

**FILE NUMBER:** Z223-308(LC) **DATE FILED:** July 26, 2023

**LOCATION:** Northeast corner of South Fleming Avenue and East Clarendon Drive

**COUNCIL DISTRICT:** 4

**SIZE OF REQUEST:** Approx. 28,314 sq. ft. **CENSUS TRACT:** 48113021000

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**REPRESENTATIVE:** Elsie Thurman, Land Use Planning & Zoning Services

**OWNER/APPLICANT:** Jessica Gonzales

**REQUEST:** An application for a Specific Use Permit for a child-care facility on property zoned Tract 2H within Planned Development District No. 388, the Tenth Street Neighborhood Historic District, with H/60 Tenth Street Neighborhood Historic District Overlay.

**SUMMARY:** The purpose of the request is to allow a 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 area of request is currently developed with a vacant structure previously used as a church, with a lot area of 28,314 square feet (0.65 acres).
- This property is a corner lot at an intersection, with frontage on both South Fleming Avenue and East Clarendon Drive.
- Proposed hours of operation will be between 6:30 a.m. and 6:30 p.m., Monday through Friday.
- Request for specific use permit to allow child-care facility.
- This specific use permit would expire five years from the passage of ordinance, but would be 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.
- Case was held under advisement at the February 15, 2024 City Plan Commission Meeting.
- There were minor changes to the site plan from the February 15, 2024 City Plan Commission meeting.

**Zoning History:**

There has been one zoning case in the area in the last five years.

- **Z223-299:** On July 11, 2023, staff received an application for an MU-2 Mixed Use District on property zoned an RR Regional Retail District on the west line of Upton Street, between East Clarendon Drive and Viola Street. [Scheduled for January 18, 2024 City Plan Commission]

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing/Proposed ROW
South Fleming Avenue	Local Street	-
East Clarendon Drive	Community Collector	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.

**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:

**LAND USE ELEMENT**

**GOAL 1.1    ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

**Policy 1.1.4** Capitalize on transit-oriented development opportunities.

**Policy 1.1.5** Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

**GOAL 1.2    PROMOTE DESIRED DEVELOPMENT**

**Policy 1.2.2** Establish clear and objective standards for land use planning.

**ECONOMIC ELEMENT**

**GOAL 2.1    PROMOTE BALANCED GROWTH**

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

**GOAL 2.5    FOSTER A CITY OF GREAT NEIGHBORHOODS**

**Policy 2.5.1** Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

**URBAN DESIGN ELEMENT**

**GOAL 5.2    STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

**Policy 5.2.1** Maintain neighborhood scale and character.

**The Dallas Zoo Area Land Use Study:**

The *Dallas Zoo Area Land Use Study* was adopted by the City Council in December 2001 and outlines five goals and objectives suggested by the steering committee with an overall goal that focuses on revitalization strategies and policy guidance for future growth and development in this area.

The request complies with the following goals and objectives of the Dallas Zoo Area Land Use Study:

**2.0 LAND USE AND ZONING**

**GOAL 2.2 COMMUNITY IDENTIFIED NEEDS**

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD 388 Tract 2H, H/60	Retail and office
<b>North</b>	PD 388 Tract 1, H/60	Single family
<b>East</b>	PD 388 Tract 1	Undeveloped
<b>South</b>	IM, PD 564	Commercial retail
<b>West</b>	CS	Single family

**Land Use Compatibility:**

The property currently has a vacant structure previously used as a church with existing driveway entry. This Specific Use Permit request is to allow for a child-care facility on property zoned Tract 2H within Planned Development District No. 388, the Tenth Street Neighborhood Historic District, with Historic District overlay H/60. The area of request is currently surrounded by residential single family uses to the north, east and west. To the south of the property are industrial manufacturing and commercial retail uses. 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 will be provided in accordance with the landscaping requirements in Article X, as amended.

**Parking:**

The applicant proposes that between the hours of 6:30 a.m. and 6:30 p.m., Monday through Friday, the entire floor area will be used for the proposed child-care facility. PD No. 388 does not have a specific off-street parking ratio for this use. Therefore, parking requirements will default to Chapter 51A.

