

FILE NUMBER: Z212-265(JM) **DATE FILED:** May 9, 2022
LOCATION: South line of East Ann Arbor Avenue, west of South Marsalis Avenue
COUNCIL DISTRICT: 4
SIZE OF REQUEST: ± 26.69 acres **CENSUS TRACT:** 59.02

REPRESENTATIVE: Waylon Howard
APPLICANT: The Villages of Dallas
OWNER: Ledbetter Health Holdings, LLC
REQUEST: An application for a Specific Use Permit for a child-care facility on property zoned an MF-2(A) Multifamily Family District with Specific Use Permit No. 634 for home for the aged.
SUMMARY: The purpose of the request is to renovate one of the buildings on the site to an employee only child-care facility.

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

BACKGROUND INFORMATION:

- The 26.69-acre site is zoned an MF-2(A) Multifamily District and is developed with a home for the aged [The Villages of Dallas] which operates under Specific Use Permit No. 634, approved by City Council on December 31, 1973.
- The home for the aged use was established pre-transition under Chapter 51. The use would now be considered a convalescent and nursing homes, hospice care, and related institutions use which is allowed by right in an MF-2(A) District. However, since the use is still in operation and not being amended, the existing permanent SUP is not a part of the current request.
- The applicant is seeking to provide an on-site child-care facility for the employees of the home for the aged operation. A child-care facility requires an SUP in the MF-2(A) District.
- The new use would operate within an existing 1,732-square-foot structure on the west end of the property with no changes to the existing SUP site plan being required.

Zoning History:

There have been three recent zoning cases in the area within the last five years.

1. **Z201-129:** On April 14, 2021, the City Council approved a TH-1(A) Townhouse District on property zoned an R-7.5(A) Single Family District, northeast of the site.
2. **Z190-356:** On February 23, 2012, the City Council granted SUP No. 2316 for the sale of alcoholic beverages in conjunction with a general merchandise or food store, on property zoned an RR Regional Retail District, southwest of the site.
3. **Z189-205:** On June 20, 2019, the City Plan Commission denied without prejudice the renewal of SUP No. 1931 for the sale of alcohol in conjunction with a general merchandise or food store use, on property zoned a CR Community Retail District, northeast of the site.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Ann Arbor Ave	Community Collector	60 feet/60 feet

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.

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:

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.

STAFF ANALYSIS

Land Use:

Area	Zoning	Land Use
Site	MF-2(A) Multifamily District with SUP No. 634	Home for the aged
North	R-7.5(A) Single Family District	Single family
East	R-7.5(A) Single Family District with SUP No. 741 and CR Community Retail District	Day care center (SUP), church, and auto service center
South	R-7.5(A) Single Family District & MF-2(A) Multifamily District	Single-family, multifamily, restaurant, automotive-related, and hotel
West	R-7.5(A) Single Family District with SUP Nos. 1371 and 2036	Church, open-enrollment or charter school, child-care facility (SUPs)

Land Use Compatibility:

The 26.69-acre development is located within an MF-2(A) Multifamily District with Specific Use Permit No. 634 for a home for the aged [The Villages of Dallas]. According to DCAD records, the property contains a multitude of structures with over 153,000 square feet of floor area erected from 1950 to 2004.

The applicant is purposing to convert a 1,732 square-foot structure at the southwest of the property into a child-care facility. This proposed child-care facility is intended to serve the employees working for the existing home for the aged use operating under SUP No. 634 with a permanent time period. A child-care facility is within the institutional uses category and is allowed in the MF-2(A) District, subject to an SUP. The proposed child-care facility use would enhance the existing use by providing additional services to the employees.

The surrounding properties contain single family uses to the north; auto service center, daycare center (per Chapter 51 SUP), and church uses to the west; the floodplain followed by single family, multifamily, restaurant, automotive-related, and hotel uses to the south; and, open-enrollment or charter school, child-care facility, and church uses to the west. The proposed use is compatible with the other uses in the area and will help to maintain a vital service in the neighborhood, the home for the aged which has been in operation since 1973.

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.

Staff is in support of the SUP request for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to site plan and conditions. The proposed child-care facility would operate Monday through Sunday from 5:30 am to 8:00 pm and provides a supportive service to the residents of the area, residents of the home for the aged, and the staff members who provide allied health services to the residents of the nursing home. Overall, the use is compatible with the surrounding uses which include

a few other child-care facilities, schools, the nursing home, and residential uses. The proposed use meets the general SUP provisions.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement may be established in the ordinance granting the SUP for a child-care facility use, otherwise one parking space per 500 square feet of floor area is required. The request site contains approximately 1,732-square-feet of floor area, which would require three parking spaces. The site plan indicates five parking spaces for the child-care facility.

Landscaping:

There are no landscaping requirements triggered by the request.

Market Value Analysis

Market Value Analysis (MVA) is a tool to aid residents and policymakers 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 target intervention strategies more precisely 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. While the subject site is not within MVA Category, areas to the north and south of the site are located within Category G and areas to the east are located within Category H.

LIST OF PARTNERS/PRINCIPALS/OFFICERS

Ledbetter Health Holdings LLC

Soon Burnam - Treasurer

Little Village Day Care

Mike Muhlestein – President

Soon Burnam - Treasurer

Z212-265(JM)

CPC ACTION
October 13, 2022

Z212-265(JM)

Motion: It was moved to recommend **approval** of Specific Use Permit for a child-care facility or five-year period with eligibility for automatic renewals for additional five-year periods, subject to site plan and conditions on property zoned an MF-2(A) Multifamily Family District with Specific Use Permit No. 634 for home for the aged, on the south line of East Ann Arbor Avenue, west of South Marsalis Avenue.

