

FILE NUMBER: Z223-226(MP) **DATE FILED:** March 8, 2023

LOCATION: West line of South Buckner Boulevard, between Clover Haven Street and St. Francis Avenue

COUNCIL DISTRICT: 7

SIZE OF REQUEST: ±3.0 acres **CENSUS TRACT:** 48113012207

OWNER/APPLICANT: Sikka Investments

REPRESENTATIVE: La Sierra Planning Group

REQUEST: An application for (1) a CR Community Retail District with deed restrictions volunteered by the applicant; and (2) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an NS(A) Neighborhood Service District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request to allow the development of a general merchandise or food store greater than 3,500 square feet with the sale of alcoholic beverages.

CPC RECOMMENDATION: **Approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant; and **approval** of a Specific Use Permit for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** of a CR Community Retail District; and **approval** of a Specific Use Permit for a five-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The subject parcel is an undeveloped 3.0-acre lot.
- The proposed uses are multiple general merchandise or food stores greater than 3,500 square feet.
- The lot would be accessed from South Buckner Boulevard.
- The current NS(A) zoning does not allow general merchandise or food stores greater than 3,500 square feet, whereas the proposed CR district allows this use by right.
- The property and surroundings also have a D-1 Liquor Control Overlay, which requires an SUP for the sale of alcoholic beverages. The applicant has requested an SUP to allow the sale of alcoholic beverages in the proposed general merchandise or food store greater than 3,500 square feet.
- The applicant has also proposed deed restrictions to limit some of the uses allowed in the CR district.
- The purpose of CR Community Retail district is “To provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities.”
- Staff recommends a base CR district as this district because the deed restrictions as proposed do not offer significant regulatory oversight beyond the base district and because the Buckner corridor generally includes a blend of commercial, residential, and light industrial uses.

Zoning History:

There has been one zoning case in the area in the past five years.

1. **Z189-246:** On March 25, 2020, the City Council approved Specific Use Permit No. 2372 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period with eligibility for automatic renewal for additional five-year periods.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW / Proposed ROW
South Buckner Boulevard	Principal Arterial	100-feet / 107-foot Bike Plan

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 and 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:

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

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

The request for deed restrictions conflicts 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.

The proposed deed restrictions do not further the goal of promoting zoning flexible enough to respond to changing economic conditions or the goal of encouraging a balance of land uses within walking distance of each other.

Land Use:

	Zoning	Land Use
Site	NS(A) Neighborhood Service District	Undeveloped
North	TH-3(A) Townhouse District	Single Family
East	LI Light Industrial District	Warehouse
South	NS(A) Neighborhood Service District with a D-1 Liquor Control Overlay	Motor vehicle fueling station, general merchandise or food store less than 3,500 sq ft
West	MF-2(A) Multifamily District	Multifamily

Land Use Compatibility:

The area of request is currently undeveloped and zoned an NS(A) Neighborhood Service District. Behind the site, to the west, there is a property developed with multifamily. North of the site are single family uses built out in an attached format under TH-3(A) zoning. Property to the south contains a motor vehicle fueling station and a general merchandise or food store 3,500 square feet or less. Property to the east across South Buckner is developed with a warehouse. Staff finds that the proposed use and zoning district of CR is compatible with the surrounding area.

Farther to the north along South Buckner, PD No.605 functions similarly to CR base zoning in terms of uses and development standards and would allow many similar CR uses by right. Generally, the extent of the Buckner Corridor is zoned with general zoning more intense or equivalent in intensity to CR. The small portion of TH-3(A) subdivision developed to the north is the exception to the otherwise highly commercial corridor.

The proposed deed restrictions do not constitute what the comprehensive plan refers to as “zoning flexible enough to respond to changing economic conditions,” nor does it accomplish the goal of long-term land use planning. Deed restrictions, especially those that remove uses desired by an operator in the immediate term, cannot serve as a replacement for thoughtful distribution of zoning districts throughout the city, and conflict with the intended function of zoning districts altogether.

In this case, the proposed deed restrictions primarily only restrict uses that otherwise need an SUP in order to operate on site. Should the Commission approve the CR district without the deed restrictions, all the uses prohibited by the DR would still require another public hearing in order to operate on site, except for college dormitory, fraternity, or sorority house

and pawn shop. As such, the deed restrictions do not serve to provide significant oversight on uses beyond that which is afforded in the base zoning.

Development Standards

Standard	Existing: NS(A)	Proposed: CR
Front setback	15' min No Max	15' min No Max
Side setback	20' adjacent residential 0'	20' adjacent residential 0'
Rear setback	20' adjacent residential 0'	20' adjacent residential 0'
FAR	0.5 all uses	0.5 office 0.75 all other uses
Height	30' 35' with sloped roof 2 stories	54' 4 stories
Lot coverage	40% max	60% max
Special standards	Proximity slope, Visual Intrusion	Proximity slope, Visual Intrusion
Primary Uses	Office, Child-care facility, Personal service uses, GMFS <3,500	Office, Child-care facility, Personal service uses, GMFS, Retail uses

On a site of this size, the development standards are not significantly different between NS(A) and CR in regard to how buildings would relate to adjacent properties. Due to RPS, anything higher than the existing height of 35 feet would have to be located generally in the southern half of the parcel but would at most be limited to 54 feet.

Land Use Comparison:

Following is a comparison table showing differences in the permitted uses between the existing and proposed zoning districts.