The off-street parking ratio for a child-care facility in Chapter 51A is one space per 500 square feet of floor area. For the 2,033-square-foot building, a minimum of four spaces are required. The proposed site plan shows 11 spaces provided.

**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 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 (A through C) to orange, representing the weakest markets (G through I). The area of request is currently within a “G” MVA area. To the northwest is an “F” MVA area.

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**List of Officers**

La Escuelita Spanish Immersion Preschool, LLC

Ivan Gonzales, Officer/Owner

Jessica Gonzales, Officer/Owner

**CPC Action**  
**March 21, 2024**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a child-care facility for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned Tract 2H within Planned Development District No. 388, the Tenth Street Neighborhood Historic District, with H/60 Tenth Street Neighborhood Historic District Overlay, on the northeast corner of South Fleming Avenue and East Clarendon Drive.

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

For: 12 - Chernock, Hampton, Herbert, Forsyth, Shidid,  
Carpenter, Blair, Sleeper, Housewright, Hall,  
Kingston, Rubin

Against: 0  
Absent: 2 - Wheeler-Reagan, Haqq  
Vacancy: 1 - District 11

**Notices:** Area: 200 Mailed: 17  
**Replies:** For: 1 Against: 0

**Speakers:** For: Chelsea Thurman, 9406 Biscayne Blvd., Dallas, TX, 75218  
Jessica Gonzales, 3619 Blue Ridge Blvd., Dallas, TX, 75233  
Elsie Thurman, 9406 Biscayne Blvd., Dallas, TX, 75218  
Ivan Gonzales, 3619 Blue Ridge Blvd., Dallas, TX, 75233  
Against: None

**CPC Action**  
**February 15, 2024**

**Motion:** In considering an application for a Specific Use Permit for a child-care facility on property zoned Tract 2H within Planned Development District No. 388, the Tenth Street Neighborhood Historic District, with H/60 Tenth Street Neighborhood Historic District Overlay, on the northeast corner of South Fleming Avenue and East Clarendon Drive, it was moved to **hold** this case under advisement until March 21, 2024.

Maker: Forsyth  
Second: Hampton  
Result: Carried: 10 to 4

For: 10 - Hampton, Herbert, Forsyth, Carpenter,  
Wheeler-Reagan, Blair, Housewright,  
Treadway, Hall, Kingston

Against: 4 - Chernock, Sleeper, Haqq, Rubin

Absent: 1 - Shidid

Vacancy: 0

**Notices:** Area: 200

Mailed: 17

**Replies:** For: 1

Against: 0

**Speakers:** For: Chelsea Thurman, 9406 Biscayne Blvd., Dallas, TX, 75218  
Jessica Gonzales, 3619 Blue Ridge Blvd., Dallas, TX, 75233

For (Did not speak): Elsie Thurman, 9406 Biscayne Blvd., Dallas, TX, 75218  
Joseph Anthony, 205 Tower Ct., Plano, TX, 75074

Against: None

### CPC Action

January 18, 2024

**Motion:** In considering an application for a Specific Use Permit for a child-care facility on property zoned Tract 2H within Planned Development District No. 388, the Tenth Street Neighborhood Historic District, with H/60 Tenth Street Neighborhood Historic District Overlay, on the northeast corner of South Fleming Avenue and East Clarendon Drive, it was moved to **hold** this case under advisement until February 15, 2024.

Maker: Rubin

Second: Carpenter

Result: Carried: 14 to 0

For: 14 - Chernock, Hampton, Herbert, Shidid,  
Carpenter, Wheeler-Reagan, Blair\*, Sleeper,  
Housewright, Treadway, Haqq, Hall, Kingston,  
Rubin

