

FILE NUMBER: Z234-224(LC) **DATE FILED:** April 29, 2024

LOCATION: East side of South Cockrell Hill Road, south of Corral Drive

COUNCIL DISTRICT: 3

SIZE OF REQUEST: 1.042 acres **CENSUS TRACT:** 48113010903

REPRESENTATIVE: Peter Kavanagh, Zone Systems, Inc.

OWNER/APPLICANT: Cockrell Hill Plaza, LLC

REQUEST: An application for 1) an amendment to Tract II within Planned Development District No. 234; and 2) a Specific Use Permit for a service station.

SUMMARY: The purpose of the request is to allow a service station on the property.

STAFF RECOMMENDATION: Denial.

CPC RECOMMENDATION: Denial without prejudice.

BACKGROUND INFORMATION:

- The area of request is currently an undeveloped vacant lot, zoned PD. No 234, Tract 2.
- Geographically located in southwest Dallas on the border of Dallas and Duncanville, approx. 11.5 miles from downtown Dallas.
- This lot has frontage on South Cockrell Hill Road.
- Applicant proposes a service station with fuel pumps.
- The fuel pumps would operate 24 hour a day, seven days a week.
- Applicant has requested a ten-year period as the time frame for the requested SUP. This specific use permit would expire ten years from the passage of ordinance.
- Applicant is requesting a new SUP.
- Additionally, the request includes an amendment to the conditions of Tract II within PD No. 234 to specify that for a use that is permitted subject to a specific use permit, a site plan for a specific use permit may be used as the development plan, if the site plan meets the requirements of Section 51A-4.702(e). As Tract II only includes the subject site and the proposed use requires an SUP with a site plan, the requirement for a development plan is superfluous. Although staff recommends denial of the applicant's request for an SUP, staff recommends adding this language to Tract II if CPC moves to recommend approval of the SUP request.
- Since the September 19, 2024 City Plan Commission meeting the Proposed SUP conditions have been updated and can be found on page 13 of this document.
- All changes are highlighted in yellow.

Zoning History:

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

1. **Z190-119:** On April 8, 2020, City Council approved an application for an amendment to Planned Development District No. 234 on the southeast corner of Corral Drive and South Cockrell Hill Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Corral Drive	Local Street	-
South Cockrell Hill Road	Principal Arterial	100 feet

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 and outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The request does not comply with the following land use 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.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Policy 1.2.2 Establish clear and objective standards for land use planning.

ECONOMIC ELEMENT

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

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Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes

Policy 5.1.3 Encourage complementary building height, scale, design and character

Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

Land Use:

	Zoning	Land Use
Site	PD. No. 234	Undeveloped vacant lot
North	PD. No. 234, R-10(A)	Commercial retail, Single family
South	MF-1(A)	Multifamily
East	MF-1(A)	Multifamily
West	City of Duncanville	Commercial retail

Land Use Compatibility:

The area of request is currently an undeveloped vacant lot, zoned PD. No 234, Tract 2. (approx. 1.042 acres in total size).

To the north of the property are commercial retail and single family uses. To the east and south of the site exist multifamily uses, and the west of the site contains commercial uses. However, those uses are within the jurisdiction of the City of Duncanville. Although there are existing commercial uses directly adjacent to the subject site and in the immediate surrounding area, staff is not in support of the proposed request, as staff believes it may be inappropriate next to the existing residential uses. It would be

beneficial to the health and welfare of the community to reduce the impact of such a proposal. Staff finds the applicant's requested SUP to allow a service station with fuel pumps use to be incompatible with the immediate area. Staff does not support the applicant's request.

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 does not support the SUP for a service station due to the potential harmful impacts to surrounding uses, unsuitability of the site, and residential proximity. Staff does not support the request because the use is foreseen to be detrimental to surrounding uses and properties.

Landscaping:

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

Parking:

The parking regulations in PD No. 234 establishes that off-street parking requirements default to standard code at Sec. 51-4.300. Therefore, it shall follow the newer standards in Chapter 51A. According to Chapter 51A, the use follows the standard parking requirement for a motor vehicle fueling station. Pursuant to the Dallas Development Code, the off-street parking requirement for a motor vehicle fueling station is two parking spaces. As shown on the applicant's proposed site plan, a total of 32 parking spaces will be provided, confirming applicant and site is compliant with parking requirements.

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 target intervention strategies more precisely 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 a “F” MVA area. There is an “F” MVA area to the north and east of the subject site. To the south are both “F” and “I” MVA areas.

