

CITY PLAN COMMISSION

THURSDAY, MARCH 21, 2024

Planner: Michael V. Pepe

FILE NUMBER: Z223-116(MP) **DATE FILED:** October 20, 2022

LOCATION: West line of Conner Drive, between Bruton Road and Stonehurst Street

COUNCIL DISTRICT: 5

SIZE OF REQUEST: Approx. 1.69 acres **CENSUS TRACT:** 48113009204

REPRESENTATIVE: Isai Marquez

OWNER/APPLICANT: Daniel Marquez

REQUEST: An application for a Specific Use Permit for an auto service center and vehicle display, sales, and service on property zoned Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow the uses of auto service center and vehicle display, sales, and service on the site.

STAFF RECOMMENDATION: **Denial.**

PREVIOUS CPC ACTION: At the November 2, 2023 hearing, the City Plan Commission moved to hold the case under advisement until January 18, 2024. At the January 18, 2024 hearing, the City Plan Commission moved to hold the case under advisement until February 15, 2024. At the February 15, 2024 hearing, the City Plan Commission moved to hold the case under advisement until March 7, 2024. At the March 7, 2024 hearing, the City Plan Commission moved to hold the case under advisement until March 21, 2024.

Planned Development District No. 366

<https://dallascityhall.com/departments/city-attorney/Articles/PDF/Article%20366.pdf>

D-1 Liquor Control Overlay

https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-83445

BACKGROUND INFORMATION:

- The area of request is currently zoned Subarea 2 within Planned Development District No. 366, Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay. The site is currently developed with an auto service center.
- The existing facility is addressed at 2027 Conner Drive.
- PD No. 366 was established in 1992. Subarea 2 within the PD functions similarly to a CS Commercial Service District, but it requires an SUP for certain auto-oriented uses including auto service center; vehicle display, sales, and service; and car wash.
- The definition of an auto service center is “A facility for the servicing or minor mechanical repair of motor vehicles. This use may include the retail sale of lubricating oils, tires, or parts for use in motor vehicles. This use does not include as its primary function the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components, nor auto body repair or painting.”
- The definition of vehicle display, sales, and service is “a facility for the display, service, and retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers.”
- The use of vehicle display, sales, and service is generally a more intense use for full vehicle maintenance as well as sales of vehicles. Staff finds this use to be inappropriate in proximity to residential on a local street that serves residential.
- Since the original hearing, the applicant added a note on the site plan regarding access from the north.

Zoning History:

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

1. **Z212-336:** On April 12, 2023, City Council approved an application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay, on the west line of Conner Drive, between Bruton Road and Stonehurst Street.
2. **Z201-290:** On May 10, 2022, the City Council approved an application for the renewal of Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less at the southwest corner of Bruton Road and South Buckner Boulevard.
3. **Z201-242:** On September 1, 2022, the City Plan Commission recommended denial without prejudice of an application for 1) an amendment to and expansion of Planned Development District No. 366, the Buckner Boulevard

Special Purpose District; and 2) a D-1 Liquor Control Overlay on property zoned Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D Liquor Control Overlay and an R-7.5(A) Single Family District at the southwest corner of South Buckner Boulevard and Bruton Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Conner Drive	Local	50 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 can serve as a framework for assisting in evaluating the applicant's request.

The request conflicts with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

GOAL 1.4 COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT

Policy 1.4.3 Embrace environmental sustainability.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY, AND WALKABILITY

Policy 5.1.1 Promote pedestrian friendly streetscapes.

Policy 5.1.3 Encourage complementary building height, scale, design, and character.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

Policy 5.2.3 Ensure attractive gateways into the city.

Comprehensive Environmental and Climate Action Plan (CECAP):

Goal 8: All Dallas' communities breathe clean air.

AQ4 - Ensure new industries are an appropriate distance away from neighborhoods

The proposed change does not further the goals of the Comprehensive Plan in regard to complementary building forms, appropriate development, or sustainability. It also does not further the environmental justice goals of CECAP by expanding commercial intensity toward residential neighborhoods.

