

FILE NUMBER: Z223-330(WK) **DATE FILED:** August 30, 2023

LOCATION: North corner of Martin Luther King Jr. Boulevard and South Malcolm X Boulevard

COUNCIL DISTRICT: 7

SIZE OF REQUEST: Approx. 1.1 acres **CENSUS TRACT:** 48113020300

REPRESENTATIVE: Emily Bowlin, Gray Reed & McGraw LLP

OWNER/APPLICANT: Fairpark Senior Care Center LLC

REQUEST: An application for an amendment to Specific Use Permit No. 1532 for convalescent and nursing homes, hospice care, and related institutions on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The purpose of the request is to continue to allow a convalescent and nursing homes, hospice care, and related institutions use.

CPC RECOMMENDATION: **Approval** for a 20-year period with eligibility for automatic renewals for additional 20-year periods, subject to amended conditions.

STAFF RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to amended conditions.

BACKGROUND INFORMATION:

- The area of the request is zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.
- The request is to renew the existing SUP, which expired on September 14, 2023. The applicant missed the window for an automatic renewal.
- The lot has frontage on both Martin Luther King, Jr. Boulevard and South Malcolm X Boulevard.

Zoning History:

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

1. **Z190-263:** On October 13, 2020, City Council approved Planned Development District No. 1038 for R-5(A) Single Family Subdistrict uses and a public school other than an open-enrollment charter school on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, with H/62 Historic Overlay for James Madison High School on the south corner of Martin Luther King, Jr. Boulevard and Meadow Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Martin Luther King Jr. Boulevard	Principal Arterial	100'
Malcolm X Boulevard	Community Collector	60'

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 will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:**Land Use:**

	Zoning	Land Use
Site	PD 595, CC	Convalescent and nursing homes, hospice care, and related institutions
Northwest	PD 595, MF-2(A) Subdistrict	Single family
Northeast	PD 595, CC	Financial institution with drive-in window
East	PD 595, CC	Religious and Community Uses
Southeast	PD 595, CC	Retail
Southwest	PD 595, CC	Undeveloped
West	PD595, R-7.5(A) Subdistrict with H/4 South Boulevard/Park Row Historic District Overlay	Single family

Land Use Compatibility:

The request site is within a CC Community Commercial Subdistrict within Planned Development District No. 595 and is currently occupied by the applicant. The CC Subdistrict allows for convalescent and nursing homes, hospice care, and related institutions uses with a special use permit.

Other uses surrounding the area of request include single family to the north and west, retail uses to the south, and religious and community uses to the east. The applicant's use of the site is complimentary to the community services developments that have previously occurred along Martin Luther King, Jr. Boulevard.

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. A general merchandise store greater than 3,500 sf is allowed by right in PD No. 605. Additionally, this development will complement the prior large scale retail that has been developed along Samuell Boulevard.

Landscaping:

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

Parking:

Per the Dallas Development Code, the off-street parking requirement for a convalescent and nursing homes, hospice care, and related institutions use is 0.3 spaces per bed. The site is required to provide 34 parking spaces, and the site provides 39 parking spaces.

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 in an “F” MVA area that extends to the north, northwest, and southwest. Directly southwest of the request area across South Malcolm X Boulevard is a “G” MVA cluster. Further southwest of the request area is an “I” MVA area.

List of Officers

Fairpark Senior Care Center LLC

Allen Boerner, CEO

CPC Action

March 7, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1532 for convalescent and nursing homes, hospice care, and related institutions for a 20-year period with eligibility for automatic renewals for additional 20-year periods, subject to amended conditions on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of Martin Luther King, Jr. Boulevard and South Malcom X Boulevard.

Maker: Wheeler-Reagan

Second: Herbert

Result: Carried: 13 to 0

For: 13 - Chernock, Hampton, Herbert, Forsyth, Shidid, Carpenter, Wheeler-Reagan, Blair, Sleeper, Housewright, Treadway, Haqq*, Hall

Against: 0

Absent: 2 - Kingston, Rubin

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 300

Mailed: 53

Replies: For: 0

Against: 0

Speakers: For: Emily Bowlin, 2815 Martin Luther King Jr. Blvd., Dallas, TX, 75215
Against: None

**CPC RECOMMENDED
PROPOSED CONDITIONS**

1. Use: The only use authorized by this specific use permit is for convalescent and nursing homes, hospice care, and related institutions.

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 is approved for a time period that expires (20 years from the passage of this ordinance) and is eligible for automatic renewal for additional 20-year periods pursuant to Section 51A-4.219 of the Dallas City Code, as amended. In order 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 application for automatic renewal is strictly enforced.)

Staff Recommendation:

3. Time Limit: This specific use permit is approved for a time period that expires (10 years from the passage of this ordinance) and is eligible for automatic renewal for additional 10-year periods pursuant to Section 51A-4.219 of the Dallas City Code, as amended. In order 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 application for automatic renewal is strictly enforced.)

4. Ingress/Egress: Ingress and egress must be provided as shown on the attached site plan.

5. Off-Street Parking: Off-street parking must be provided in accordance with the parking requirements in the Dallas Development Code, as amended, and located as shown on the attached site plan.

