

HONORABLE MAYOR AND CITY COUNCIL

WEDNESDAY, MARCH 24, 2021

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z190-369(CT) **DATE FILED:** September 30, 2020

LOCATION: Southwest corner of West Illinois Avenue and Franklin Street

COUNCIL DISTRICT: 3 **MAPSCO:** 53 V

SIZE OF REQUEST: ±0.61 acres **CENSUS TRACT:** 108.04

REPRESENTATIVE: Rolando Leal

APPLICANT/OWNER: Good Cluck, LLC

REQUEST: An application for a CR Community Retail District on property zoned an LO-1 Limited Office District.

SUMMARY: The purpose of the request is to allow for the development of a restaurant with drive-in or drive-through use on the property.

CPC RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

- The area of request is zoned an LO-1 Limited Office District and is currently developed with two office building structures.
- The purpose of the request is to allow for the development of a restaurant with drive-in or drive-through use on the property.
- **Zoning History:** There have been no zoning changes in the surrounding area, in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
West Illinois Avenue	Minor Arterial	80 feet
Franklin Street	Local	45 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the request will not significantly impact the surrounding roadway system.

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.

LAND USE ELEMENT

GOAL 1.1 Align land use strategies with economic development priorities.

Policy 1.1.15 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation measure 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.

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

GOAL 5.3 ESTABLISH 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	LO-1 Limited Office	Vacant
North	R-7.5(A) Single Family	Single Family
West	R-7.5(A) Single Family	Church
East	CR Community Retail	Retail/Personal Service
South	R-7.5(A) Single Family	Church

Land Use Compatibility:

The request is for an CR Community Retail District on the subject site, where the applicant is proposing to construct a restaurant with a drive-through or drive-in service.

Uses surrounding the request site consist of retail and personal service uses to the east across Franklin Street, churches to the west and south of the site, and north are single family residences across West Illinois Avenue.

The proposed CR Community Retail District is described as being able to accommodate neighborhood-serving retail, personal services and office uses principally servicing and at a scale and intensity compatible with residential communities, which is also mentioned in the comprehensive plan, as well.. The CR District is more intensive since the district allows more density, height, and lot coverage compared to the LO-1 District.

The CR District would allow for a maximum of 54 feet on the subject site, as opposed to the 70 feet height that is currently allowed on the site. The current zoning also allows for a Floor Area Ratio (FAR) of 1.0 while the FAR for the proposed district lowers the FAR to .5 for office use and .75 of all uses combined on the site. While the use will be allowed

by right, it will be subject to a Development Impact Review (DIR) from the Building Inspections Department upon request for permitting. The DIR is a procedure for certain proposed developments likely to significantly impact surrounding land uses and infrastructure needs and demands. Within the proposed CR District, the restaurant with drive-through or drive-in service would require the Development Impact Review.

Additionally, staff supports the request because the subject property is consistent with the zoning pattern and the 80-foot minor arterial can support the use.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
Existing: LO-1 Office	15'	20' adjacent to residential OTHER: No Min	1.0 FAR	70' RPS applies	80%	Office
Proposed: CR	15'	20' for residential OTHER: No Min	.5 for office .75 for all uses combined	54' RPS applies	60%	Retail/Personal Service

Use comparison table for existing and proposed districts:

CR Proposed	LO-1 Existing
(A) <u>Agricultural uses.</u> Crop production.	(A) <u>Agricultural uses.</u> Crop production.
(B) <u>Commercial and business service uses.</u> Building repair and maintenance shop. [RAR] Catering service. Custom business services. Electronics service center. Medical or scientific laboratory. [SUP] Tool or equipment rental.	(B) <u>Commercial and business service uses.</u> Catering service. [L] Medical or scientific laboratory. [SUP]
(C) <u>Industrial uses.</u> Gas drilling and production. [SUP] Temporary concrete or asphalt batching plant. [By special authorization of the building official.]	(C) <u>Industrial uses.</u> Gas drilling and production. [SUP] Temporary concrete or asphalt batching plant. [By special authorization of the building official.]
(D) <u>Institutional and community service uses.</u> Adult day care facility.	(D) <u>Institutional and community service uses.</u> Adult day care facility. [L]

