

FILE NUMBER: Z190-193(NN)

DATE FILED: February 7, 2020

LOCATION: Northeast corner of South Lancaster Road and Mojave Drive

COUNCIL DISTRICT: 8

MAPSCO: 75 D

SIZE OF REQUEST: ± 0.7 Acres

CENSUS TRACT: 167.01

REPRESENTATIVE: Bruce Burns

APPLICANT/OWNER: Cityview Tacos, LLC

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an NS(A) Neighborhood Service District.

SUMMARY: The applicant proposes to develop the site with a restaurant with drive-in or drive-through service use. The applicant is volunteering deed restrictions that will prohibit certain uses, and regulate maximum height and lot coverage, and residential adjacency buffer.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

BACKGROUND INFORMATION

- The lot contains 30,521 sq. ft. of undeveloped land with residential adjacency to the east.
- The applicant proposes to develop the site with a restaurant with drive-in or drive-through service use, which is not permitted in the NS(A) District.
- The applicant is volunteering deed restrictions that would eliminate certain uses, and regulate maximum height, lot coverage, and residential adjacency buffer.

Zoning History

There has not been any zoning change request in the immediately surrounding area in the past five years, but the following two zoning changes were requested in the vicinity.

- 1. Z190-181:** An application for 1) an CS Community Service District and 2) a Specific Use Permit for commercial motor vehicle parking use on property zoned an CR Community Retail District with deed restrictions located on the north line of Lyndon B. Johnson Freeway, west of Cedar Ranch Drive. [Pending CPC Hearing]
- 2. Z190-241:** An application for a Specific Use Permit for a handicapped group dwelling unit use on property zoned an R-7.5(A) Single Family District, located on the south line of Plaza Boulevard, between South Lancaster Road and Santa Rosa Drive. [Approved]

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing / Proposed ROW
South Lancaster Road	Principal Arterial	107 feet
Mojave Drive	Local Street	-

Traffic

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system. However, the land use will require submittal of a Development Impact Review at permitting to confirm compliance with City standards.

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 applicant's request is consistent with the following goals and policies of the comprehensive plan.

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.

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

Economic Element

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

Implementation Measure 2.1.3.7 Support small business development and entrepreneurial activity that fills retail gaps and revitalizes neighborhoods.

Surrounding Land Uses

	Current Zoning	Existing Land Use
Site	NS(A)	Undeveloped
North	NS(A)	Restaurant
East	R-7.5(A)	Single-Family Residential
South	CR	Fueling Station
West	CS	Fueling Station; Truck Parking

Land Use Compatibility

The applicant proposes to construct an approximately 1,927 sq. ft. restaurant with drive-in or drive-through service use. The site is surrounded by a mix of residential and nonresidential uses; with single-family neighborhood to the east, a use similar to the proposed to the north, and more intense uses to the south and west.

The CR Community Retail District is intended to provide "development of community-serving retail, personal service, and offices uses at a scale and intensity compatible with residential communities." The reason for the rezoning request is to accommodate a

“drive-in or drive-through service” with the proposed restaurant use since a restaurant without drive-in or drive-through service is allowed with the current zoning.

There are more intense uses that are not allowed in NS but allowed in CR, the deed restrictions volunteered by the applicant eliminate those uses, with the exception of alcoholic beverage establishment and restaurant with drive-in or drive-through service.

The deed restrictions include additional regulations to limit maximum height to 30 feet, maximum lot coverage to 40 percent and to provide a minimum 25-foot residential adjacency buffer with required landscape to ensure compatibility with the surrounding area, especially with the neighboring single-family use.

Development Standards

The deed restrictions volunteered by the applicant effectively maintains the development standards similar between existing and proposed zoning.

