

FILE NUMBER: Z201-284(NN/AU)

DATE FILED: June 18, 2021

LOCATION: South line of Bruton Road, east of Pleasant Drive

COUNCIL DISTRICT: 5

MAPSCO: 58 D

SIZE OF REQUEST: ±0.485 acres

CENSUS TRACT: 92.01

REPRESENTATIVE: Jocelyn Cruz

APPLICANT: Noe Moises Santayo

OWNER: Noe Moises Santayo & Rosaiba Garcia

REQUEST: An application for a CS Commercial Service District on property zoned an NO(A) Neighborhood Office District with D-1 Liquor Control Overlay with consideration for a Specific Use Permit for a restaurant without drive-in or drive-through service.

SUMMARY: The purpose of the request is to redevelop the property with a restaurant without drive-in or drive-through service on the premises. [Milpa Real Tacqueria]

CPC RECOMMENDATION: **Approval** of the Specific Use Permit for a restaurant without drive-in or drive-through service for a three-year period, subject to a site plan and conditions [in lieu of a CS Commercial Service District].

STAFF RECOMMENDATION: **Approval** of the Specific Use Permit for a restaurant without drive-in or drive-through service for a three-year period, subject to a site plan and conditions [in lieu of a CS Commercial Service District].

BACKGROUND INFORMATION:

- The area of request is currently zoned as NO(A) Neighborhood Office District with D-1 Liquor Control Overlay and developed as a single-story vacant building consisting of 2,317 square feet.
- According to the Dallas Development Code, the purpose of a CS Commercial Service District is to provide for the development of commercial and business serving uses that may involve outside storage, service, or display. This district is not intended to be located in areas of low and medium density residential development.
- The applicant is requesting to open a restaurant without drive-in or drive-through service. A restaurant without drive-in or drive-through service is permitted by SUP in an NO(A) Neighborhood Office District. A restaurant without drive-in or drive-through service is permitted by right in a CS Commercial Service District.
- According to Sec. 51(A)-4.210(B)(24)(A), a restaurant without drive-in or drive-through service is defined as an establishment principally for the sale and consumption of food on the premises.

Zoning History: There has been one zoning change request for the area in the past five years.

- 1. Z189-103** On December 19, 2018, an application for an automatic renewal for a period of five years for Specific Use Permit No. 1469 for a private school or open enrollment charter school use, located on Bruton Road, east of Pleasant Drive.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Bruton Road	Principal Arterial	100 feet with bike plan
Pleasant Drive	Local Street	50 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has no objection to the proposed request. Engineering staff will continue our review of the proposed project at permitting should this case be approved, including sidewalk, driveway design and location, and street lighting.

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 does not comply with the following land use and urban design goals and policies of the Comprehensive Plan:

LAND USE

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Surrounding Land Uses:

	Zoning	Land Use
Site	NO(A) Neighborhood Office District with D-1 Overlay	Vacant Building
North	R-7.5(A) Single Family District with SUP No. 1469	Church & Open Enrollment Charter School
Northeast	R-7.5(A) Single Family District	Church
East	R-7.5(A) Single Family District	Undeveloped Land
South	R-7.5(A) Single Family District	Single Family
West	R-7.5(A) Single Family District	Single Family

Land Use Compatibility:

The site currently consists of a vacant building. Churches are located to the north and northeast of the site, and an open enrollment charter school is also located to the north. Undeveloped land is to the east, and single family uses are to the south and west of the area of request.

While staff believes the restaurant could be a compatible use at this location, the many other intense uses permitted with the proposed CS Commercial Service District are not compatible with the exiting neighborhood and other existing uses. CS Commercial Service Districts are not intended to exist in low and medium density residential development. Staff believes the area should continue to develop in a manner that would allow uses that are more complimentary to single family and neighborhood service type uses.