Cemetery or mausoleum. [SUP] Child-care facility. Church. College, university, or seminary. Community service center. [SUP] Convent or monastery. Hospital. [SUP] Library, art gallery, or museum. Open-enrollment charter school or private school. [SUP] Public school other than an open-enrollment charter school. [RAR]	Cemetery or mausoleum. [SUP] Child-care facility. [L] Church. College, university, or seminary. Community service center. [SUP] Convent or monastery. Library, art gallery, or museum. Open-enrollment charter school or private school. [SUP] Public school other than an open-enrollment charter school. [RAR]
(E) <u>Lodging uses.</u> Hotel and motel. [SUP] Lodging or boarding house. [SUP] Overnight general purpose shelter. [See Section 51A-4.205 (2.1)]	(E) <u>Lodging uses.</u> Overnight general purpose shelter. [See Section 51A-4.205 (2.1)]
(F) <u>Miscellaneous uses.</u> Attached non-premise sign. [SUP] Carnival or circus (temporary). [By special authorization of the building official.] Temporary construction or sales office.	(F) <u>Miscellaneous uses.</u> Attached non-premise sign. [SUP] Carnival or circus (temporary). [By special authorization of the building official.] Temporary construction or sales office.
(G) <u>Office uses.</u> Alternative financial establishment. [SUP] Financial institution without drive-in window. Financial institution with drive-in window. [DIR] Medical clinic or ambulatory surgical center. Office.	(G) <u>Office uses.</u> Alternative financial establishment. [SUP] Financial institution without drive-in window. Financial institution with drive-in window. [SUP] Medical clinic or ambulatory surgical center. Office
(H) <u>Recreation uses.</u> Country club with private membership. Private recreation center, club, or area. Public park, playground, or golf course.	(H) <u>Recreation uses.</u> Country club with private membership. Private recreation center, club, or area. [SUP] Public park, playground, or golf course.
(I) <u>Residential uses.</u> College dormitory, fraternity, or sorority house.	(I) <u>Residential uses.</u> College dormitory, fraternity, or sorority house. [SUP]
(J) <u>Retail and personal service uses.</u> Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]	(J) <u>Retail and personal service uses.</u> Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]

Ambulance service. [RAR] Animal shelter or clinic without outside runs. [RAR] Auto service center. [RAR] Business school. Car wash. [DIR] Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).] Commercial amusement (outside). [SUP] Commercial parking lot or garage. [RAR] Convenience store with drive-through. [SUP] Dry cleaning or laundry store. Furniture store. General merchandise or food store 3,500 square feet or less. General merchandise or food store greater than 3,500 square feet. General merchandise or food store 100,000 square feet or more. [SUP] Home improvement center, lumber, brick or building materials sales yard. [DIR] Household equipment and appliance repair. Liquor store. Mortuary, funeral home, or commercial wedding chapel. Motor vehicle fueling station. Nursery, garden shop, or plant sales. Paraphernalia shop. [SUP] Pawn shop. Personal service uses. Restaurant without drive-in or drive-through service. [RAR] Restaurant with drive-in or drive-through service. [DIR] Swap or buy shop. [SUP] Temporary retail use. Theater.	Business school. Dry cleaning or laundry store. [L] General merchandise or food store 3,500 square feet or less. [L] Personal service uses. [L] Restaurant without drive-in or drive-through service. [L] [RAR]
(K) <u>Transportation uses.</u> Transit passenger shelter. Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]	(K) <u>Transportation uses.</u> Transit passenger shelter. Transit passenger station or transfer center. <i>[By SUP or City Council resolution]</i>
(L) <u>Utility and public service uses.</u> Commercial radio and television transmitting station.	(L) <u>Utility and public service uses.</u> Electrical substation. [SUP]