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List of Officers

Cockrell Hill Plaza, LLC

Zahre Makhani
President, Director

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CPC Action

November 7, 2024

Motion: It was moved to recommend **denial without prejudice** of 1) an amendment to Tract II within Planned Development District No. 234; and 2) a Specific Use Permit for a service station on the east side of South Cockrell Hill Road, south of Corral Drive.

Maker: Herbert
Second: Rubin
Result: Carried: 12 to 2

For: 12 - Hampton, Herbert, Forsyth, Shidid,
Carpenter, Wheeler-Reagan, Blair,
Sleeper, Hall, Haqq, Kingston, Rubin

Against: 2 - Chernock, Housewright
Absent: 1 - Eppler
Vacancy: 0

Notices:	Area: 500	Mailed: 36
Replies:	For: 0	Against: 0

Speakers: For: Saima Makhani, 5600 Tennyson Pkwy., Plano, TX, 75024
Peter Kavanagh, 1620 Handley, Dallas, TX, 75208
Against: None

CPC RECOMMENDED PD CONDITIONS
(For CPC to consider if CPC moves to recommend approval)

ARTICLE
234.

PD 234.

SEC. 51P-234.101. LEGISLATIVE HISTORY.

PD 234 was established by Ordinance No. 19156, passed by the Dallas City Council on May 14, 1986. Ordinance No. 19156 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 19156 was amended by Ordinance No. 22553, passed by the Dallas City Council on September 13, 1995. (Ord. Nos. 10962; 19156; 22553; 25711)

SEC. 51P-234.102. PROPERTY LOCATION AND SIZE.

PD 234 is established on property generally located at the southeast corner of Corral Drive and Cockrell Hill Road. The size of PD 234 is approximately 1.648 acres. (Ord. Nos. 19156; 25711)

SEC. 51P-234.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions contained in Chapter 51 apply to this article.

(b) Unless otherwise stated, all code references are to Chapter 51.

(c) The Property is divided into two tracts, Tract I and Tract II, as shown on the development/conceptual plan (Exhibit 234A).

(d) This district is considered to be a nonresidential zoning district. (Ord. Nos. 22553; 25711)

SEC. 51P-234.103.1. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 234A: development/conceptual plan. (Ord. 30536)

SEC. 51P-234.104. DEVELOPMENT/CONCEPTUAL PLAN.

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Development and use of Tract I of the Property must comply with the development/conceptual plan. This plan serves as the development plan for Tract I and the conceptual plan for Tract II. In the event of a conflict between the provisions of this article and the development/conceptual plan, the provisions of this article control. (Ord. Nos. 22553; 25711)

SEC. 51P-234.105. DEVELOPMENT PLAN FOR TRACT II.

A development plan must be approved by the city plan commission before issuance of any building permit for Tract II. Development and use of Tract II of the Property must comply with the approved development plan. The development plan and any amendments must comply with the conceptual plan and this article. For a use that is permitted subject to a specific use permit, a site plan for a specific use permit may be used as the development plan, if the site plan meets the requirements of Section 51A-4.702(e). (Ord. Nos. 22553; 25711)

SEC. 51P-234.106. MAIN USES PERMITTED.

- (a) Except as provided in this section, the only main uses permitted are those retail uses permitted in an NS Neighborhood Service District.
- (b) A day care center is permitted by right on Tract I of this district.
- (c) A retail food store is permitted by right on Tract I of this district.
- (d) A service station is permitted subject to a specific use permit. (Ord. Nos. 22553; 25711; 30536)

SEC. 51P-234.107. ACCESSORY USES.

- (a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51-4.217. For more information regarding accessory uses, consult Section 51-4.217.
- (b) The following accessory uses are not permitted in this district:
 - (1) Private stable.
 - (2) Community center (private).
 - (3) Amateur communication tower.
 - (4) Open storage. (Ord. Nos. 22553; 25711)

SEC. 51P-234.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51-4.400. If there is a conflict between this section and Division 51-4.400, this section controls.)

- (a) Front yard.

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- (1) Except as provided in this subsection, minimum front yard is 25 feet.
- (2) For Corral Drive, minimum front yard is 10 feet.
- (b) Side and rear yard. Minimum side and rear yard is 10 feet.
- (c) Dwelling unit density. No maximum dwelling unit density.
- (d) Floor area ratio. Maximum floor area ratio is 0.220.
- (e) Height. Maximum structure height is 24 feet.
- (f) Lot coverage. Maximum lot coverage is 40 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.
- (g) Lot size. No minimum lot size.
- (h) Stories. Maximum number of stories above-grade is two. Parking garages are exempt from this requirement, but must comply with the height regulations of Subsection (e). (Ord. Nos. 22553; 25711; 30536)

SEC. 51P-234.109. OFF-STREET PARKING AND LOADING.