Additionally, a restaurant without drive-in or drive-through service is already permitted with the existing NO(A) zoning district with a Specific Use Permit, and there are also zoning districts that are less intensive than CS (such as NS(A) Neighborhood Service) that allows a restaurant without drive-in or drive-through by right, so proposing a noncompatible CS district is not appropriate on this location. Staff is in support of the request for a Specific Use Permit for the restaurant without drive-in or drive-through service use for a three-year period, subject to a site plan and conditions as this will allow for another evaluation within a short period of time. However, staff is not in support of the general zoning change 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.

Use Comparison Table:

Uses that are permitted in a CS Commercial Service District and not an NO(A) Neighborhood Office District are italicized on the subsequent pages.

NO(A) Neighborhood Office-Existing	CS Commercial Service-Proposed
(A) <u>Agricultural uses.</u> -- Crop production.	(A) <u>Agricultural uses.</u> -- Crop production.
(B) <u>Commercial and business service uses.</u> None permitted.	(B) <u>Commercial and business service uses.</u> -- <i>Building repair and maintenance shop. [RAR]</i> -- <i>Bus or rail transit vehicle maintenance or storage facility. [RAR]</i> -- <i>Catering service.</i> -- <i>Commercial bus station and terminal. [DIR][By right or SUP. See Section 51A-4.211(2).]</i> -- <i>Commercial cleaning or laundry plant. [RAR]</i> -- <i>Custom business services.</i> -- <i>Custom woodworking, furniture construction, or repair.</i> -- <i>Electronics service center.</i> -- <i>Job or lithographic printing. [RAR]</i> -- <i>Labor hall. [SUP]</i> -- <i>Machine or welding shop. [RAR]</i> -- <i>Machinery, heavy equipment, or truck sales and services. [RAR]</i> -- <i>Medical or scientific laboratory.</i> -- <i>Technical school.</i> -- <i>Tool or equipment rental.</i> -- <i>Vehicle or engine repair or maintenance. [RAR]</i>
(C) <u>Industrial uses.</u> -- Gas drilling and production. [SUP] -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]	(C) <u>Industrial uses.</u> -- Gas drilling and production. [SUP] -- <i>Industrial (inside) for light manufacturing.</i> -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]
(D) <u>Institutional and community service uses.</u> -- Adult day care facility. [L] -- Cemetery or mausoleum. [SUP] -- Child-care facility. [L] -- Church.	(D) <u>Institutional and community service uses.</u> -- Adult day care facility. -- Cemetery or mausoleum. [SUP] -- Child-care facility. -- Church.