Electrical substation. Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).] Police or fire station. Post office. Radio, television or microwave tower. [SUP] Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).] Utility or government installation other than listed. [SUP]	Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).] Police or fire station. [SUP] Post office. [SUP] Radio, television, or microwave tower. [SUP] Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).] Utility or government installation other than listed. [SUP]
(M) <u>Wholesale, distribution, and storage uses.</u> Recycling drop-off container. [See Section 51A-4.213 (11.2).] Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]	(M) <u>Wholesale, distribution, and storage uses.</u> Recycling drop-off container. [See Section 51A-4.213 (11.2).] Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

Parking:

Pursuant to the Dallas Development Code, off-street and loading required parking must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Parking standards for restaurant with drive-through or drive-in service use require one space per 500 feet. The applicant will need to meet this requirement to develop the site with the proposed use.

Landscaping:

Landscaping of the property must be provided in accordance with Article X, as amended.

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, it is in proximity to a “G” MVA cluster to the north and south as well as an “F” MVA Cluster to the east.

List of Officers

Good Cluck, LLC

Christopher Aslam

Sole member, manager, and officer

Z190-369(CT)

CPC ACTION
January 9, 2020

Motion: It was moved to recommend **approval** of a CR Community Retail District on property zoned an LO-1 Limited Office District, on the southwest corner of West Illinois Avenue and South Franklin Street.

Maker: MacGregor
Second: Hampton
Result: Carried: 14 to 0

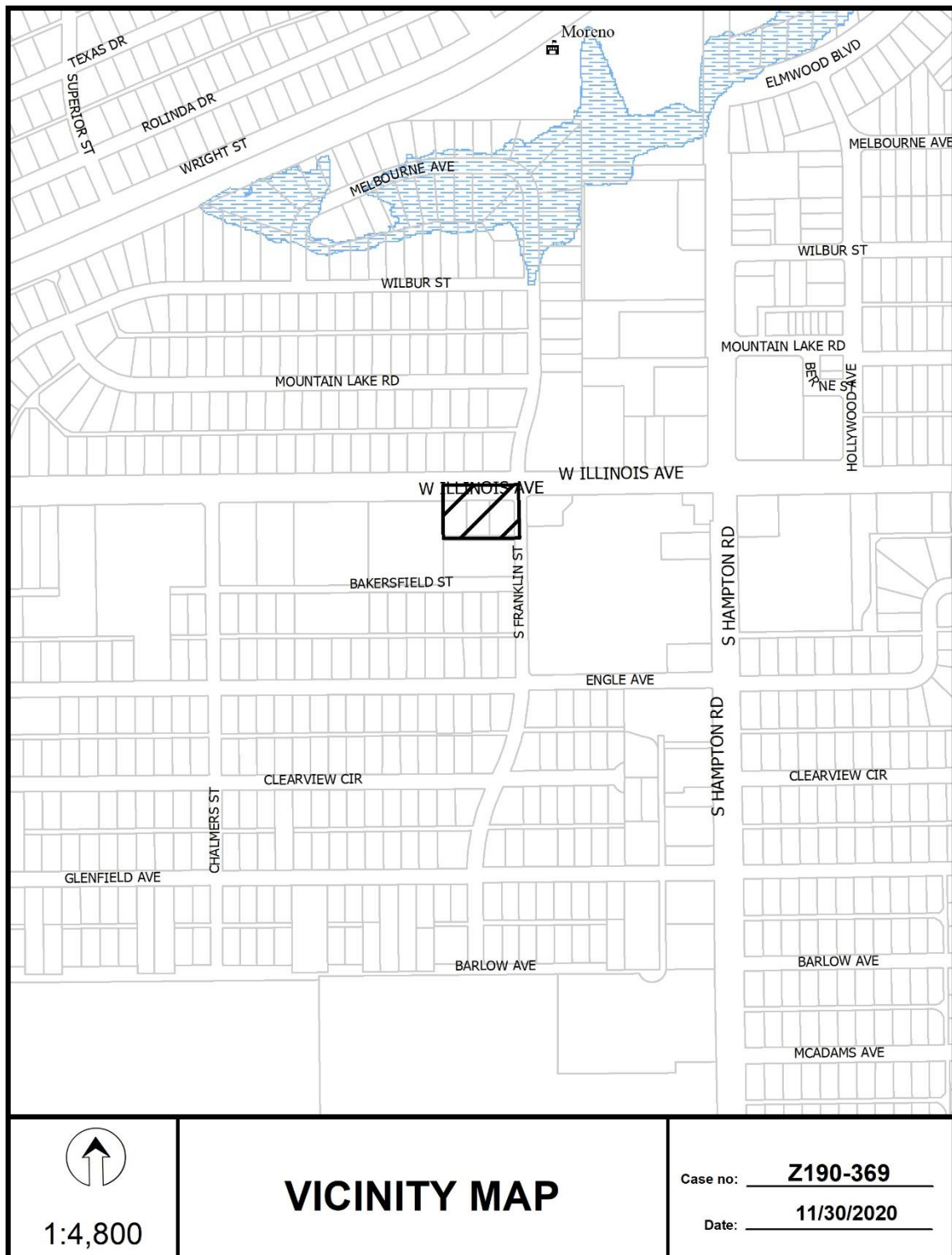
For: 14 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung, Suhler,
Schwope, Murphy, Garcia, Rubin