Consult the use regulations (Division 51-4.300) for the specific off-street parking and loading requirements for each use. Off-street parking for Tract I must be located as shown on the development/conceptual plan. (Ord. Nos. 22553; 25711)

SEC. 51P-234.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 22553; 25711)

SEC. 51P-234.111. ACCESS.

Ingress and egress for Tract I must be provided as shown on the development/conceptual plan. (Ord. Nos. 22553; 25711)

SEC. 51P-234.112. LANDSCAPING.

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition. (Ord. Nos. 22553; 25711; 35036)

SEC. 51P-234.113. SCREENING.

A minimum six-foot-high solid fence must be installed on Tract I as shown on the development/conceptual plan. (Ord. Nos. 22553; 25711)

SEC. 51P-234.114. SIGNS.

Signs must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 22553; 25711)

SEC. 51P-234.115. ADDITIONAL PROVISIONS.

- (a) The following provisions apply to the day care center permitted in Tract I:
 - (1) The outdoor play area must be enclosed by a minimum four-foot-high fence.
 - (2) The hours of operation are limited to the hours between 6:30 a.m. and 6:30 p.m.
 - (3) A minimum of 50 square feet of indoor floor area must be provided for each child in attendance.
 - (4) A minimum of 100 square feet must be provided for each child in the play area. The outdoor play area must be located as shown on the development/conceptual plan.
- (b) The retail food store permitted in Tract I may only operate between 6:30 a.m. and 9:00 p.m.
- (c) The Property must be properly maintained in a state of good repair and neat appearance.
- (d) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 22553; 25711; 30536)

SEC. 51P-234.116. GENERAL REQUIREMENTS.

- (a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.
- (b) The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development

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Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 22553; 25711)

APPLICANT'S PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a service station.
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 (10 years from passage of this ordinance) but is eligible for automatic renewal for additional 10-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. HOURS OF OPERATION: The fuel pumps may operate 24 hours per day, Monday through Sunday.
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.

CPC RECOMMENDED SUP CONDITIONS

1. **USE:** The only use authorized by this specific use permit is a service station.
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 (10 years from passage of this ordinance) with no eligibility for automatic renewal for additional 10-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

Staff's Recommendation should CPC Approve

TIME LIMIT: This specific use permit expires on (5 years from passage of this ordinance) with no eligibility for automatic renewal for additional 5-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4. **LANDSCAPING:** Except as provided below, landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.

Staff's Recommendation should CPC Approve

1. If site conditions prohibit the planting of large or medium trees in the required residential buffer zones, the director may approve two small trees to be substituted in lieu of each large or medium tree.
 - a) Required trees in a failed state must be replaced with the same or an equivalent species.
 - b) The required residential buffer zone must be properly irrigated to the approval of the director. Applicant may select Article X compliant plant species that are drought and heat tolerant to minimize irrigation.
2. An enhanced street buffer zone is required, and must include the following:

- a) From the frontage inward, three feet of groundcover, three feet of rows of perennial plantings approved by the city arborist or director at a spacing of no more than three feet, and four feet of shrub plantings approved by the director at a spacing no more than six feet with a minimum height of four feet. If the width of the street buffer zone is not enough to accommodate the size and spacing of the enhanced plantings, then the spacing may be adjusted to fit the width/depth at the director's approval to provide adequate planting area.
- b) Enhanced street buffer plantings in a failed state must be replaced with the same or an equivalent species.
- c) The enhanced street buffer zone must be properly irrigated. Applicant may select Article X compliant plant species that are drought and heat tolerant to minimize irrigation.