NO(A) Neighborhood Office-Existing	CS Commercial Service-Proposed
-- Community service center. [SUP] -- Library, art gallery, or museum. -- Open-enrollment charter school or private school. [SUP] -- Public school other than an open-enrollment charter school. [RAR]	-- College, university, or seminary. -- Community service center. [SUP] -- <i>Convent or monastery.</i> -- <i>Halfway house.</i> [SUP] -- <i>Hospital.</i> [RAR] -- Open-enrollment charter school or private school. [SUP] -- Public school other than an open-enrollment charter school. [RAR]
(E) <u>Lodging uses.</u> None permitted.	(E) <u>Lodging uses.</u> -- <i>Extended stay hotel or motel.</i> [SUP] -- <i>Hotel or motel.</i> [RAR] or [SUP] [See Section 51A-4.205(1).] -- <i>Lodging or boarding house.</i> -- <i>Overnight general purpose shelter.</i> [See Section 51A-4.205(2.1).]
F) <u>Miscellaneous uses.</u> -- Attached non-premise sign. [SUP] -- Carnival or circus (temporary). [By special authorization of the building official.] -- Temporary construction or sales office.	F) <u>Miscellaneous uses.</u> -- Attached non-premise sign. [SUP] -- Carnival or circus (temporary). [By special authorization of the building official.] -- Temporary construction or sales office.
(G) <u>Office uses.</u> -- Financial institution without drive-in window. -- Medical clinic or ambulatory surgical center. -- Office.	(G) <u>Office uses.</u> -- <i>Alternative financial establishment.</i> [SUP] -- Financial institution without drive-in window. -- <i>Financial institution with drive-in window.</i> [RAR] -- Medical clinic or ambulatory surgical center. -- Office.
(H) <u>Recreation uses.</u> -- Country club with private membership. -- Private recreation center, club, or area. [SUP] -- Public park, playground, or golf course.	(H) <u>Recreation uses.</u> -- Country club with private membership. -- Private recreation center, club, or area. [SUP] -- Public park, playground, or golf course.
(I) <u>Residential uses.</u> -- College dormitory, fraternity, or sorority house. [SUP]	(I) <u>Residential uses.</u> -- College dormitory, fraternity, or sorority house.
(J) <u>Retail and personal service uses.</u> -- Business school. [SUP] -- Personal service use up to 1,000 square feet in floor area. [L] -- Restaurant without drive-in or drive-thru service. [SUP]	(J) <u>Retail and personal service uses.</u> -- <i>Alcoholic beverage establishments</i>[See Section 51A-4.210(b)(4).] -- <i>Ambulance service.</i> [RAR] -- <i>Animal shelter or clinic without outside runs.</i> [RAR] -- <i>Animal shelter or clinic with outside runs.</i> [SUP may be required. See Section 51A-4.210(b)(2).] -- <i>Auto service center.</i> [RAR] -- Business school. -- <i>Car wash.</i> [RAR] -- <i>Commercial amusement (inside).</i> [SUP may be required. See Section 51A-4.210(b)(7)(B).] -- <i>Commercial amusement (outside).</i> [DIR] -- <i>Commercial motor vehicle parking.</i> [By SUP only if within 500 feet of a residential district.] -- <i>Commercial parking lot or garage.</i> [RAR]

NO(A) Neighborhood Office-Existing	CS Commercial Service-Proposed
	-- Convenience store with drive-through. [SUP] -- Drive-in theater. [SUP] -- Dry cleaning or laundry store. -- Furniture store. -- General merchandise or food store 3,500 square feet or less. -- General merchandise or food store greater than 3,500 square feet. -- General merchandise or food store 100,000 square feet or more. [SUP] -- Home improvement center, lumber, brick or building materials sales yard. [RAR] -- Household equipment and appliance repair. -- Liquefied natural gas fueling station. [SUP] -- Liquor store. -- Mortuary, funeral home, or commercial wedding chapel. -- Motor vehicle fueling station. -- Nursery, garden shop, or plant sales. -- Paraphernalia shop. [SUP] -- Outside sales. [SUP] -- Pawn shop. -- Personal service uses. -- Restaurant without drive-in or drive-through service. [RAR] -- Restaurant with drive-in or drive-through service. [DIR] -- Swap or buy shop. [SUP] -- Taxidermist. -- Temporary retail use. -- Theater. -- Truck stop. [SUP] -- Vehicle display, sales, and service. [RAR]
(K) <u>Transportation uses.</u> -- Transit passenger shelter. -- Transit passenger station or transfer center. [SUP]	(K) <u>Transportation uses.</u> -- Commercial bus station and terminal. [DIR] -- Heliport. [SUP] -- Helistop. [SUP] -- Railroad passenger station. [SUP] -- Transit passenger shelter. -- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