LEGEND	
□	Use prohibited
•	Use permitted by right
S	Use permitted by Specific Use Permit
D	Use permitted subject to Development Impact Review
R	Use permitted subject to Residential Adjacency Review
★	Consult the use regulations in Section 51A-4.200

Use	Existing	Proposed	Proposed
	NS(A)	CR	CR with DR
AGRICULTURAL USES			
Animal production			
Commercial stable			
Crop production	•	•	•
Private stable			
COMMERCIAL AND BUSINESS SERVICES USES			
Building Repair and Maintenance Shop		R	R
Bus or rail transit vehicle maintenance or storage facility			
Catering service		•	•
Commercial Bus Station and terminal			
Commercial cleaning or laundry plant			
Custom business services		•	•
Custom woodworking, furniture construction, or repair			
Electronics service center		•	•
Job or lithographic printing			
Labor hall			
Machine or welding shop			
Machinery, heavy equipment, or truck sales and services			
Medical or scientific laboratory		S	S
Technical school			
Tool or equipment rental		•	•

Use	Existing	Proposed	Proposed
	NS(A)	CR	CR with DR
Vehicle or engine repair or maintenance			
INDUSTRIAL USES			
Alcoholic beverage manufacturing			
Gas drilling and production	S	S	<i>Prohibited by DR</i>
Gas pipeline compressor station			
Industrial (inside)			
Industrial (inside) for light manufacturing			
Industrial (outside)			
Medical/infectious waste incinerator			
Metal salvage facility			
Mining			
Municipal waste incinerator			
Organic compost recycling facility			
Outside salvage or reclamation			
Pathological waste incinerator			
Temporary concrete or asphalt batching plant	S	S	<i>Prohibited by DR</i>
INSTITUTIONAL AND COMMUNITY SERVICE USES			
Adult day care facility	•	•	•
Cemetery or mausoleum	S	S	S
Child-care facility	•	•	•
Church	•	•	•
College, university, or seminary	S	•	•
Community service center	S	S	S
Convalescent and nursing homes, hospice care, and related institutions			
Convent or monastery	•	•	•
Foster home			
Halfway house			
Hospital		S	S
Library, art gallery, or museum	•	•	•
Open enrollment charter school or private school	S	S	<i>Prohibited by DR</i>
Public school other than OECS	R	R	<i>Prohibited by DR</i>
LODGING USES			
Extended stay hotel or motel			

Use	Existing	Proposed	Proposed
	NS(A)	CR	CR with DR
Hotel or motel		S	<i>Prohibited by DR</i>
Lodging or boarding house		S	<i>Prohibited by DR</i>
Overnight general-purpose shelter		S + [Special]	<i>Prohibited by DR</i>
MISCELLANEOUS USES			
Attached non-premise sign	S	S	S
Carnival or circus (temporary)	[Special]	[Special]	[Special]
Hazardous waste management facility			
Placement of fill material			
Temporary construction or sales office	•	•	•
OFFICE USES			
Alternative financial establishment		S	<i>Prohibited by DR</i>
Financial institution without drive-in window	•	•	•
Financial institution with drive-in window		D	D
Medical clinic or ambulatory surgical center	•	•	•
Office	•	•	•
RECREATION USES			
Country club with private membership	•	•	•
Private recreation center, club, or area	S	•	•
Public park, playground, or golf course	•	•	•
RESIDENTIAL USES			
College dormitory, fraternity, or sorority house	S	•	<i>Prohibited by DR</i>
Duplex			
Group residential facility			
Handicapped group dwelling unit			
Manufactured home park, manufactured home subdivision, or campground			
Multifamily			
Residential hotel			
Retirement housing			
Single family			

Use	Existing	Proposed	Proposed
	NS(A)	CR	CR with DR
RETAIL AND PERSONAL SERVICE USES			
Alcoholic beverage establishments		S	<i>Prohibited by DR</i>
Ambulance service		R	R
Animal shelter or clinic without outside runs		R	R
Animal shelter or clinic with outside runs			
Auto service center		R	R
Business school		•	•
Car wash		D	D
Commercial amusement (inside)		• OR S	• OR S
Commercial amusement (outside)		S	S
Commercial motor vehicle parking			
Commercial parking lot or garage		R	R
Convenience store with drive-through		S	<i>Prohibited by DR</i>
Drive-in Theater			
Dry cleaning or laundry store	•	•	•
Furniture store		•	•
General merchandise or food store 3,500 square feet or less	•	•	•
General merchandise or food store 3,500 square feet or greater		•	•
General merchandise or food store greater than 100,000 square feet		S	S
Home improvement center, lumber, brick or building materials sales yard		D	D
Household equipment and appliance repair		•	•
Liquefied natural gas fueling station			
Liquor Store		Requires S in D-1	<i>Prohibited by DR</i>
Motor vehicle fueling station	S	•	•
Mortuary, funeral home, or commercial wedding chapel.		•	•
Nursery, garden shop, or plant sales		•	•
Outside sales			
Paraphernalia shop		S	<i>Prohibited by DR</i>
Pawn shop		•	<i>Prohibited by DR</i>
Personal service use	•	•	•