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

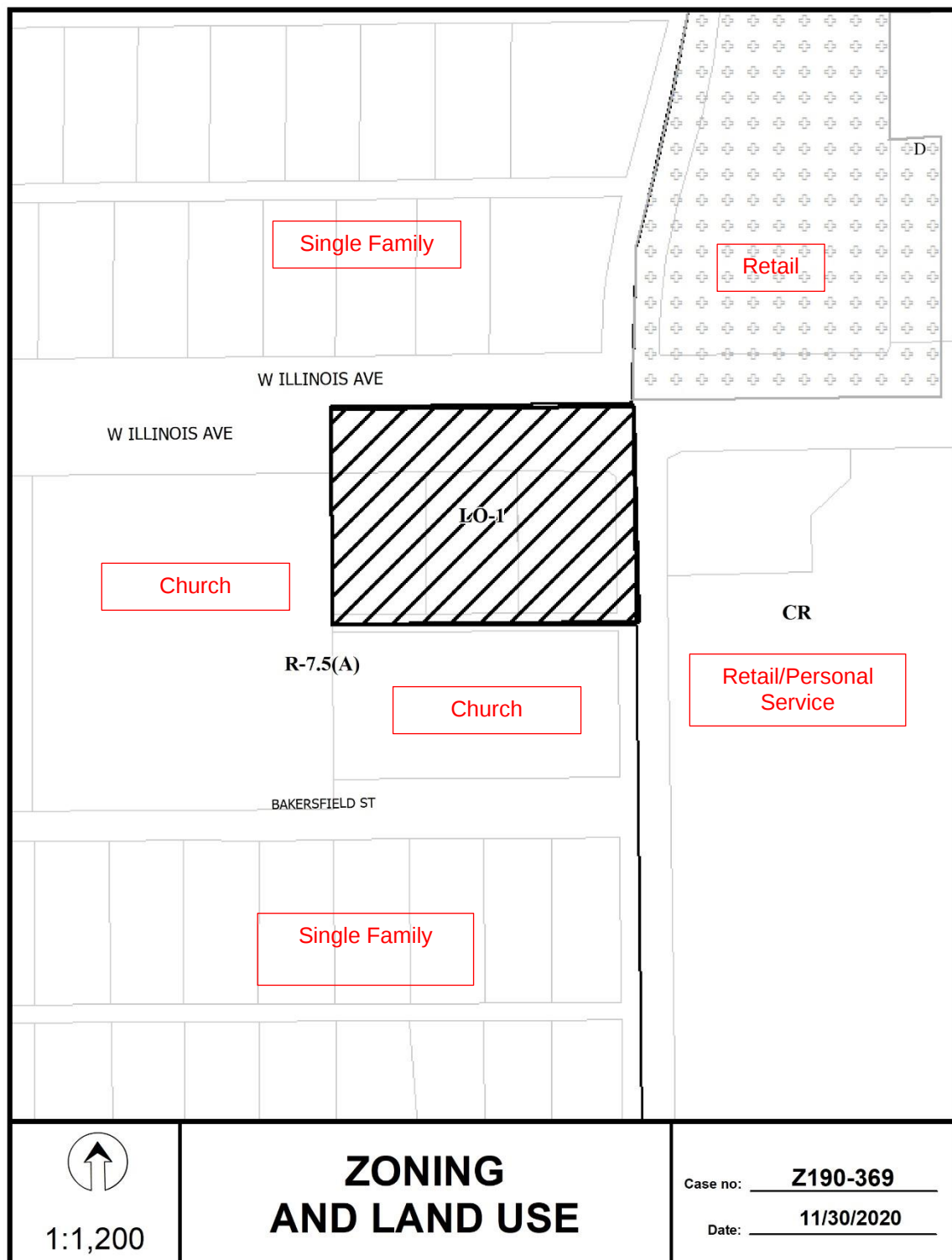
Notices: Area: 200 Mailed: 25
Replies: For: 2 Against: 0