Land Use:

	Zoning	Land Use
Site	Subarea 2 within PD No. 366 with a D-1 Overlay	Auto service center
North	Subarea 2 within PD No. 366 with a D-1 Overlay	Car wash, general merchandise or food store greater than 3,500 square feet
East	NO(A) Neighborhood Office District with Deed Restrictions [Z834-107], R-7.5(A) Single Family District	Undeveloped, Single family
South	Subarea 2 within PD No. 366 with a D-1 Overlay	Vehicle display, sales, and service, Undeveloped
West	Subarea 2 within PD No. 366 with a D-1 Overlay	General merchandise or food store greater than 3,500 square feet

Land Use Compatibility:

There is a car wash to the north of the site. Across Conner Drive to the east are undeveloped properties zoned NO(A) with deed restrictions [Z834-107] and single family uses zoned R-7.5(A). There is a large undeveloped parcel south of the property along Conner, as well as vehicle display, sales, and service. All of the existing vehicle display, sales, and service uses are accessed from South Buckner Boulevard only. Northwest and west of the subject property, there is a general merchandise or food store greater than 3,500 square feet.

The property is located within Subarea 2 of Planned Development District No. 366, which allows a mix of commercial uses, generally similar to a CS Commercial Service district.

However, the specific auto-oriented uses require approval of an SUP in this PD, including auto service center; vehicle display, sales, and service; and car wash. In staff's understanding, this calls for new automotive uses to be particularly well-sited relative to existing residential neighborhoods.

Staff finds the proposed use, across the street from residential properties, could fail to meet criteria (2) and (3)(A), (B), (C), and (D) for the evaluation of a specific use permit, noted below.

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 holds that approval of a specific use permit should, as it constitutes the approval and evaluation of single use on a site, be reserved for sites that are specifically well suited for the use. Staff finds that access to the site exclusively from Conner Drive, a local street, and the proximity of nearby residential does not suit the site well for the proposed use.

Landscaping:

Development on the property must provide landscaping per Article X and PD No. 366 as amended.

Beyond typical Article X requirements, the PD calls for the following additional requirements:

-Front yard strip landscaping with an average depth of 5 feet, minimum depth of 3 feet, and maximum depth of 25 feet is required at the front property line with street trees. This is only triggered in the event of new construction or significant additional paving area.

- On-site parking must be screened with:

(A) a minimum three-foot-high solid fence, with an 18-inch wide planting bed located on its street side; or

(B) shrubs with the potential to attain a minimum height of 30 inches within a three-year time period.

Based on the site plan, it is unlikely these provisions and others will be triggered.

Parking:

Parking must be provided pursuant to the Dallas Development Code.

Both uses of auto service center and vehicle display, sales, and service require 1 space per 500 square feet of floor area. The site plan depicts 6,700 square feet of building area, which would require 14 spaces. The plan provides 24 parking spaces.

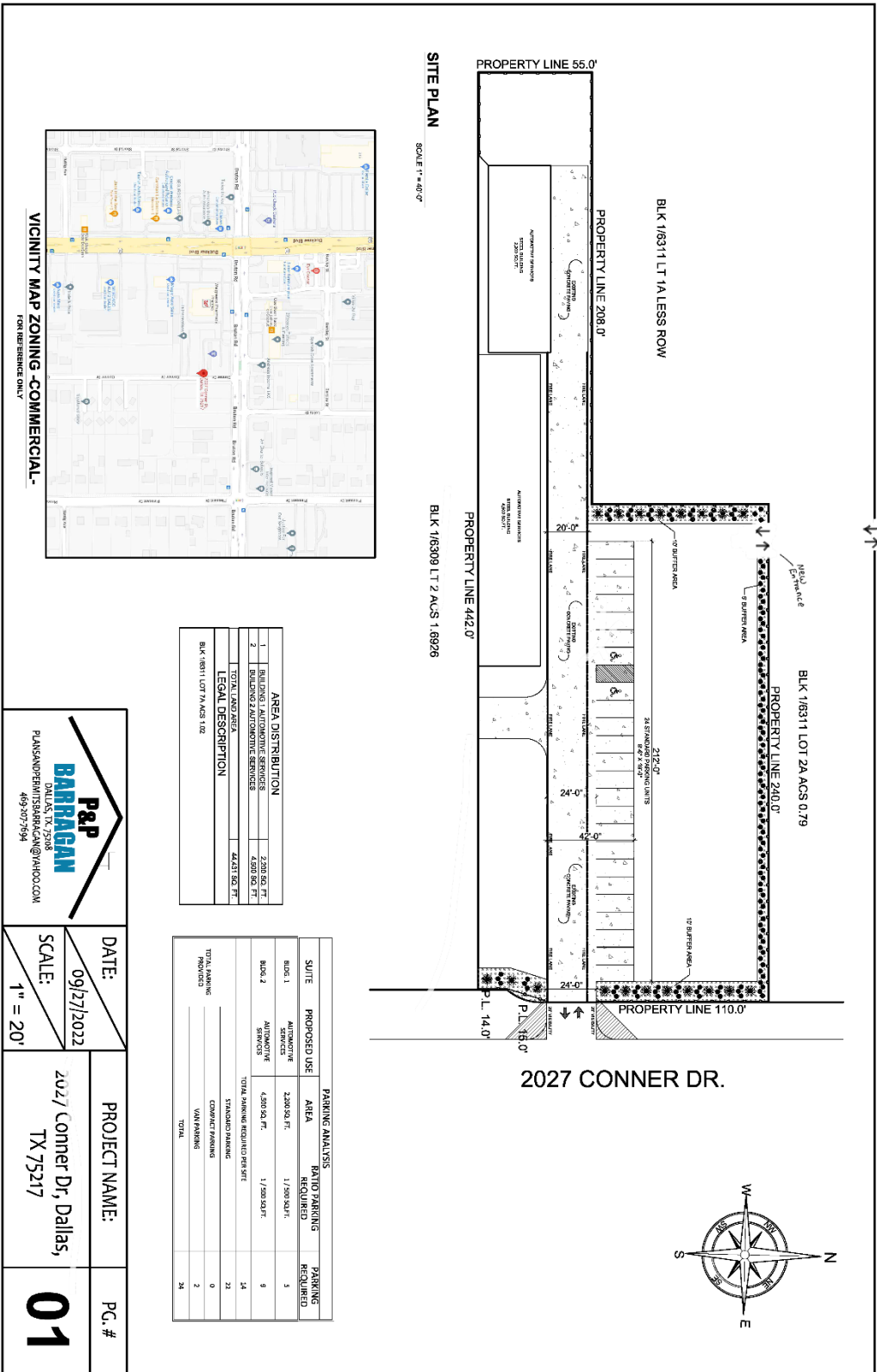
Market Value Analysis:

