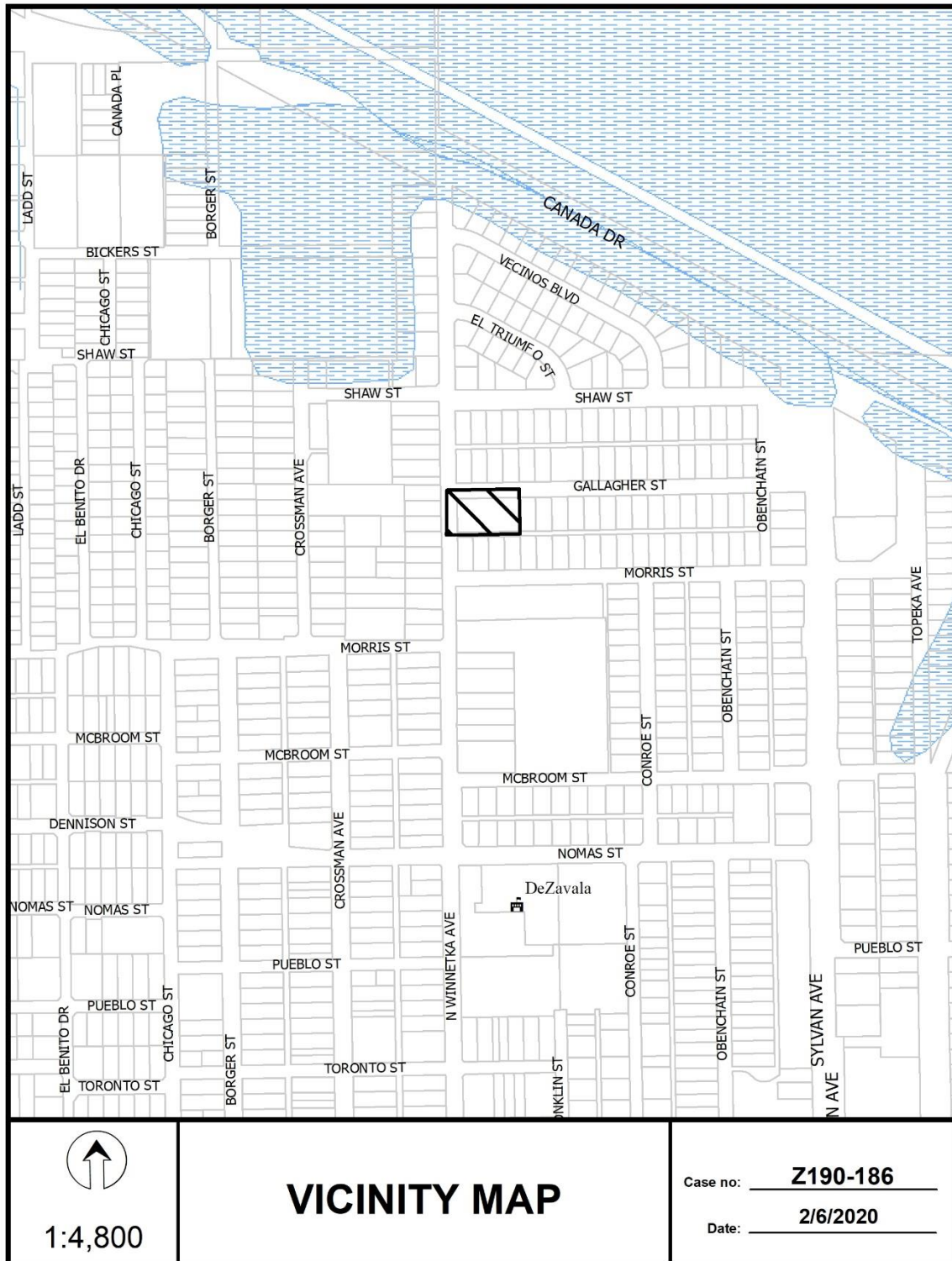
1. **USE**: The only use authorized by this specific use is a community service center.
2. **SITE PLAN**: Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT**: This specific use permit expires on ~~May 27, 2020~~ (five-year period from the passage of this ordinance) 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. **LANDSCAPING**: Landscaping must be provided as shown on the attached Site Plan. Plant materials must be maintained in a health, growing condition.
5. **FLOOR AREA**: The maximum floor area for the community service center is 4,977 square feet in the location shown on the attached site plan.
6. **HOURS OF OPERATION**: The community service center may only operate between 9:00 a.m. and 2:00 p.m., Monday through Friday, and from August 1st through May 31st between 6:00 p.m. and 9:00 p.m., Tuesday and Thursday.
7. **INGRESS/EGRESS**: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
8. **MAINTENANCE**: The Property must be properly maintained in a state of good repair and neat appearance.
9. **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