Against: 0

Absent: 0

Vacancy: 1 - District 4

\*out of the room, shown voting in favor

**Notices:** Area: 200

Mailed: 17

**Replies:** For: 1

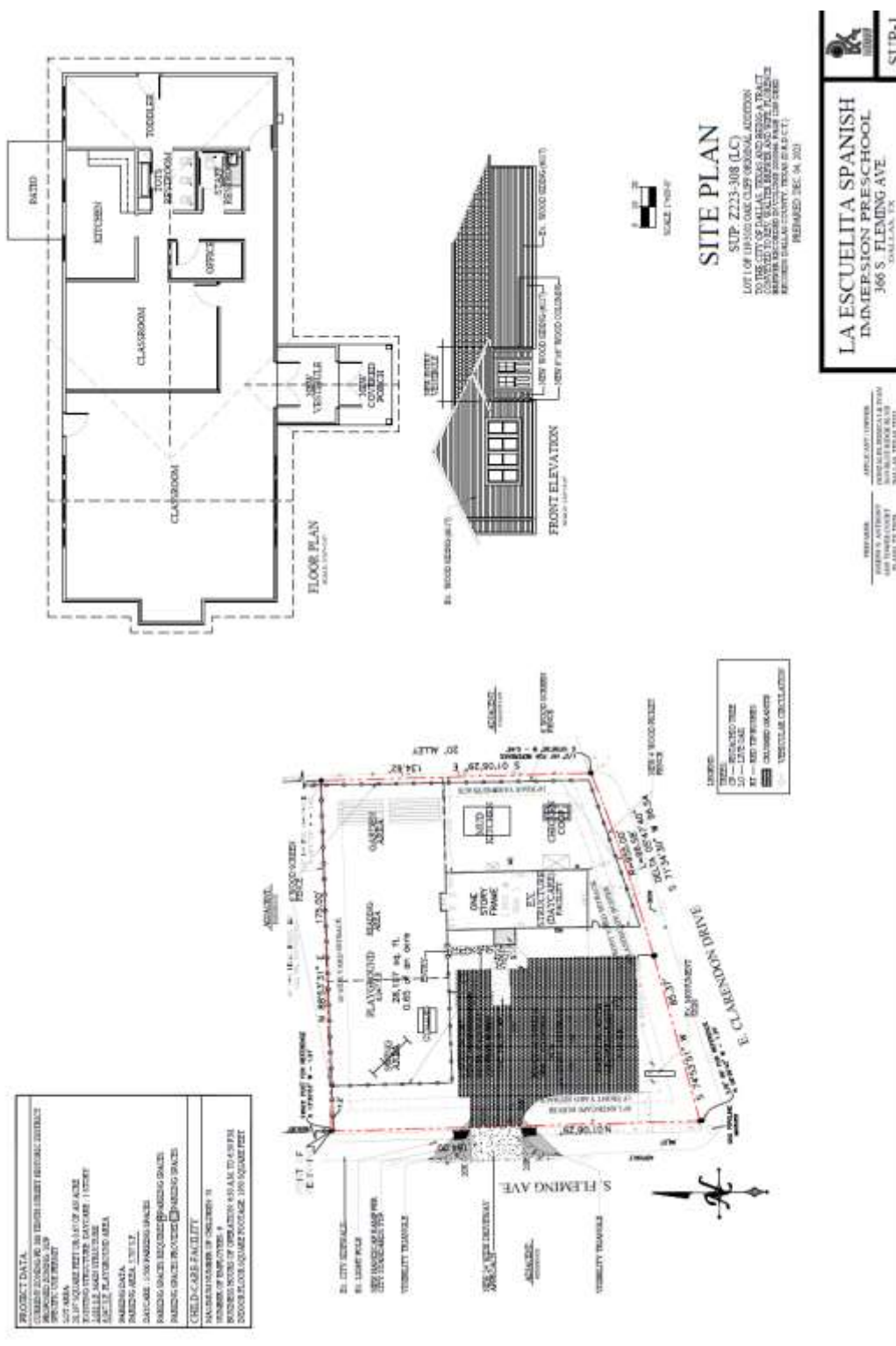
Against: 0

**Speakers:** None

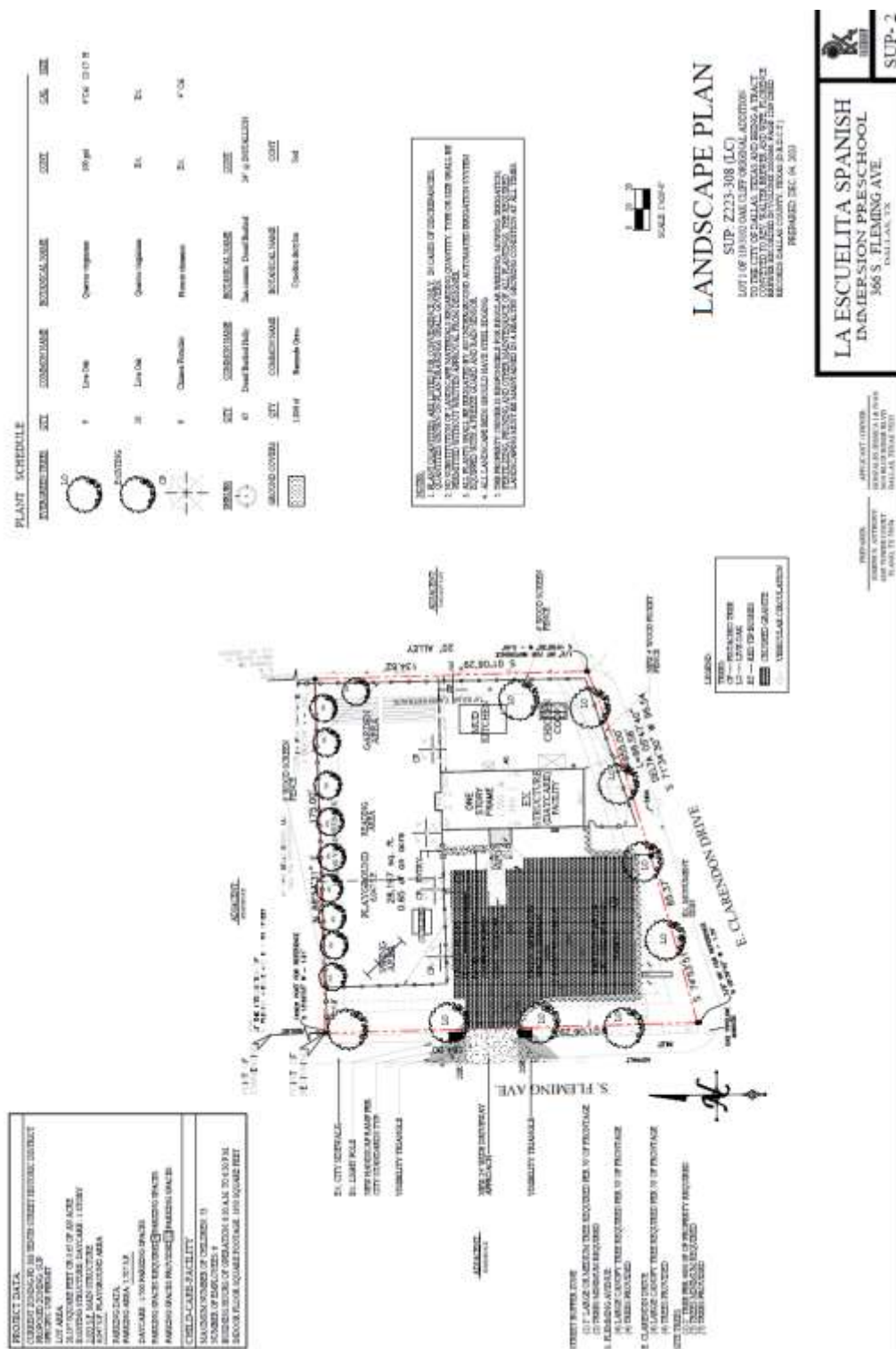
### **CPC RECOMMENDED SUP CONDITIONS**

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 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. HOURS OF OPERATION: The child-care facility may only operate between 6:30 a.m. and 6:30 p.m., Monday through Friday.
5. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
6. PARKING: Parking must be located as shown on the attached site plan.
7. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
8. 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