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 property is located within a “G” MVA area.

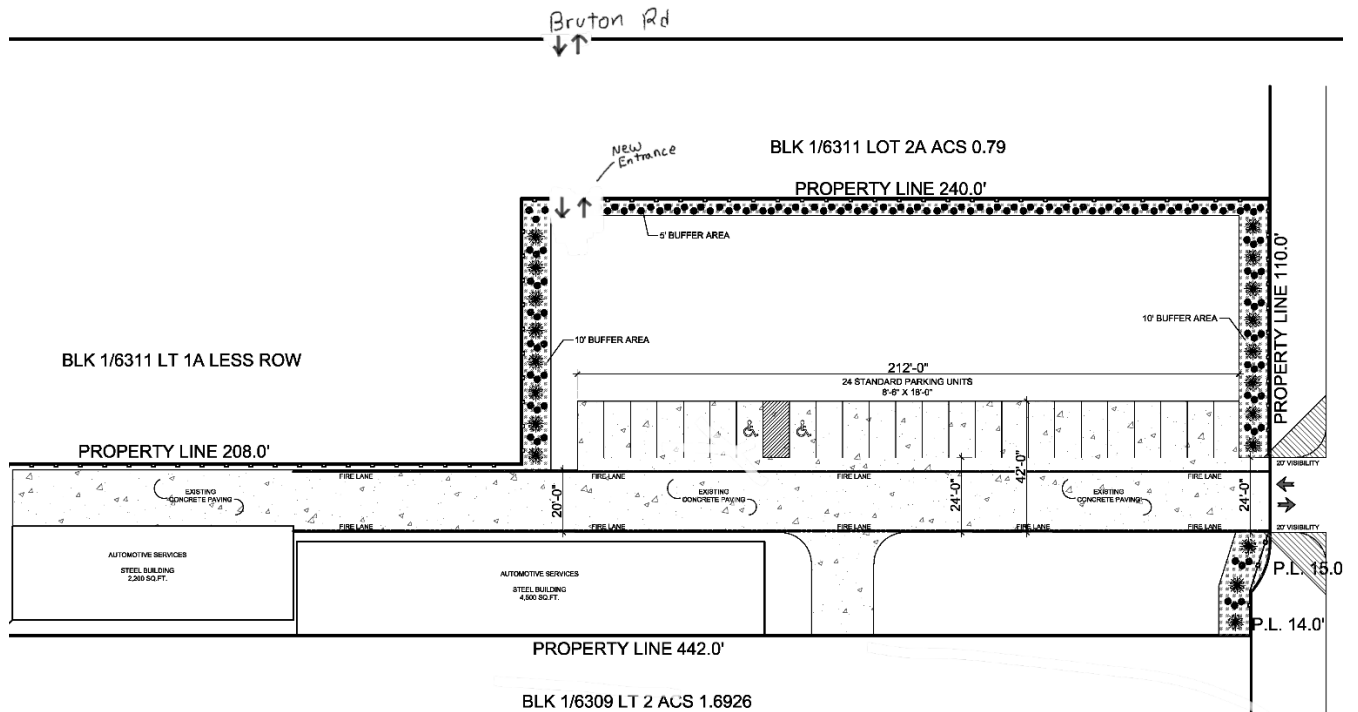
APPLICANT'S PROPOSED CONDITIONS

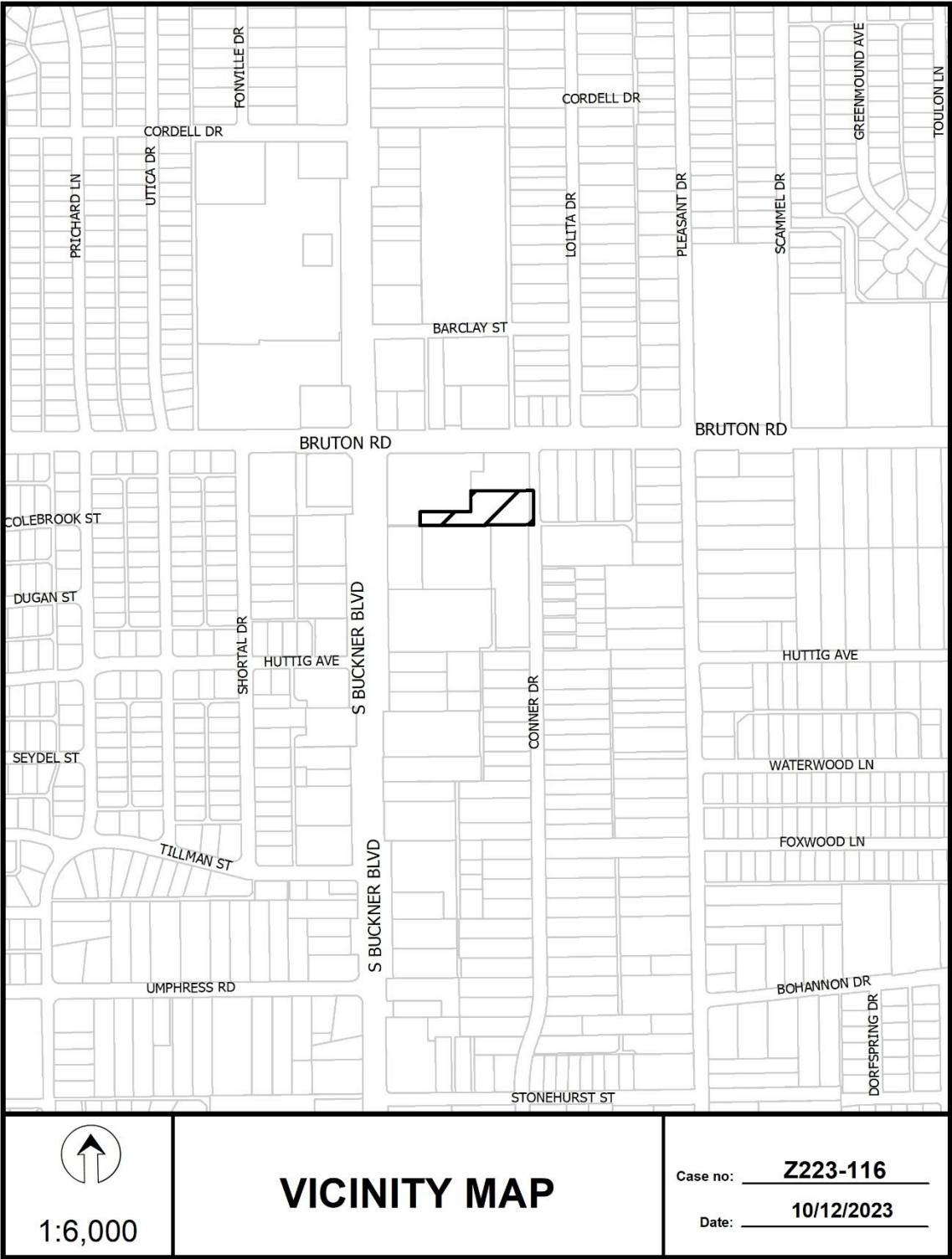
1. USE: The only uses authorized by this specific use permit are auto service center and vehicle display, sales, and service.
2. SITE PLAN: Use and development of the Property must comply with the submitted site plan.
3. TIME LIMIT: This specific use permit expires on (two years from date of approval).
4. FLOOR AREA: The maximum floor area for the use is 6,700 square feet.
5. HOURS OF OPERATION: The use may only operate from 10:00 a.m. to 5:00 p.m., Monday through Saturday.
6. OUTSIDE SPEAKERS: Outside speakers or audio amplification devices are prohibited.
7. MAINTENANCE: The 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.

