

FILE NUMBER: Z189-267(CY)

DATE FILED: May 7, 2019

LOCATION: Northwest side of Oxbow Lane, north of Foxboro Lane

COUNCIL DISTRICT: 3

MAPSCO: 65 N

SIZE OF REQUEST: Approximately 3.63 acres

CENSUS TRACT: 112.00

REPRESENTATIVE: Linne Shields, MHH Properties, LLC

APPLICANT/OWNER: MHH Properties, LLC

REQUEST: An application for a Specific Use Permit for an adult day care facility on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant proposes to develop the site with a one-story, approximately 5,300-square-foot building. The purpose of the request is to allow for the proposed building to be occupied with an adult day care facility.

CPC RECOMMENDATION: **Approval** of a Specific Use Permit for an adult day care facility on a portion of the area of request for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** of a Specific Use Permit for an adult day care facility on a portion of the area of request 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 zoned an R-7.5(A) Single Family District and is currently undeveloped.
- Building Inspections' records indicate the site contained a single-family structure that was demolished in 1980 after a demolition permit was issued and completed.
- The Dallas Development Code defines an adult day care facility as a facility that provides care or supervision for five or more persons 18 years of age or older who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers. This use is allowed in the R-7.5(A) District by Specific Use Permit only.
- The initial request was to develop the 3.63-acre site with a one-story, approximately 8,125-square-foot building to be occupied with an adult day care facility. After an initial meeting with the neighboring property owners, the applicant revised the proposal to reduce the size of the facility to be developed on a portion of the site and to relocate the building further northwest on the subject property. The remainder of the site is now being proposed to be developed with single family uses.
- The proposed building is now 5,300 square feet in area and will have capacity for up to 30 persons. In addition to the building, the facility will have other amenities such as gardens and walking paths.
- On January 7, 2020, at a neighborhood meeting, the applicant presented to the surrounding property owners, the revised request for a reduced building and land area to be occupied with the adult day care facility.

Zoning History:

There has not been any recent zoning change request in the vicinity of the area of request in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Oxbow Lane	Minor arterial	50 feet

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed request will not have a negative impact on the surrounding street system.

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 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.

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.

Land use:

	Zoning	Land Use
Site	R-7.5(A)	Undeveloped land.
North	R-7.5(A)	Undeveloped land
East	R-7.5(A)	Single family
South	R-7.5(A)	Single family
West	R-7.5(A), PD No. 861	Single family, public school

Land Use Compatibility:

The 3.63-acre request site is currently undeveloped. The Building Inspections Division's records indicate the site previously contained a single-family structure that was demolished in 1980 after a demolition permit was issued and completed.

The applicant proposes to develop the site with a one-story, approximately 5,300-square-foot building to be occupied with an adult day care facility. The R-7.5(A) Single Family District allows for the adult day care use by Specific Use Permit only.

According to the applicant, the adult day care facility will serve up to 30 adults¹, age 65 and over. The hours of operation will be Monday through Friday from 7:00 a.m. to 7:00 p.m.

The request site is surrounded by single family uses to the east, south and west. A large undeveloped tract of land is directly adjacent to the north, and a public school is located further west. Several church uses and retail and personal service uses are found further west along East Red Bird Lane.

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 applicant's request complies with the general provisions for consideration of a SUP. It is staff's opinion that the proposed use will not have a negative impact in the surrounding areas; furthermore, the proposed development is foreseen as to provide a much-needed service to allow seniors to receive care during the day. The maneuvering and parking for the use are located on the site and if compliance with the conditions and site plan are maintained should have no adverse effect on the neighborhood.

Parking:

Pursuant to §51A-4.204 of the Dallas Development Code, the off-street parking requirement for an adult daycare facility is one space per 500 square feet of floor area. Therefore, the overall proposed 5,300-square-foot adult day care facility will require 11 parking spaces. The site plan proposes 11 parking spaces within the area of request.

Landscaping:

Landscaping must be provided in accordance with Article X of the Dallas Development Code.

¹ The Dallas Development Code does not regulate the maximum number of participants an adult day care facility can serve. This use must comply with statutory licensing requirements.

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 is not within an identifiable MVA Category; however, it is surrounded by an “H” MVA Cluster to the west, south and east.