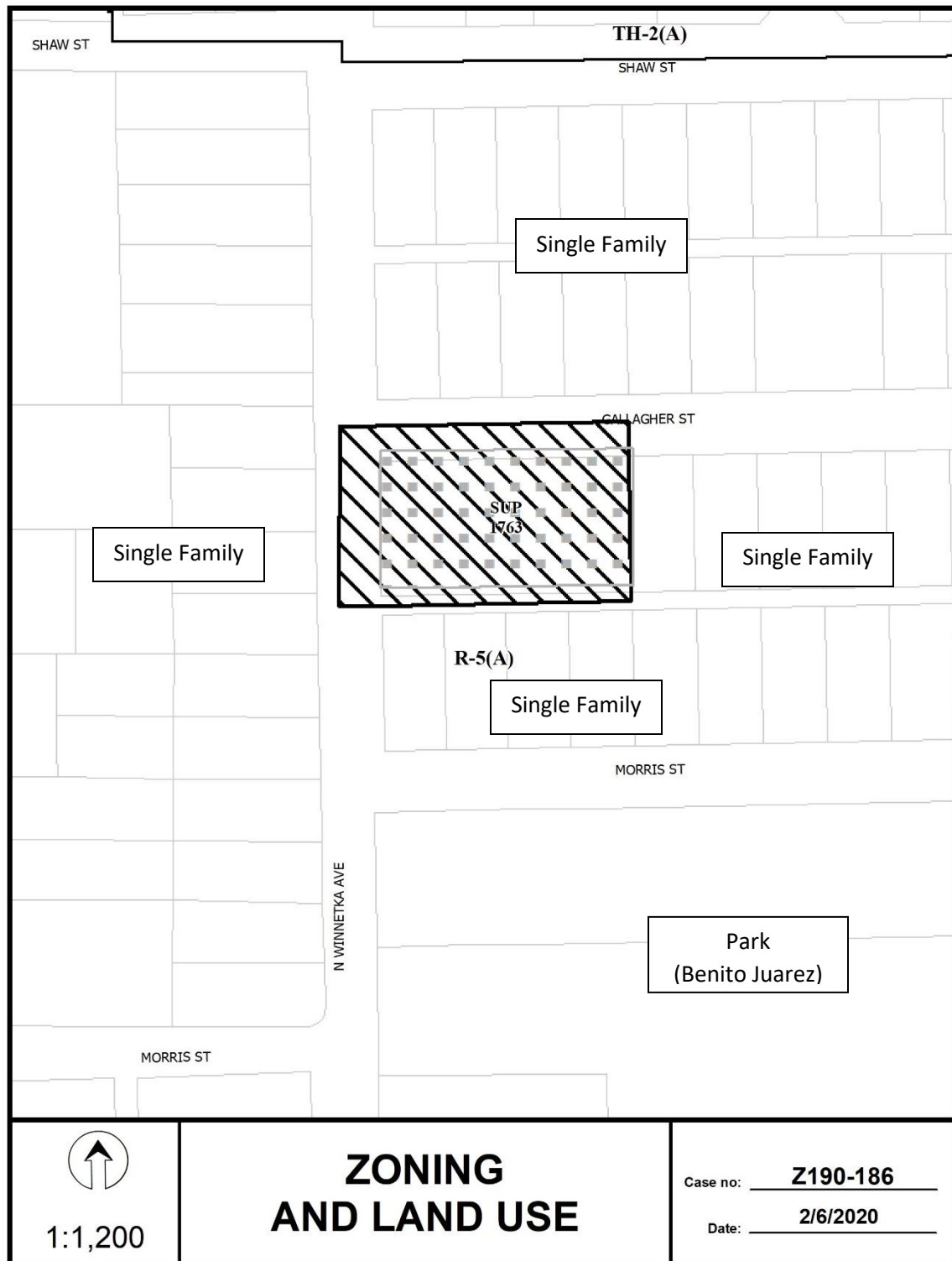


Existing Site Plan











Market Value Analysis

A B C D E F G H I NA

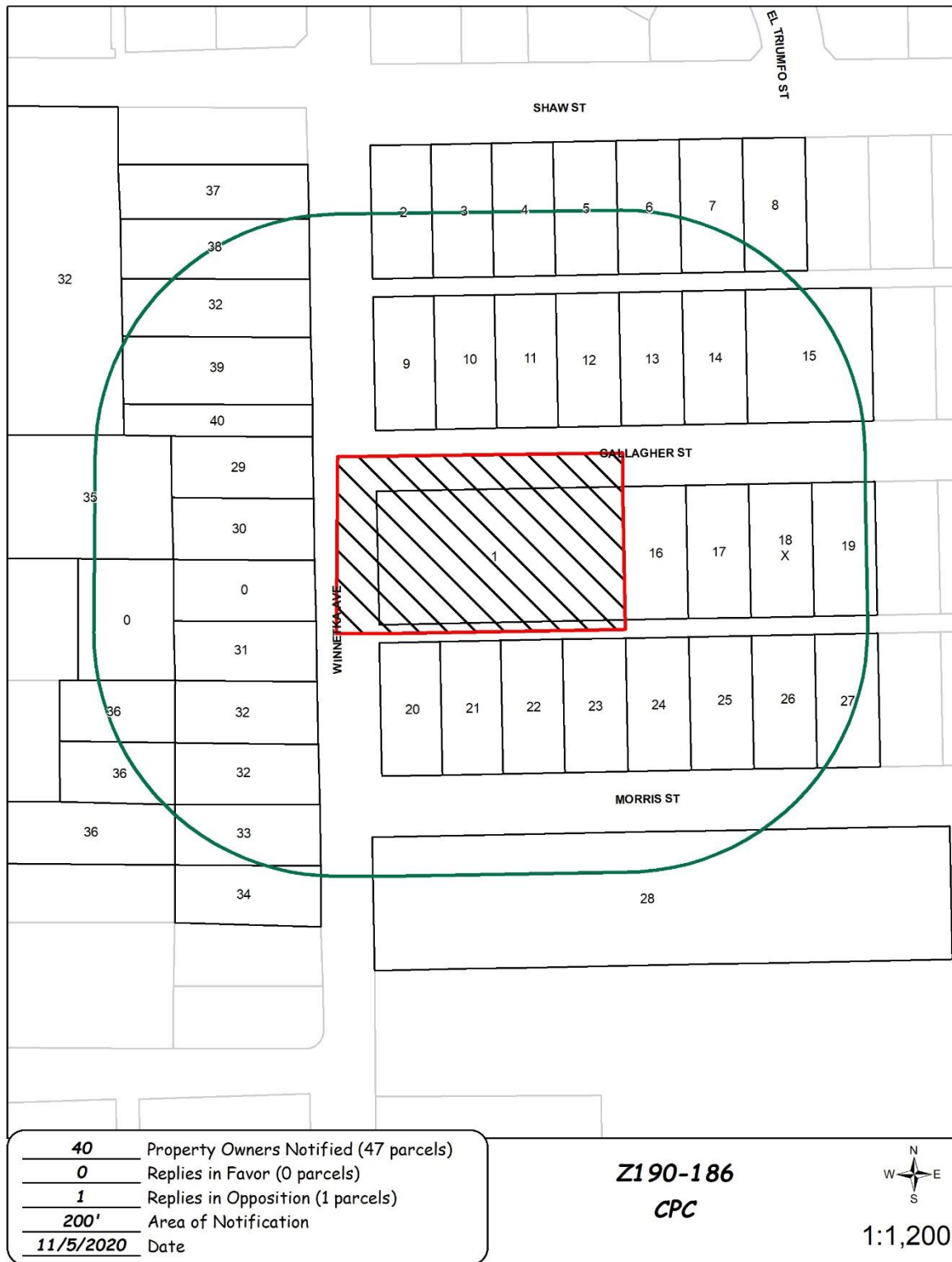


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Market Value Analysis

Printed Date: 2/6/2020

CPC RESPONSES



11/04/2020

Reply List of Property Owners***Z190-186******40 Property Owners Notified******0 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1018 GALLAGHER ST	VICKERY MEADOW LEARNING CENTER
	2	1022 SHAW ST	TORRES ODILON &
	3	1018 SHAW ST	MARTINEZ SILVERIO
	4	1014 SHAW ST	LEIJA ANGELITA
	5	1010 SHAW ST	ARREDONDO MARIA O &
	6	1006 SHAW ST	LEOS ELENA
	7	1002 SHAW ST	CASTILLO PETE &
