

FILE NUMBER: M245-001(TB) **DATE FILED:** October 4, 2024

LOCATION: Southwest corner of E. R. L. Thornton Freeway and South Buckner Boulevard.

COUNCIL DISTRICT: 7

SIZE OF REQUEST: Approx.11.8812 acres **CENSUS TRACT:** 48113012207

REPRESENTATIVE: Jonathan Vinson, Jackson Walker LLP

APPLICANT: Jordan Corbitt, P.E., Kimley-Horn

OWNER: 9334, LTD

REQUEST: An application for approval of a site plan that does not comply with the requirements of the design standards for large retail uses in Section 51A-4.605 of the Dallas Development Code, as amended, on property zoned an RR Regional Retail District

PURPOSE: The applicant requests City Plan Commission approval of a site plan allowing 1) an exception to the roof design, 2) an exception to the screening requirements for outdoor display, sales, and storage areas, and 3) a variation to the design standards for screening at the garden center.

STAFF RECOMMENDATION: **Approval** of a site plan allowing 1) an exception to the roof design, 2) an exception to the screening requirements for outdoor display, sales, and storage areas, and 3) a variation to the design standards for screening at the garden center.

Section 51A-4.605 Design standards for large retail uses:

https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-84075

BACKGROUND INFORMATION:

- The request site is zoned an RR Regional Retail District and is developed with a large retail building (built in 1966; currently vacant) and an auto related use in a separate building (built in 1974) on the southern portion of the property.
- The existing structures will be demolished and the site will be redeveloped with a home improvement center, lumber, brick or building material sales yard use of 100,000 square feet or more, which must comply with design standards for large retail uses in Sec. 51A-4.605 of the Dallas Development Code.
- Design standards are intended to ensure that large retail uses are compatible with the surrounding area and mitigate the negative impact of large retail uses while allowing creativity, flexibility, and variety in design. They also are intended to make adaptive reuse of large retail spaces possible.
- Approval of all or a portion of the current request would allow the proposed home improvement center, lumber, brick or building material sales yard use of 100,000 square feet or more to be constructed with deviations to the required design standards.

DESIGN STANDARDS FOR LARGE RETAIL USES

In an effort to mitigate the impact that large retail uses often have on surrounding communities, Chapter 51A of the Dallas Development Code requires design standards for certain uses built after October 27, 2004, with 100,000 square feet or more of floor area and for certain existing uses expanded to 100,000 square feet or more. The applicant proposes to redevelop the request site with a home improvement center, lumber, brick or building material sales yard use of 100,000 square feet or more; therefore, the design standards for large retail uses will apply to the redevelopment. [Note: The land use, itself, is allowed by right and is not part of the request under consideration.]

The code authorizes City Plan Commission to approve a site plan that does not comply with the requirements of the design standards for large retail uses under the minor amendment process provided that:

1. Strict compliance with the design standards is impractical due to site constraints or would result in substantial hardship;
2. The site plan complies with the spirit and intent of the design standards;
3. The site plan furthers the stated purpose of the design standards; and
4. The variation or exception from the design standards will not adversely affect surrounding properties.

City Plan Commission (CPC) is the final approving body for variations and exceptions to these design standards, just as it is the final approving body for minor amendments to development plans. While CPC must approve minor amendments to development plans if they comply with the governing ordinance, the same is not true when considering

variations and exceptions to design standards for large retail uses. For this request, City Plan Commission may approve all, some, or none of the requested variations and exceptions provided the conditions for approval listed above are met.

REQUEST DETAILS AND STAFF ANALYSIS:

The request site is located along the east bound frontage of E.R.L. Thornton Freeway and the west side of South Buckner Boulevard, a principal arterial thoroughfare. The table below outlines the zoning and land uses for the request site and surrounding properties.