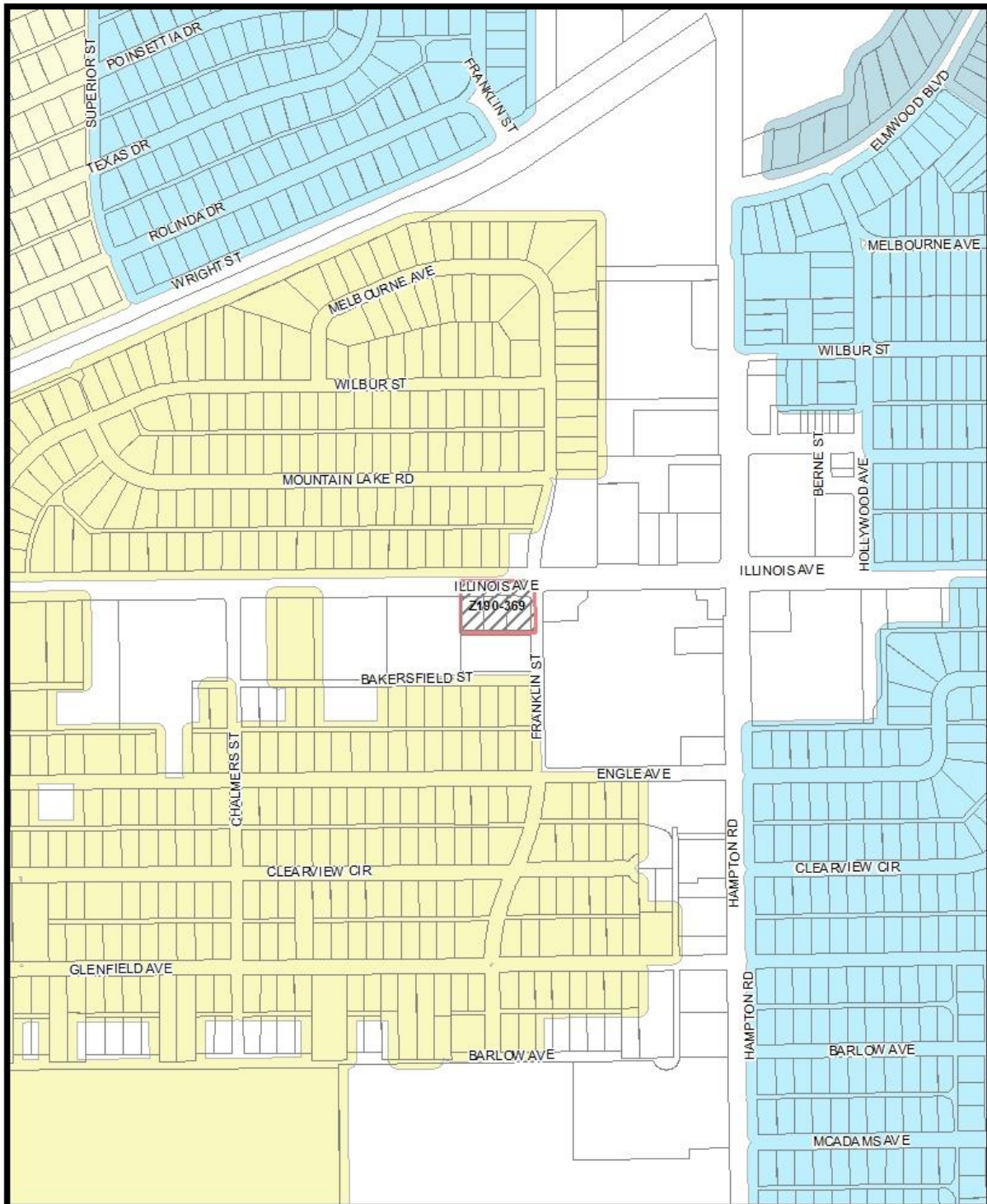
Speakers: For: None
For (Did not speak): Rolando Leal, 1207 Eldorado Ave., Dallas, TX, 75208
Against: None