LIST OF PARTNERS / PRINCIPALS/ OFFICERS

Owner/Applicant:

MMH Properties, LLC

Linne Shields

Managing Member

CPC Action
August 15, 2019

Motion: In considering an application for a Specific Use Permit for an adult day care facility on property zoned an R-7.5(A) Single Family District on the northwest side of Oxbow Lane, north of Foxboro Lane, it was moved to **hold** this case under advisement until September 19, 2019.

Maker: Criss
Second: Schultz
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss, Johnson, Shidid,
Carpenter, Brinson, Jung, Housewright,
Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 8, District 12

Notices: Area: 300 Mailed: 68
Replies: For: 1 Against: 18

Speakers: For: Linne Shields, 3600 Windy Hill Rd., Celina, TX, 75009
Against: Joseph Mohmed, 430 E. Ledbetter Dr., Dallas, TX, 75216
Patricia Hunt, 928 Oxbow Ln., Dallas, TX, 75241
Sandra Alridge, 5755 Trio Ln., Dallas, TX, 75241

CPC Action
September 19, 2020

Motion: In considering an application for a Specific Use Permit for an adult day care facility on property zoned an R-7.5(A) Single Family District on the northwest side of Oxbow Lane, north of Foxboro Lane, it was moved to **hold** this case under advisement until November 7, 2019.

Maker: Schultz
Second: Murphy
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Johnson, Shidid,
Carpenter, Brinson, Jung, Housewright,
Schultz, Murphy, Ridley

Against: 0
Absent: 2 - Criss, Tarpley
Vacancy: 2 - District 8, District 12

Notices: Area: 300 Mailed: 68
Replies: For: 1 Against: 24

Speakers: For: None
Against: Joseph Mohmed, 430 E. Ledbetter Dr., Dallas, TX, 75216

CPC Action
November 7, 2020

Motion: In considering an application for a Specific Use Permit for an adult day care facility on property zoned an R-7.5(A) Single Family District on the northwest side of Oxbow Lane, north of Foxboro Lane, it was moved to **hold** this case under advisement until December 12, 2019.

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

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Ridley, Rubin*

Against: 0
Absent: 0
Vacancy: 1 - District 3

*out of the room, shown voting in favor

Notices: Area: 300	Mailed: 68
Replies: For: 1	Against: 24

Speakers: None

CPC Action
December 12, 2019

Motion: In considering an application for a Specific Use Permit for an adult day care facility on property zoned an R-7.5(A) Single Family District on the northwest side of Oxbow Lane, north of Foxboro Lane, it was moved to **hold** this case under advisement until January 23, 2020.

Maker: Schultz
Second: MacGregor
Result: Carried: 12 to 0

For: 12 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Blair, Jung, Schultz, Schwope,
Murphy, Garcia, Rubin

Against: 0
Absent: 2 - Brinson, Housewright
Vacancy: 1 - District 3

Notices: Area: 300 Mailed: 68
Replies: For: 1 Against: 24

Speakers: None

CPC Action
January 23, 2020

Motion: In considering an application for a Specific Use Permit for an adult day care facility on property zoned an R-7.5(A) Single Family District on the northwest side of Oxbow Lane, north of Foxboro Lane, it was moved to **hold** this case under advisement until February 6, 2020.

Maker: Schultz
Second: Carpenter
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton*, Johnson, Shidid,
Carpenter, Brinson, Jung*, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 1 - Blair
Vacancy: 1 - District 3

*out of the room, shown voting in favor

Notices: Area: 300	Mailed: 68
Replies: For: 1	Against: 24

Speakers: None

CPC Action
February 6, 2020

Motion: It was moved to recommend **approval** of a Specific Use Permit for an adult day care facility on a portion of the area of request for a five-year period, subject to a revised site plan and conditions (as briefed) on property zoned an R-7.5(A) Single Family District on the northwest side of Oxbow Lane, north of Foxboro Lane.

Maker: Schultz
Second: Housewright
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Jackson, Blair, Jung, Housewright,
Schultz, Schwope, Garcia, Rubin

Against: 0
Absent: 1 - Murphy
Vacancy: 1 - District 3

Notices: Area: 300 Mailed: 68

Replies: For: 1 Against: 24

Speakers: For: Linne Shields, 3600 Windy Hill Rd., Celina, TX, 75009
Against: None

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an adult day care facility.
2. SITE PLAN: Use and development of the property must comply with the attached site plan.