APPLICANT'S PROPOSED SITE PLAN
(Same for both uses)

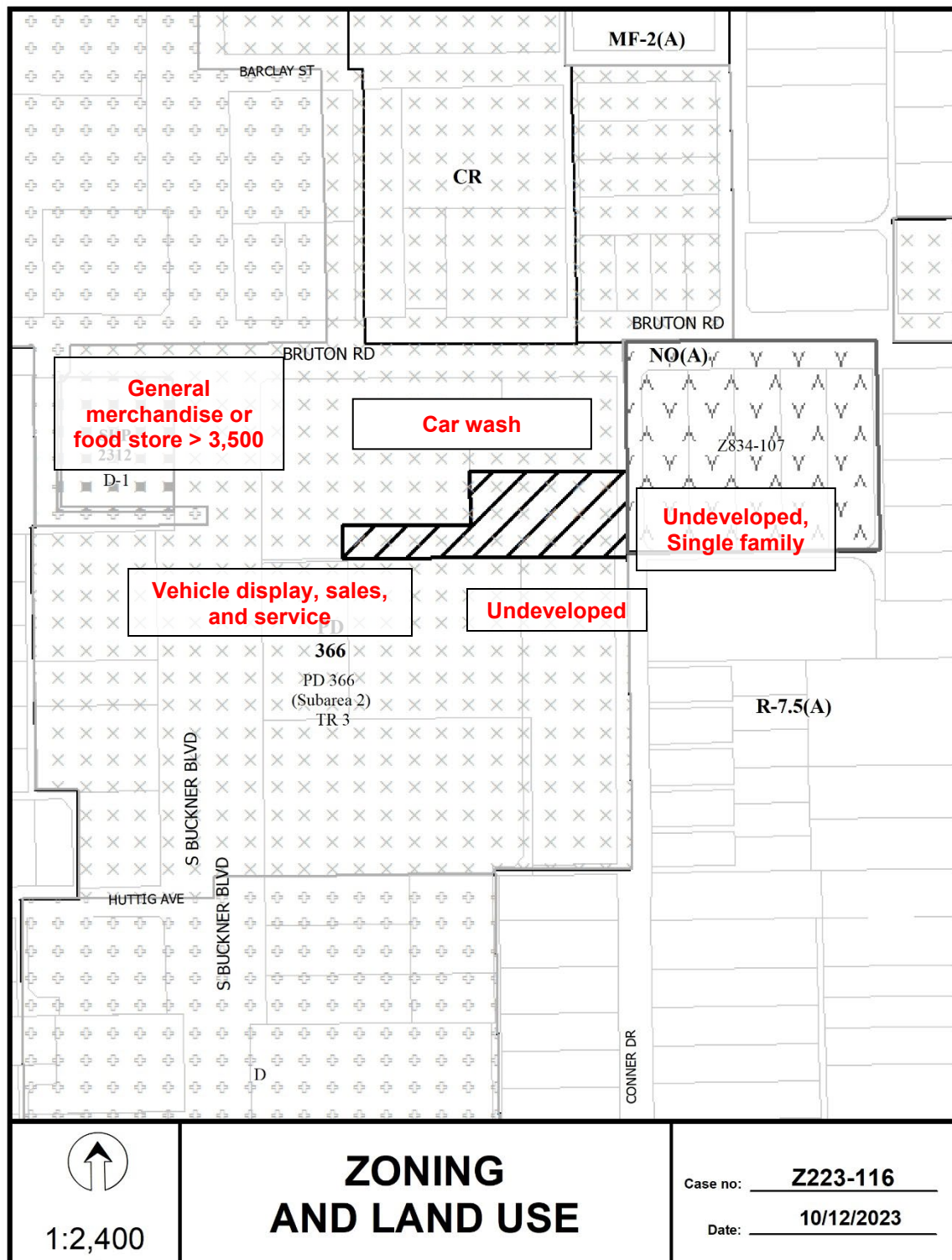