Z190-369(CT)









Market Value Analysis

A	B	C	D	E	F	G	H	I	NA
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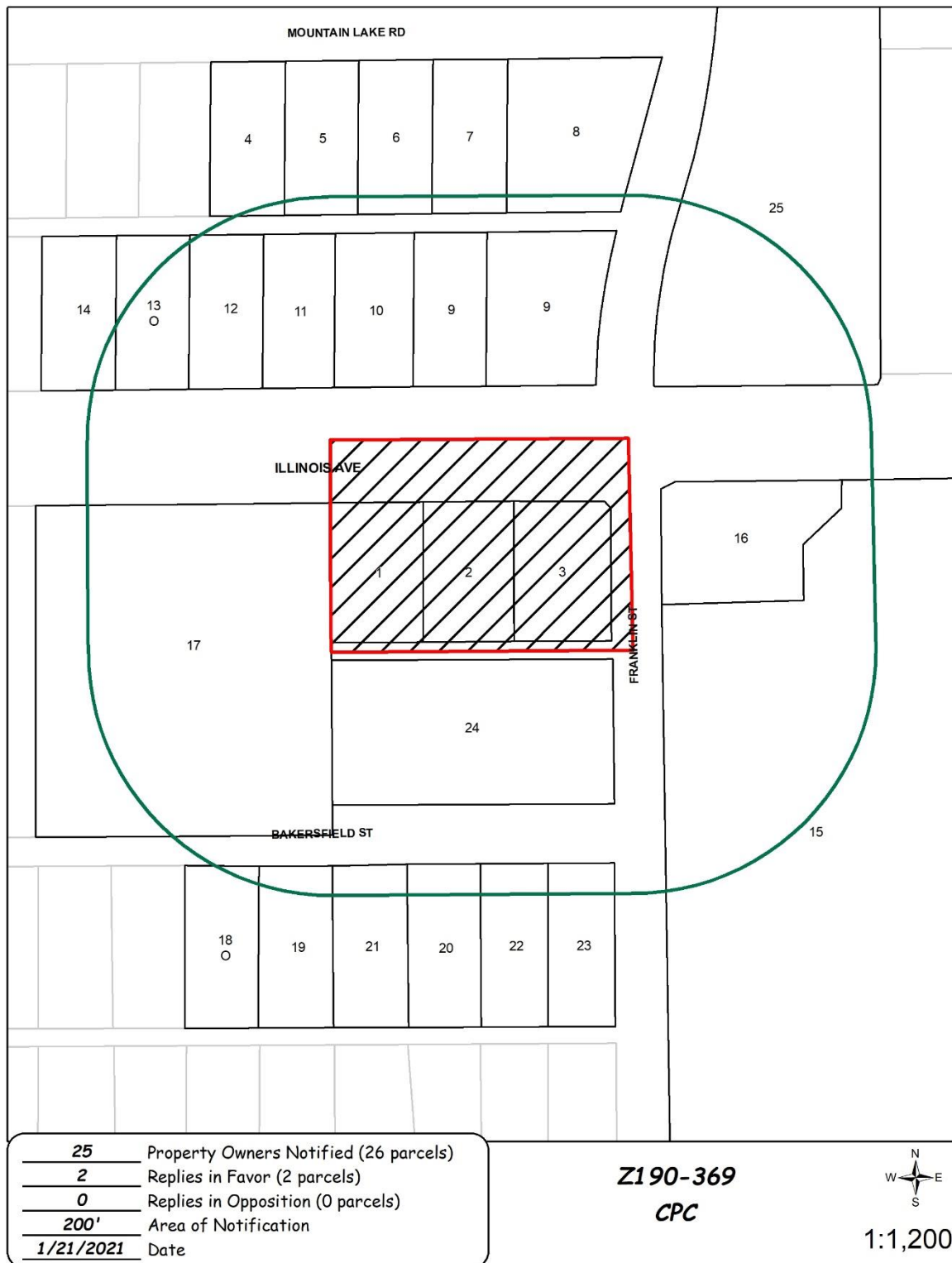