CPC Recommendation:

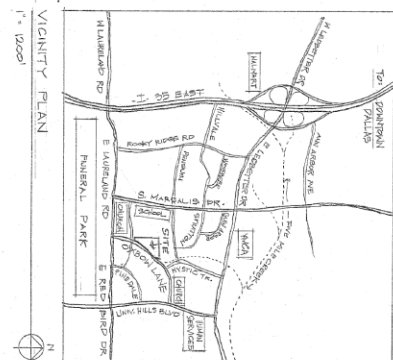
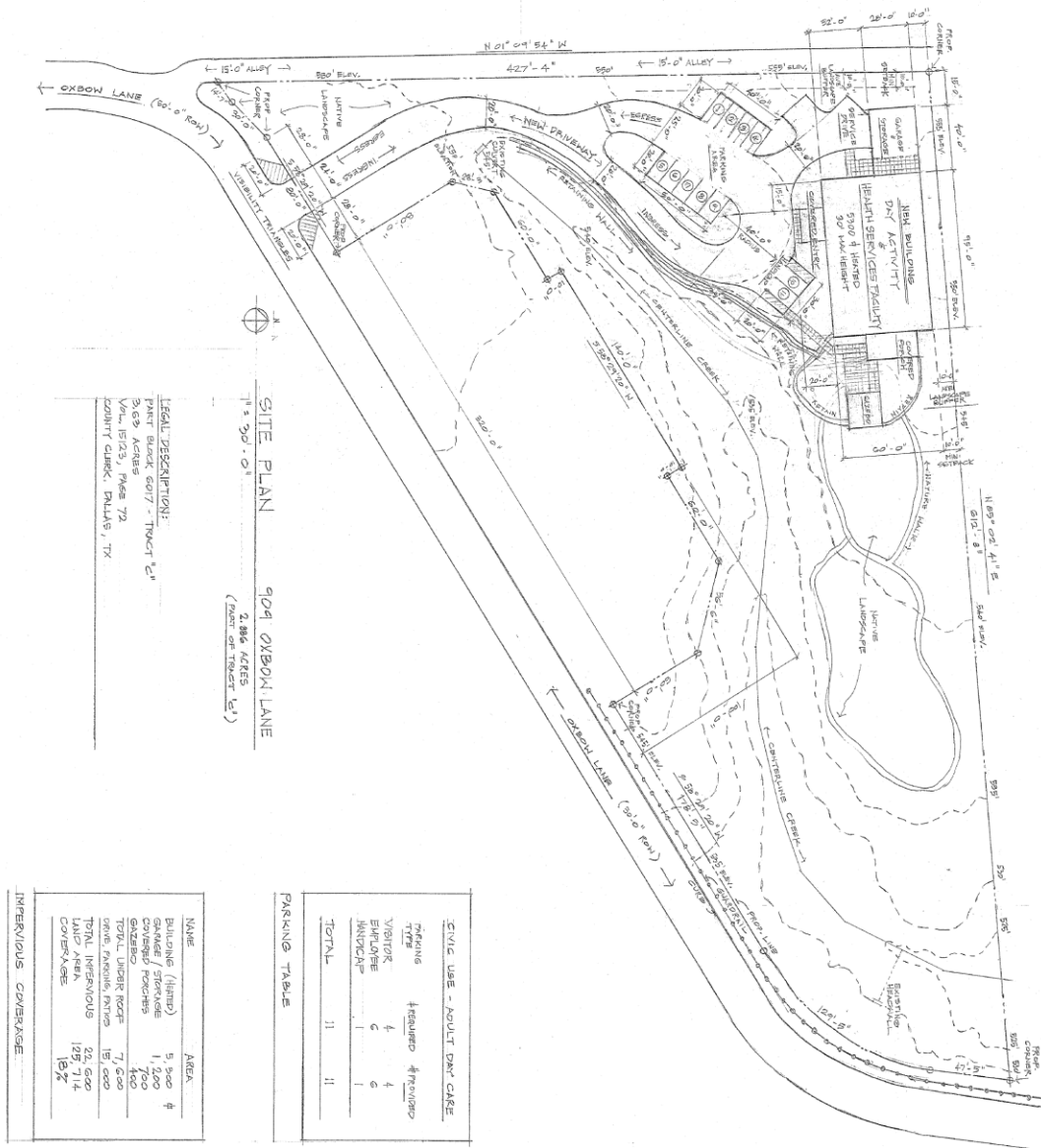
- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (five years from the passage of this ordinance) |
|--|

Staff Recommendation:

- | |
|---|
| 3. <u>TIME LIMIT</u> : 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. FLOOR AREA: The maximum floor area for an adult day care facility is 5,300 square feet.
5. HOURS OF OPERATION: The adult day care facility may only operate Monday through Friday from 7:00 am to 7:00 pm.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. 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.