	Zoning	Land Use
Site	RR Reginal Retail District	Large Retail & Auto Service Center
North	RR Reginal Retail District	Auto Display, Office & Warehouse
East	City of Mesquite	Warehouse
South	RR Reginal Retail District	Large Retail & Gen Merch less than 3,500 SF
West	RR Reginal Retail District	Retail, Personal Service, & Restaurant

The applicant requests approval of a site plan allowing the following exceptions and variations from required design standards for large retail uses per Section 51A-4.605 of the Dallas Development Code:

1. Exception to roof design.

Required standard: [ref. 51A-4.605(7)(B)] Roofs must have at least one of the following design elements:

- i. Parapets with horizontal tops having height changes of at least one foot occurring horizontally *no less than every 100 feet*. Parapets that do not have horizontal tops must have pitched or rounded tops with a pattern that repeats or varies no less than every 100 feet. All parapets must have detailing such as cornices, moldings, trim, or variations in brick coursing.
- ii. Sloping roofs with at least two of the following design elements:
 - a. Slope of at least 5:12
 - b. Two or more slope planes.
 - c. Overhanging eaves extending at least three feet beyond the supporting wall.

Applicant's requested exception:

- All parapets have height changes of at least one foot occurring horizontally at *less than every 100 feet*.

- Neither of the required roof design elements along the rear facade of the building.

Applicant's justification for requested exception:

- Raised parapets would require a change of tilt panel color and texture, as well as removal of that portion of the horizontal branding stripe.
- The applicant is concerned about the competitive challenges from the loss of branding caused by the removal of the horizontal stripe. They have attempted this design on a previous store, and it was found to negatively impact customer recognition and sales.
- Parapet and/or overhanging eaves on the rear facade would interfere with forklift operations.

2. Exception to screening requirements for outdoor display, sales, and storage areas.

Required standard: [ref. 51A-4.605(9)(D)] Merchandise may not be displayed or stored in parking areas or on sidewalks adjacent to facade walls, except in screened outdoor display, sales, and storage areas.

Applicant's requested exception:

- Staging and outdoor display along the facade walls.
- Seasonal sales within the parking lot.

Applicant's justification for requested exception:

- Required design standard inhibits the brand's standard operations.
- Requested exception allows store operations to stage materials with heavy equipment and allows customers to access these materials.

3. Variation to design standards for screening at garden center.

Required standard: [ref. 51A-4.605(9)(E)] Outdoor display, sales, and storage areas, such as nursery departments, must be enclosed by screening with a solid base with a minimum height of three feet surmounted by a wrought iron or tubular steel fence with a minimum height of five feet. The screening must be surmounted with a minimum of two feet of fascia with materials and colors matching the main building. No merchandise other than trees may be visible above the screening.

Applicant's requested variation:

- Provide 20-foot-tall masonry columns to match the building at north side of the garden center fence in lieu of the solid base wall.
- No masonry columns are proposed along the front entrance or rear facade of the garden center.
- Provide expanded metal mesh (0-12') and architectural mesh (12'- 20') mounted to steel fence posts in lieu of wrought iron or tubular steel.
- No solid screen wall to be provided.

Applicant's justification for requested exception:

- Required screening design standards would inhibit the brand's standard operations and disrupt product sales at the garden center.
- Applicant believes that the proposed design deviations comply with the spirit of the code requirements.