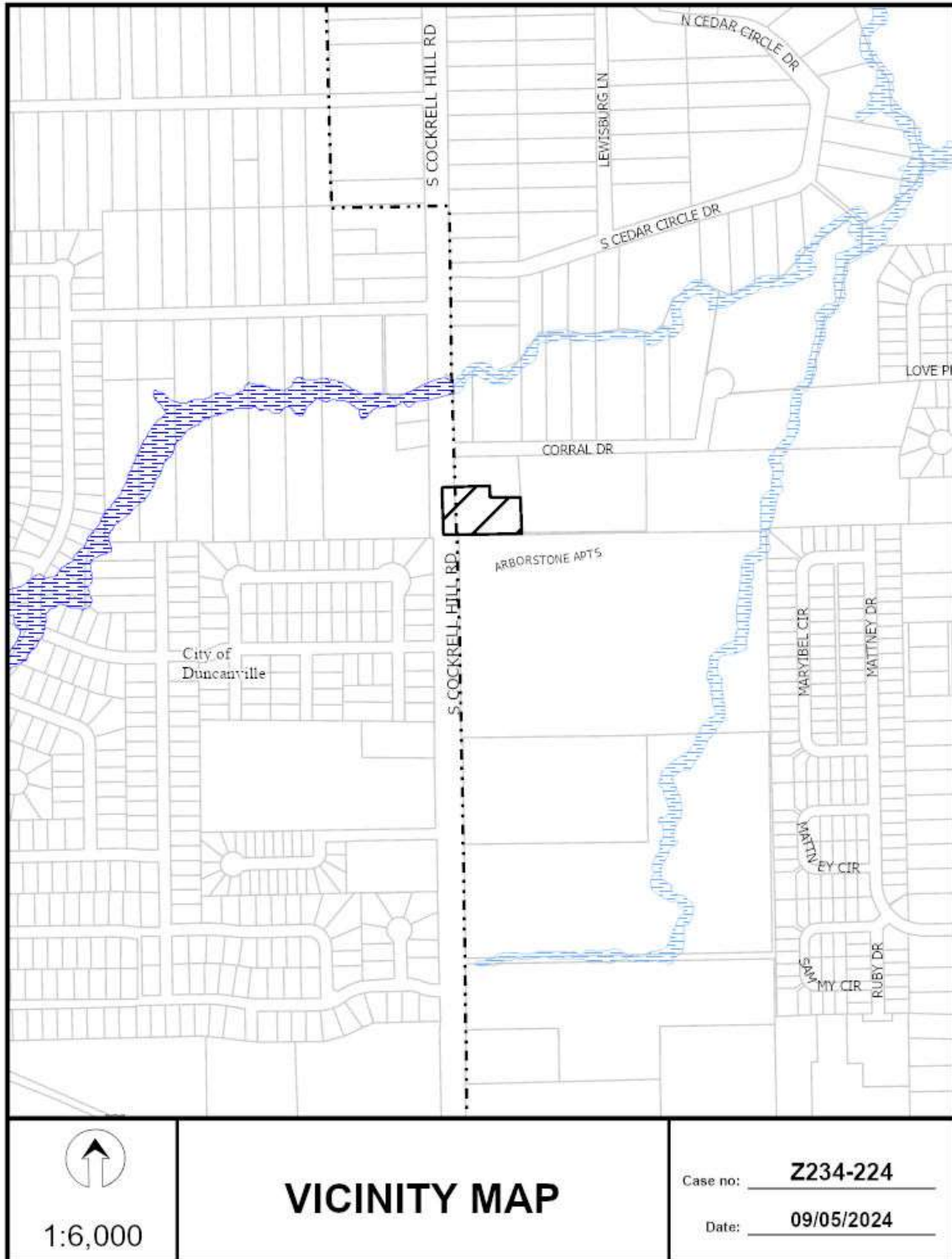
- 5. **HOURS OF OPERATION:** The service station may operate 24 hours per day, Monday through Sunday.
- 6. **PARKING:** Parking must be located in the locations shown on the attached site plan.