District	Setbacks			Height (max)	Lot Coverage (max)
	Front (min)	Side (min)	Rear (min)		
Existing: NS(A)	15'	20' adj. to residential; 0' in other cases	20' adj. to residential; 0' in other cases	30'	40%
Proposed: CR with Deed Restrictions	15'	20' adj. to residential; 0' in other cases	20' adj. to residential; 0' in other cases	30'	40%

Parking

Pursuant to the Dallas Development Code, off-street parking must be provided in accordance with Division 51A-4.200. A restaurant with drive-through service requires one space per 100 square feet of floor area; with a minimum of four spaces. Off-street stacking requirement shall also apply.

Landscaping

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

Screening/Buffering

As per the deed restrictions volunteered by the applicant, a minimum 25-foot residential adjacency buffer with required landscape screening must be maintained and the placement of dumpsters are prohibited on driveways within the 25-foot residential adjacency buffer.

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 subject site is uncategorized. Adjacent properties to the east are within Category F.

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List of Officers

Cityview Tacos, LLC

Maria Cazares

Abel Hernandez

Juan Cazares Flores

**CITY PLAN COMMISSION ACTION
JANUARY 21, 2021**

Motion: It was moved to recommend **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant on property zoned an NS(A) Neighborhood Service District on the northeast corner of South Lancaster Road and Mojave Drive.

Maker: Blair
Second: Rubin
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: 10
Replies: For: 0 Against: 0

Speakers: For: Bruce Burns, 2030 Tawakoni Dr., Irving, TX, 75062
Raul Rios, 3514 S. Cockrell Hill Rd., Dallas, TX, 75236
Against: None

**DEED RESTRICTIONS VOLUNTEERED
BY THE APPLICANT**

1. The following main uses are prohibited.

Commercial and business service uses.

- Building repair and maintenance shop.
- Catering service.
- Custom business services.
- Electronics service center.
- Medical or scientific laboratory.
- Tool or equipment rental.

Industrial uses.

- Gas drilling and production.
- Temporary concrete or asphalt batching plant.

Institutional and community service uses.

- Hospital.

Lodging uses.

- Hotel and motel.
- Lodging or boarding house.
- Overnight general purpose shelter.

Office uses.

- Alternative financial establishment.
- Financial institution with drive-in window.

Retail and personal service uses.

- Ambulance service.
- Animal shelter or clinic without outside runs.
- Auto service center.
- Business school.
- Car wash.
- Commercial amusement (inside).
- Commercial amusement (outside).
- Commercial parking lot or garage.

- Convenience store with drive-through.
- Furniture store.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more.
- Home improvement center, lumber, brick or building materials sales yard.
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop.
- Pawn shop.
- Swap or buy shop.
- Temporary retail use.
- Theater.

Utility and public service uses.

- Commercial radio and television transmitting station.

Wholesale, distribution, and storage uses.

- Mini-warehouse.
- Recycling buy-back center.
- Recycling collection center.