Use	Existing	Proposed	Proposed
	NS(A)	CR	CR with DR
Restaurant without drive-in or drive-through service	R	R	R
Restaurant with drive-in or drive-through service		D	D
Swap or buy shop		S	<i>Prohibited by DR</i>
Taxidermist			
Temporary retail use		•	•
Theater		•	•
Truck stop			
Vehicle display, sales, and service			
TRANSPORTATION USES			
Airport or landing field			
Commercial bus station and terminal			
Heliport			
Helistop			
Private street or alley			
Railroad passenger station			
Railroad yard, roundhouse, or shops			
STOL (short take-off or landing port)			
Transit passenger shelter	•	•	•
Transit passenger station or transfer center	S or CC	S or CC	S or CC
UTILITY AND PUBLIC SERVICE USES			
Commercial radio or television transmitting station		•	•
Electrical generating plant			
Electrical substation	S	•	•
Local utilities	S / R	S / R	S / R
Police or fire station	S	•	•
Post office	S	•	•
Radio, television, or microwave tower	S	S	S
Refuse transfer station			
Sanitary landfill			
Sewage treatment plant			
Tower/antenna for cellular communication	(Special)	(Special)	(Special)

Use	Existing	Proposed	Proposed
	NS(A)	CR	CR with DR
Utility or government installation other than listed	S	S	S
Water treatment plant			
WHOLESALE, DISTRIBUTION, AND STORAGE USES			
Auto auction			
Building mover's temporary storage yard			
Contractor's maintenance yard			
Freight terminal			
Livestock auction pens or sheds			
Manufactured building sales lot			
Mini warehouse		S	S
Office showroom/warehouse			
Outside storage			
Petroleum product storage and wholesale			
Recycling buy-back center		(Special)	(Special)
Recycling collection center		(Special)	(Special)
Recycling drop-off container	(Special)	(Special)	(Special)
Recycling drop-off for special occasion collection	(Special)	(Special)	(Special)
Sand, gravel, or earth sales and storage			
Trade center			
Vehicle storage lot			
Warehouse			

Landscaping:

Landscaping must be provided in accordance with the requirements in Article X, as amended. The applicant also proposes a landscape buffer of an average width of 20 feet where residential adjacency exists along the northern boundary of the property. This is an increase from the 10-foot average width in Article X. Additionally, the applicant proposes an eight-foot screening fence beyond the six-foot fence height required by code.

Parking:

The plan shows one general merchandise or food store greater than 3,500 square feet in one suite of 15,000 sq ft. This use requires one space per 220 square feet when it has a

floor area of 10,000 square feet or greater, so this suite requires 68 spaces. The plan shows a smaller suite at 4,000 square feet. If the applicant occupies this suite with a general merchandise or food store greater than 3,500 square feet, it will require a ratio of one space to 200 square feet, for a total of 20 spaces. In total, these suites would require 88 spaces. The plan provides 95 spaces in total.

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 area of request is located within an “E” MVA cluster.

Z223-226(MP)

LIST OF PARTNERS/PRINCIPALS/OFFICERS

Sikka Investment LLC
Barkat Daredia, Director

CPC Action
OCTOBER 19, 2023

Motion: It was moved to recommend 1) **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant; and 2) **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period, subject to a site plan and conditions on property zoned an NS(A) Neighborhood Service District with a D-1 Liquor Control Overlay, on the west line of South Buckner Boulevard between Clover Haven Street and St. Francis Avenue.