Maker: Blair
Second: Rubin
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Gracey, Shidid, Carpenter,
Blair, Jung, Housewright, Stanard, Kingston,
Rubin

Against: 0
Absent: 3 - Anderson, Vann, Haqq
Vacancy: 1 - District 11

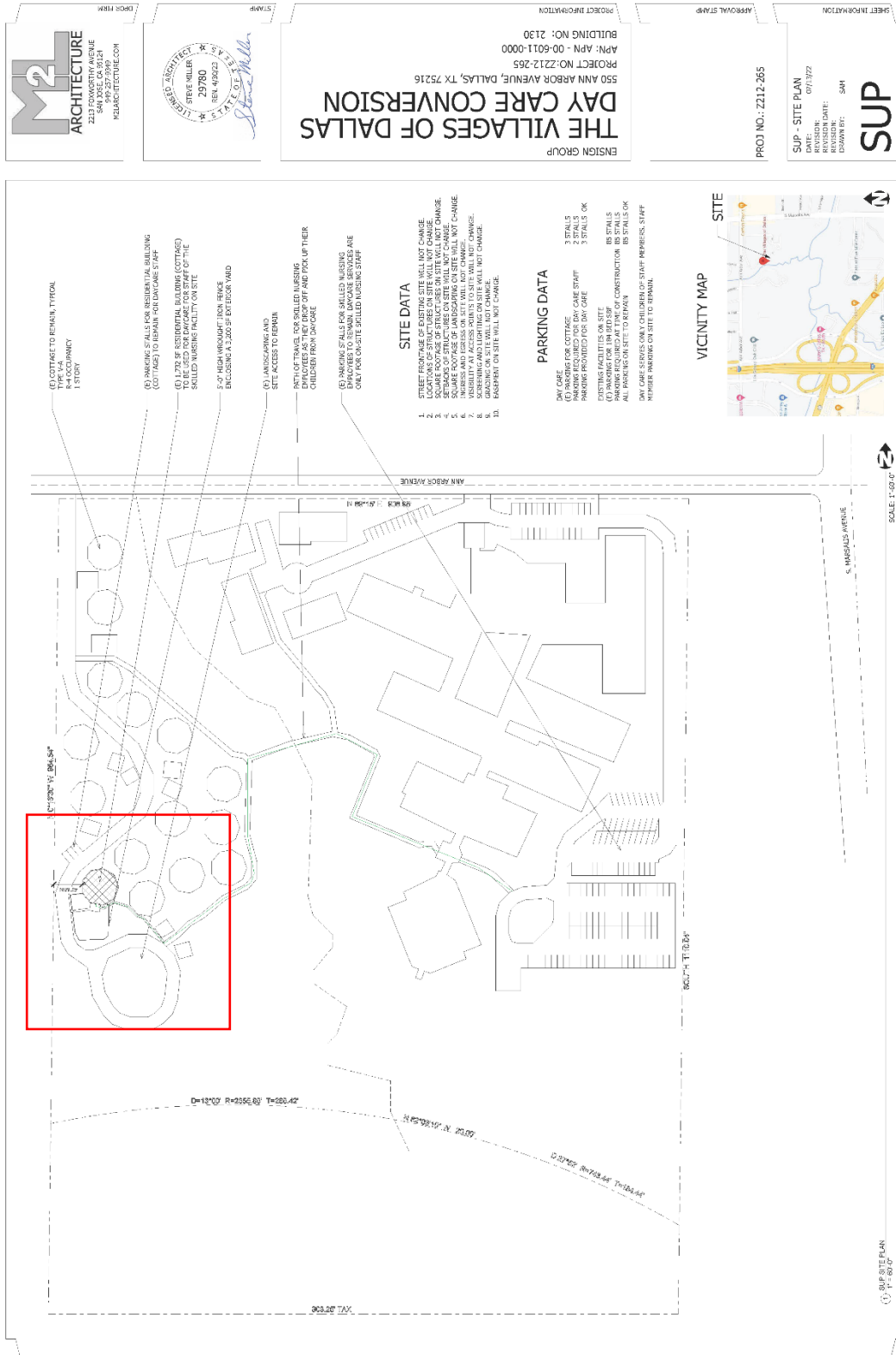
Notices: Area: 500 Mailed: 108
Replies: For: 2 Against: 2

Speakers: For: None
For (Did not speak): Skyler Peterson, 550 E. Ann Arbor Ave., Dallas, TX, 75216
Against: None