2. The following accessory uses are prohibited.

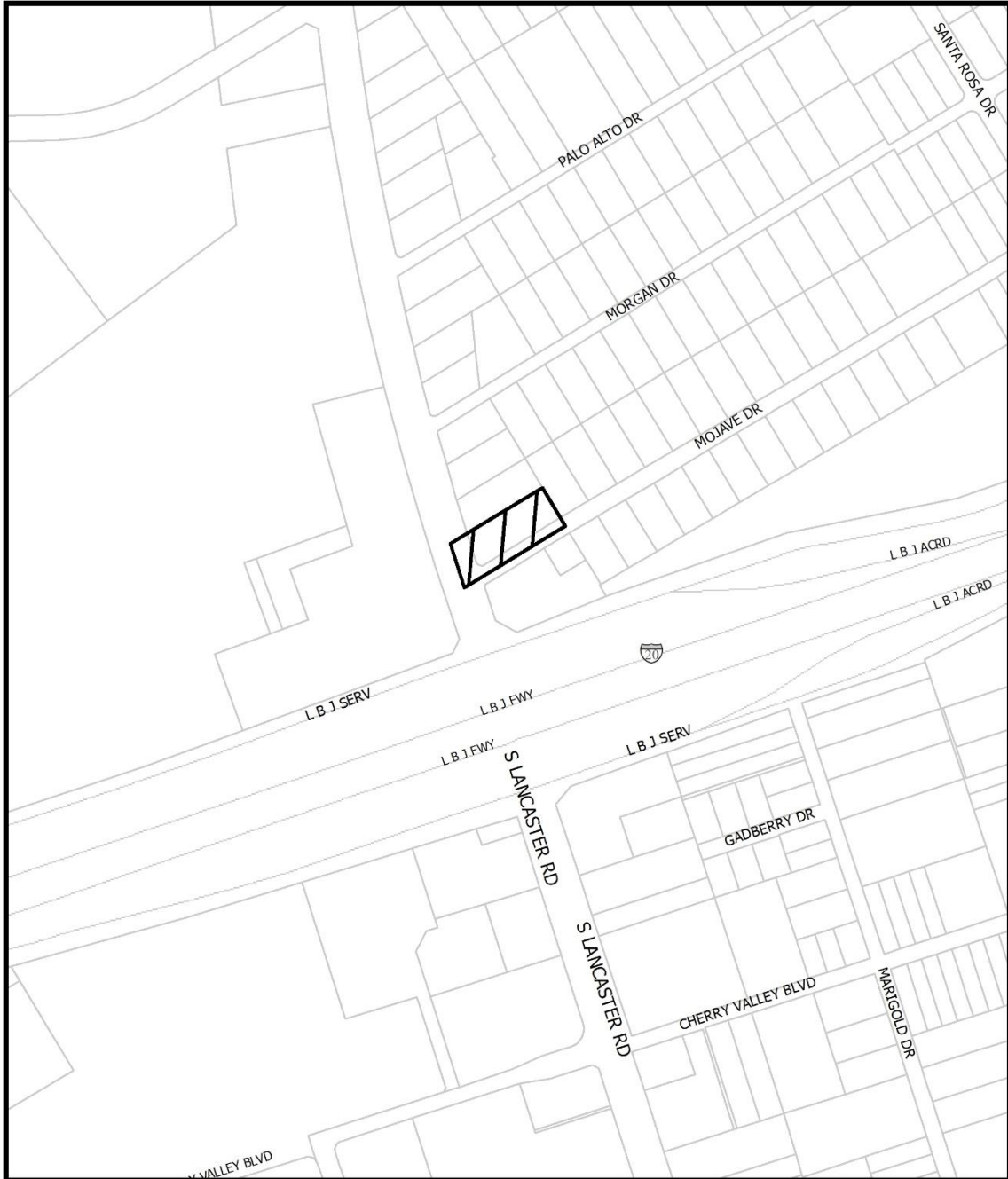
- Accessory helistop.