Maker: Wheeler-Reagan
Second: Blair
Result: Carried: 15 to 0

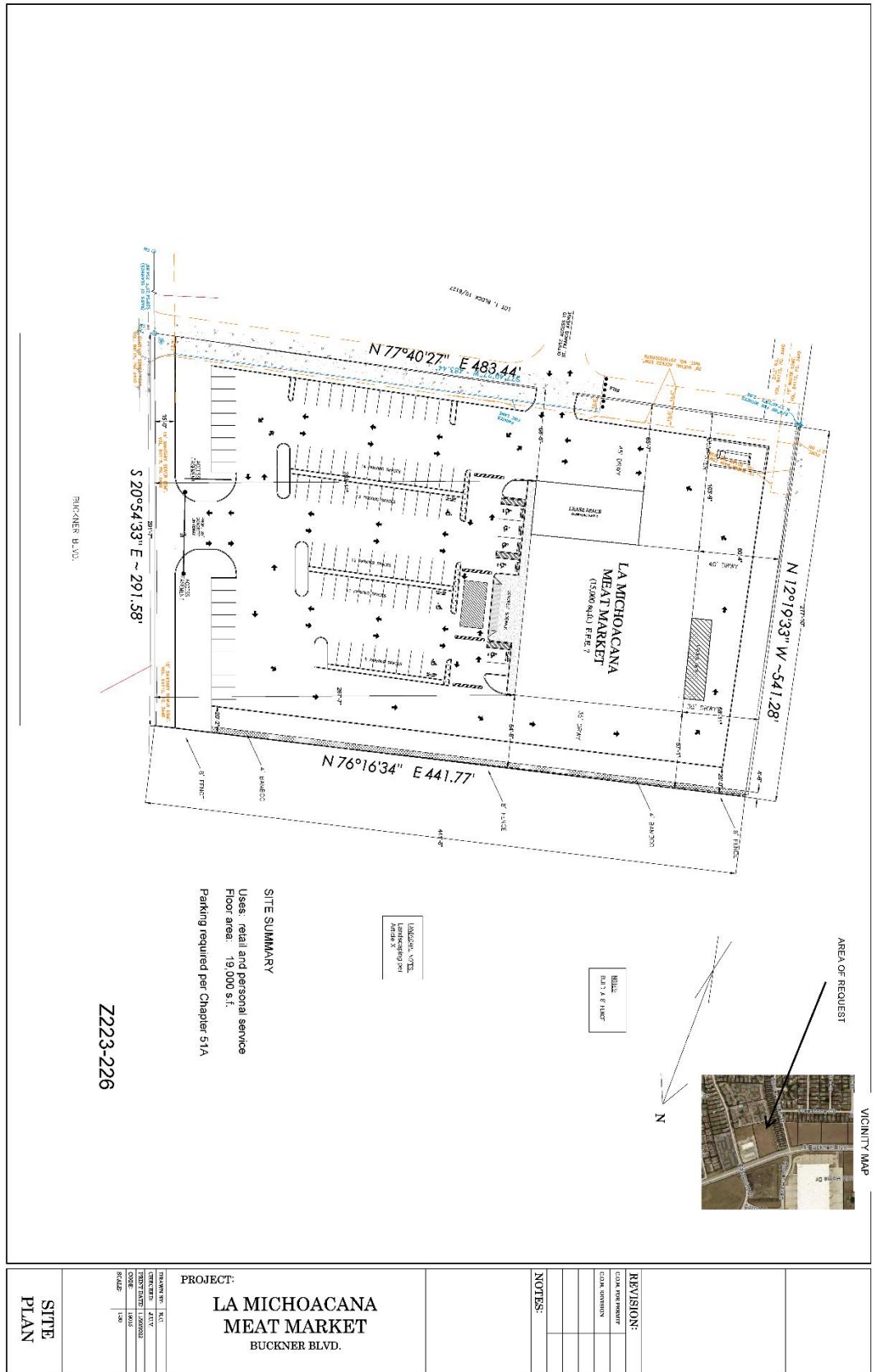
For: 15 - Chernock, Hampton, Herbert, Anderson, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Treadway, Haqq, Hall, Kingston,
Rubin

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 300 Mailed: 37