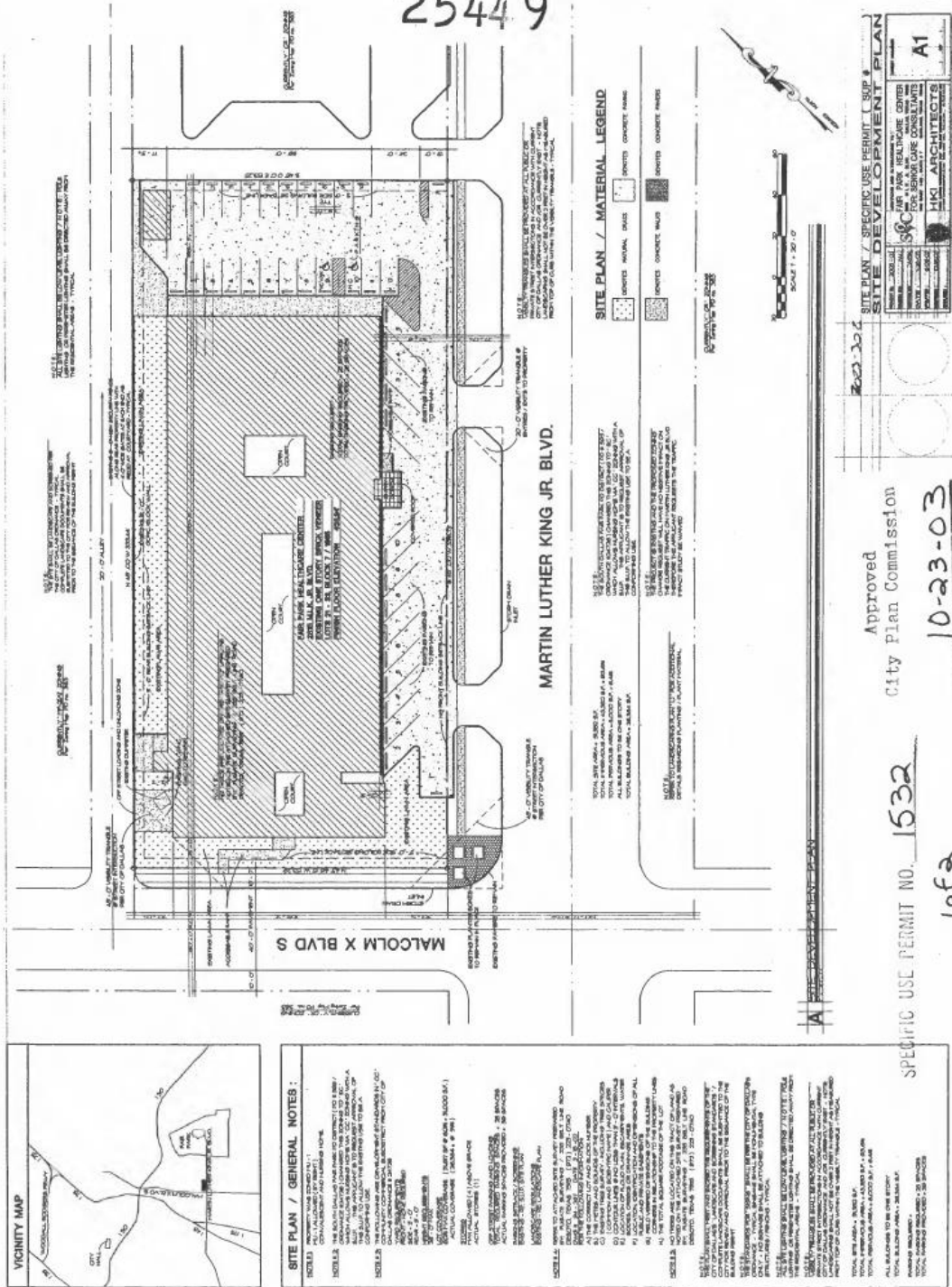
4. Maintenance: The property must be properly maintained in a state of good repair and neat appearance.

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.

