

**CITY PLAN COMMISSION**

**THURSDAY, FEBRUARY 6, 2025**

**Planner: Connor Roberts**

**FILE NUMBER:** Z234-327(CR) **DATE FILED:** August 26, 2024

**LOCATION:** North line of West Davis Street, east of North Walton Walker Boulevard.

**COUNCIL DISTRICT:** 6

**SIZE OF REQUEST:** ± 1.78 acres **CENSUS TRACT:** 48113010701

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**REPRESENTATIVE/APPLICANT:** Houshang Jahvani, P.E.

**OWNER:** John Malchi

**REQUEST:** An application for a Specific Use Permit for a motor vehicle fueling station on property zoned Light Commercial/Office Area 1 Subdistrict within Planned Development District No. 631, the West Davis Special Purpose District.

**SUMMARY:** The purpose of the request is to allow for the development of a motor vehicle fueling station on the site.

**STAFF RECOMMENDATION:** **Approval** for a five-year period, subject to a site plan and staff's recommended conditions.

**BACKGROUND INFORMATION:**

- The approximately 1.78-acre area of request is currently undeveloped and is bordered by West Davis Street to the south and Tatum Avenue partially to the east.
- The Tatum Avenue right-of-way (property) extends along the full eastern limitation of the subject area, connecting to West Davis Street to the south. However, Tatum Avenue improvements (pavement, bar ditches, etc.) only extend along portions of the site's eastern boundary, and do not connect to West Davis Street due to significant topographic challenges. The terminus of Tatum Avenue is capped by a guard rail limiting access, and connections to this right-of-way from the subject site are restricted by the proposed SUP conditions.
- The existing elevation of the subject site drops from approximately 510 feet Mean Sea Level (MSL) along Tatum Avenue to the northeast of the site, to approximately 476 feet MSL along West Davis Street to the southwest of the site.
- The proposed request would allow for a general merchandise or food store approximately 12,112 square feet in area, with 12 individual fuel pumps under a canopy along West Davis Street.
- The applicant is requesting a 30-year expiration date on this SUP. Staff recommends that the expiration date be limited to 5 years for the opportunity to reassess the land use compatibility and any outstanding site compliance issues.
- The general merchandise or food store greater than 3,500 square feet is permitted by right per Section 51P-631.107.1(a)(10). However, the motor vehicle fueling station requires approval of a SUP per this same section.
- Since notification, the applicant has requested withdrawal. As the request has been notified already, the Commission may be inclined to recommend Denial without prejudice in order to close the case out.

**Zoning History:**

There have been no zoning cases in the area in the last five years:

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing/Proposed ROW
West Davis Street	Principal Arterial	100 feet 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 will continue review of engineering plans at permitting to comply 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 request complies 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.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	Tract A1, the Light Commercial/Office Subdistrict, within PD No. 631, the West Davis Special Purpose District	Undeveloped
<b>North</b>	R-7.5(A)	Single family
<b>East</b>	R-7.5(A)	Single family
<b>South</b>	Medium Commercial/Office Subdistrict within PD No. 631, the West Davis Special Purpose District	Vehicle display, sales, and service

<b>West</b>	CS, Commercial Service District with Deed Restrictions (Ordinance No. 23524)	Undeveloped
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**Land Use Compatibility:**

The approximately 1.78-acre site would be developed with an approximately 12,112 square-foot general merchandise or food store (convenience store) greater than 3,500 square feet, with 12 individual fuel pumps under a canopy along West Davis Street. Access to the site will be limited to West Davis Street to the south; access to the Tatum Avenue right-of-way or improvements will not be permitted based on the proposed SUP conditions.

The general merchandise or food store greater than 3,500 square feet is permitted by right per Section 51P-631.107.1(a)(10). However, the motor vehicle fueling station requires approval of a SUP per this same section.

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 supports the request with the exception of the proposed SUP timeframe. The requested use of the property is compatible with automobile uses found on the south line of West Davis Street, as well as those found along highways of the same caliber as nearby Walton Walker Boulevard. Additionally, proper screening and spacing requirements from nearby single family properties, including residential proximity slope, will be made in accordance with Planned Development No. 631 and the Dallas Development Code. The applicant is requesting a 30-year expiration date on this SUP. Staff recommends that the expiration date be limited to 5 years for the opportunity to reassess the land use compatibility and any outstanding site compliance issues.

**Landscaping:**

Landscaping must be provided in accordance with Planned Development No. 631 and Article X of the Dallas Development Code, as amended. Within the Light Commercial/Office Area 1 Subdistrict, landscaping functions the same as Article X.