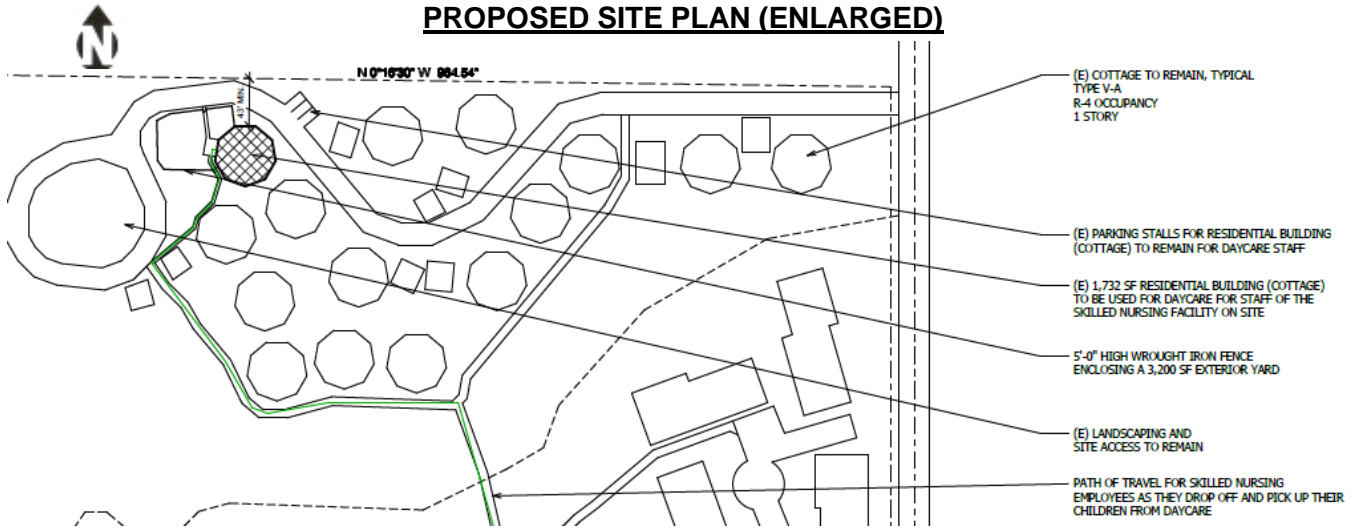
**CPC Recommended
SUP Conditions**

1. **USE**: The only use authorized by this specific use permit is a child-care facility.
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 _____ (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 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. **FLOOR AREA**: The maximum floor area for the child-care facility is 1,732-square-feet in the location shown on the attached site plan.
5. **HOURS OF OPERATION**: The child-care facility may only operate between Monday through Sunday from 5:30 am to 8:00 pm.
6. **FENCING**: The outdoor play area must be enclosed by a minimum five foot-high fence, as shown on the attached site plan.
7. **INGRESS/EGRESS**: Ingress and egress must be provided in the location shown on the attached site plan. No other 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.

CPC RECOMMENDED SITE PLAN



PROPOSED SITE PLAN (ENLARGED)



VICINITY MAP



(E) PARKING STALLS FOR SKILLED NURSING EMPLOYEES TO REMAIN. DAYCARE SERVICES ARE ONLY FOR ON-SITE SKILLED NURSING STAFF

SITE DATA

1. STREET FRONTAGE OF EXISTING SITE WILL NOT CHANGE.
2. LOCATIONS OF STRUCTURES ON SITE WILL NOT CHANGE.
3. SQUARE FOOTAGE OF STRUCTURES ON SITE WILL NOT CHANGE.
4. SETBACKS OF STRUCTURES ON SITE WILL NOT CHANGE.
5. SQUARE FOOTAGE OF LANDSCAPING ON SITE WILL NOT CHANGE.
6. INGRESS AND EGRESS ON SITE WILL NOT CHANGE.
7. VISIBILITY AT ACCESS POINTS TO SITE WILL NOT CHANGE.
8. SCREENING AND LIGHTING ON SITE WILL NOT CHANGE.
9. GRADING ON SITE WILL NOT CHANGE.
10. EASEMENT ON SITE WILL NOT CHANGE.

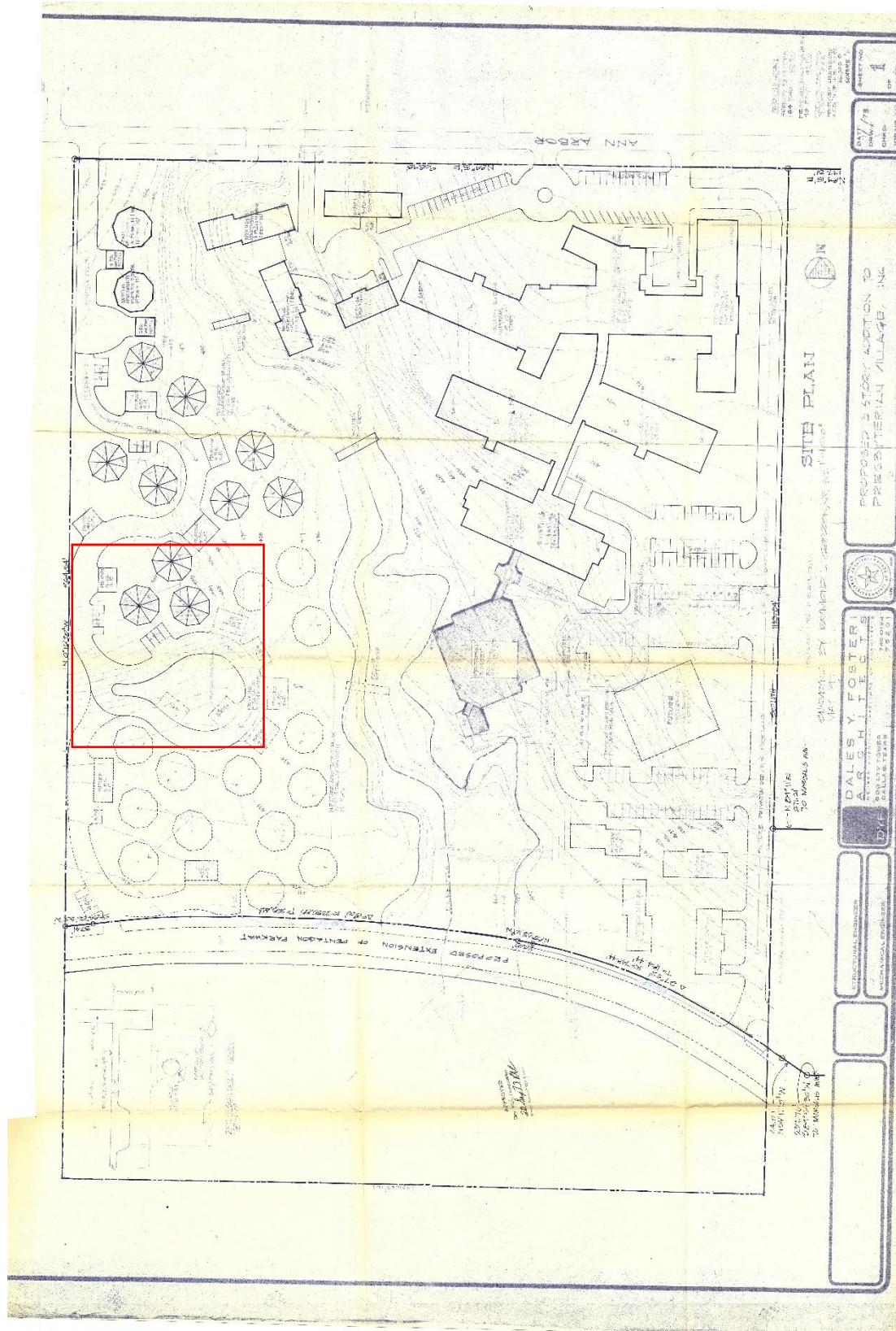
PARKING DATA

DAY CARE	
(E) PARKING FOR COTTAGE	3 STALLS
PARKING REQUIRED FOR DAY CARE STAFF	2 STALLS
PARKING PROVIDED FOR DAY CARE	3 STALLS OK