3. Maximum building height is 30 feet.

4. Maximum lot coverage is 40 percent.

5. A minimum 25-foot residential adjacency buffer with required landscape screening must be maintained.

6. The placement of dumpsters is prohibited on driveways within the 25-foot residential adjacency buffer.

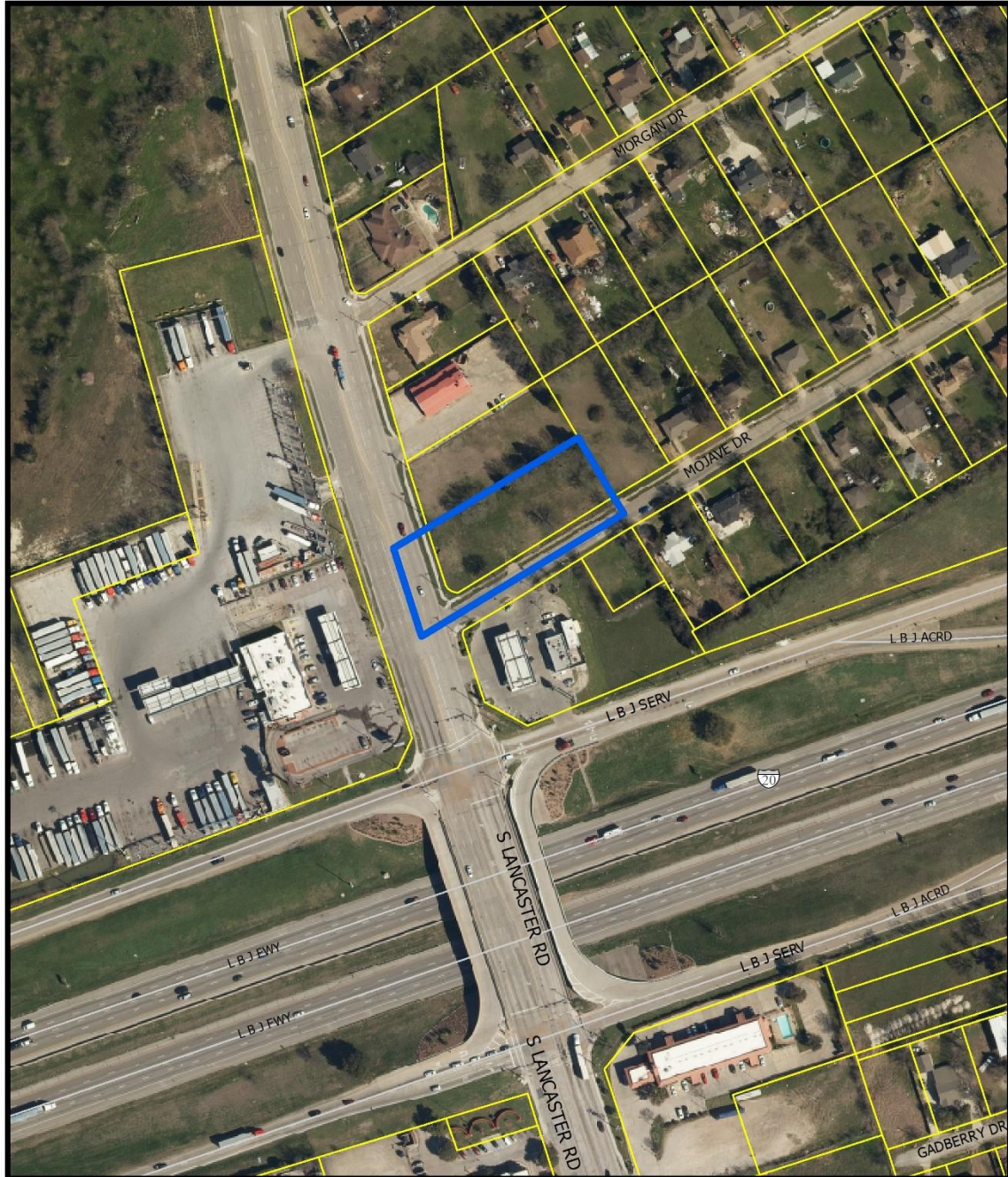


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VICINITY MAP