NO(A) Neighborhood Office-Existing	CS Commercial Service-Proposed
(L) <u>Utility and public service uses.</u> -- Electrical substation. [SUP] -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).] -- Police or fire station. [SUP] -- Radio, television, or microwave tower. [SUP] -- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).] -- Utility or government installation other than listed. [SUP]	(L) <u>Utility and public service uses.</u> -- <i>Commercial radio or television transmitting station.</i> -- Electrical substation. -- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).] -- Police or fire station. -- <i>Post office.</i> -- Radio, television, or microwave tower. [RAR] -- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).] -- Utility or government installation other than listed. [SUP]
(M) <u>Wholesale, distribution, and storage uses.</u> -- Recycling drop-off container. [See Section 51A-4.213 (11.2).] -- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]	(M) <u>Wholesale, distribution, and storage uses.</u> -- <i>Auto auction.</i> [SUP] -- <i>Building mover's temporary storage yard.</i> [SUP] -- <i>Contractor's maintenance yard.</i> [RAR] -- <i>Freight terminal.</i> [RAR] -- <i>Manufactured building sales lot.</i> [RAR] -- <i>Mini-warehouse.</i> -- <i>Office showroom/warehouse.</i> -- <i>Outside storage.</i> [RAR] -- <i>Petroleum product storage and wholesale.</i> [SUP] -- <i>Recycling buy-back center.</i> [See Section 51A-4.213(11).] -- <i>Recycling collection center.</i> [See Section 51A-4.213(11.1).] -- Recycling drop-off container. [See Section 51A-4.213(11.2).] -- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).] -- <i>Sand, gravel, or earth sales and storage.</i> [SUP] -- <i>Trade center.</i> -- <i>Vehicle storage lot.</i> [SUP] -- <i>Warehouse.</i> [RAR]
Accessory Uses <u>Not Permitted:</u> -- Accessory community center (private). -- Accessory helistop. -- Accessory medical/infectious waste incinerator. -- Accessory outside display of merchandise. -- Accessory outside sales. -- Accessory pathological waste incinerator. -- Amateur communication tower. -- Home occupation. -- Private stable.	Accessory Uses <u>Not Permitted:</u> -- Accessory community center (private). -- Home occupation. -- Private stable.
<u>Use(s) permitted by SUP Only</u> -- None permitted.	<u>Use(s) permitted by SUP Only</u> -- <i>Accessory helistop.</i>
<u>SUP may be required</u> -- None permitted.	<u>SUP may be required</u> -- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

Development Standards:

District	Setbacks		Height	Lot Coverage	Density	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: NO (A) Neighborhood Office	15'	20' adj. to res. Other: No Min.	30' 2 stories	50%	0.5 FAR	Residential Proximity Slope	Office
Proposed: CS Commercial Service	15' 0' on minor	20' adj. to residential OTHER: No Min.	45' 3 stories	80%	0.75 FAR overall 0.5 office/ lodging/ retail combined	Residential Proximity Slope	Commercial and Business Service, Lodging, Retail and Personal Service, Transportation, and Wholesale, Distribution, and Storage uses

The development standards as shown for NO(A) and CS districts have similar front, side and rear yard setbacks. CS Districts allow for a greater height of 45 feet instead of 30 feet for NO(A) Districts and an additional story in height for 3 stories in a CS District. There is also an increased lot coverage in CS Districts at 80%, which is greater than the 50% lot coverage allowed in NO(A) Districts. There is also a slight increase in floor area ratio for a CS District from 0.5 to 0.75 FAR overall.

Parking:

Pursuant to the Dallas Development Code, off-street and loading required parking must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. For the applicant's proposed use as a restaurant without drive in or drive through service, the applicant is required to provide one parking space per 100 square feet of floor area. The applicant would be required to provide 23 parking spaces for their proposed building size of 2,317 square feet, the applicant has provided 23 parking spaces on their proposed SUP site plan. Staff has determined that the applicant meets the parking requirements, and therefore, is in support of the request.

Landscaping:

Landscaping is required per Article X of the Dallas Development Code. The applicant has submitted a landscape plan and it has been included in this report for illustrative purposes. The chief arborist has determined that the plan will meet and exceed Article X 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 to orange, representing the weakest markets. The area of request Site is not within an identifiable MVA Category; however, it is in proximity to a “H” MVA Cluster to the north of the subject site and an “G” MVA Cluster to the south, east, and west.

Z201-284(NN)

LIST OF OWNERS

Nes Moises Santoyo

Rosalba Garcia

CPC Action
December 16, 2021

Motion: It was moved to recommend **approval** of the Specific Use Permit for a restaurant without drive-in or drive-through service for a three-year period, subject to a site plan and conditions on property zoned an NO(A) Neighborhood Office District with D-1 Liquor Control Overlay on the south line of Bruton Road, east of Pleasant Drive.