Replies: For: 0 Against: 1

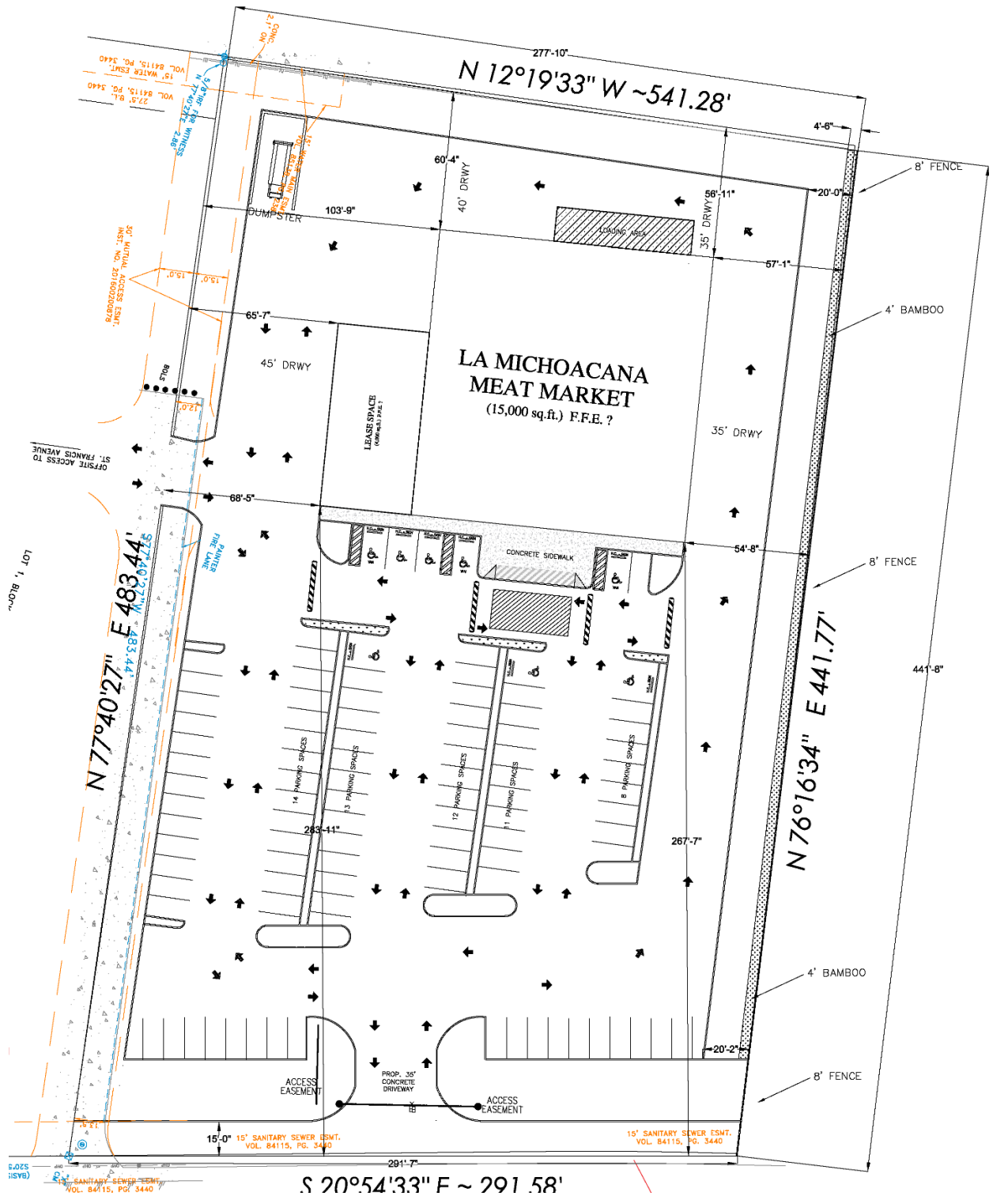
Speakers: For: Santos Martinez, 2489 Camino Plata Loop NE, Rio Rancho, NM, 87144
 Against: None
Against (Did not speak): Robin Sloan, 4727 Clover Haven St., Dallas, TX, 75227
 Carolyn Thomas, 4739 Clover Haven St., Dallas, TX, 75277