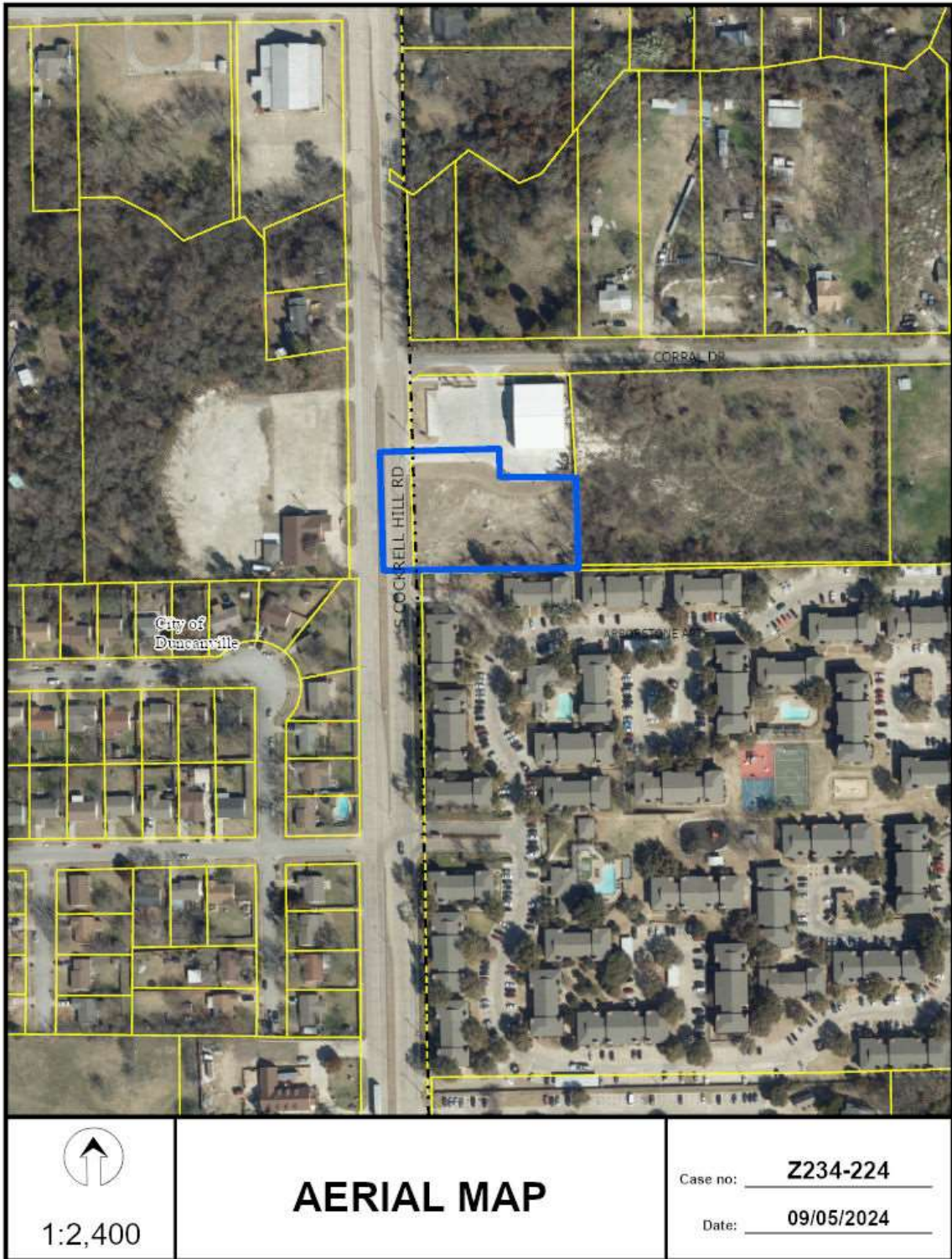
Staff's Recommendation should CPC Approve