**Parking:**

The Dallas Development Code requires one parking space per 220 square feet of floor area for general merchandise or food store greater than 3,500 square feet uses between 10,000 and 40,000 square feet. Based on the proposed 12,112.5 square feet of floor area, the development requires 56 spaces with 60 being provided per the attached site plan.

**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 currently in an "H" MVA area.

**LIST OF OFFICERS**

John Malchi, owner

### PROPOSED SUP CONDITIONS

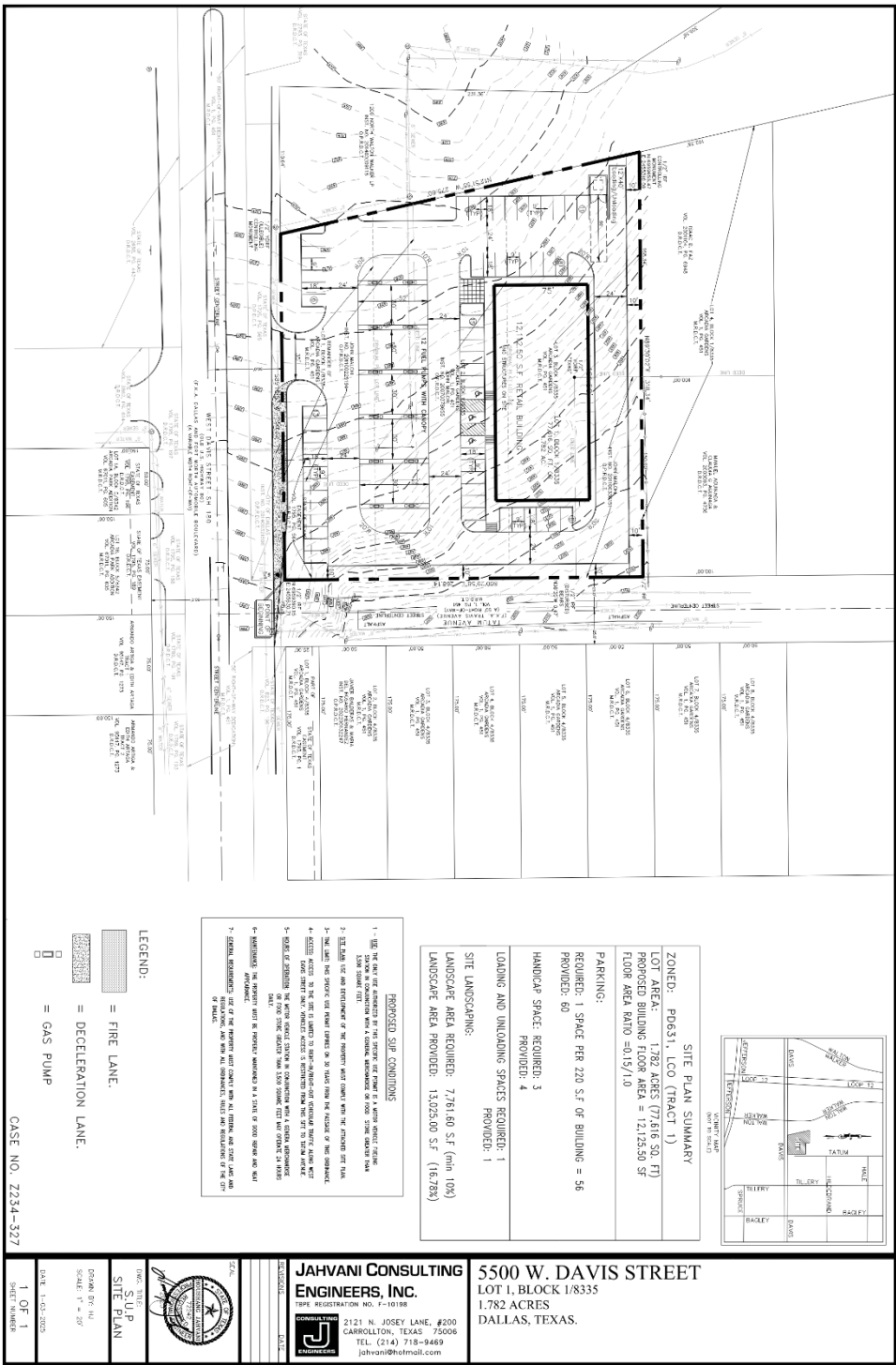
1. USE: The only use authorized by this specific use permit is a motor vehicle fueling station in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (30 years from the passage of this ordinance).