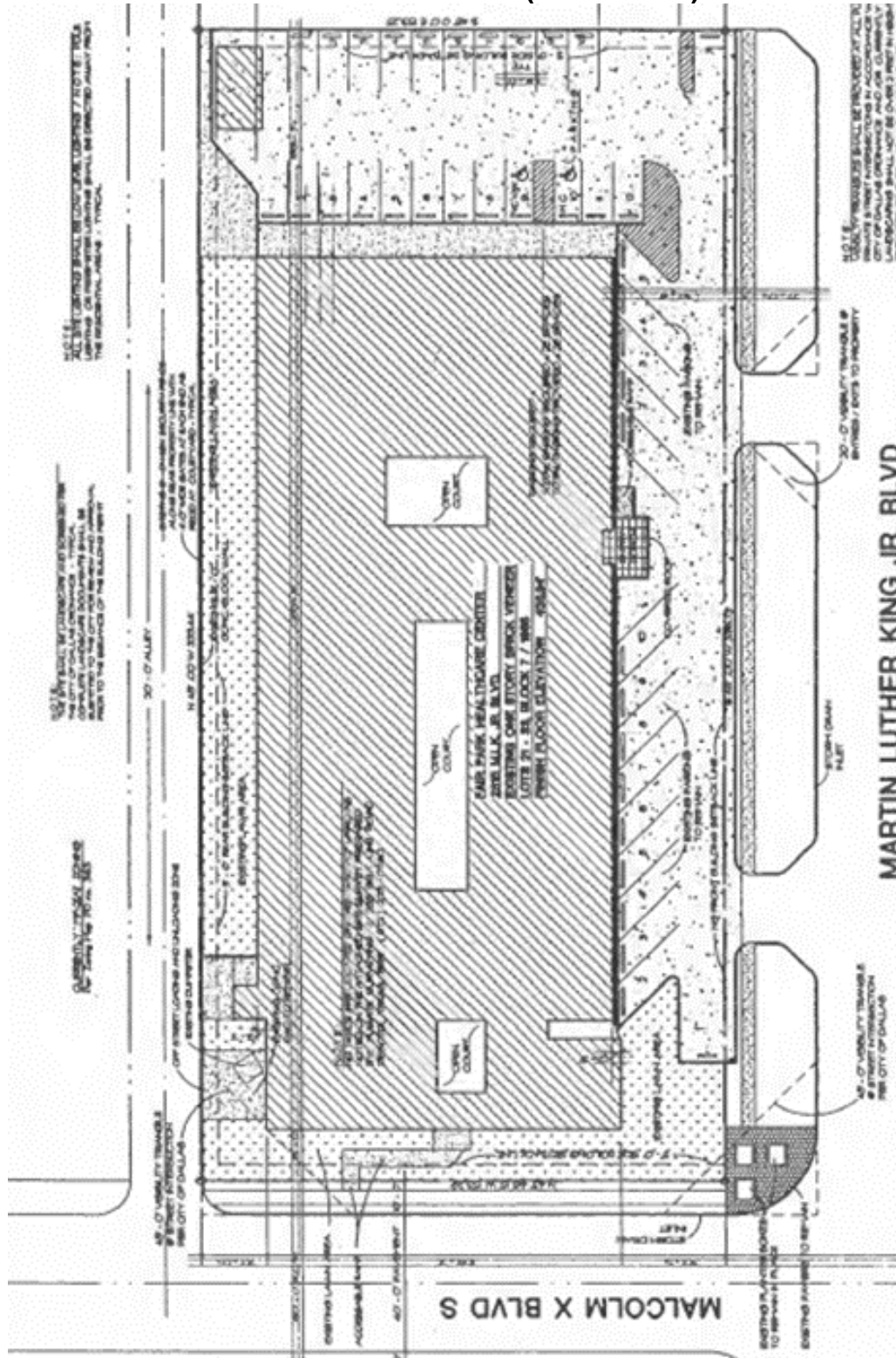
CPC RECOMMENDED
PROPOSED SITE PLAN

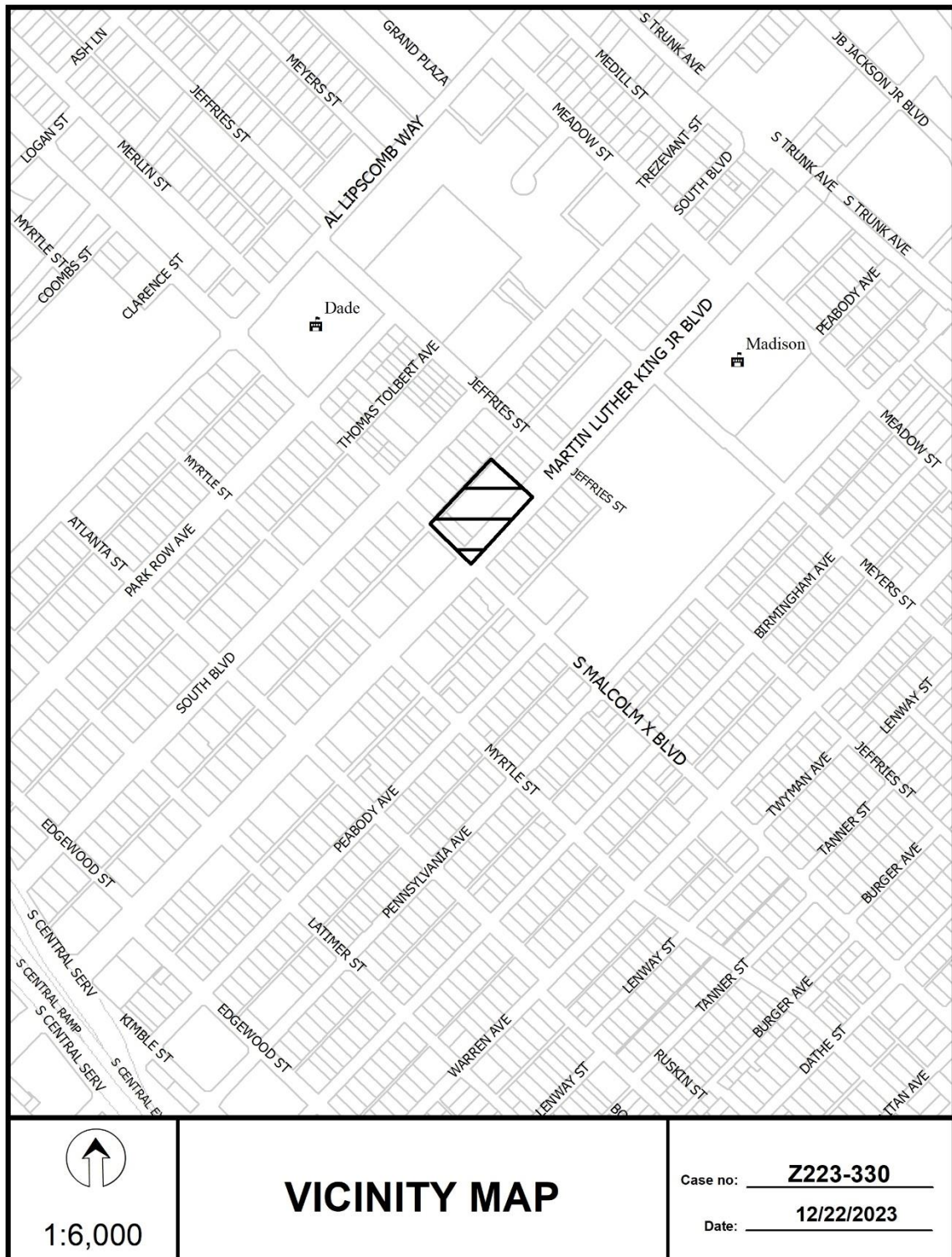
Site Plan
25449

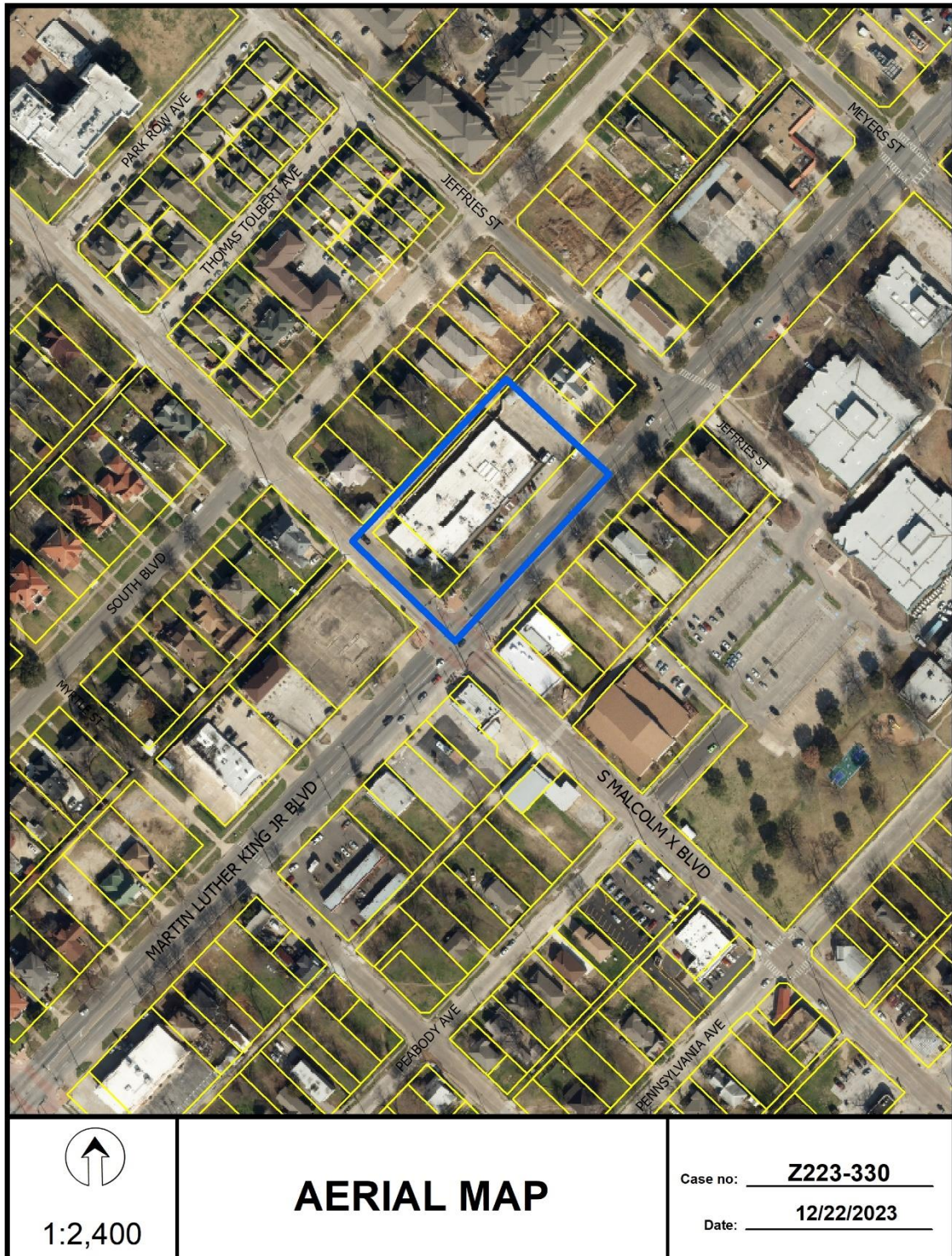
033370

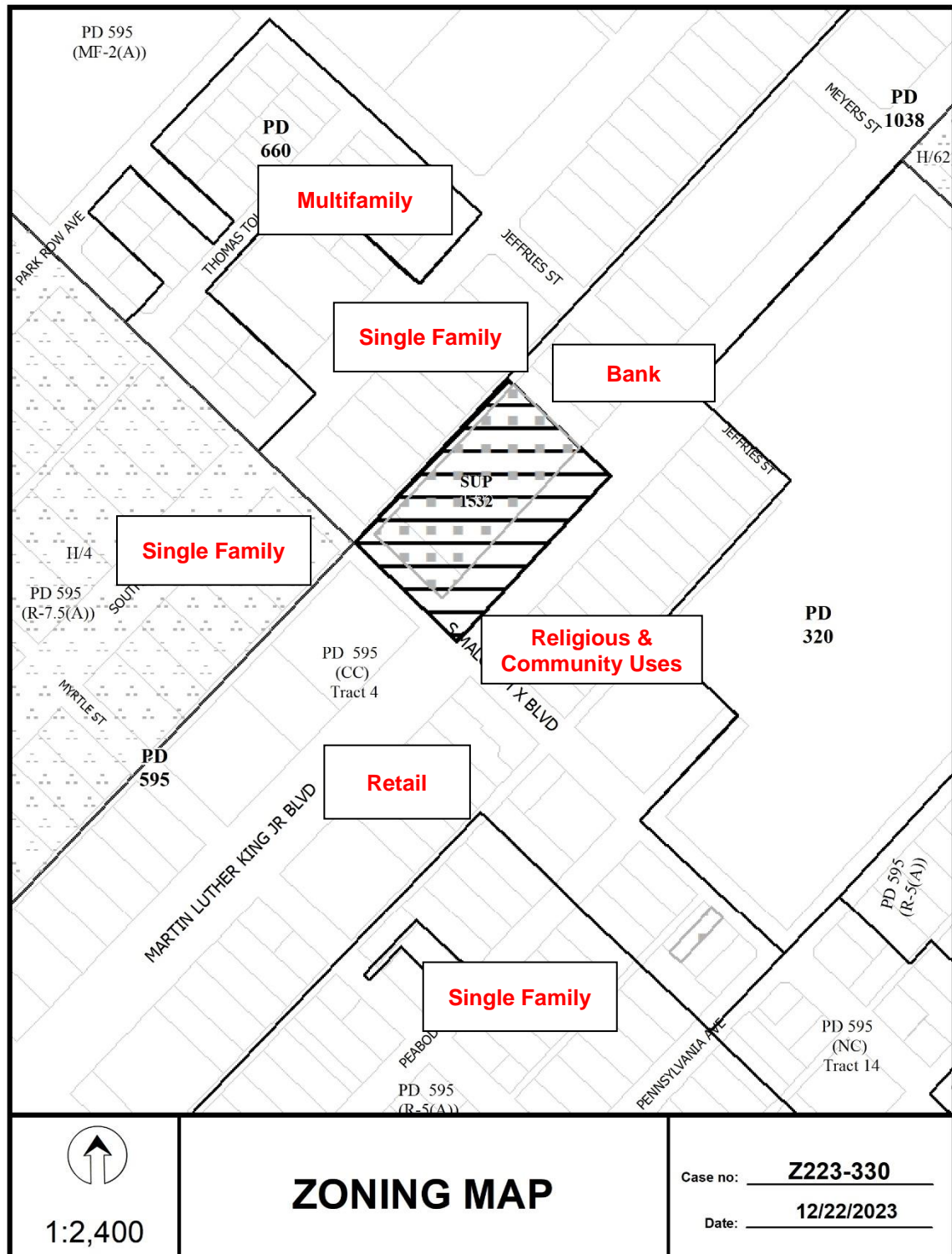


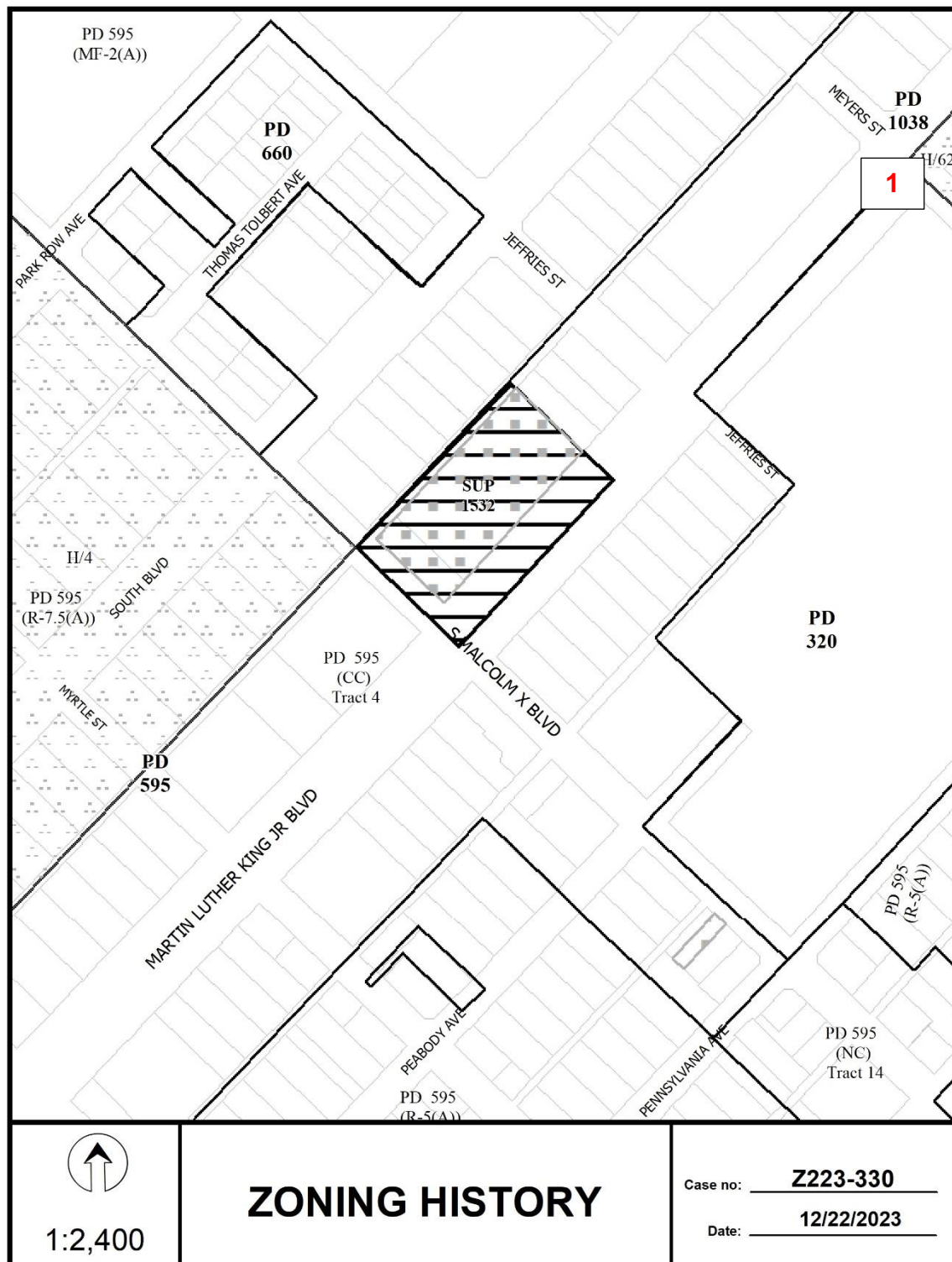
**CPC RECOMMENDED
PROPOSED SITE PLAN (ENLARGED)**

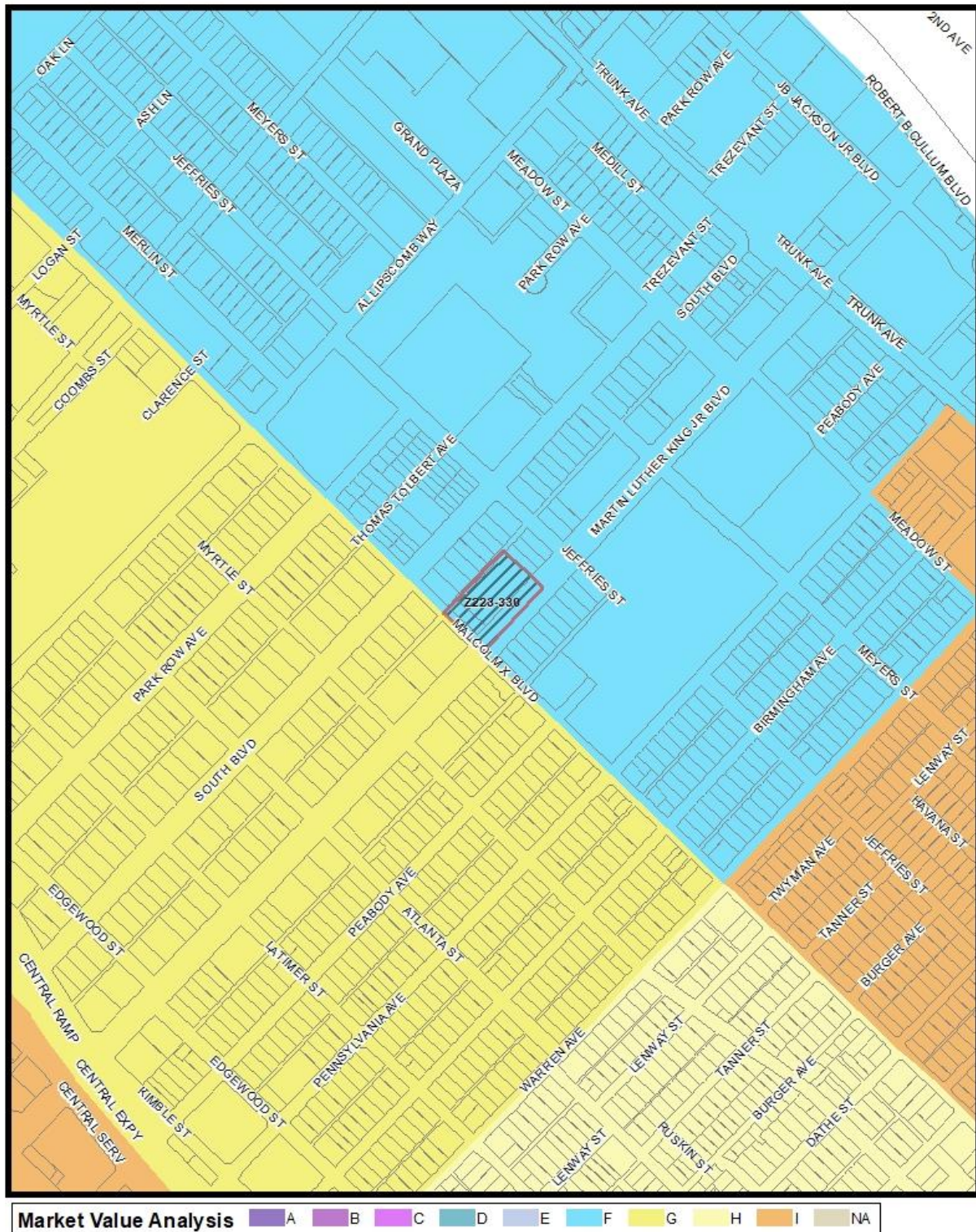


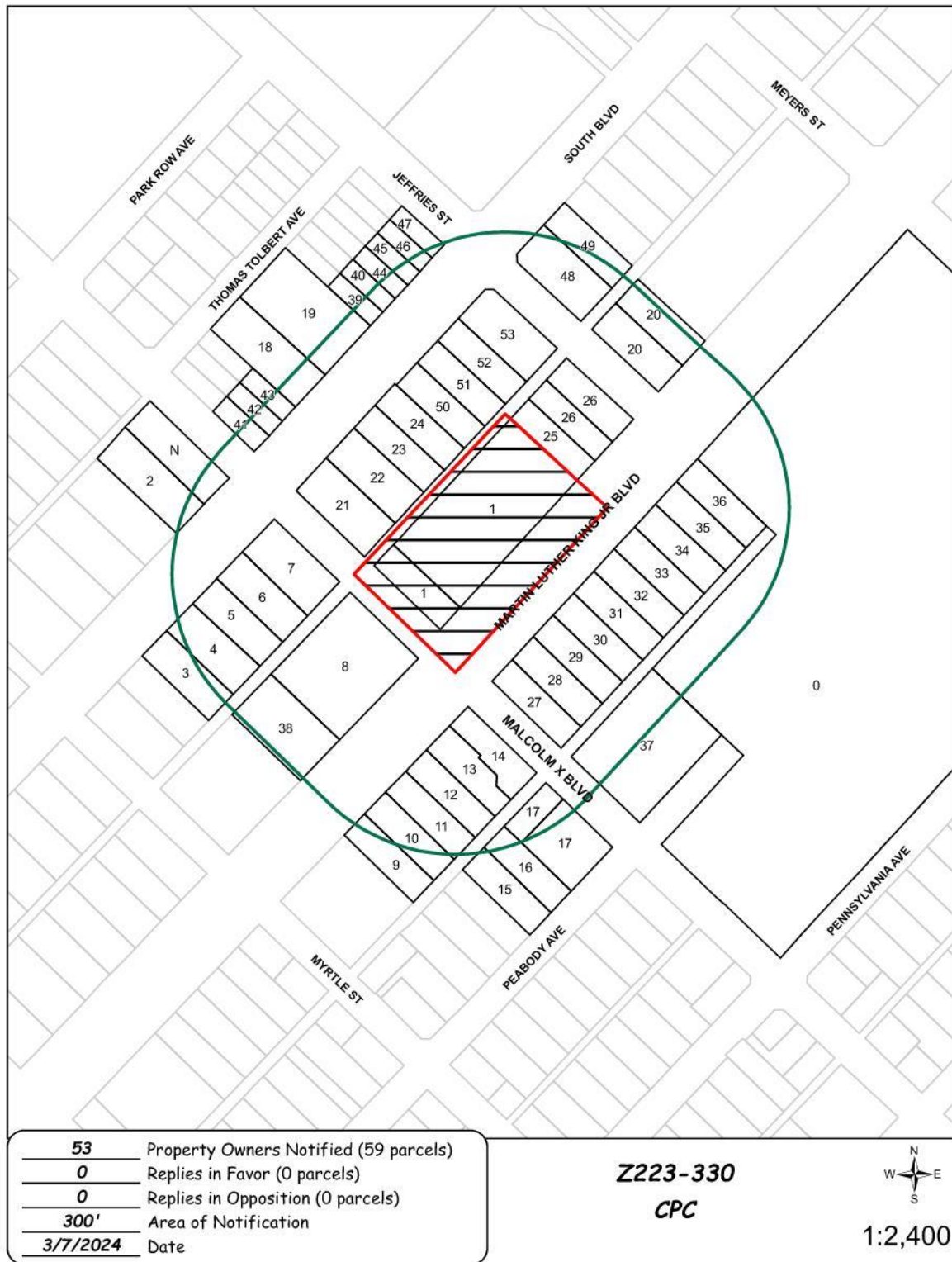












03/06/2024

Reply List of Property Owners**Z223-330****53 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed**