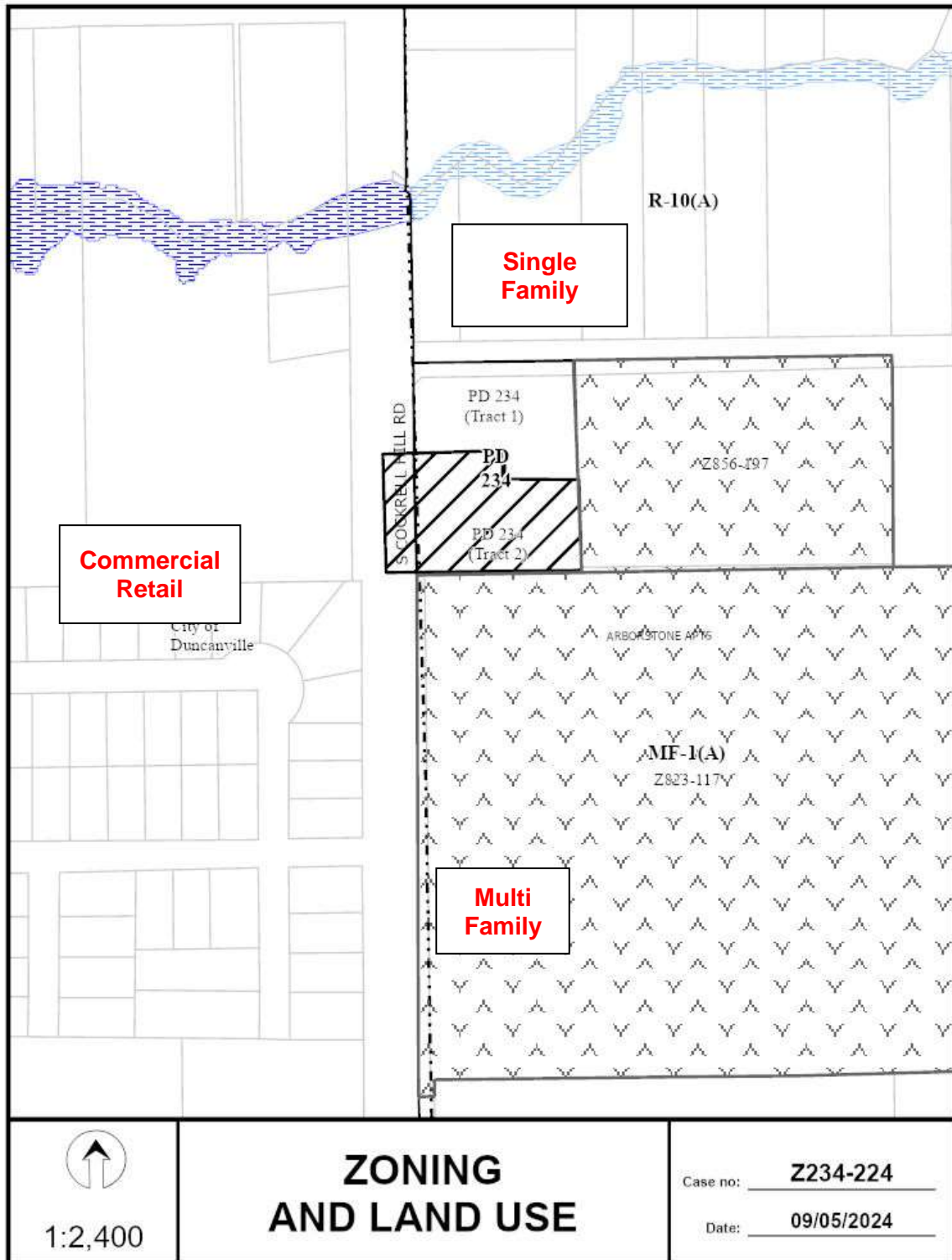
PARKING: Parking must be located in the locations shown on the attached site plan. Overnight truck and motor vehicle parking is prohibited.