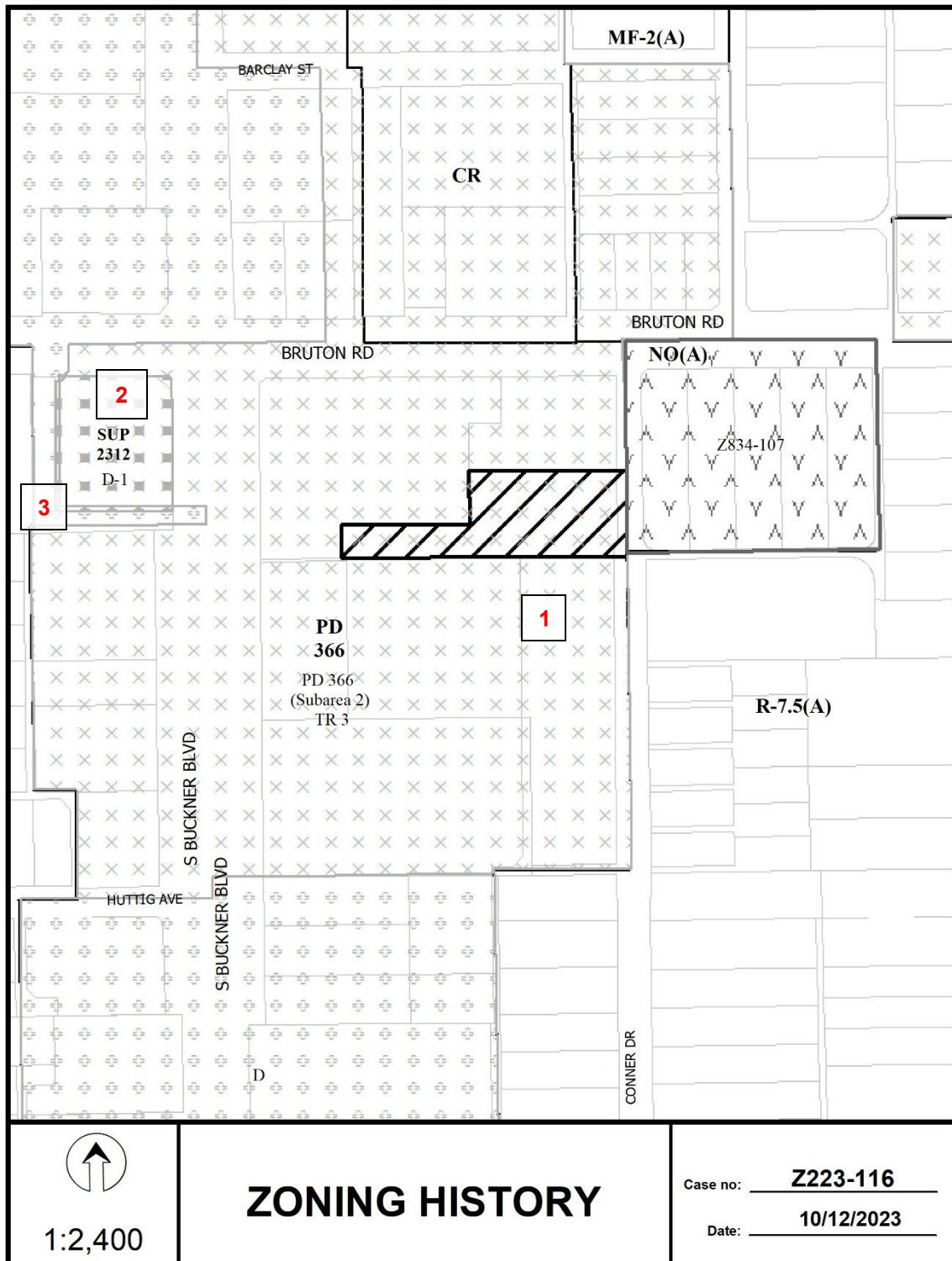
APPLICANT'S PROPOSED SITE PLAN (ENLARGED) (Same for both uses)