Reply	Label #	Address	Owner
1	2801	MARTIN LUTHER KING JR BLVD	FAIRPARK SENIOR CARE CTR
2	2729	SOUTH BLVD	WORLD IMPACT INC
3	2714	SOUTH BLVD	CLAY BILLYE H
4	2718	SOUTH BLVD	COCO PROPERTIES LLC
5	2720	SOUTH BLVD	HENRY SHEILA J & JOE
6	2726	SOUTH BLVD	LIVINGSTON TRASWELL C III
7	2734	SOUTH BLVD	Taxpayer at
8	2727	MARTIN LUTHER KING JR BLVD	DALLAS BLACK CHAMBER
9	2714	MARTIN LUTHER KING JR BLVD	DALLAS SKYFALL LLC
10	2716	MARTIN LUTHER KING JR BLVD	Taxpayer at
11	2720	MARTIN LUTHER KING JR BLVD	JEANETTE INVESTMENTS IV
12	2724	MARTIN LUTHER KING JR BLVD	Taxpayer at
13	2728	MARTIN LUTHER KING JR BLVD	JEANETTE INV IV LTD
14	2734	MARTIN LUTHER KING JR BLVD	Taxpayer at
15	2725	PEABODY AVE	Taxpayer at
16	2727	PEABODY AVE	CHURCH LORD JESUS CHRIST
17	2729	PEABODY AVE	CHURCH OF THE LORD JESUS
18	2811	SOUTH BLVD	BRYANT RITA JO &
19	2821	SOUTH BLVD	SOUTHFAIR COMMUNITY DEV CORP
20	2903	MARTIN LUTHER KING JR BLVD	TH & S ENTERPRISES LLC