Maker: Shidid
Second: Haqq
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid,
Carpenter, Jackson, Blair, Jung, Haqq,
Kingston, Rubin

Against: 0
Absent: 2 - Suhler, Stanard
Vacancy: 2 - District 3, District 10

Notices: Area: 200 Mailed: 10
Replies: For: 0 Against: 0

Speakers: For: Jocelyn Cruz, 1310 N. Cockrell Hill Rd., Dallas, TX, 75211
Against: None

CPC Action
November 18, 2021

Motion: In considering an application for a CS Commercial Service District on property zoned NO(A) Neighborhood Office District with D-1 Liquor Control Overlay with consideration for a Specific Use Permit for a restaurant without drive-in or drive-through service on the south line of Bruton Road, east of Pleasant Drive, it was moved to **hold** this case under advisement until December 16, 2021.

Maker: Shidid
Second: Jackson
Result: Carried: 11 to 0

For: 11 - Hampton, Anderson, Shidid, Jackson, Blair,
Jung, Suhler, Haqq, Stanard, Kingston, Rubin
Against: 0
Absent: 1 - Carpenter
Vacancy: 3 - District 1, District 3, District 10

Notices: Area: 200 Mailed: 10
Replies: For: 0 Against: 0

Speakers: None

CPC Action
October 21, 2021

Motion: In considering an application for a CS Commercial Service District on property zoned NO(A) Neighborhood Office District with D-1 Liquor Control Overlay with consideration for a Specific Use Permit for a restaurant without drive-in or drive-through service on the south line of Bruton Road, east of Pleasant Drive, it was moved to **hold** this case under advisement until November 18, 2021, to allow the applicant time to submit a revised site plan meeting landscape permitting requirements.

Maker: Shidid
Second: Hampton
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Anderson, Shidid,
Carpenter, Jackson, Blair, Jung, Suhler, Haqq,
Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 10

Notices:	Area: 200	Mailed: 10
Replies:	For: 0	Against: 0

Speakers: None

CPC Action
September 23, 2021

Motion: In considering an application for a CS Commercial Service District on property zoned an NO(A) Neighborhood Office District with a D-1 Liquor Control Overlay, on the south line of Bruton Road, east of Pleasant Drive, it was moved to **hold** this case under advisement until October 21, 2021, and to instruct staff to renotify for a specific use permit without drive-through service.

Maker: Shidid
Second: Hampton
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Shidid,
Carpenter*, Jackson, Blair, Jung, Suhler,
Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 2 - District 4, District 10

