

**FILE NUMBER:**                      Z190-198(PD)                      **DATE FILED:**    February 14, 2020

**LOCATION:**                              Northwest corner of Shepherd Road and Stults Road

**COUNCIL DISTRICT:**    10                                      **MAPSCO:**            26 D

**SIZE OF REQUEST:**    ±1.3 acres                              **CENSUS TRACT:**    78.05

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**REPRESENTATIVE:**              Kelvin Rausaw

**OWNER:**                              New Mount Zion

**REQUEST:**                              An application for a Specific Use Permit for child-care facility and community service center uses on property zoned an R-10(A) Single Family District.

**SUMMARY:**                              The applicant proposes to operate an approximately 9,278 square foot child-care facility use and an approximately 9,278 square foot community service center use in an approximately 18,556 square foot existing structure.

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

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

**BACKGROUND INFORMATION:**

- The subject site is developed with an approximately 18,556 square foot, two-story structure with surface parking.
- The applicant proposes to utilize the existing approximately 18,556 square foot structure to operate the proposed child-care facility with approximately 9,278 square feet of floor area with a maximum of 150 children and the proposed community service center uses with approximately 9,278 square feet of floor area.
- On October 13, 1999, the City Council approved SUP No. 1392 for a child-care facility use and a community service center use for a 20-year period with automatic renewals for additional 20-year periods. Subsequently, the SUP expired on October 13, 2019 with no application submitted for automatic renewal. While the operator, [New Mount Zion] has not changed, since expiration of the SUP the use has been vacant.
- The subject site is zoned an R-10(A) Single Family District. The City of Dallas Development Code permits a child-care facility and community service center use within an R-10(A) District subject to approval of a Specific Use Permit.

**Zoning History:** There has been one recent zoning change requested in the area within the past five years.

1. **Z189-111:** On May 22, 2019, the City Council approved an amendment to Tract II within Planned Development District No. 286.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Shepherd Road	Local	50 ft.	50 ft.
Stults Road	Local	60 ft.	60 ft.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed uses 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. 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 because the proposed uses are retaining the existing zoning regulations while allowing additional uses that are not only compatible but allowed within the district with an added layer of regulation.

## **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.

1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools.

## **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.

5.3.1.5 Build neighborhood facilities, such as schools, libraries and community centers, within walking distance of transit stations and homes.

The Neighborhood Plus Plan was adopted by the City Council in October 2015 to set a new direction and shape new policy for housing and neighborhood revitalization in Dallas. The final chapter, Strategic Goals, delineates six strategic goals to shift our approach, policies and actions to achieve greater equity and prosperity for all Dallas residents, expand the range of housing options, and enhance the quality of neighborhoods.

**Policy 4.1** Promote Dallas as a city of neighborhoods and publicize neighborhood assets and programs.

**Policy 4.3** Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

## STAFF ANALYSIS

### Surrounding land uses:

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-10(A)	Church
<b>North</b>	Subarea C within PDD No. 456	Undeveloped
<b>East</b>	R-10(A)	Church, surface parking lot
<b>South</b>	R-10(A), PD No. 393	Recreation center
<b>West</b>	Subarea C within PD No. 456	Undeveloped

### Land Use Compatibility:

The request site is currently developed with a two-story, 18,556 structure, previously utilized as a child-care facility use and community service center use. The applicant is proposing to operate the dual uses as an extension of the church [New Mount Zion].

The community service center use which will provide social and recreational service for the neighborhood in addition to the child-care facility use adding a needed service accessible within the community. The request site is zoned an R-10(A) Single Family District. The R-10(A) District allows both uses by SUP only.

The request site is surrounded by a residential use and recreation use to the south across Stults Road, a church use with surface parking to the east across Shepherd Road, and undeveloped tracts immediately adjacent to the west and south.

Chapter 51A defines a child-care facility use as a facility that provides care, training, education, custody, treatment, or supervision for person under 14 years of age 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. Additionally, Chapter 51A defines a community service center as a multi-functional facility where a combination of social, recreations, welfare, health, habilitation, or rehabilitation services are provided to the public.