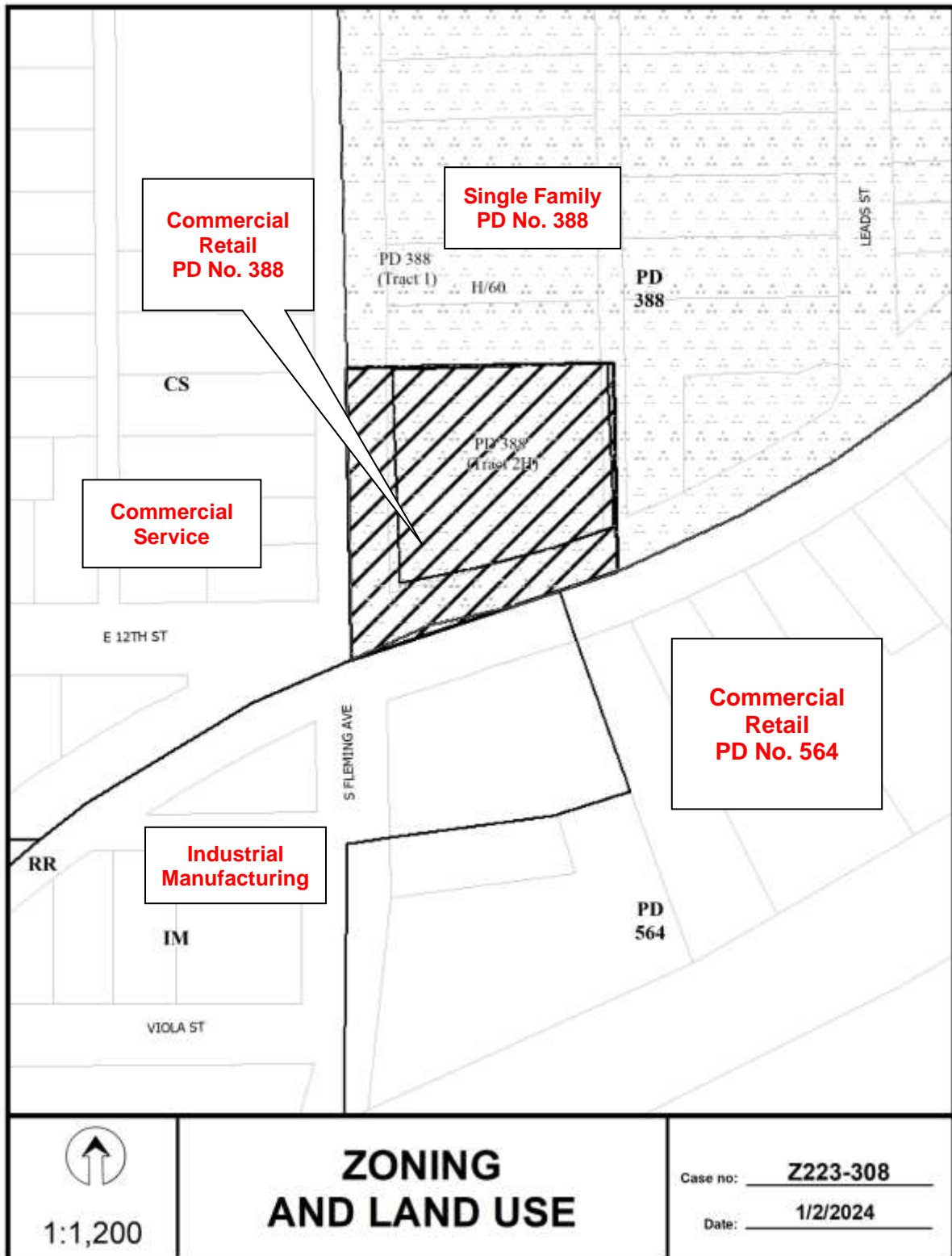


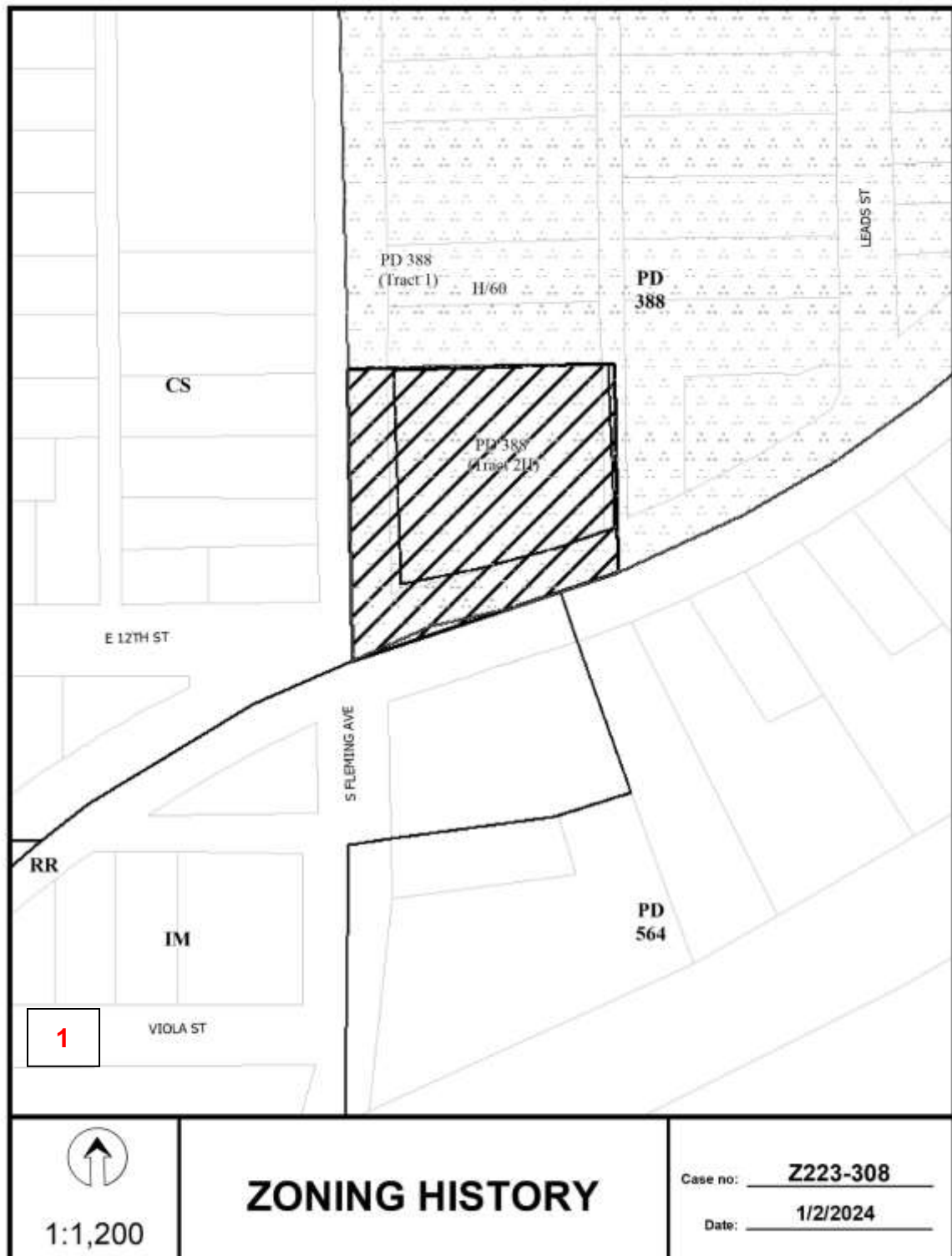
## CPC RECOMMENDED LANDSCAPE PLAN

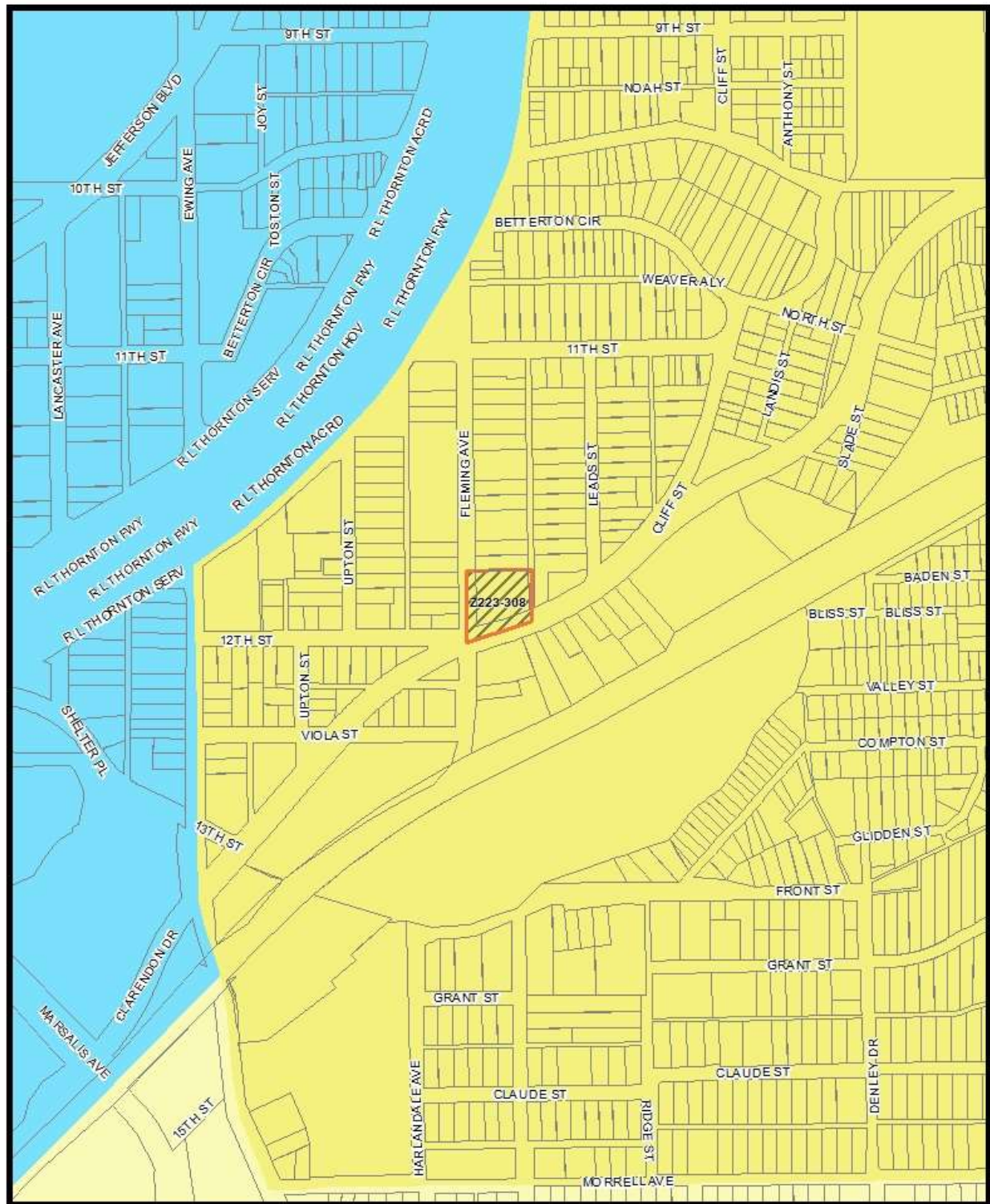














03/20/2024

***Reply List of Property Owners*****Z223-308*****17 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	366 FLEMING AVE	LA ESCUELITA SPANISH
	2	917 E 12TH ST	FIGUEROA FRANCISCO
O	3	361 FLEMING AVE	GREEN ROBIN LEE
	4	355 FLEMING AVE	LUEVANO RUBY STEAN
	5	359 FLEMING AVE	JONES MICHAEL G
	6	353 FLEMING AVE	BMH OAK CLIFF III LLC
	7	349 LEADS ST	MARTINEZ PILAR &
	8	348 FLEMING AVE	Taxpayer at
	9	354 FLEMING AVE	MY NEW TEXAS HOMES LLC
	10	338 FLEMING AVE	BRISTOW ANNEMARIE
	11	345 LEADS ST	ADAMS EULA MAE
	12	341 LEADS ST	LEDESMA JOSE JESUS &
	13	950 E CLARENDON DR	BELMAR MGMT LTD
	14	410 FLEMING AVE	ROCK TENN CO MILL DIV
	15	1010 E CLARENDON DR	KAELSON CO PROPERTIES INC
	16	357 LEADS ST	MARTINEZ MANUAL & PILAR
	17	351 LEADS ST	VILLA MARCELINO & MARIA L