Staff's Recommendation should CPC Approve

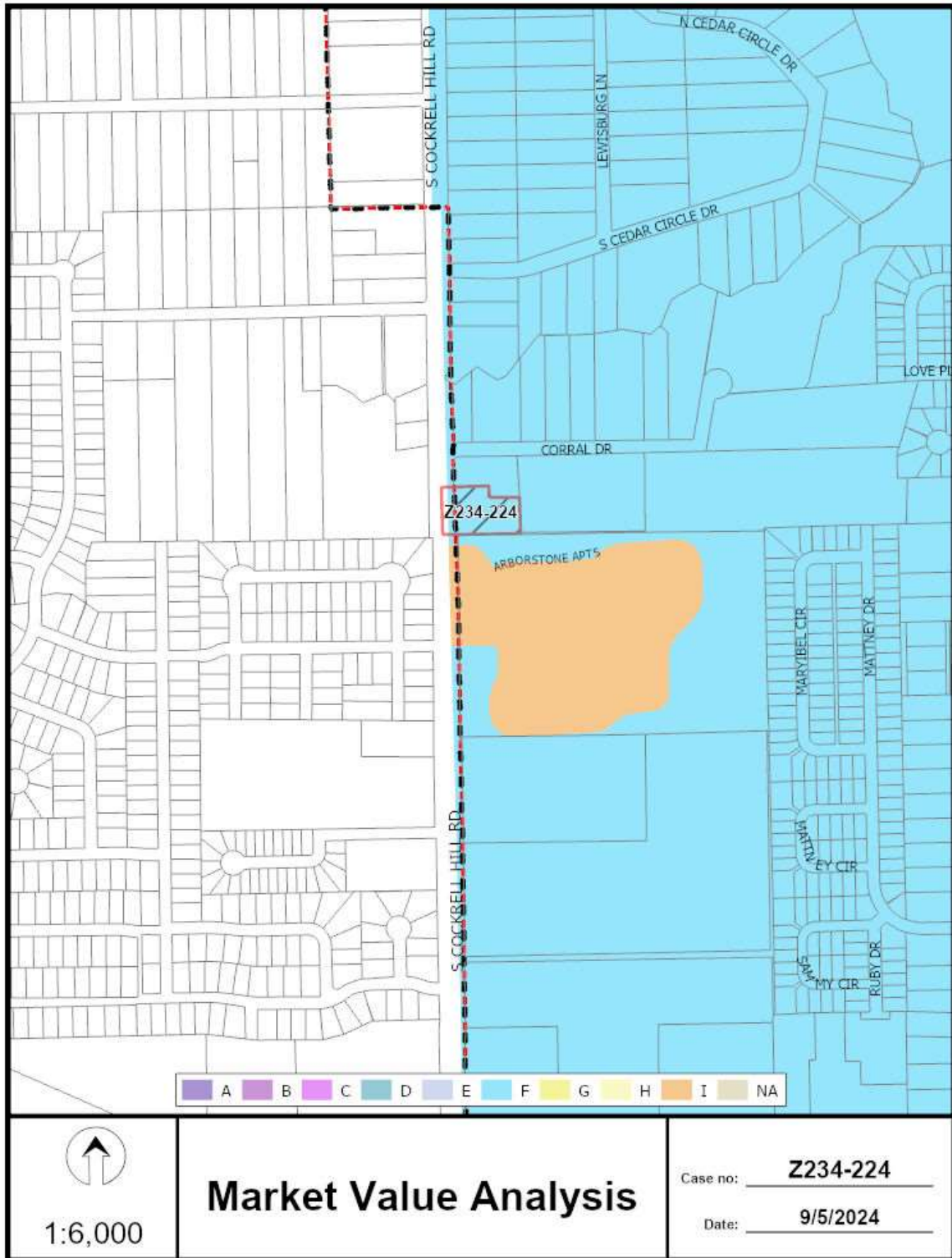
- 7. **INGRESS-EGRESS:** Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
- 8. **SIGNS:** Signs for the motor vehicle fueling station must comply with the Article VII of the Dallas Development Code, as amended, or the requirement of PD. No. 234, or whichever is most restrictive and are not required to be shown on the attached site plan.
- 9. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
- 10. **FUEL PUMPS:** The fuel pumps must be properly maintained and in a state of good repair and neat appearance. If broken or unusable, they must be replaced or repaired.
- 11. **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.