1:4,800

Market Value Analysis

Printed Date: 11/30/2020

CPC RESPONSES



01/20/2021

Reply List of Property Owners**Z190-369****25 Property Owners Notified 2 Property Owners in Favor 0 Property Owners Opposed**

Reply	Label #	Address	Owner
	1	2516 W ILLINOIS AVE	Taxpayer at
	2	2510 W ILLINOIS AVE	Taxpayer at
	3	2504 W ILLINOIS AVE	Taxpayer at
	4	2530 MOUNTAIN LAKE RD	VAZQUEZ JOSE ET AL
	5	2524 MOUNTAIN LAKE RD	AYALA ANITA
	6	2520 MOUNTAIN LAKE RD	GONZALEZ ENRIQUE
	7	2514 MOUNTAIN LAKE RD	BEATY LINDA C
	8	2510 MOUNTAIN LAKE RD	SERVIN JOSE L
	9	2505 W ILLINOIS AVE	GAYTAN JOSE & MARIA
	10	2515 W ILLINOIS AVE	MAYA CARLOS L &
	11	2521 W ILLINOIS AVE	IPINA PRIMO
	12	2525 W ILLINOIS AVE	MAZZMANIA LP
O	13	2531 W ILLINOIS AVE	Taxpayer at
	14	2535 W ILLINOIS AVE	ANGUIANO HENRIETTA
	15	2637 S HAMPTON RD	CHARTER HAMPTON LP
	16	2498 W ILLINOIS AVE	CHARTER HAMPTON LP
	17	2534 W ILLINOIS AVE	CLEARVIEW CHRISTIAN CH
O	18	2526 BAKERSFIELD ST	GARCIA ALMA DELIA MALAGON
	19	2520 BAKERSFIELD ST	BURCIAG SAUL MUNOZ
	20	2512 BAKERSFIELD ST	FOUNTAIN JOHNNIE
	21	2516 BAKERSFIELD ST	ALFARO RAFAEL &
	22	2506 BAKERSFIELD ST	GARZA MARIO & MARIA
	23	2502 BAKERSFIELD ST	CADENA JUAN
	24	2615 S FRANKLIN ST	FUERTZAS DE BUFALO
	25	2449 W ILLINOIS AVE	AUTOZONE INC