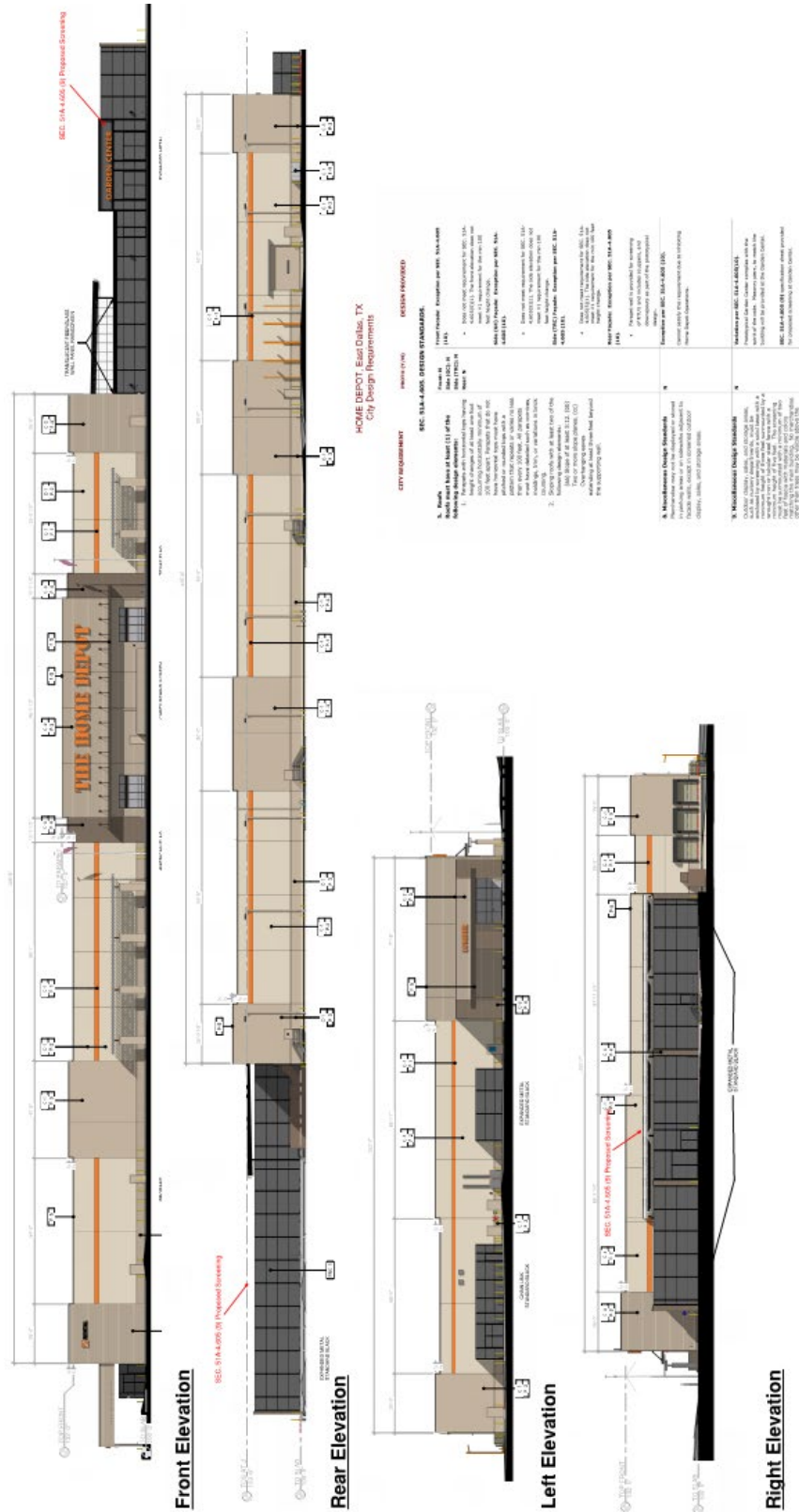
Staff recommends approval of the proposed site plan allowing the noted exceptions and variations from the design standards for large retail uses and finds that the standards for approval have been met. Given the surrounding uses and the site's location on a regional commercial corridor, it is not anticipated that the exceptions and deviations will adversely affect surrounding properties. Strict compliance with the design standards inhibits standard operations and eliminates recognizable brand features. Staff notes that the majority of design standards for large retail uses will be incorporated into the applicant's future redevelopment of the property, and the requested exceptions and variations comply with the spirit and intent of the required design standards. Approval of the site plan reflecting the requested exceptions and variations will allow a currently vacant property to be redeveloped, thus contributing to the revitalization of the area.

List of Officers

9334, LTD.