CPC RECOMMENDED SITE PLAN (PERTAINS TO SUP)



SITE PLAN	PROJECT:	LA MICHOCACANA MEAT MARKET
	BUCKNER BLVD.	
DATE:	SCALE:	
11/17/2023	1"=40'	

CPC RECOMMENDED SITE PLAN (ENLARGED)



CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
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).

STAFF RECOMMENDATION:

3. TIME LIMIT: This specific use permit expires on (five years from date of approval).

4. LANDSCAPING BUFFER: An eight foot solid screen fence is required along the northern boundary of the property. The residential buffer required by SEC. 51A-10.125(b)(2) along the northern property line must be an average width of 20 feet.
5. FLOOR AREA: The maximum floor area for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet is 16,000 square feet in the location shown on the attached site plan.
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.

APPLICANT'S VOLUNTEERED DEED RESTRICTIONS

The following uses are prohibited:

- (1) Industrial uses.
 - Gas drilling and production.
 - Temporary concrete or asphalt batching plant.

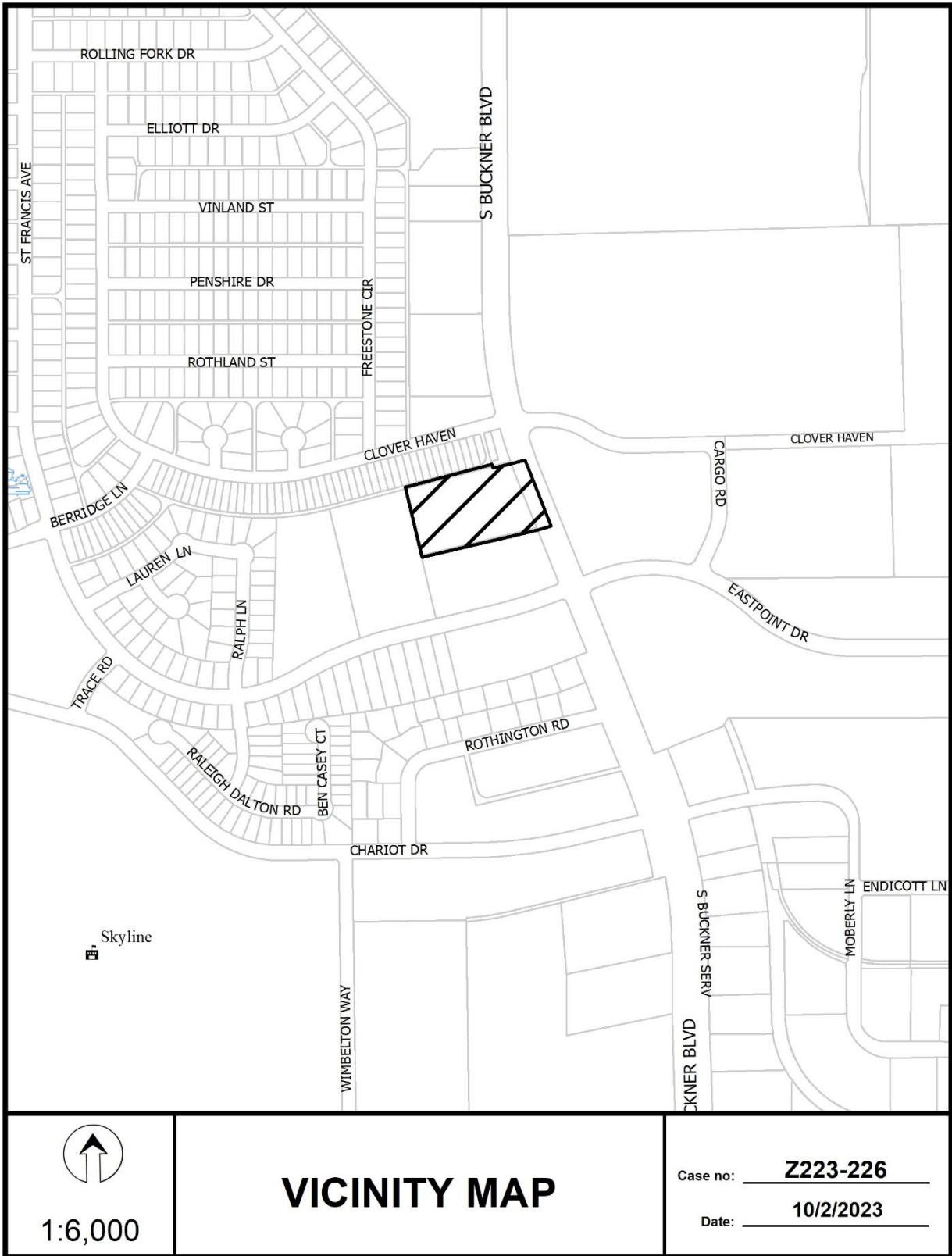
- (2) Institutional and community service uses.
 - Open enrollment charter school or private school.
 - Public school other than an open enrollment charter school.