*out of the room, shown voting in favor

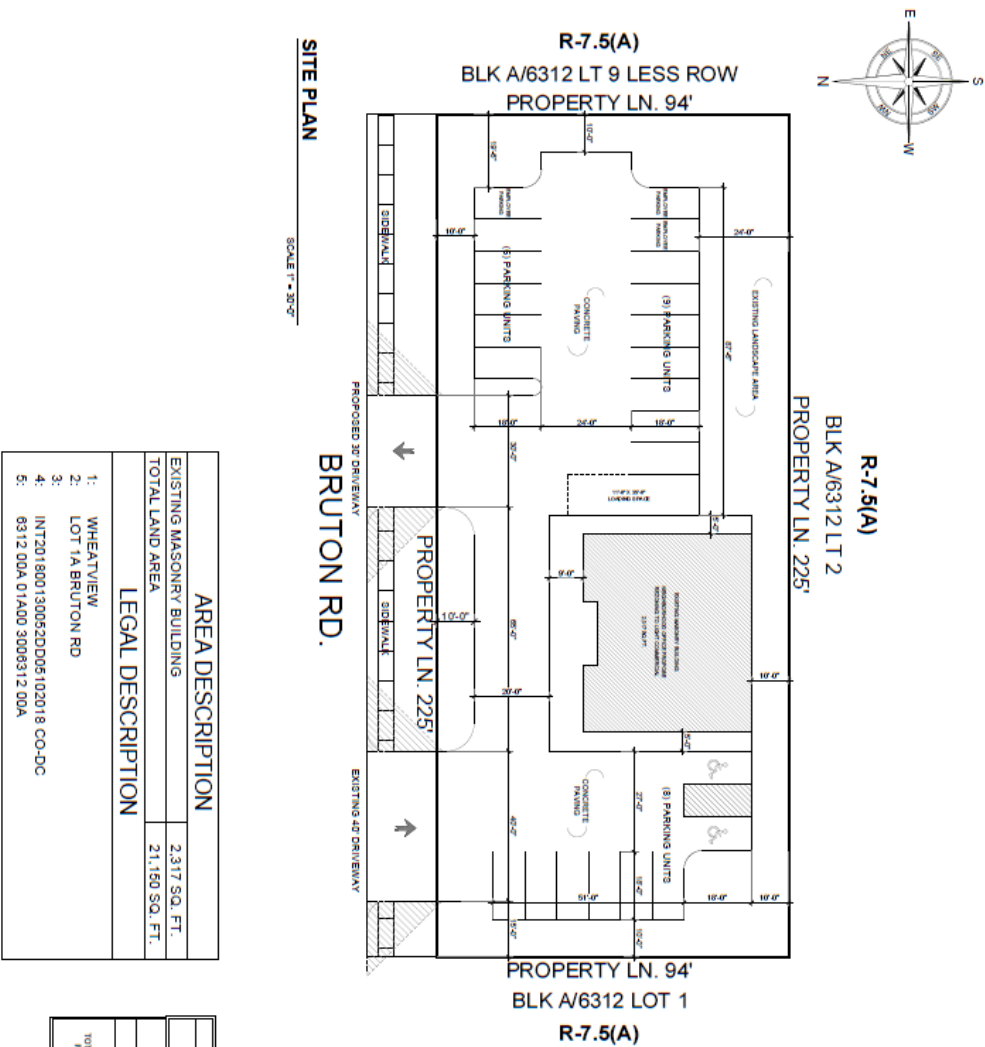
Notices:	Area: 200	Mailed: 10
Replies:	For: 0	Against: 0

Speakers: None

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a restaurant without drive-in or drive-through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
4. TIME LIMIT: This specific use permit expires on (three years) from the passage of this ordinance.
5. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
6. HOURS OF OPERATION: The restaurant with drive-in or drive-through service use may only operate between the hours of 6:00 a.m. and 11:00 p.m., Monday through Sunday.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. 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.