**Staff Recommendation:**

3. TIME LIMIT: This specific use permit expires on (5 years from the passage of this ordinance).

4. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. 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.

PROPOSED SITE PLAN



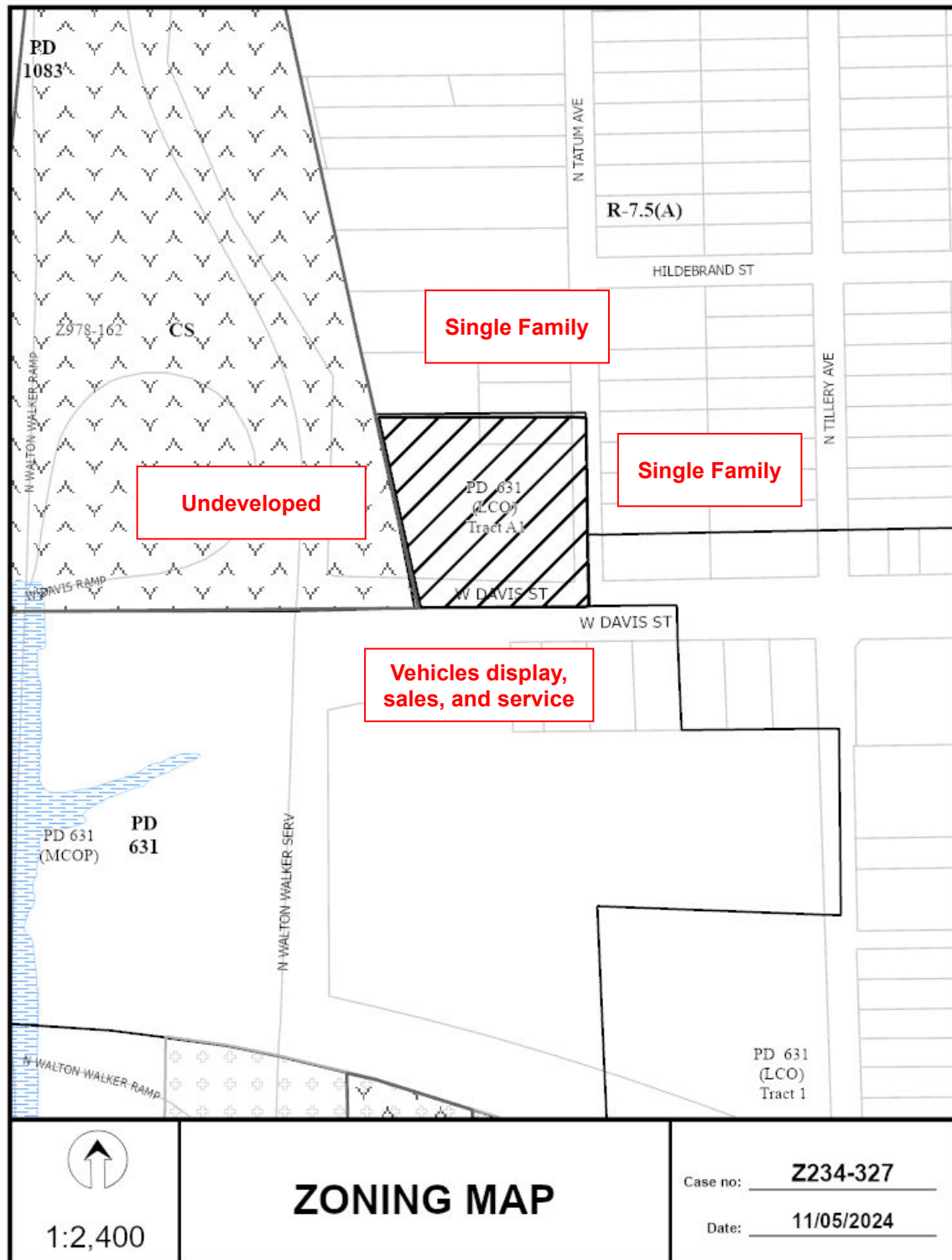




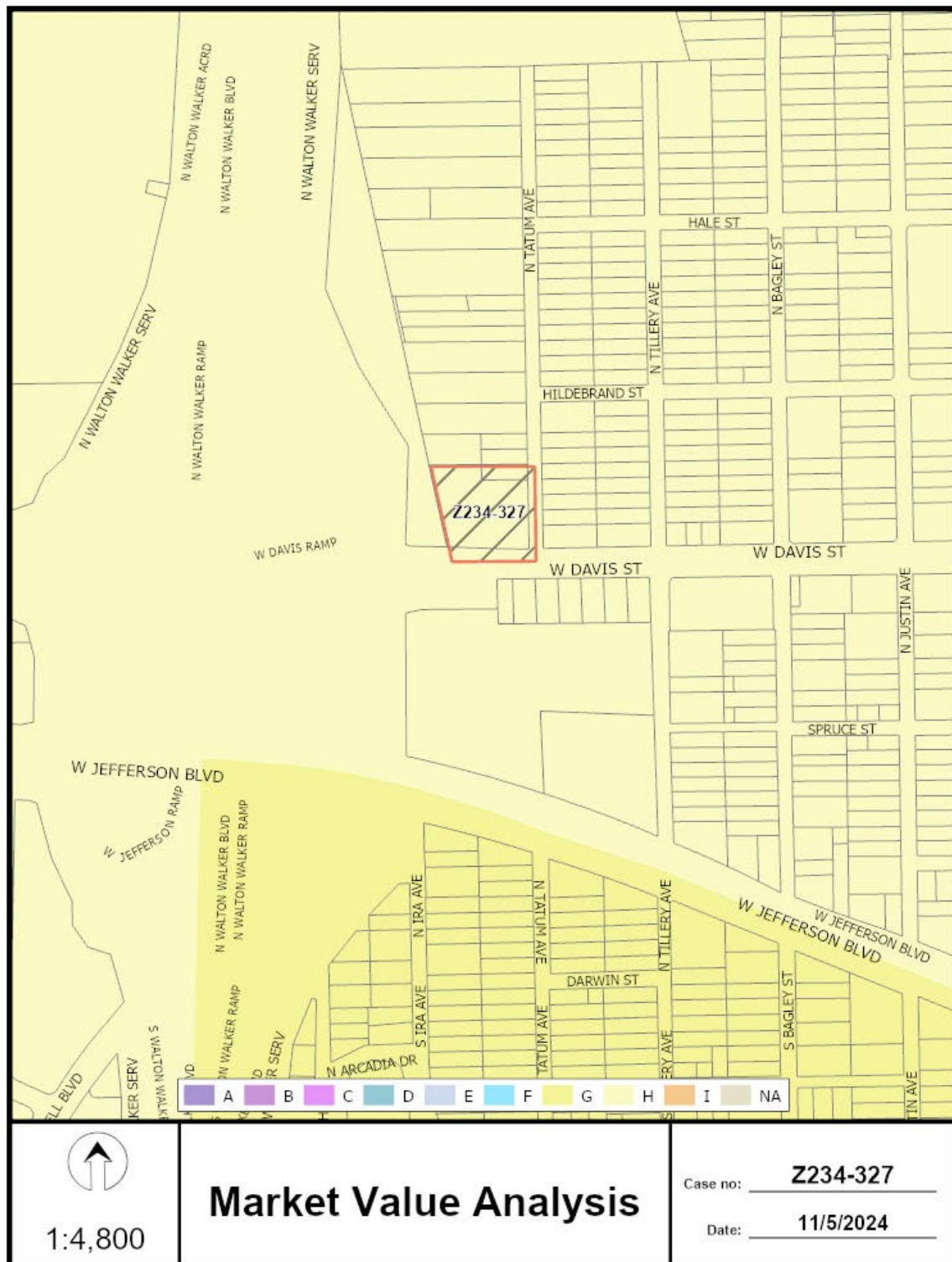


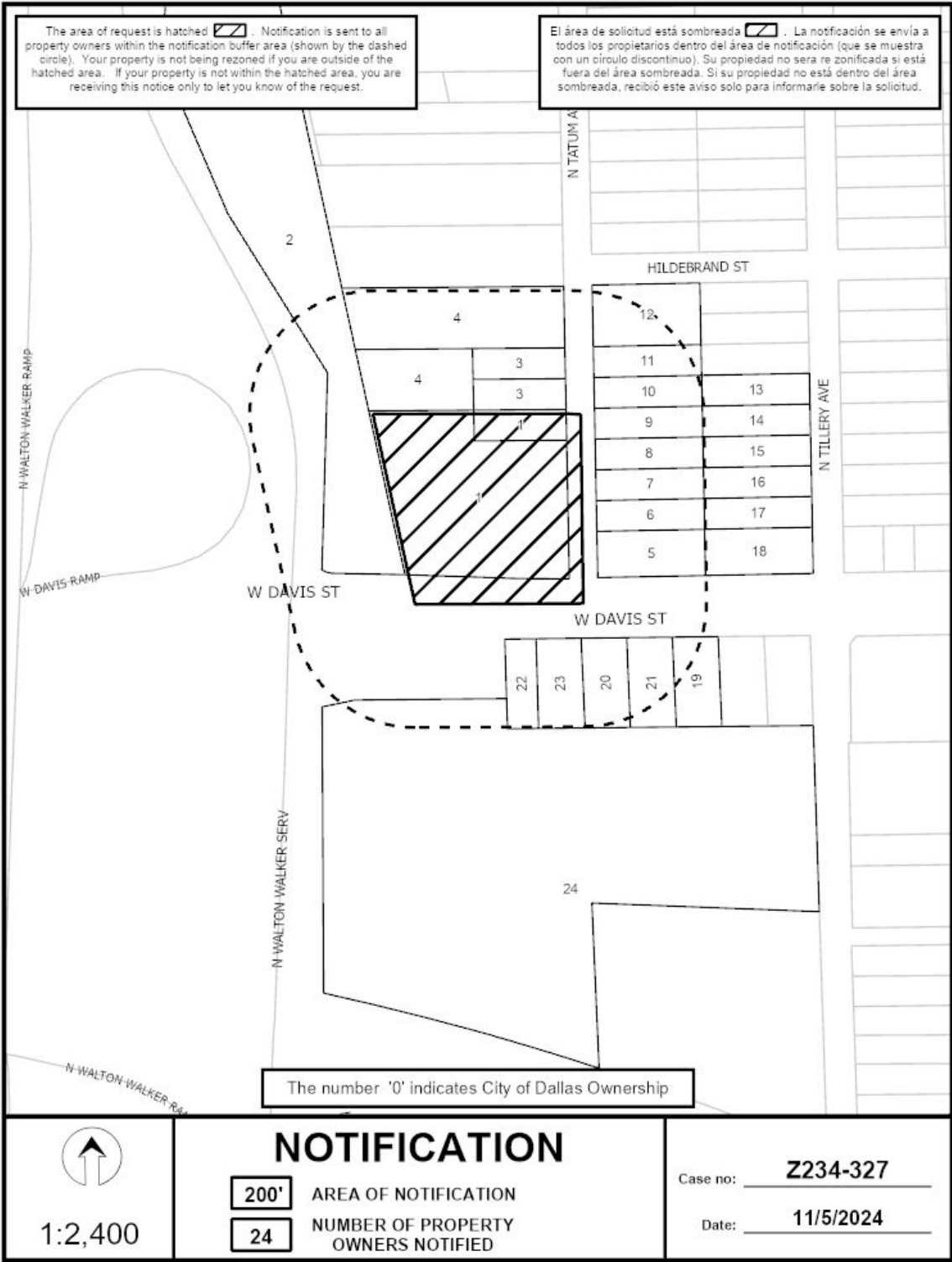






Z234-327(CR)





11/05/2024