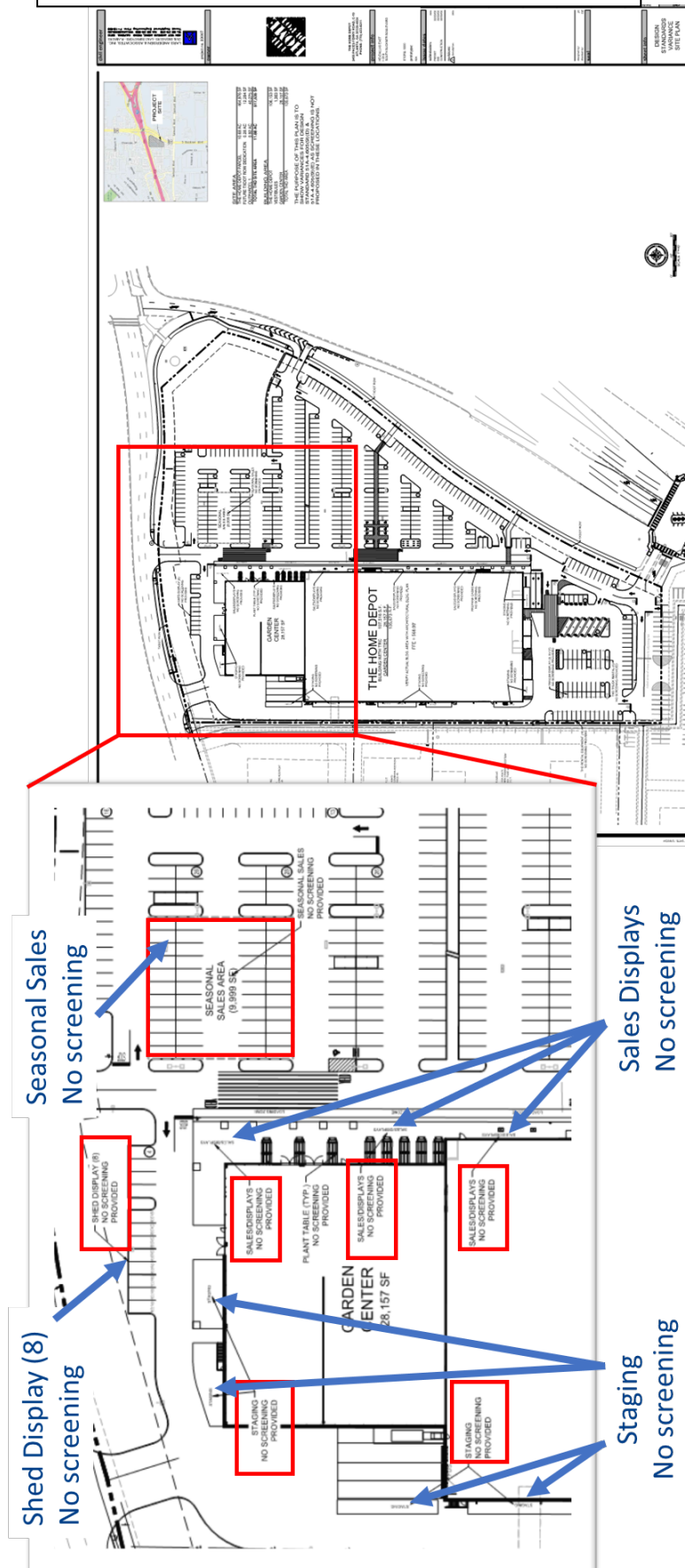
Louis H. Lebowitz- President of the General Partner

Elevation Plan (Enlarged)- Reference Only





Proposed Site Plan [Enlarged]