Case no: Z190-193

Date: 12/17/2020

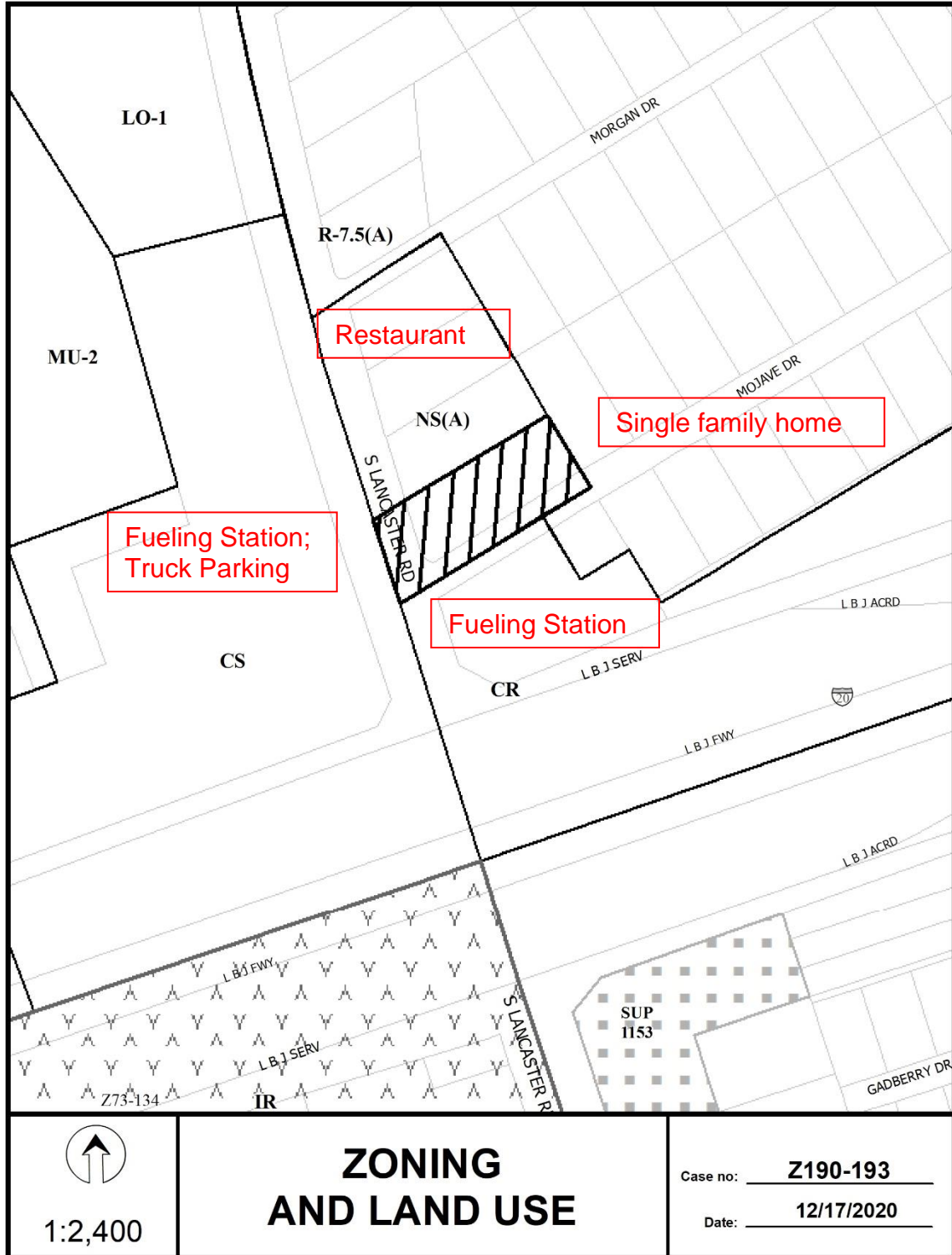


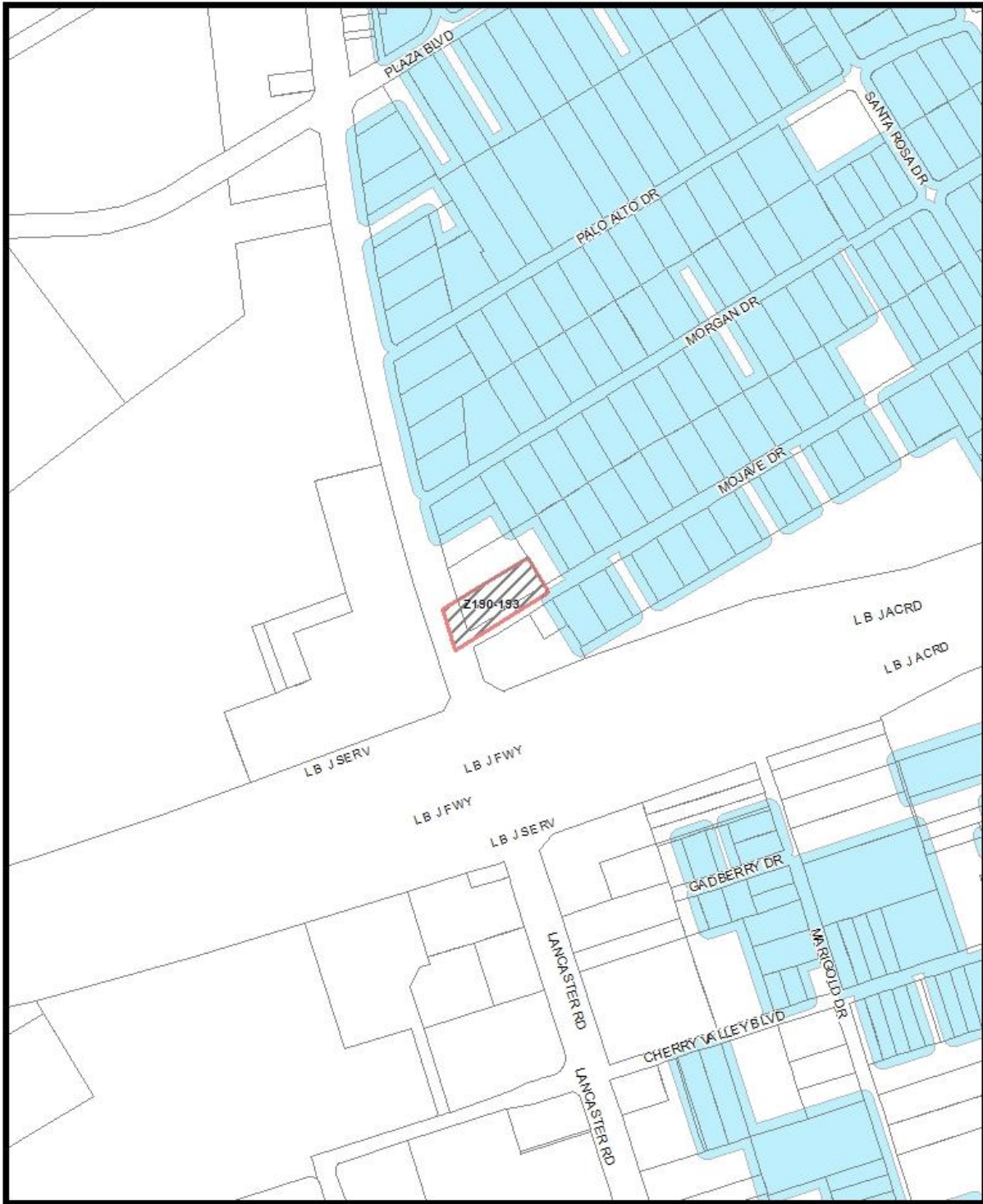
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AERIAL MAP