	8	926 SHAW ST	MARTINEZ MARINO CERDA
	9	1023 GALLAGHER ST	MARTINEZ DIONICIO
	10	1019 GALLAGHER ST	LUGO RACHEL FLORES ET AL
	11	1015 GALLAGHER ST	TORRES MARIA CONSUELO
	12	1011 GALLAGHER ST	SHERIN FREIDA M &
	13	1007 GALLAGHER ST	ELIZONDO AMY
	14	1003 GALLAGHER ST	CASANOVA PAMELA
	15	927 GALLAGHER ST	SALAZAR JUAN &
	16	1006 GALLAGHER ST	RUSSELL W A EST
	17	1002 GALLAGHER ST	REYES TERESA
X	18	926 GALLAGHER ST	SIMMONS DOYLE L
	19	922 GALLAGHER ST	RIVERA MARIA ESTELA REYES
	20	1023 MORRIS ST	HILL AMBER
	21	1019 MORRIS ST	TIPTON TOM L JR
	22	1015 MORRIS ST	DANIEL FRANCISCO C &
	23	1011 MORRIS ST	FLORES HECTOR D
	24	1007 MORRIS ST	FLORES HECTOR
	25	1003 MORRIS ST	PROJECT CMB LLC
	26	923 MORRIS ST	HEREDIO ISIDRO CRUZ &

11/04/2020

Reply	Label #	Address	Owner
27	919	MORRIS ST	MARISCAL FRANCISCO
28	1020	MORRIS ST	Dallas ISD
29	3439	N WINNETKA AVE	MATA JOSE ANTONIO &
30	3435	N WINNETKA AVE	IPINA JOEL
31	3427	N WINNETKA AVE	GLORIA LUIS ETAL
32	3423	N WINNETKA AVE	HMK LTD
33	3415	N WINNETKA AVE	VEGA ALBERTO C
34	3411	N WINNETKA AVE	LOPEZ DAVID
35	3438	CROSSMAN AVE	YBARRA MARY MAGDALENA
36	3411	N WINNETKA AVE	LOPEZ DAVID
37	3457	N WINNETKA AVE	GAMEZ MANUEL JR & LORIE ADRIANA
38	3453	N WINNETKA AVE	SANCHEZ UBALDO &
39	3443	N WINNETKA AVE	VILLATORO SANTOS E
40	3441	N WINNETKA AVE	MATA JOSE A & MA M