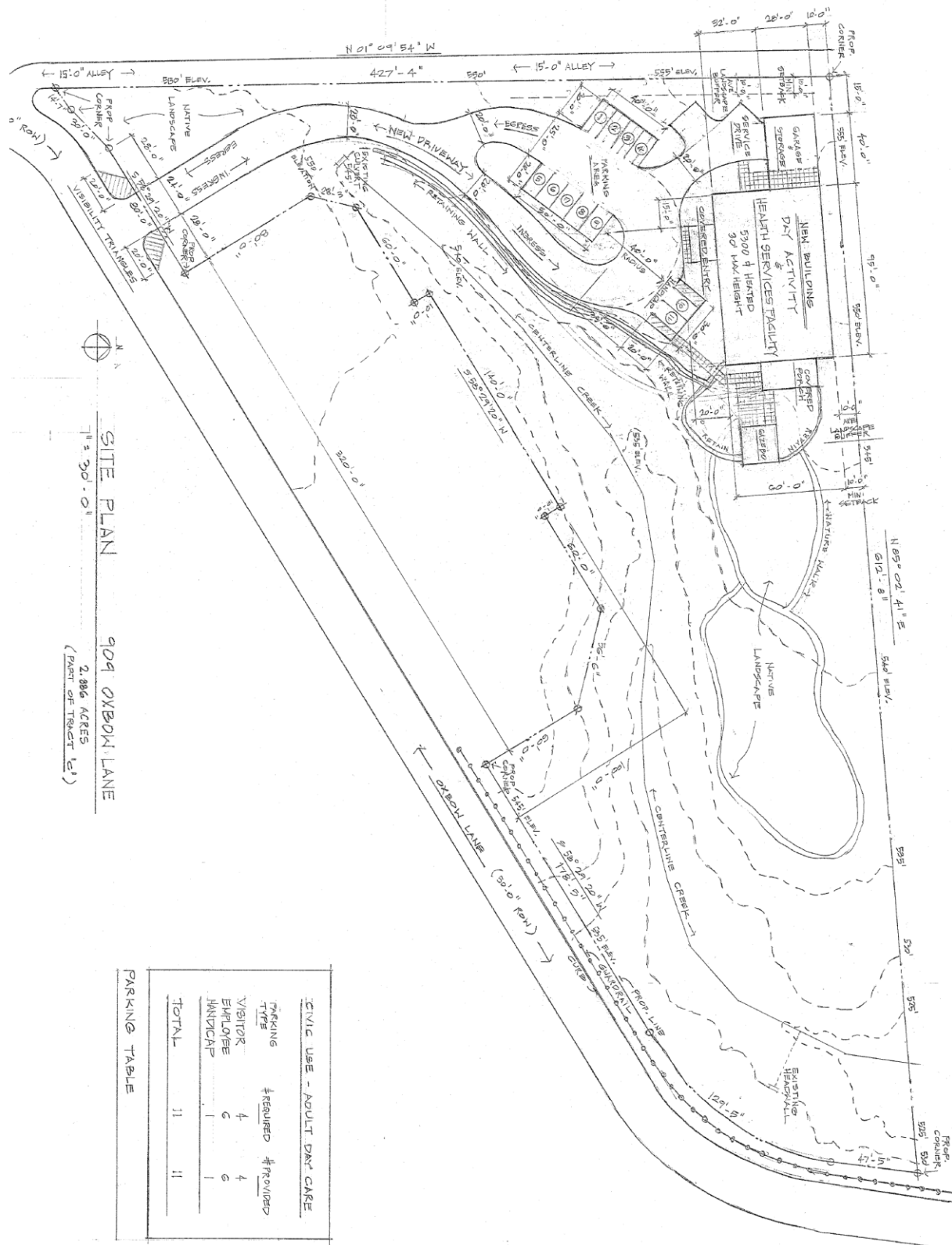
CPC RECOMMENDED SUP SITE PLAN

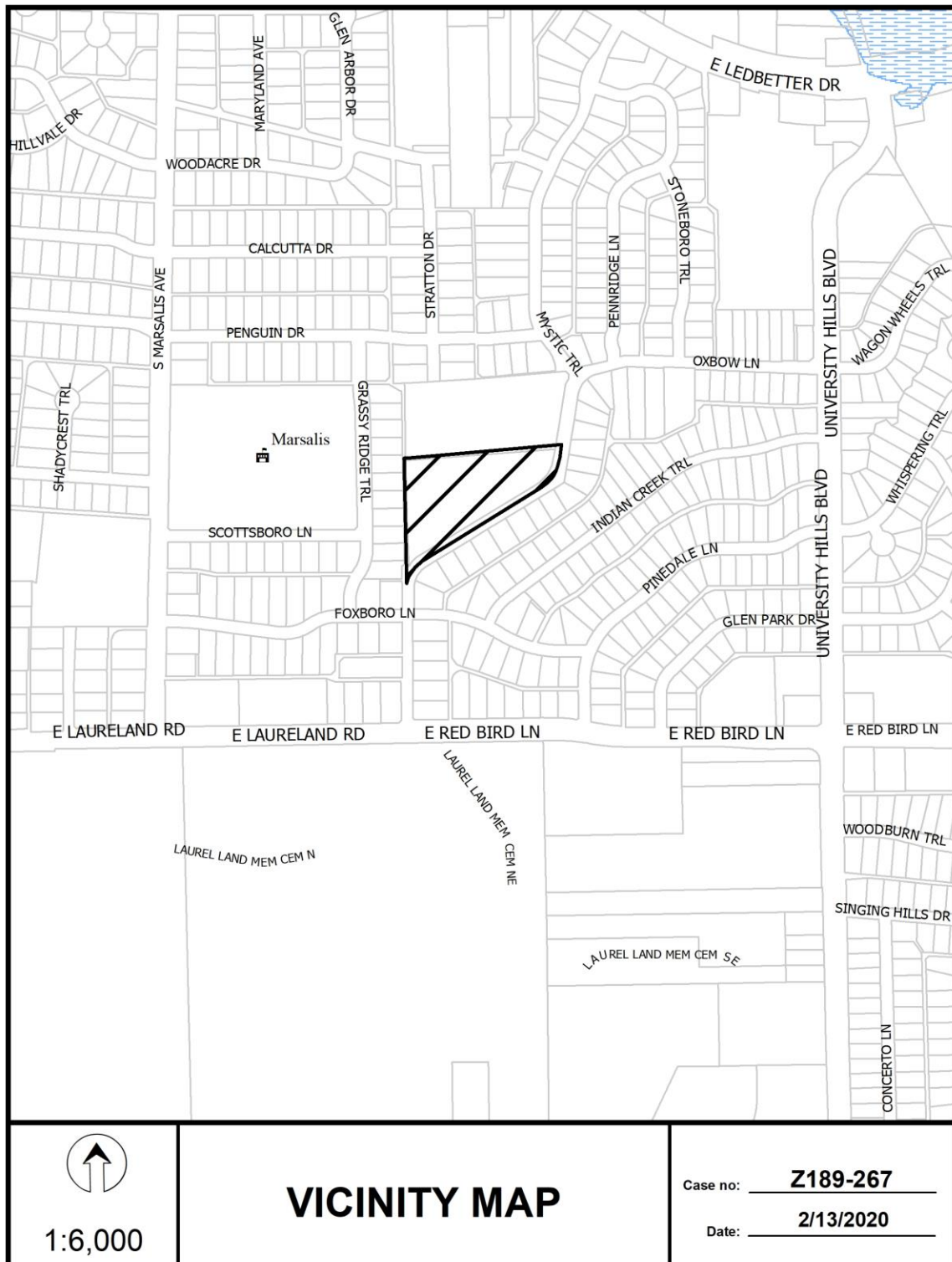