Case no: Z190-193

Date: 12/17/2020





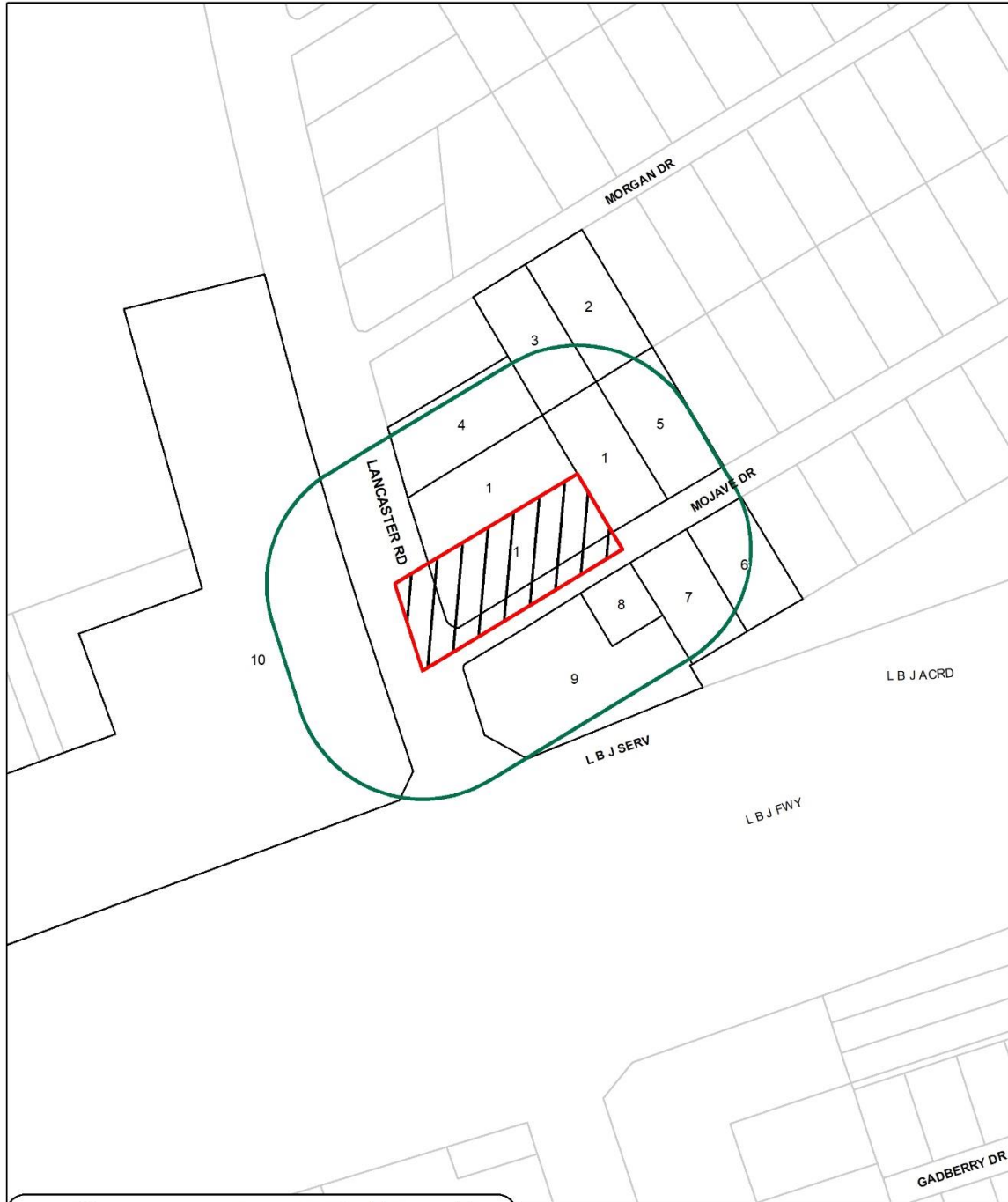
MVACluster A B C D E F G H I NA

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Market Value Analysis

Printed Date: 12/17/2020

CPC Responses



<u>10</u>	Property Owners Notified (12 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>1/7/2021</u>	Date

Z190-193
CPC



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01/06/2021

Reply List of Property Owners

Z190-193

10 Property Owners Notified

0 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	8108 S LANCASTER RD	CITYVIEW TACOS LLC
	2	2530 MORGAN DR	CLEMONS NARLAN
	3	2522 MORGAN DR	MILLER GARY
	4	8018 S LANCASTER RD	HALLETT NO I LP
	5	2539 MOJAVE DR	ARROYO ROLANDO M &
	6	2540 MOJAVE DR	GAMINO GRISELDA &
	7	2532 MOJAVE DR	BLAKELY TANIQUA &
	8	2528 MOJAVE DR	SHARPER FREDDIE HOWARD
	9	8210 S LANCASTER RD	KANJO LLC
	10	8181 S LANCASTER RD	Taxpayer at