EXISTING FACILITIES ON SITE	
(E) PARKING FOR 184 BED SBF	85 STALLS
PARKING REQUIRED AT TIME OF CONSTRUCTION	85 STALLS
ALL PARKING ON SITE TO REMAIN	85 STALLS OK

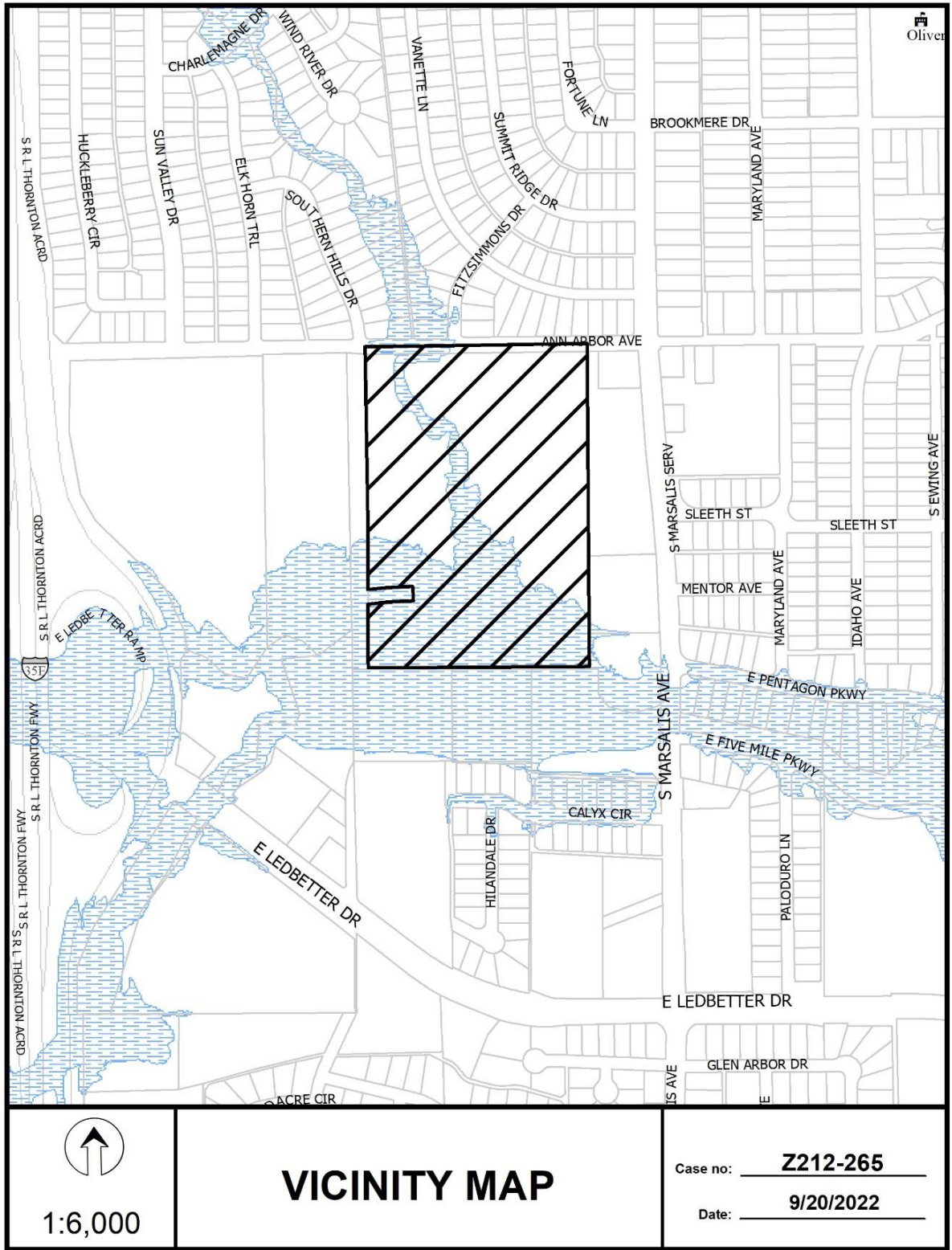
DAY CARE SERVES ONLY CHILDREN OF STAFF MEMBERS. STAFF MEMBER PARKING ON SITE TO REMAIN.

Existing SUP No. 634, Home for the aged, No changes proposed.



Existing SUP No. 634, Home for the aged, No changes proposed.

1. That all driveways, entrances and parking areas shall have a minimum surfacing of six inches compacted gravel and two coats of penetration asphalt; that all curbs and drainage structures shall be installed in accordance with the requirements and specifications of the Public Works Department, and the developer shall bear the total cost of all such improvements.
2. That off street parking shall be provided at the minimum ratio of one space for each four (4) beds.
3. Name plates or signs shall be allowed which do not exceed 12 square feet in area when attached to the structure or erected behind the building line.
4. No signs shall advertise the allied uses in connection with this operation; no signs shall be permitted of a flashing or intermittently lighted type.
5. Height shall be limited to 36 feet.
6. The allied uses necessary to the operation of this home shall be strictly incidental to the operation of the home itself.
7. All requirements of the various City departments shall be complied with.