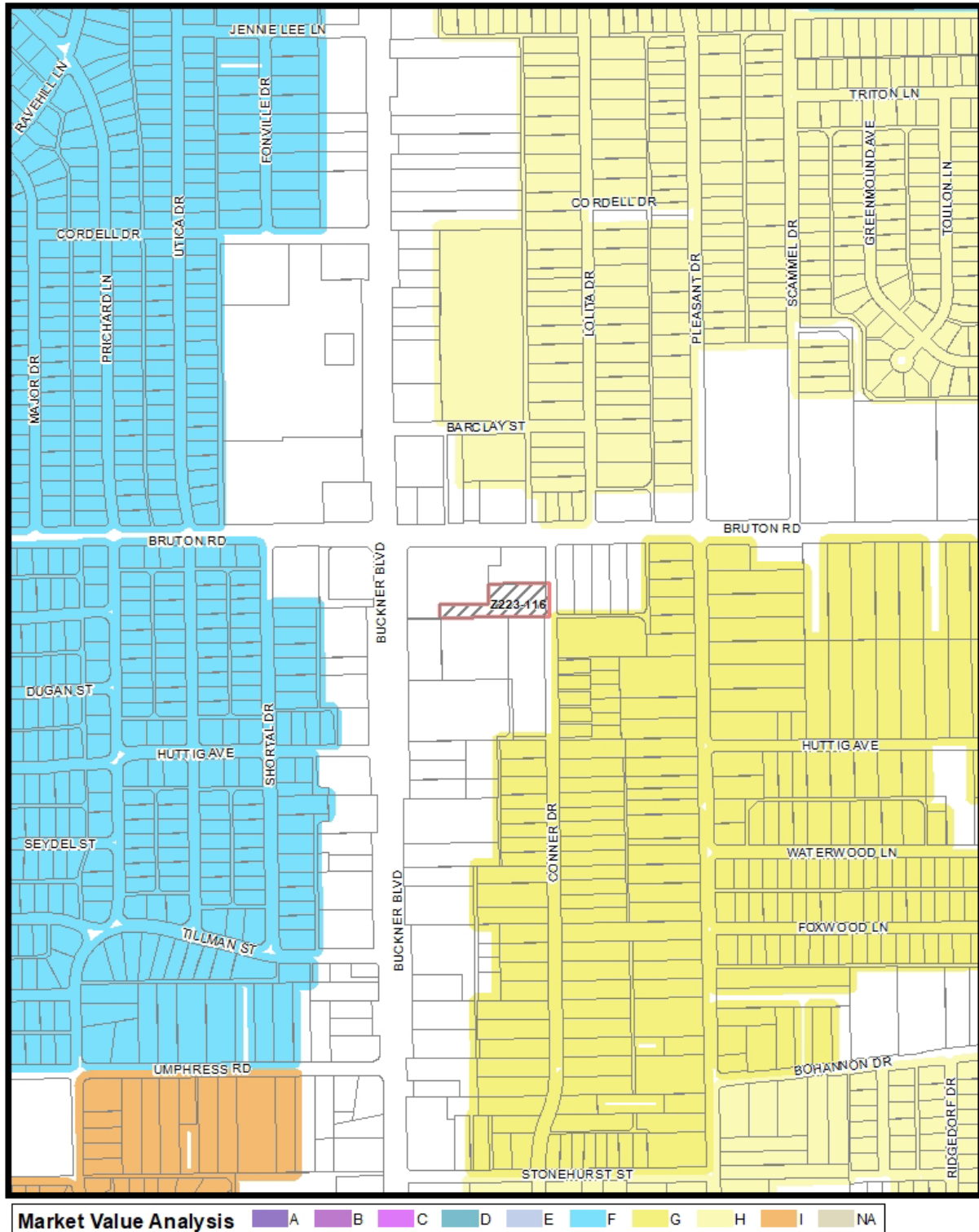








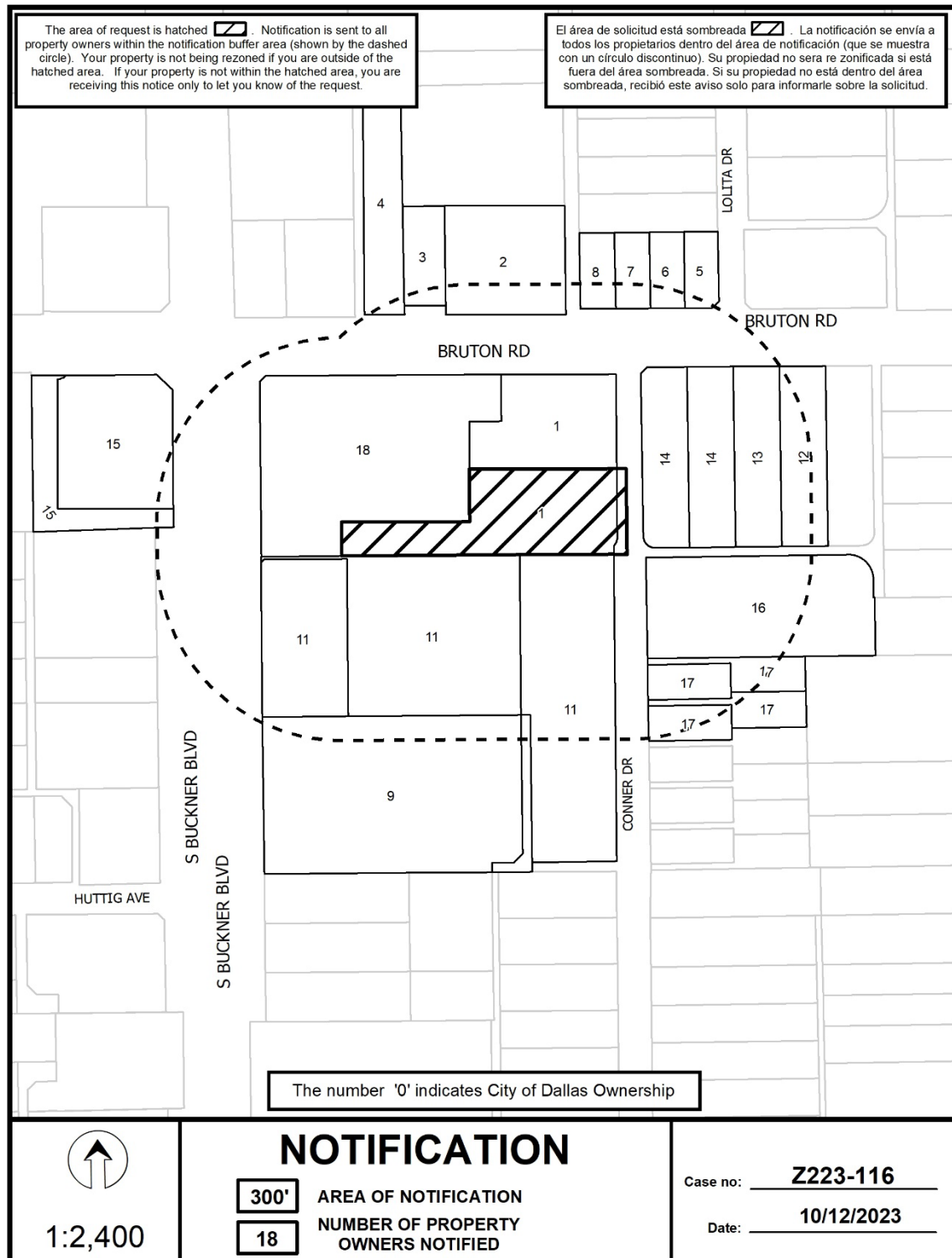




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Market Value Analysis

Printed Date: 10/12/2023



10/12/2023

Notification List of Property Owners***Z223-116******18 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8140 BRUTON RD	MARQUEZ DANIEL & LAURA
2	8131 BRUTON RD	LEAL MARTA CASTILLO
3	8127 BRUTON RD	DIAZ JESUS JR
4	8121 BRUTON RD	HANDMADE FOODS INC M
5	8163 BRUTON RD	Taxpayer at
6	8159 BRUTON RD	MATN PARTNERS 1
7	8153 BRUTON RD	ALTAMIRANO MANUEL ALBERTO
8	8149 BRUTON RD	AVILA AGUSTIN
9	2010 S BUCKNER BLVD	2010 BUCKNER LLC
10	2010 S BUCKNER BLVD	2010 BUCKNER CONSULTING LLC
11	2011 CONNER DR	MUELLER PROPERTIES LTD
12	8222 BRUTON RD	COMAR PROPERTIES INC
13	8216 BRUTON RD	MEHDI REZAEIZDEH
14	8210 BRUTON RD	ONCOR ELECRIE DELIVERY COMPANY
15	2075 S BUCKNER BLVD	CASA ROCK PARTNERS LTD &
16	2048 CONNER DR	SANTOYO JESUS & GAUDENSIA
17	2032 CONNER DR	DALLAS HOUSING AUTHORITY
18	2060 S BUCKNER BLVD	EXCHANGERIGHT NET LEASED PORTFOLIO 40