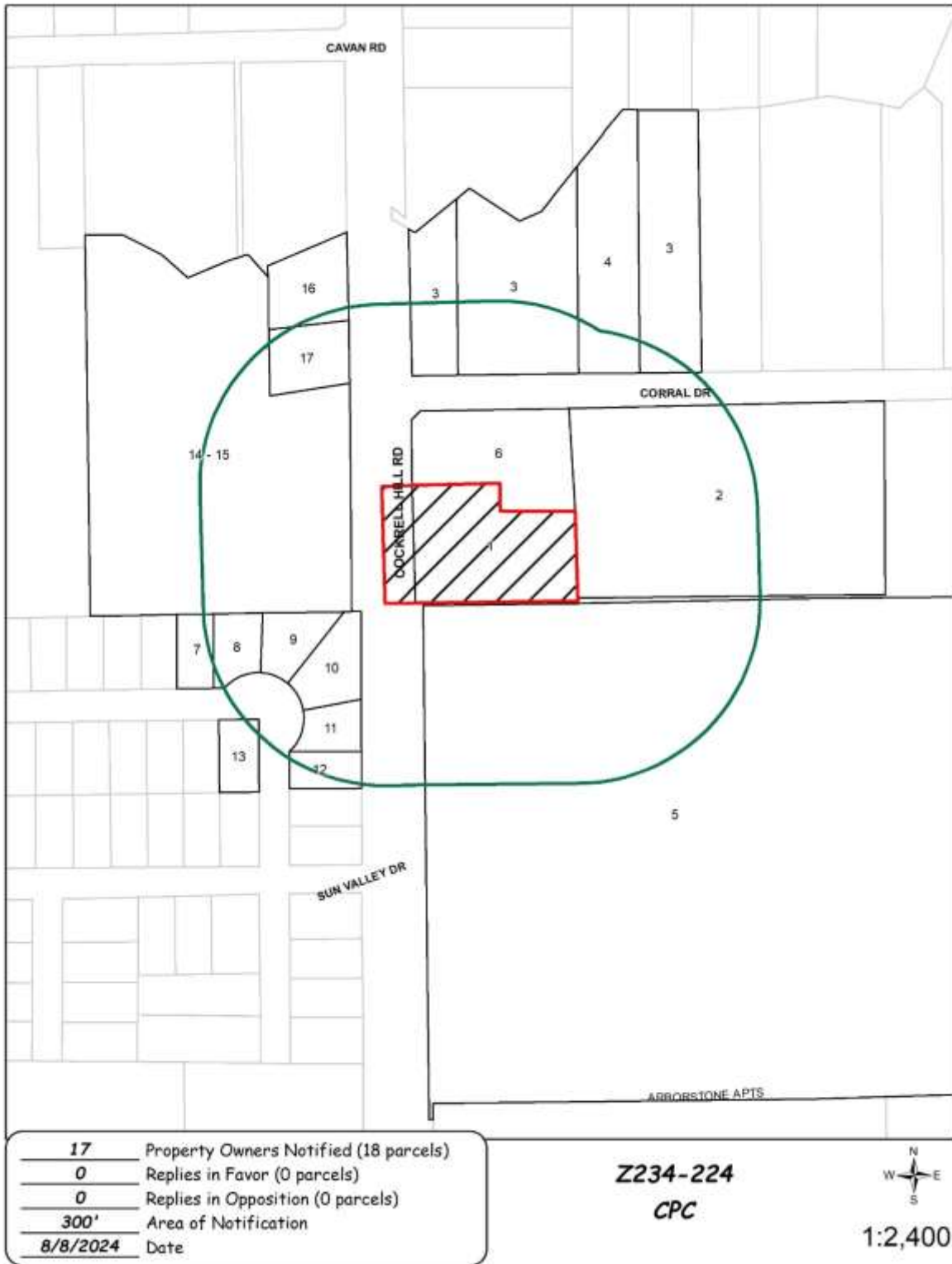












11/06/2024

Reply List of Property Owners***Z234-224******35 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	6430	S COCKRELL HILL RD	COCKRELL HILL PLAZA LLC
2	4324	CORRAL DR	KING HOME BUILDERS LLC
3	4339	CORRAL DR	HERNANDEZ HUGO & JUANA
4	4323	CORRAL DR	HERNANDEZ HUGO & JUANA
5	4247	CORRAL DR	RAMIREZ LUZ M
6	6210	S COCKRELL HILL RD	ENOBAXHARE PETER &
7	6500	S COCKRELL HILL RD	6500 MARS HOLDINGS LLC
8	6404	S COCKRELL HILL RD	HAWK SHAH ENTERPRISES INC
9	727	HOLLIDAY LN	SERRANO RAFAEL
10	731	HOLLIDAY LN	VEASLEY GABRIEL
11	735	HOLLIDAY LN	SANDATE CIPRIANO LOPEZ
12	739	HOLLIDAY LN	PEQUENO SANTIAGO
13	743	HOLLIDAY LN	CASARISE REAL ESTATE
14	747	HOLLIDAY LN	PEREZ GONZALO BAUTISTA &
15	1218	SKI DR	JACKSON MARY ELIZABETH
16	1214	SKI DR	QUEST VIEW PROPERTIES LLC
17	1210	SKI DR	GLOBAL PEAK INVESTMENTS
18	1206	SKI DR	CEBRIAN CESAR &
19	1202	SKI DR	CARDOZA FAMILY REVOCABLE
20	722	HOLLIDAY LN	CASTILLO MAGDALENA
21	726	HOLLIDAY LN	SANCHEZ RAMON &
22	730	HOLLIDAY LN	FLORIDO RAMIREZ JUAN A &
23	734	HOLLIDAY LN	DIAZ CHRISTEN M &
24	738	HOLLIDAY LN	EANES SHUANDRA
25	739	SUN VALLEY DR	YORK DANFORD NATALIE F
26	735	SUN VALLEY DR	MARTINEZ RICARDO

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	731	SUN VALLEY DR	GONZALEZ MARIA GABRIELA GOVEA
28	1146	SKI DR	TRICON SFR 2020 2
29	1203	N COCKRELL HILL RD	IGLESIA DE DIOS MANANTIALES DE VIDA
30	1203	N COCKRELL HILL RD	IGLESIA DE DIOS MANANTIALES DE VIDA
31	708	CAVAN RD	EAGLE ROSE CONSTRUCTION
32	718	CAVAN RD	FAIRMEADOWS ASSEMBLY OF GOD
33	734	CAVAN RD	TRINITY CHURCH OF THE ASSEMBLIES OF GOD
34	1219	N COCKRELL HILL RD	JOHNSON LOUIS E JR &
35	1215	N COCKRELL HILL RD	MELLENDEZ MARIA ENCARNACION RAMOS