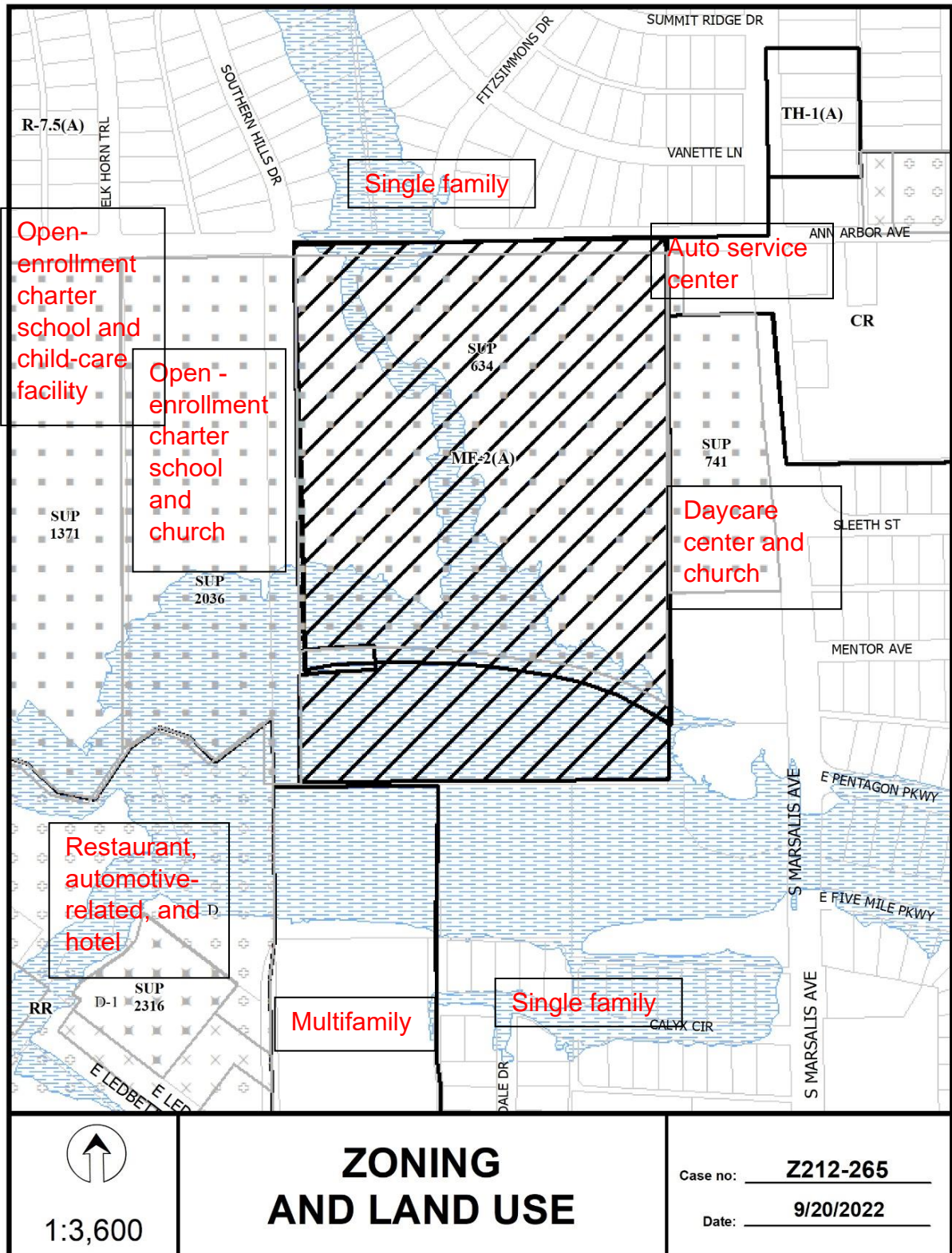


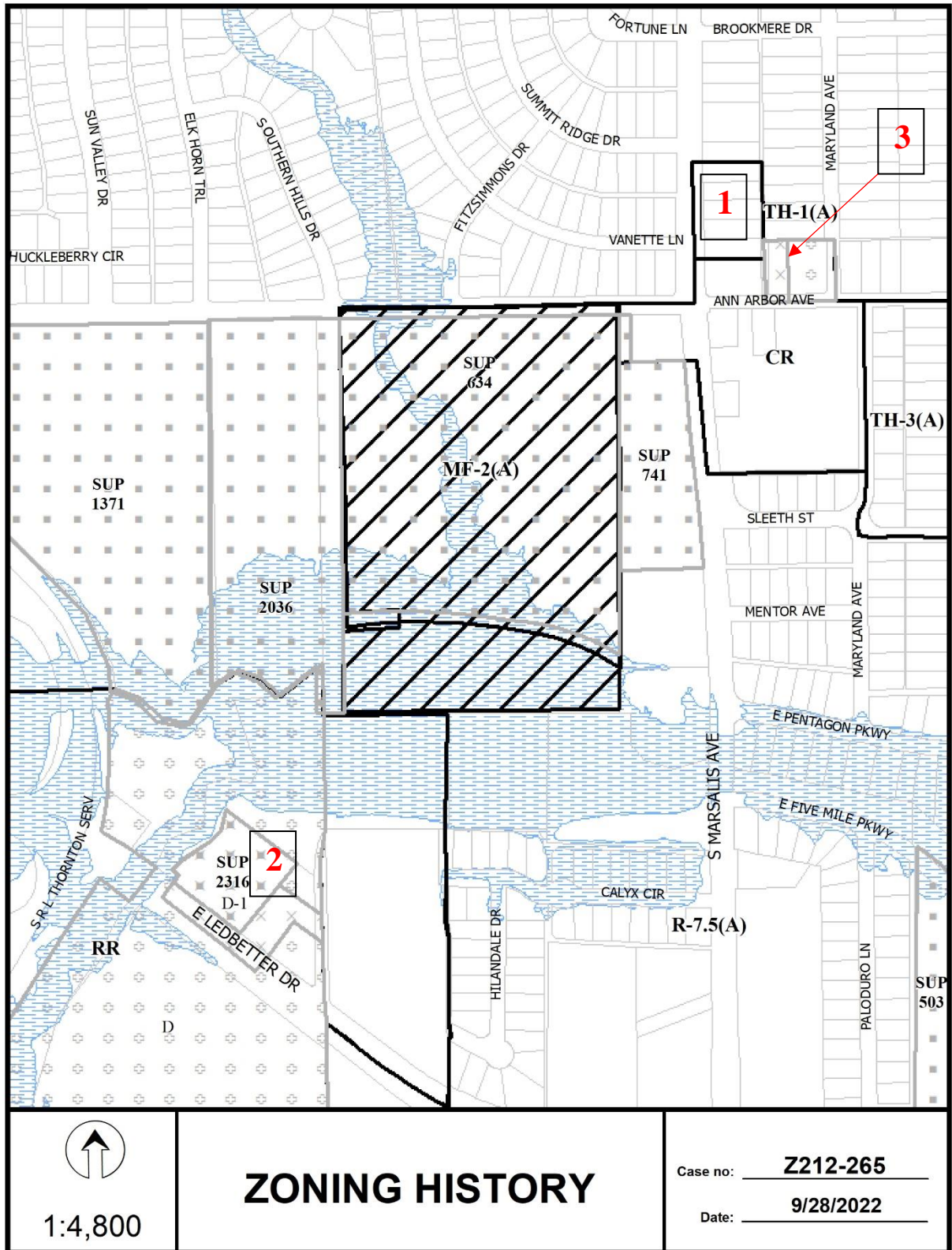
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AERIAL MAP