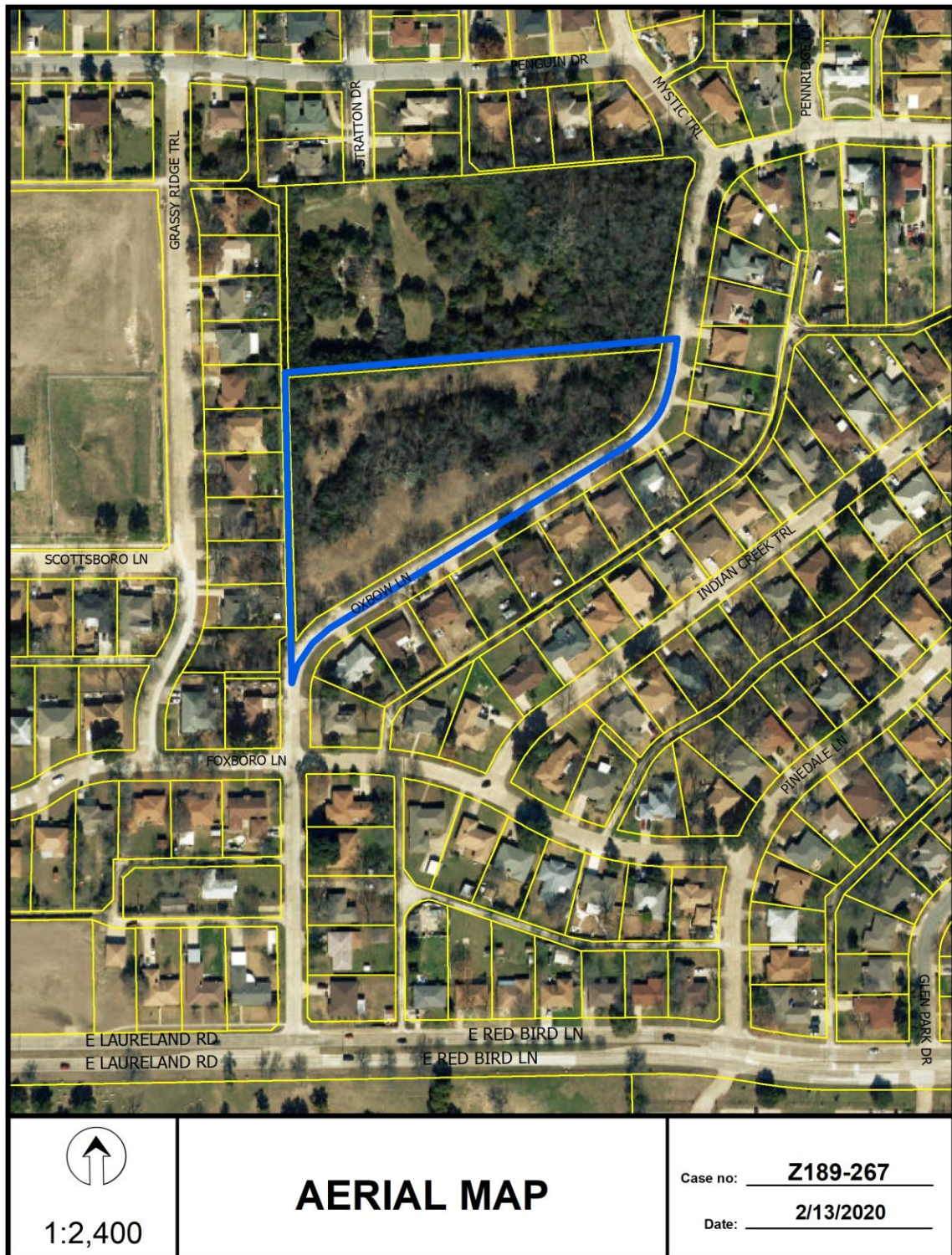
DAY ACTIVITY HEALTH SERVICES FACILITY