***Notification List of Property Owners******Z234-327******24 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5500 W DAVIS ST	MALCHI JOHN
2	1200 WALTON WALKER BLVD	1200 NORTH WALTON WALKER LP
3	707 N TATUM AVE	AGUINAGA MANUEL &
4	715 N TATUM AVE	FAZ ISAAC D
5	606 N TATUM AVE	BALDERAS JAVIER &
6	610 N TATUM AVE	AGUAYO JUAN CARLOS & ETAL
7	614 N TATUM AVE	BALDERAS JAVIER &
8	618 N TATUM AVE	MERCADO RICARDO ETAL
9	702 N TATUM AVE	AGUAYO JUAN CARLOS &
10	708 N TATUM AVE	AGUAYO CARLOS & CAROLINA
11	710 N TATUM AVE	ZAVALA LEONOR
12	718 N TATUM AVE	HERNANDEZ SANDRA L &
13	707 N TILLERY ST	CASTANEDA SILVINA & ISMAEL
14	621 N TILLERY ST	CACERES JOSE
15	619 N TILLERY ST	CACERES JOSE & MARTHA
16	615 N TILLERY ST	VILLEGAS MARCOS
17	611 N TILLERY ST	SEGOVIANO MANUEL
18	603 N TILLERY ST	EVANS JOE
19	5410 W DAVIS ST	CUARENTA FRANCISCO & IRMA
20	5414 W DAVIS ST	ARTIGA ARMANDO &
21	5412 W DAVIS ST	ARTIGA ARMANDO &
22	5502 W DAVIS ST	DEANDA RODOLFO & YOLANDA
23	5502 W DAVIS ST	DEANDA RODOLFO & YOLANDA
24	5601 W JEFFERSON BLVD	MARSHALL FREDERICK S