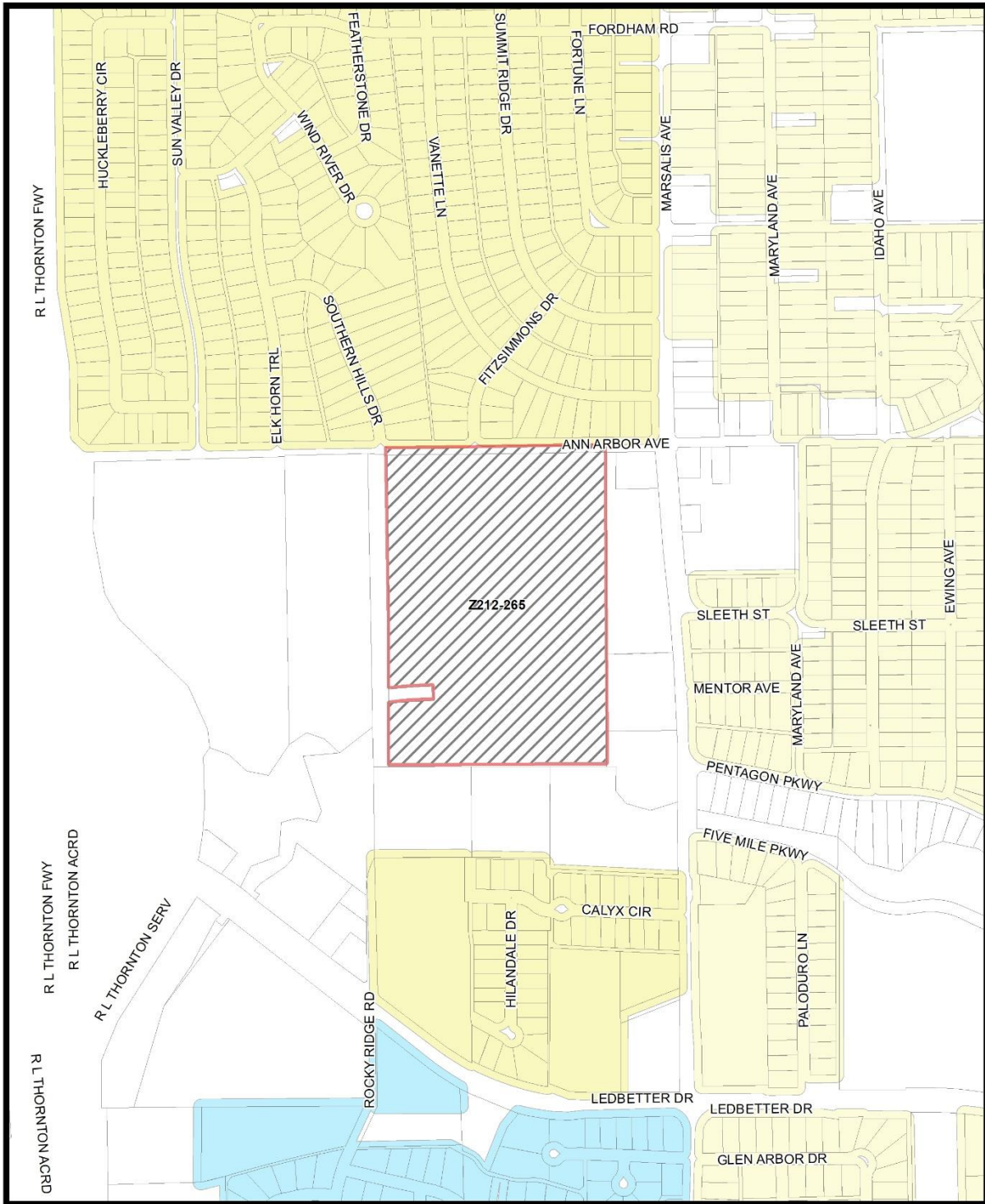
Case no: Z212-265

Date: 9/20/2022





Z212-265(JM)