The applicant proposes to utilize the existing two-story, 18,556 square foot structure to operate the child-care facility use with a maximum of 150 children with hours of operation from 7:00 a.m. to 6:00 p.m., Monday through Friday. Additionally, the applicant proposes to operate the community service center use between the hours of 7:00 a.m. to 8:00 p.m., Monday through Thursday and 7:00 a.m. to 10:00 p.m. Friday through Sunday.

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 request does appear to have an adverse impact on the surrounding zoning and land uses.

Staff recommends approval since both uses are assets within residential communities. Staff also considered the long-time operation of these uses with the previous SUP No. 1392 in this area of the city and the service that the proposed use provided to meet the needs of the community. In doing so, staff finds the proposed use to be a complementary and compatible use within the surrounding neighborhood and thus supports the request with the previous approval granted for a 20-year period with eligibility of automatic renewals for additional 20-year periods. However, CPC recommended approval for a five-year period with eligibility of automatic renewals for additional 10-year periods.

#### **Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-10(A)	30'	6'	1 Dwelling Unit/ 10,500 sq. ft.	30'	45%		Single family

#### **Parking:**

The off-street parking requirements for a community service center is one space for each 200 square feet of floor area and a child-care facility requires one space per 500 square feet of floor area. At approximately 9,278 square feet of floor area, the community service center requires 46 off-street parking spaces. Additionally, at approximately 9,278 square feet of floor area, the child-care facility requires 19 off-street parking spaces. The total number of off-street parking spaces required is 65 with the site providing 66.

#### **Landscaping:**

No new construction or pavement is proposed by this application. New construction will require landscaping in accordance with Article X.

#### **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 area of request is not within an identifiable MVA category. However, the request site is adjacent to an “F” MVA category to the south across Stults Road, and an “E” MVA category to the north along Shepherd Road.

**LIST OF OFFICERS**

**New Mount Zion Church Officers**

Brenda Abdalla  
Robert Datcher  
Sonja Miller  
Donia Bolden  
Francis Carter  
James Pruitt  
Jimmie Gault

**CPC ACTION**  
**September 17, 2020**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for child-care facility and community service center uses for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions on property zoned an R-10(A) Single Family District, on the northwest corner of Shepherd Road and Stults Road.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 10

**Notices:** Area: 300 Mailed: 12  
**Replies:** For: 0 Against: 0

**Speakers:** For: Kelvin Rausaw, 9550 Shepherd Rd., Dallas, TX, 75243  
Against: None



**CPC APPROVED SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is a child-care facility and a community service center.
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 \_\_\_\_\_ (five-year period but is eligible for automatic renewal for additional 10-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).

*Staff Recommendation:*

3. TIME LIMIT: This specific use permit is approved for a \_\_\_\_\_ (20-year period but is eligible for automatic renewal for additional 20-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).

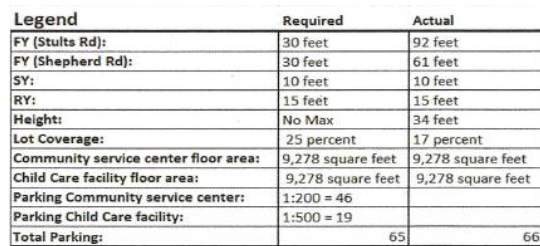
4. HOURS OF OPERATION:

A. The child-care facility hours of operation are between 7:00 a.m. to 6:00 p.m., Monday through Friday.

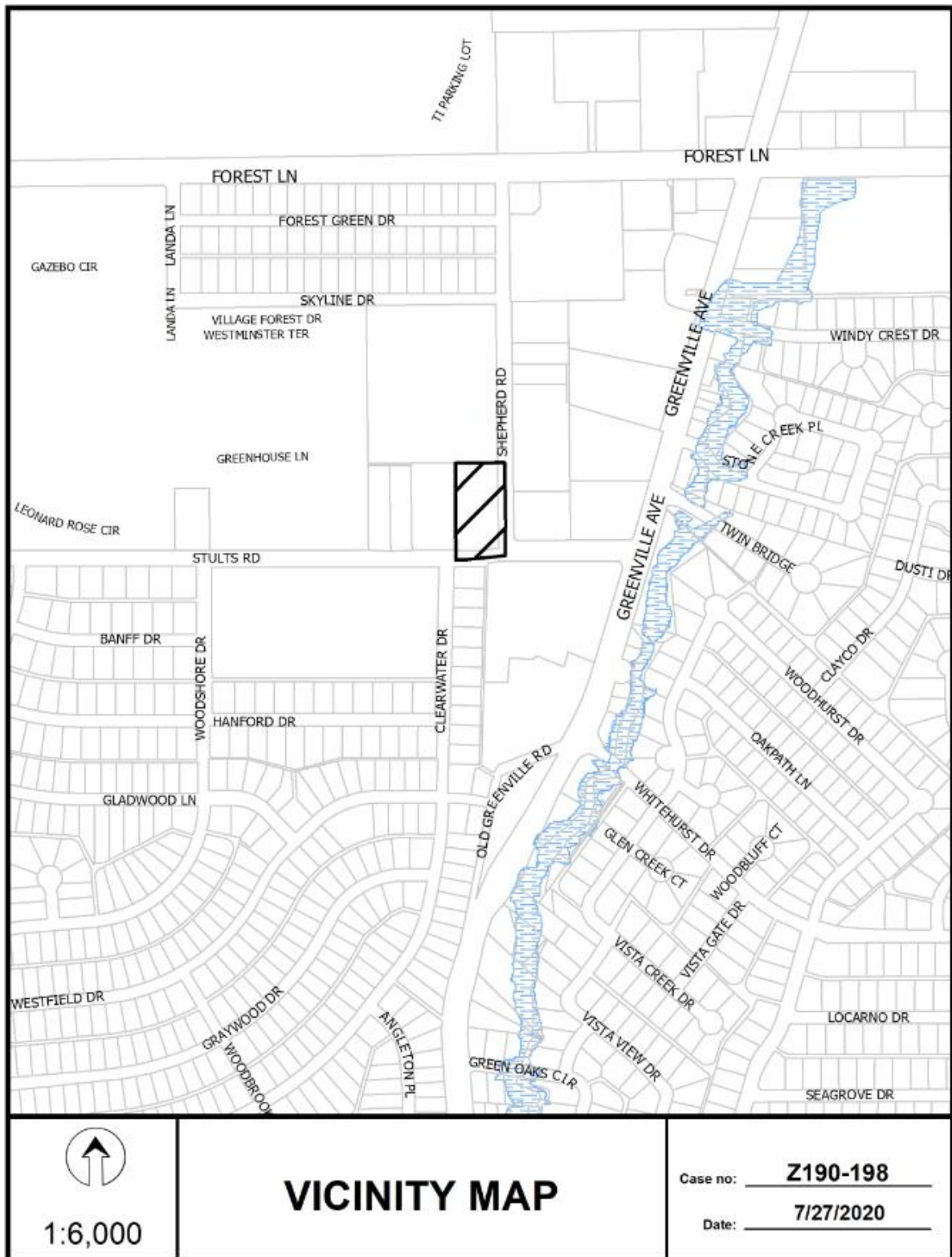
B. The community service center hours of operation are between 7:00 a.m. to 8:00 p.m., Monday through Thursday and 7:00 a.m. to 10:00 p.m. Friday through Sunday.

5. MAXIMUM FLOOR AREA: The maximum floor area may not exceed 9,278 square feet of floor area for the child-care facility and 9,278 square feet of floor area for the community service center for a total of 18,556 square feet of floor area.

6. FENCING: The outdoor play area must be enclosed by a minimum four-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 ingress or egress is permitted.
8. PARKING: Off-street parking must be located as shown on the attached site plan.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. 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.