- (3) Lodging uses.
 - Hotel or motel.
 - Lodging or boarding house.
 - Overnight general purpose shelter.

- (4) Office uses.
 - Alternative financial establishment.

- (5) Residential uses.
 - College dormitory, fraternity, or sorority house.

- (6) Retail and personal service uses.
 - Alcoholic beverage establishment.
 - Convenience store with drive-through service.
 - Liquor store.
 - Paraphernalia shop.
 - Pawn shop.
 - Swap or buy shop



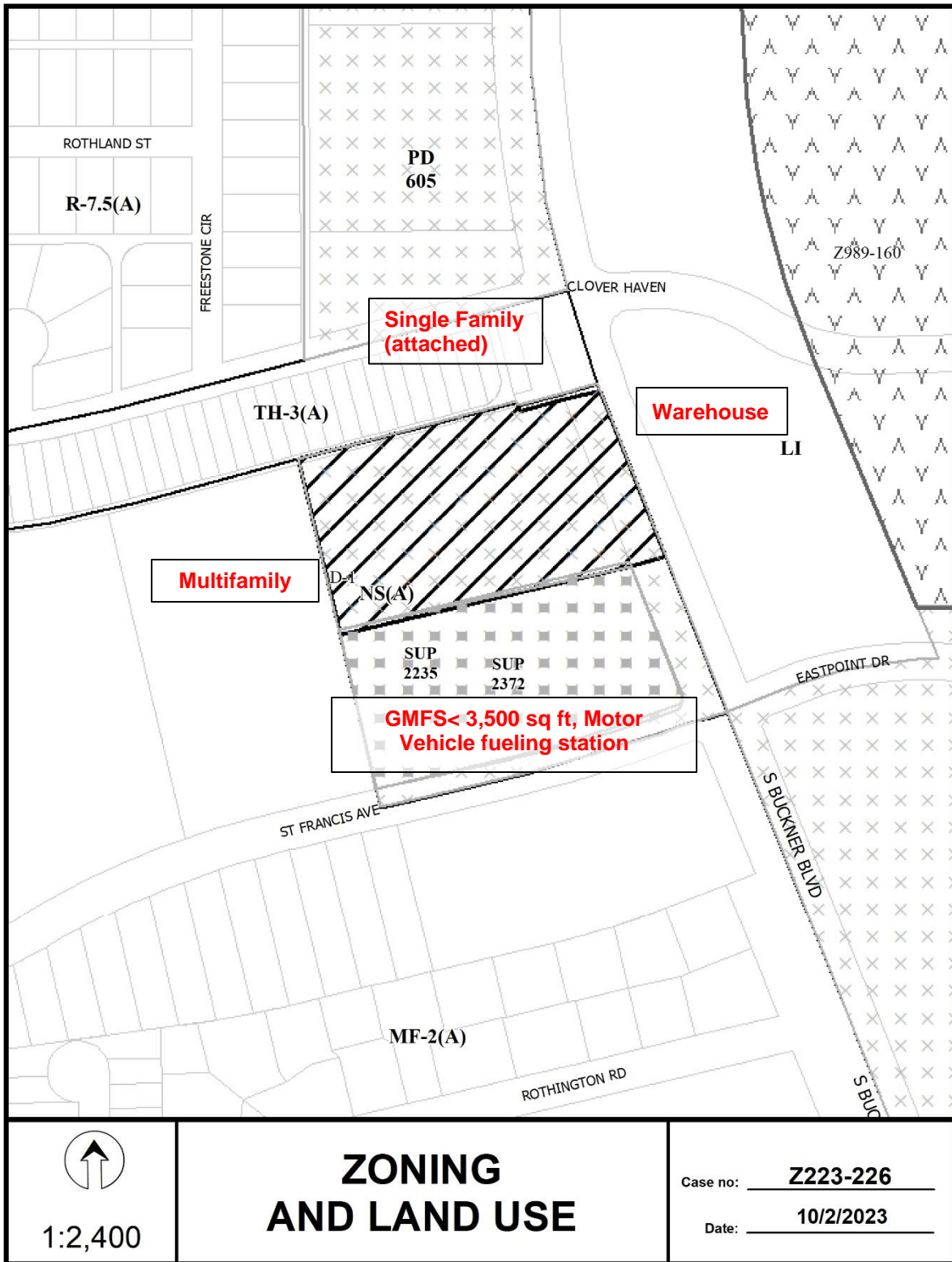


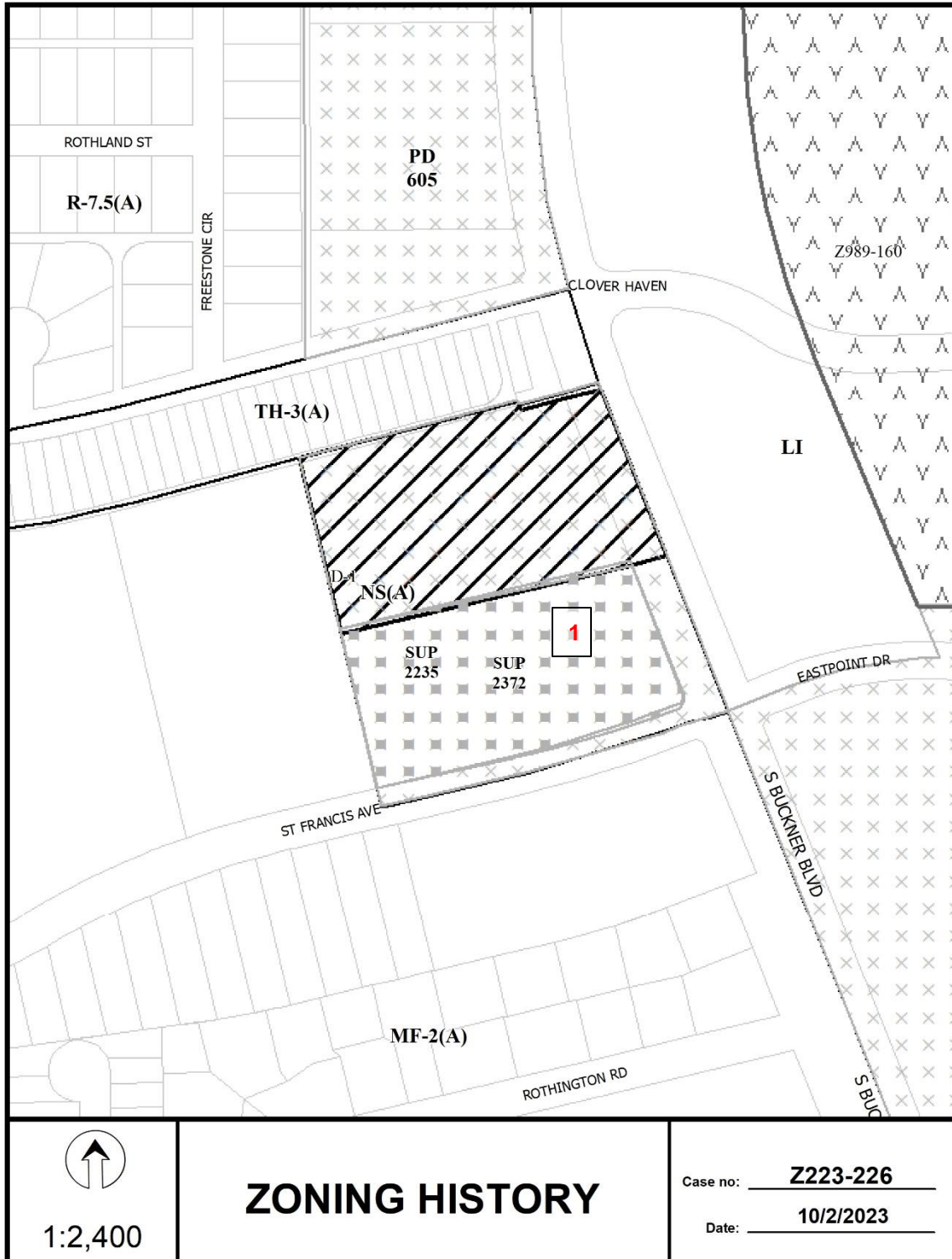
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AERIAL MAP