21	2800	SOUTH BLVD	WRIGHT LOIS
22	2806	SOUTH BLVD	SNEED T A
23	2810	SOUTH BLVD	MOSELEY PATRICIA M
24	2818	SOUTH BLVD	JONES TYRONE & DEBORAH GRIFFIN &
25	2845	MARTIN LUTHER KING JR BLVD	BANK ONE TEXAS NA

03/06/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
26	2833	MARTIN LUTHER KING JR BLVD	BANK ONE TEXAS NATL
27	2800	MARTIN LUTHER KING JR BLVD	BACCUS PPTY MGMT LLC
28	2804	MARTIN LUTHER KING JR BLVD	ISLAMIC CENTER OF SOUTH
29	2810	MARTIN LUTHER KING JR BLVD	ISLAMIC CENTER OF SOUTH
30	2814	MARTIN LUTHER KING JR BLVD	BACCUS PROPERTY
31	2818	MARTIN LUTHER KING JR BLVD	VICTORY BAPTIST CHURCH
32	2822	MARTIN LUTHER KING JR BLVD	Taxpayer at
33	2828	MARTIN LUTHER KING JR BLVD	MYAP TRUST
34	2830	MARTIN LUTHER KING JR BLVD	ENGLISH CYNTHIA
35	2834	MARTIN LUTHER KING JR BLVD	DALLAS BLACK CHAMBER
36	2838	MARTIN LUTHER KING JR BLVD	BLACK CHAMBER OF
37	2801	PEABODY AVE	WARREN UNITED METHODIST
38	2717	MARTIN LUTHER KING JR BLVD	CAMPBELL ELAINE
39	2823	SOUTH BLVD	STRONG NATALIE NICOLE
40	2825	SOUTH BLVD	WILSON CHARLIE ALFRED
41	2801	SOUTH BLVD	BEDARD KEITH W &
42	2803	SOUTH BLVD	SHEPHERD CLAYTON
43	2805	SOUTH BLVD	FULBRIGHT MERCEDES
44	2827	SOUTH BLVD	STEVENSON LINDA C
45	2829	SOUTH BLVD	2310 ROCK STREET LLC
46	2831	SOUTH BLVD	QUARLES TAWAINA
47	2835	SOUTH BLVD	SHAW LACHESHIA
48	2904	SOUTH BLVD	Taxpayer at
49	2908	SOUTH BLVD	HOOD DION
50	2824	SOUTH BLVD	Taxpayer at
51	2830	SOUTH BLVD	Taxpayer at
52	2836	SOUTH BLVD	HOGUE ADJWOA
53	2842	SOUTH BLVD	APENUVON FELICIA E