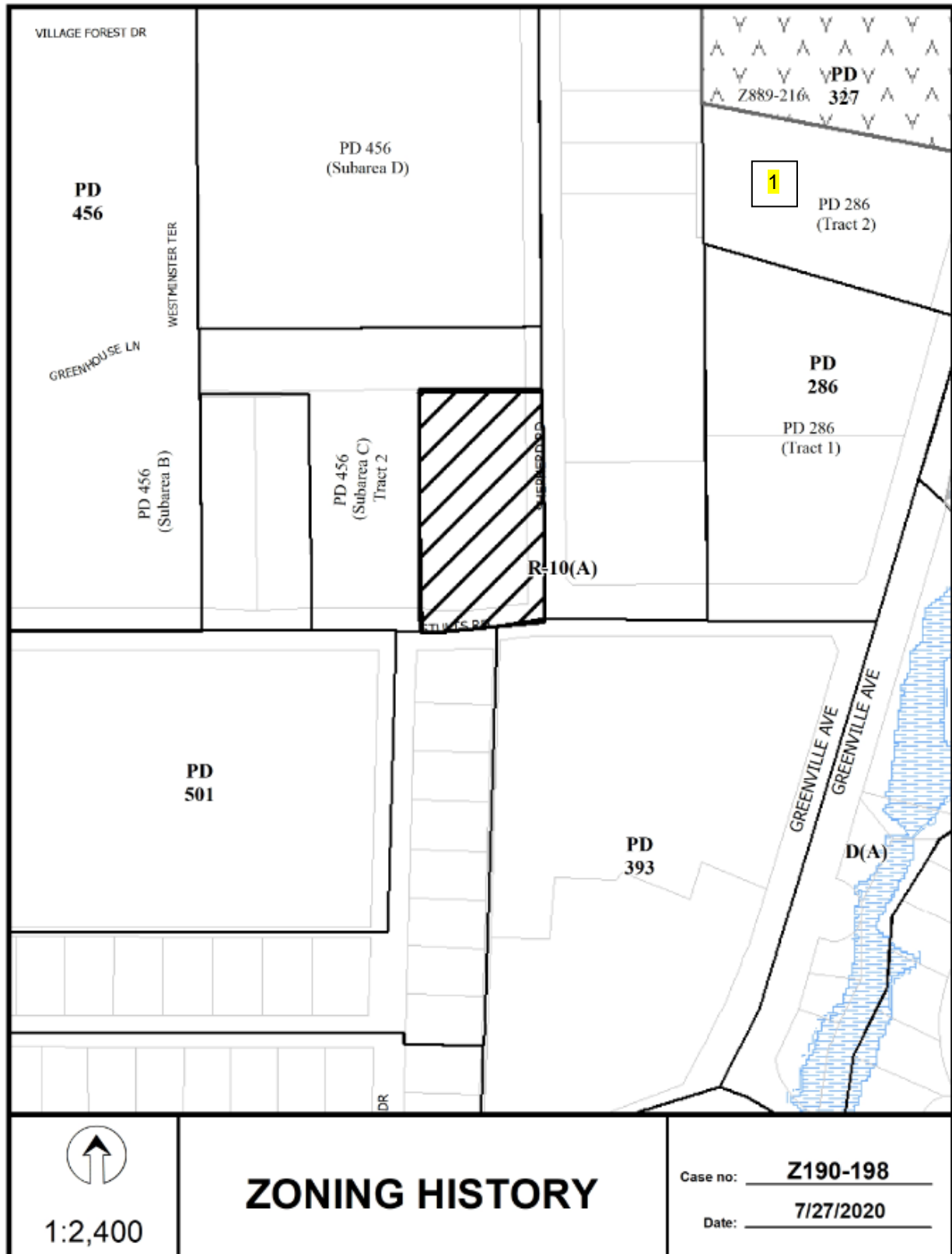


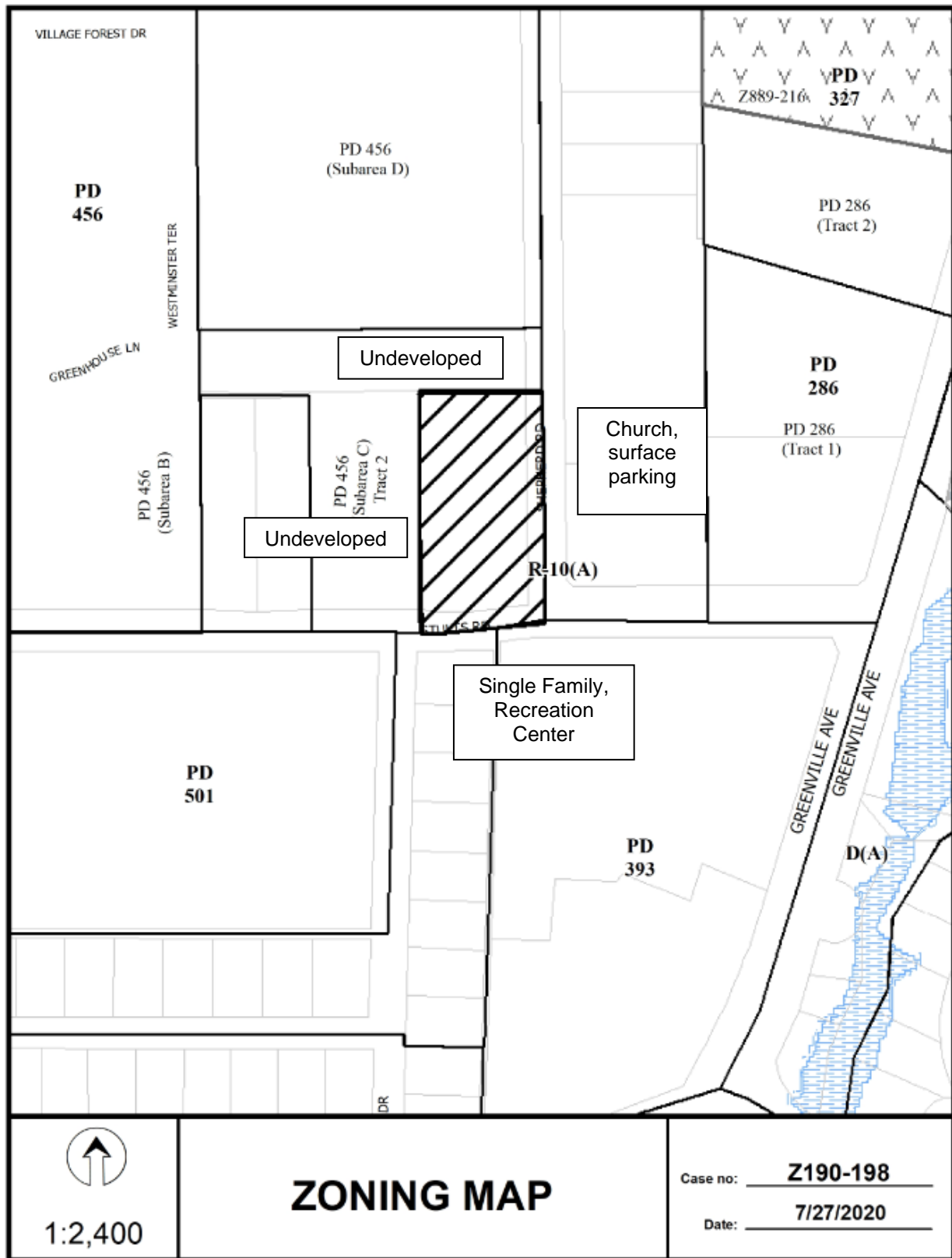
\*\* The Surface material is concrete\*\*