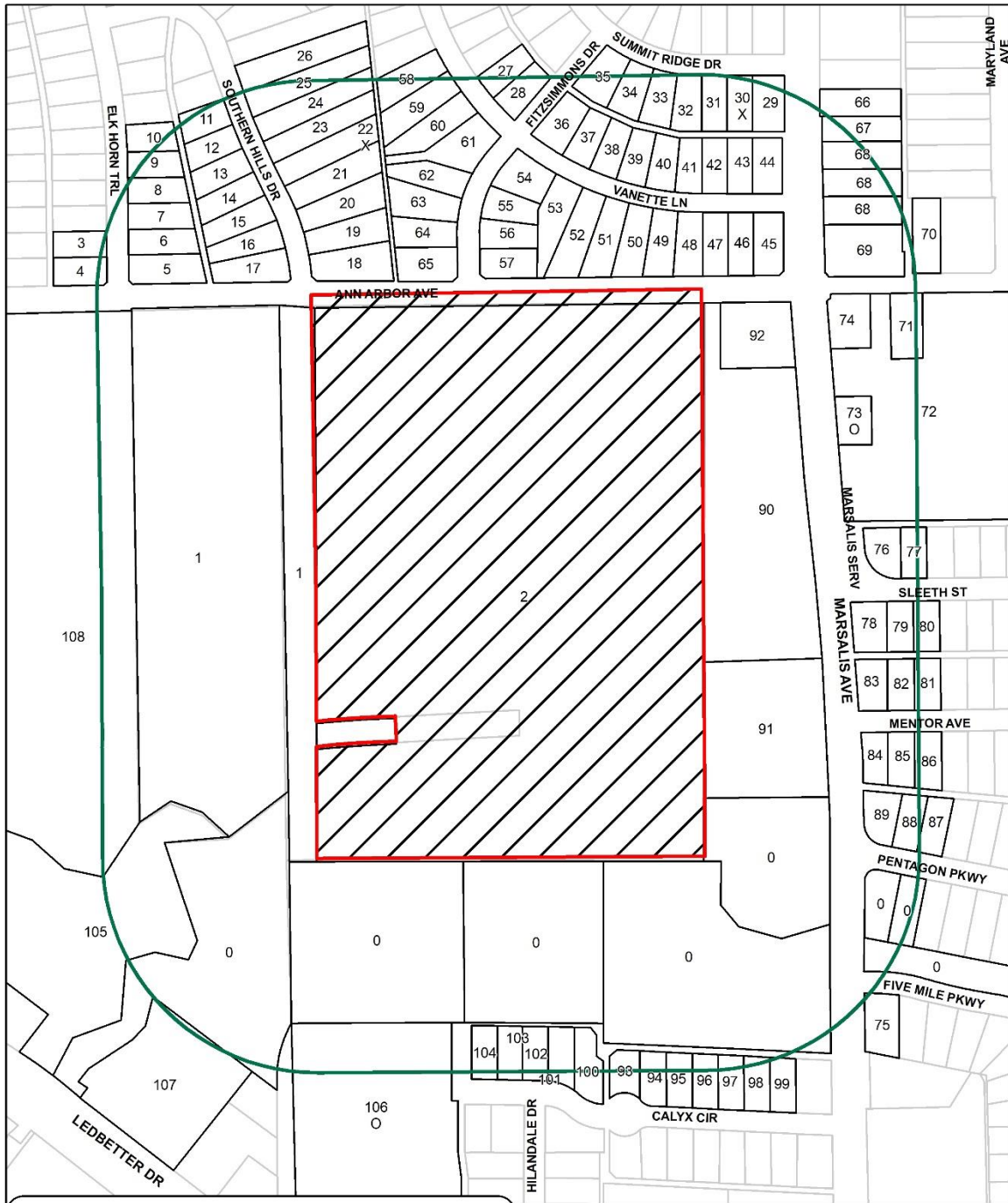
MVACluster A B C D E F G H I NA



Market Value Analysis

Printed Date: 9/20/2022

CPC Responses



108	Property Owners Notified (119 parcels)
2	Replies in Favor (2 parcels)
2	Replies in Opposition (2 parcels)
500'	Area of Notification
10/13/2022	Date

Z212-265
CPC



1:3,600

10/12/2022

Reply List of Property Owners***Z212-265******108 Property Owners Notified******2 Property Owners in Favor******2 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	340 E ANN ARBOR AVE	FULL GOSPEL HOLY TEMPLE
	2	550 E ANN ARBOR AVE	LEDBETTER HEALTH HOLDINGS LLC
	3	4311 ELK HORN TRL	Taxpayer at
	4	4315 ELK HORN TRL	BROWN PAUL W SR ETAL
	5	4314 ELK HORN TRL	FRAZIER DORIS F
	6	4310 ELK HORN TRL	REESE JO NELWYN
	7	4306 ELK HORN TRL	THOMAS VINITA &
	8	4302 ELK HORN TRL	THOMAS SHIRLEY
	9	4224 ELK HORN TRL	Taxpayer at
	10	4220 ELK HORN TRL	SMITH EVILLA
	11	4239 SOUTHERN HILLS DR	COBB MARGARET A EST OF
	12	4243 SOUTHERN HILLS DR	LOPEZ OVIDIO &
	13	4303 SOUTHERN HILLS DR	PUCKETT MARY
	14	4307 SOUTHERN HILLS DR	CARTER ANNITA
	15	4311 SOUTHERN HILLS DR	MEDINA MARIA M
	16	4315 SOUTHERN HILLS DR	POLK CATHERINE &
	17	4321 SOUTHERN HILLS DR	CHISM RODNEY D & ET AL
	18	4322 SOUTHERN HILLS DR	WARNER CHARLES E
	19	4318 SOUTHERN HILLS DR	THORNTON GEORGIA M
	20	4314 SOUTHERN HILLS DR	JONES JAMES E EST OF
	21	4310 SOUTHERN HILLS DR	GILLS ELBERT & YOLANDA
X	22	4306 SOUTHERN HILLS DR	BURNS LOLA MAE
	23	4302 SOUTHERN HILLS DR	BUTLER JEAN
	24	4242 SOUTHERN HILLS DR	WILLIAMS WILLIE JR EST OF
	25	4238 SOUTHERN HILLS DR	MANN CURTIS
	26	4234 SOUTHERN HILLS DR	HOPKINS GREGORY JEROME