Case no: Z223-226

Date: 10/2/2023



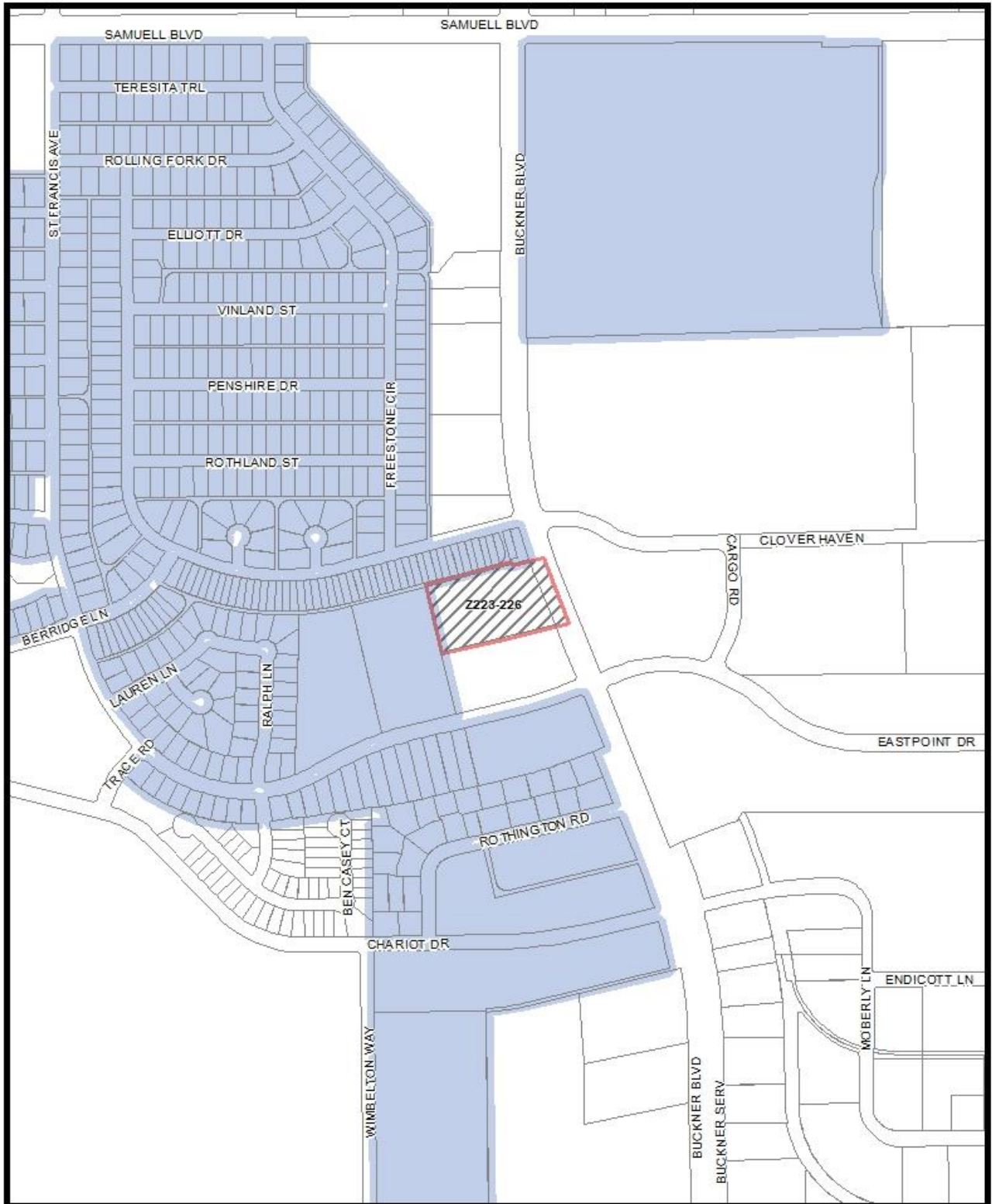


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ZONING HISTORY

Case no: Z223-226

Date: 10/2/2023



Market Value Analysis

Printed Date: 10/2/2023



<u>37</u>	Property Owners Notified (37 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>300'</u>	Area of Notification
<u>10/19/2023</u>	Date

Z223-226
CPC



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10/18/2023

Reply List of Property Owners***Z223-226******37 Property Owners Notified 0 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5001	S BUCKNER BLVD	MOUNTAIN DATX005 LLC
2	5001	S BUCKNER BLVD	SIKKA INVESTMENTS LLC
3	4999	S BUCKNER BLVD	BUCKNER TOWN VIEW HOLDINGS LTD
4	5120	FREESTONE CIR	MURRAY DAVID S &
5	5114	FREESTONE CIR	PERNELL ALICE G
6	5100	FREESTONE CIR	RAMIREZ DOMINGO ORTIZ &
7	5135	S BUCKNER BLVD	Taxpayer at
8	5155	S BUCKNER BLVD	Taxpayer at
9	4748	ST FRANCIS AVE	RANCHO BUCKNER LTD
10	4831	CLOVER HAVEN	BALLARD REVA J
11	4827	CLOVER HAVEN	PALOMINO MARIA MERCEDES
12	4823	CLOVER HAVEN	GARRETT BRETT T
13	4819	CLOVER HAVEN	SPEARS GRENALDA
14	4815	CLOVER HAVEN	BURNS CAROLYN I
15	4811	CLOVER HAVEN	FOLTSLONGORIA BRANDI L &
16	4807	CLOVER HAVEN	Taxpayer at
17	4803	CLOVER HAVEN	Taxpayer at
18	4763	CLOVER HAVEN	BROWN EDWARD
19	4759	CLOVER HAVEN	KINGBLACK SANDRA E
20	4755	CLOVER HAVEN	WILLIAMS ERMA JEAN
21	4751	CLOVER HAVEN	ANDERSON GARY D
22	4747	CLOVER HAVEN	CARRAWAY KAROLYN
23	4743	CLOVER HAVEN	PIERRO MAYOLA
24	4739	CLOVER HAVEN	THOMAS CAROLYN ANN
25	4735	CLOVER HAVEN	MENDOZA J CONSEPCION BARBOZA &
26	4731	CLOVER HAVEN	REDDIC GLORIA

Z223-226(MP)

10/18/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4727 CLOVER HAVEN	SLOAN ROBIN M
X	28	4723 CLOVER HAVEN	HORN MARVA
	29	4719 CLOVER HAVEN	CUNNINGHAM LOIS M
	30	4715 CLOVER HAVEN	JAMISON MARIANNE & JANETTE PERASSO
	31	4711 CLOVER HAVEN	JAMISON MARIANNE & JANETTE PERASSO
	32	4707 CLOVER HAVEN	BECKHAM ALBERTA ESTATE OF
	33	4703 CLOVER HAVEN	MAYWEATHER LARETA
	34	5115 FREESTONE CIR	NUNO ISMAEL & ERICKA
	35	5107 FREESTONE CIR	REYES DORA &
	36	5194 BUCKNER BLVD	DEV PROPERTY CLOVER LLC
	37	4624 CLOVER HAVEN ST	POOL 2 INDUSTRIAL TX LLC