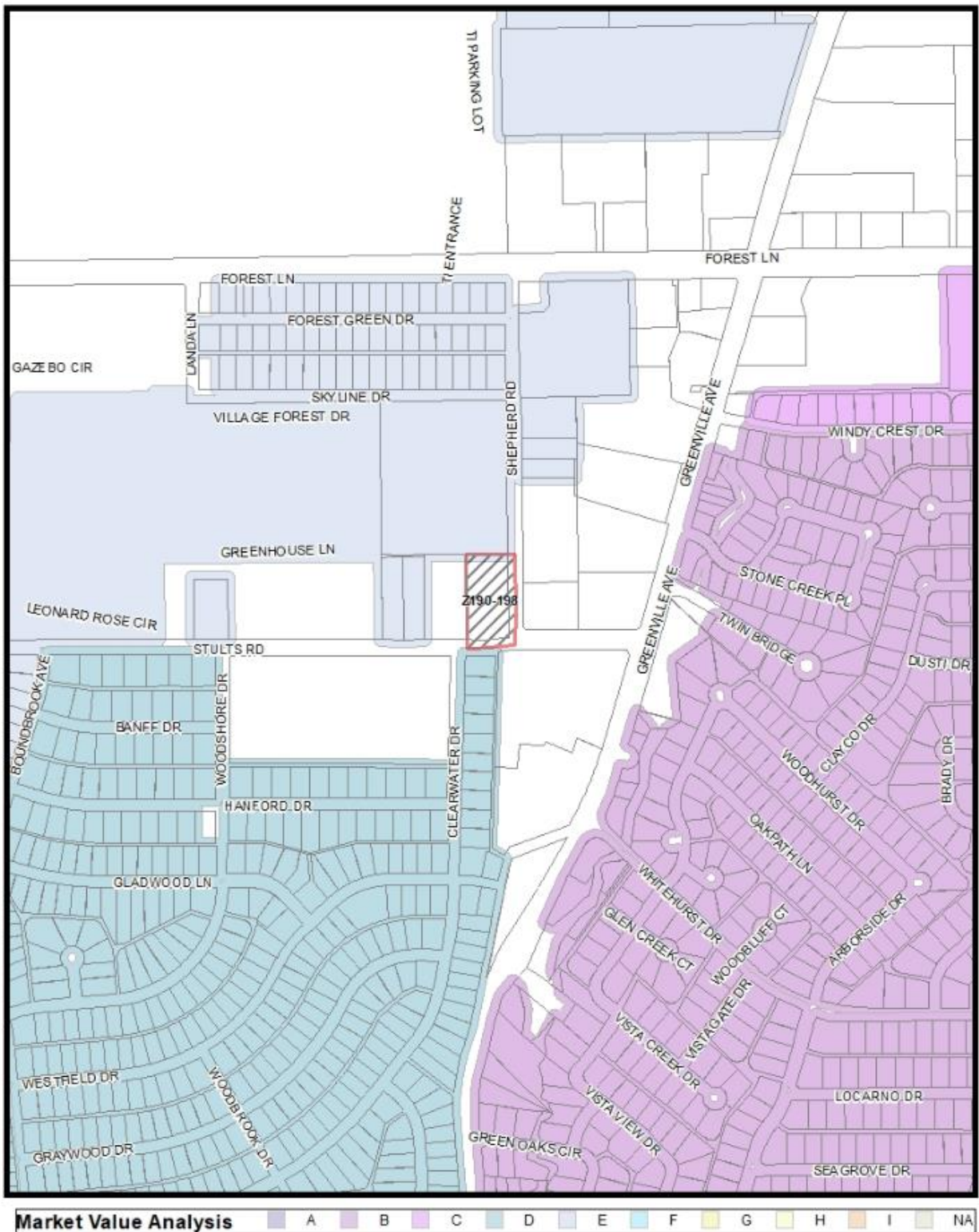












## Market Value Analysis

Printed Date: 7/27/2020



**CPC RESPONSES**



09/16/2020

***Reply List of Property Owners***

***Z190-198***

***12 Property Owners Notified***

***0 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	9550	SHEPHERD RD	NEW MOUNT ZION BAPTIST
2	8821	STULTS RD	PRESBYTERIAN VILLAGE NORTH
3	8817	STULTS RD	POWELL RICHARD & DEBRA
4	8811	STULTS RD	POWELL RICHARD & DEBRA
5	8700	STULTS RD	RICHARDSON ISD
6	9422	CLEARWATER DR	MARSHALL JERALDENE M &
7	9416	CLEARWATER DR	DAVIS DOROTHY
8	9410	CLEARWATER DR	SANCHEZ ERIKA L
9	9404	CLEARWATER DR	STEPHENS CARL EST OF
10	9525	GREENVILLE AVE	TEXAS HCP HOLDING LP
11	9510	SHEPHERD RD	NEW MT ZION BAPTIST
12	8920	STULTS RD	YMCA OF METROPOLITAN DALLAS