 909 OXBOW LANE
 DALLAS, TEXAS 75241

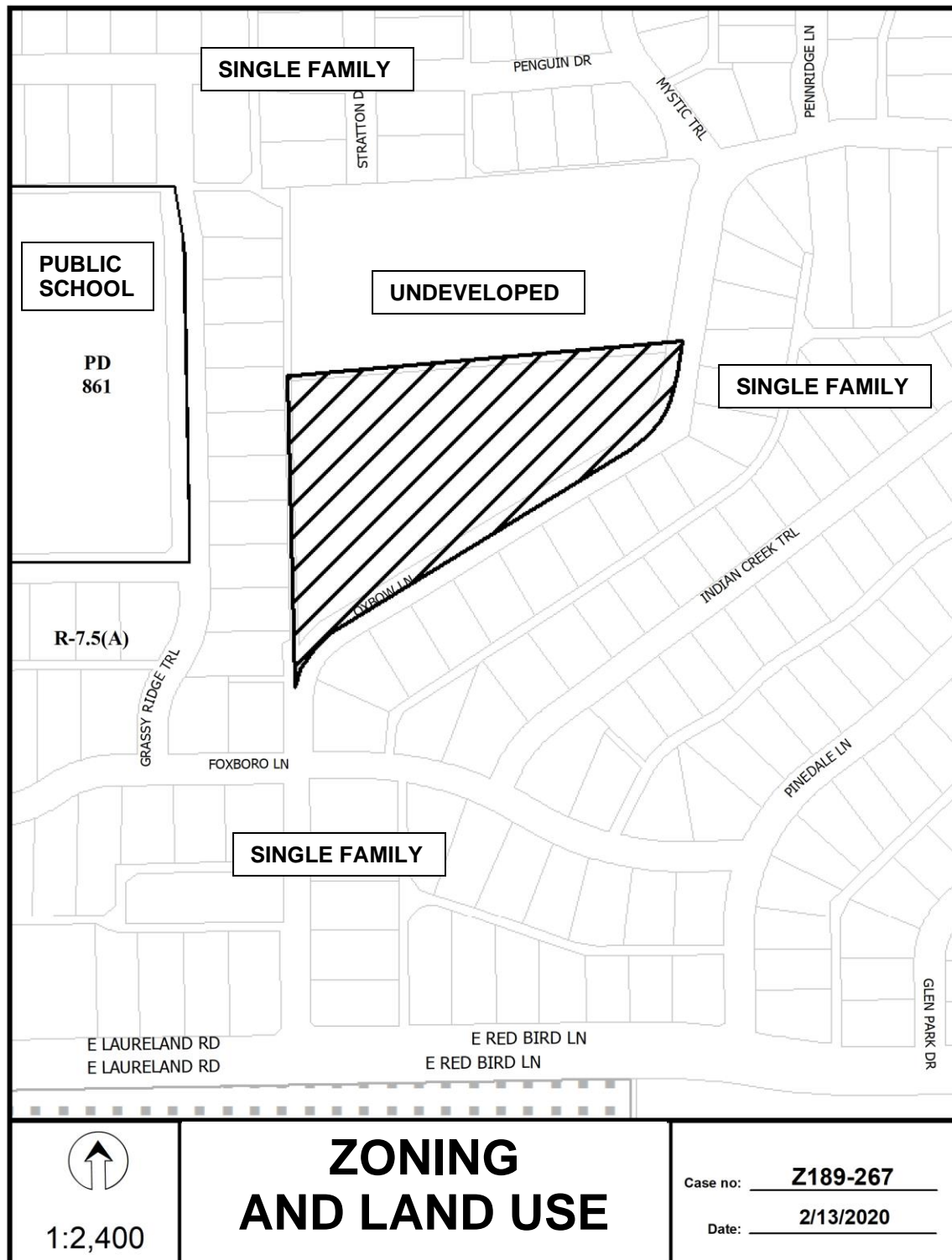
THE FORTRESS, LLC
 15000 DALLAS ROAD
 DALLAS, TX 75244
 JANUARY 24, 2020

SITE PLAN (ENLARGED)