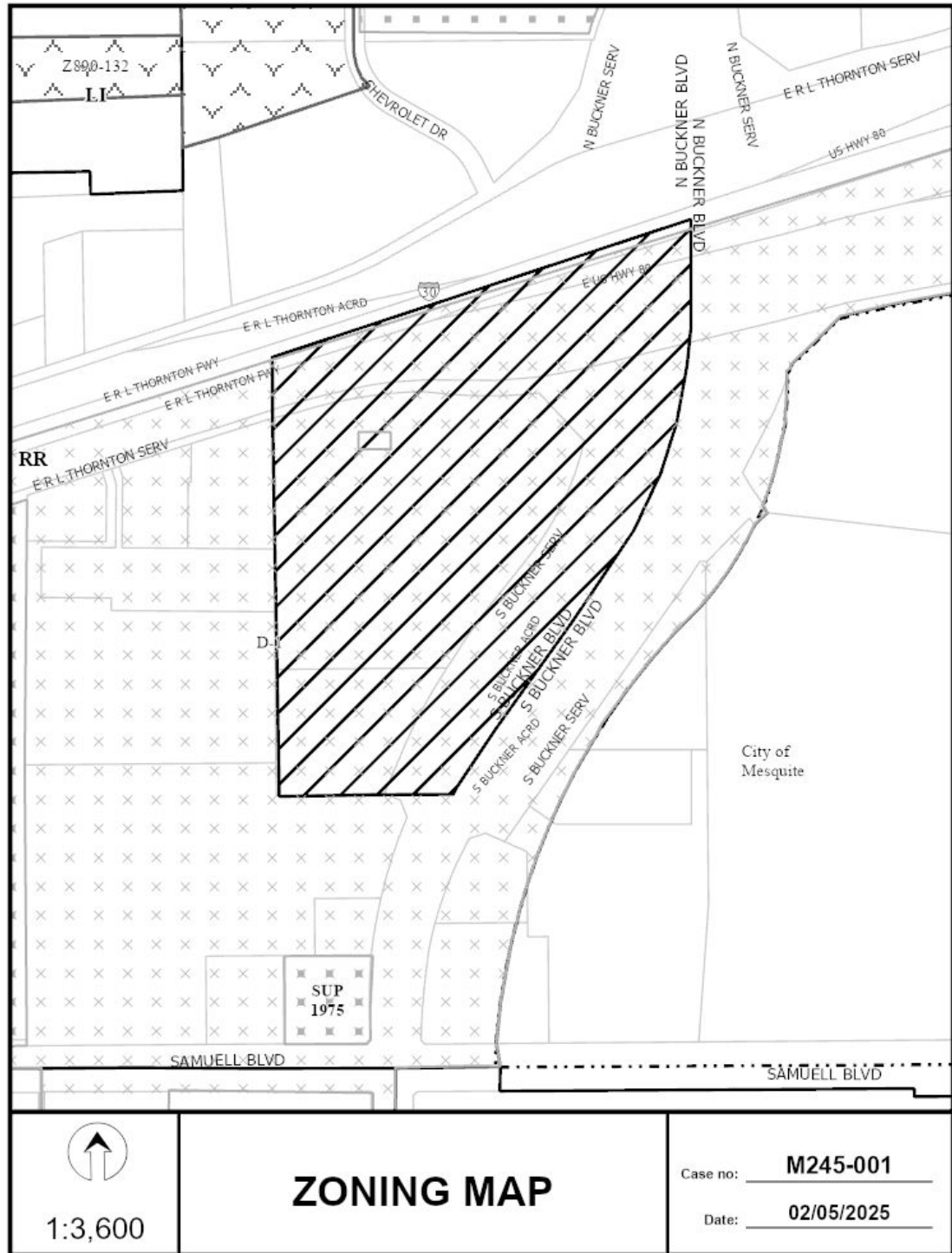


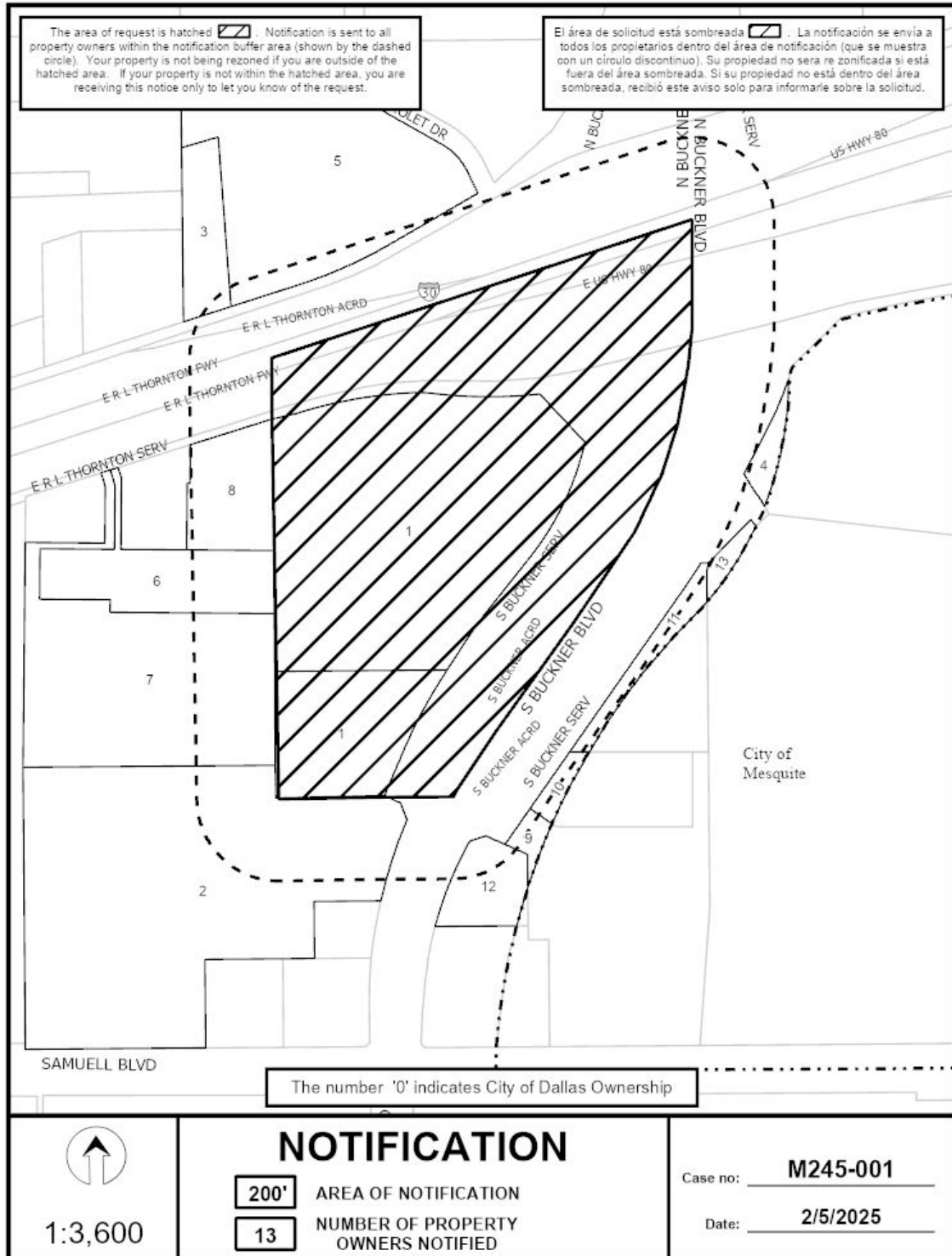




Aerial View







02/05/2025

Notification List of Property Owners

M245-001

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9334 E R L THORNTON FWY	9334 LTD
2	5555 S BUCKNER BLVD	NNN DALLAS TX OWNER LP
3	9211 E R L THORNTON FWY	ONE ROSHNI LLC
4	5500 S BUCKNER BLVD	SKYLINE COMMERCE CENTER OWNER LP
5	9301 E R L THORNTON FWY	9301 EAST R L THORNTON FRWY LLC
6	9222 E R L THORNTON FWY	TS BUCKNER LLC
7	9208 E R L THORNTON FWY	BUCKNER JUBILEE INVESTMENTS
8	9310 E R L THORNTON FWY	DOCKSIDE THREADING INC
9	5361 SAMUELL BLVD	NEC BUCKNER & SAMUEL LP
10	5361 SAMUELL BLVD	AW MESQUITE LLC
11	5560 S BUCKNER BLVD	MJT LLC
12	5580 S BUCKNER BLVD	GOOD CLUCK LLC
13	5351 SAMUELL BLVD	PROLOGIS FIRST US