10/12/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4232 VANETTE LN	LANE BOBBIE
	28	4238 VANETTE LN	COOPER FAYRENE
	29	4255 SUMMIT RIDGE DR	LEE LELA MAE
X	30	4251 SUMMIT RIDGE DR	JACKSON WILLIE FAYE
	31	4247 SUMMIT RIDGE DR	HERNANDEZ MARIA ELENA
	32	4243 SUMMIT RIDGE DR	HENDERSON HELEN
	33	4239 SUMMIT RIDGE DR	LONG SHEILA YVONNE &
	34	4235 SUMMIT RIDGE DR	CHILDS EDNA EST OF
	35	4231 SUMMIT RIDGE DR	LOPEZ EDUARDO
	36	4306 VANETTE LN	ROBERSON ASBERRY D EST OF
	37	4314 VANETTE LN	OKRA LARRY LIFE EST
	38	4318 VANETTE LN	SMITH EDNA FAYE
	39	4324 VANETTE LN	FRIDIA ARVELLA ESTATE OF
	40	4328 VANETTE LN	FLORES MANUEL U MONSIVAIS
	41	4334 VANETTE LN	WILSON LENITTA Y
	42	4340 VANETTE LN	TAY VICENTE NECH
	43	4344 VANETTE LN	WASHINGTON WILLIS L
	44	4350 VANETTE LN	JACKSON CHARLES E
	45	4349 VANETTE LN	CROMWELL DEVELOPMENT CORP
	46	4343 VANETTE LN	JONES LILLIE JOYCE
	47	4339 VANETTE LN	REEVES GEORGIA
	48	4335 VANETTE LN	HAYES MAE H
	49	4331 VANETTE LN	HILL KATHRYN
	50	4327 VANETTE LN	2472 MATLAND LLC
	51	4323 VANETTE LN	BUSH MABLE EST OF
	52	4319 VANETTE LN	PENSON SARA & ELBERT JR
	53	4315 VANETTE LN	Taxpayer at
	54	4304 FITZSIMMONS DR	LEE JUANITA MARIA
	55	4310 FITZSIMMONS DR	CARLCLIFF LLC
	56	4318 FITZSIMMONS DR	VARA PRIMITIVO
	57	4324 FITZSIMMONS DR	STEVENSON PAMELA

10/12/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	4225 VANETTE LN	WILLIAMS KENNETH
	59	4229 VANETTE LN	TIMMONS BENNIE JOYCE
	60	4233 VANETTE LN	FORD ACQUISITIONS LLC
	61	4303 FITZSIMMONS DR	WALKER BILLIE M
	62	4309 FITZSIMMONS DR	VELASQUEZ DEMETRIO RAMIREZ
	63	4315 FITZSIMMONS DR	MCCULLOUGH JAMES E ESTATE OF
	64	4319 FITZSIMMONS DR	MCNEELY WILLIS & ALBERTA
	65	4325 FITZSIMMONS DR	HERNANDEZ MONICA
	66	4304 S MARSALIS AVE	HAWKINS PATRICIA JO ANN
	67	4310 S MARSALIS AVE	HAWKINS PATRICIA DEAL
	68	4314 S MARSALIS AVE	HAWKINS PATRICIA
	69	4328 S MARSALIS AVE	GHIMIRE SUNITA S
	70	717 E ANN ARBOR AVE	HOANG CHAU & TU HUYNH
	71	710 E ANN ARBOR AVE	HERRON ALFRED
	72	4478 S MARSALIS AVE	SILVER CREEK INVESTMENTS LLC
O	73	4420 S MARSALIS AVE	WTHW LTD
	74	4404 S MARSALIS AVE	JEFFERS J C
	75	704 E FIVE MILE PKWY	ODOM PATRICK N
	76	707 SLEETH ST	DELEON MARIA GLORIA
	77	715 SLEETH ST	MARTINEZ ARACELE CRUZ
	78	702 SLEETH ST	OLABODE ANDRA LOUISE &
	79	710 SLEETH ST	AJ ESTATES LLC
	80	714 SLEETH ST	NELSON JAMES & AMILEAN
	81	715 MENTOR AVE	NICHOLS PATRICIA
	82	711 MENTOR AVE	HERNANDEZ SANTOS &
	83	705 MENTOR AVE	ALDRIDGE PORTIA M
	84	702 MENTOR AVE	DAVIS JEAN AUTRY
	85	708 MENTOR AVE	HERMAN SANDRA TAYLOR
	86	714 MENTOR AVE	JOHNSON ROSE M
	87	715 E PENTAGON PKWY	GRANT PATSY A
	88	709 E PENTAGON PKWY	GONZALEZ JUAN

10/12/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	703 E PENTAGON PKWY	WILSON VERNA ELAINE
	90	4501 S MARSALIS AVE	NORTH TX CONFERENCE OF
	91	4611 S MARSALIS AVE	PRESBYTERY OF THE
	92	4405 S MARSALIS AVE	ZARATE HERLINDA
	93	605 CALYX CIR	CREAR JOHNNY LEE
	94	611 CALYX CIR	Taxpayer at
	95	617 CALYX CIR	TSAI PETER E
	96	623 CALYX CIR	HUTCHISON PAULA L
	97	629 CALYX CIR	MCQUAY SARAH
	98	635 CALYX CIR	DUNN JUNE
	99	641 CALYX CIR	Taxpayer at
	100	517 CALYX CIR	HAGGERTY ROY T
	101	511 CALYX CIR	WESLEY ARTHUR L JR & RUTHIE A
	102	505 CALYX CIR	NEWMAN VINCENT
	103	433 CALYX CIR	THOMAS DEMOND
	104	427 CALYX CIR	FLETCHER DETRA WYNETTE
	105	4610 S R L THORNTON FWY	OAK CLIFF HOSPITALITY LP
O	106	423 E LEDBETTER DR	FIVE MILE FLATS LLC
	107	303 E LEDBETTER DR	RF & SONS PROPERTIES LLC
	108	110 E ANN ARBOR AVE	LIFESCHOOL OF DALLAS DBA LIFESCHOOL