Market Value Analysis

A B C D E F G H I NA



1:6,000

Market Value Analysis

Printed Date: 2/13/2020

CPC RESPONSES



02/05/2020

Reply List of Property Owners***Z189-267******68 Property Owners Notified******1 Property Owners in Favor******24 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	909 OXBOW LN	KING GOSBY JR
	2	1 LAURELAND RD	GREEN SAMUEL III &
	3	5611 STRATTON DR	WILLIAMS BILLY GENE &
	4	5612 STRATTON DR	MURPHY LAURESE
X	5	837 FOXBORO LN	WALKER L C
X	6	831 FOXBORO LN	WALLACE JOYCE
	7	5710 GRASSY RIDGE TRL	BYRD INVESTMENT PROPERTIES LLC
	8	5704 GRASSY RIDGE TRL	NASH GLORIA & HUEY P
	9	5656 GRASSY RIDGE TRL	MCNEELY RODNEY D
	10	5652 GRASSY RIDGE TRL	RYLES VERONICA R
	11	5646 GRASSY RIDGE TRL	WILKES ROSEMARIE
	12	5642 GRASSY RIDGE TRL	LACY OLGA A M EST OF
	13	5636 GRASSY RIDGE TRL	DELONEY LENORA
	14	5632 GRASSY RIDGE TRL	EASLEY KRISTAL
	15	5626 GRASSY RIDGE TRL	YEAP SUSAN S
	16	5622 GRASSY RIDGE TRL	CAKLEY CAROLYN TR
	17	5616 GRASSY RIDGE TRL	AC2 LLC
X	18	821 FOXBORO LN	PARRISH MARK
	19	826 SCOTTSBORO LN	SHELBY DONNYE R
	20	818 SCOTTSBORO LN	TAYLOR ARTHUR L
X	21	826 FOXBORO LN	ALAMAN LESLIE W & PATRICIA L
X	22	832 FOXBORO LN	FINLEY RUBY
	23	838 FOXBORO LN	MEZA SILVIO A
	24	823 OXBOW LN	SANCHEZ JESUS G
	25	910 PENGUIN DR	CHAPA RAMIRO
	26	916 PENGUIN DR	LEWIS CATHERINE P ESTATE

02/05/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	920 PENGUIN DR	TAYLOR PAUL A
X	28	5401 MYSTIC TRL	MCNEIL LARKE L
	29	824 OXBOW LN	JONES JANICE MARIE &
X	30	830 OXBOW LN	DAVIS STANLEY I
X	31	920 FOXBORO LN	IVORY WILLIE L JR &
X	32	907 FOXBORO LN	CHOICE D D
X	33	916 OXBOW LN	FINNELL SHIRLEY CONYERS
X	34	922 OXBOW LN	JONES SHIRELY
X	35	928 OXBOW LN	HUNT PATRICIA BELL &
X	37	940 OXBOW LN	BOSH ELMARIE
O	38	946 OXBOW LN	REGUERO PEDRO LUIS
	39	952 OXBOW LN	TAYLORBROWN CATHY
X	40	958 OXBOW LN	MILLS MATTHEW JR & IDA
X	41	964 OXBOW LN	GRAY FLORENCE L
	42	1006 OXBOW LN	CERBERUS SFR HOLDINGS LP
	43	1012 OXBOW LN	BROADNAX NED
X	44	1018 OXBOW LN	GRACE JACQUELINE
	45	917 FOXBORO LN	HENDERSON BILLY RAY & BESSIE FAYE
X	46	923 FOXBORO LN	BROWN CAROLE H
X	47	915 INDIAN CREEK TRL	LEON JESUS &
	48	921 INDIAN CREEK TRL	MORGAN TAWANNA SHEPHERD
X	49	927 INDIAN CREEK TRL	NEALY DORIS A
	50	933 INDIAN CREEK TRL	NOBLES DOCK C
	51	939 INDIAN CREEK TRL	WILLIS GEORGE O
X	52	945 INDIAN CREEK TRL	HAWTHORNE YOLANDA S
X	53	1005 INDIAN CREEK TRL	MAYBERRY TONYA
	54	1011 INDIAN CREEK TRL	JONES EDGAR D &
	55	1017 INDIAN CREEK TRL	JACKSON ANDREW
	56	1023 INDIAN CREEK TRL	JACKSON WILLIE L &
X	57	1029 INDIAN CREEK TRL	GILMORE GEORGE E
	58	1035 INDIAN CREEK TRL	MCGILBRA ADENA

02/05/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	59	1126 OXBOW LN	HENDRICKS IDA MAE
	60	1116 OXBOW LN	STANSELL LARVENE S
	61	1106 OXBOW LN	LEWIS ROMEO DR H JR
	62	1036 OXBOW LN	WOLF BEE HOLDINGS LLC
	63	1030 OXBOW LN	SEARCY CYNTHIA
	64	1024 OXBOW LN	COKES ROBERT EARL
	65	938 INDIAN CREEK TRL	ABISON LLC
	66	944 INDIAN CREEK TRL	MCCRARY DAVID &
	67	1004 INDIAN CREEK TRL	WILSON AMARI
	68	5640 S MARSALIS AVE	Dallas ISD
X	A1	934 OXBOW LN	COHEN GLORIA