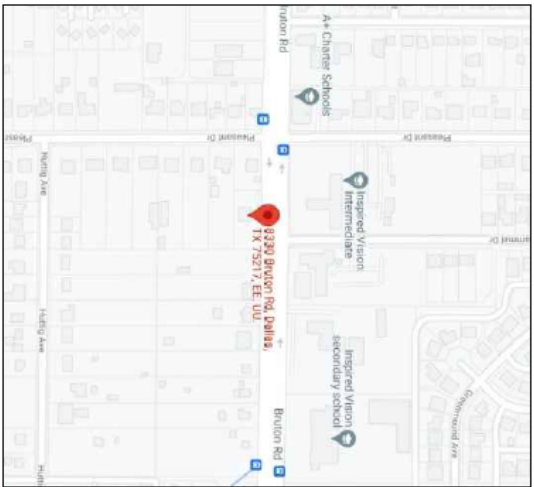
CPC RECOMMENDED SUP SITE PLAN



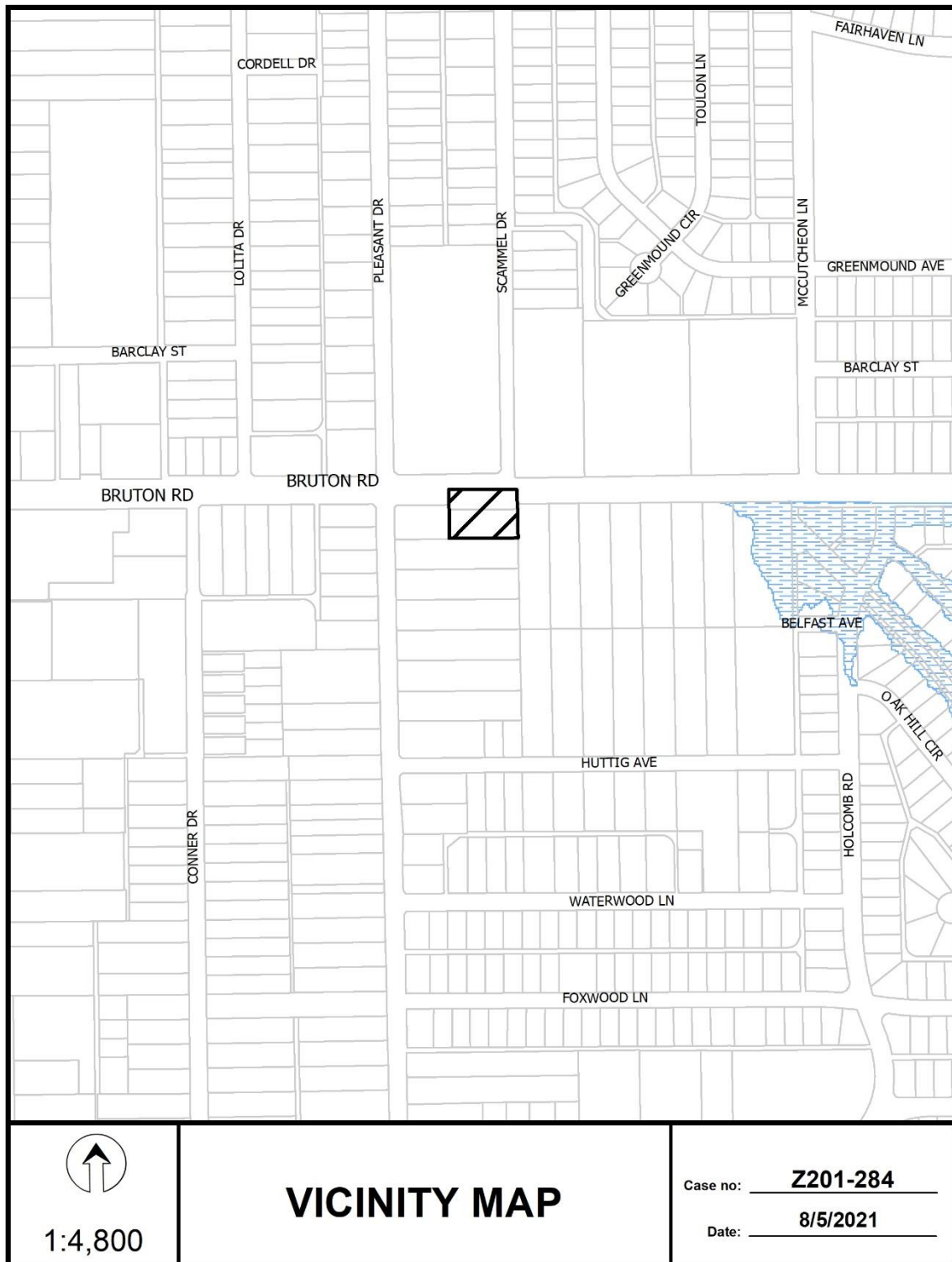
PARKING ANALYSIS			
SUITE	PROPOSED USE	AREA	RATIO PARKING REQUIRED
4658	RESTAURANT	2,317 SQ. FT.	1 SPACE / 500 SQ. FT.
		TOTAL PARKING REQUIRED	23
		STANDARD PARKING	21
		VAIR PARKING	2
		TOTAL	23

VICINITY MAP - NO(A) ZONING

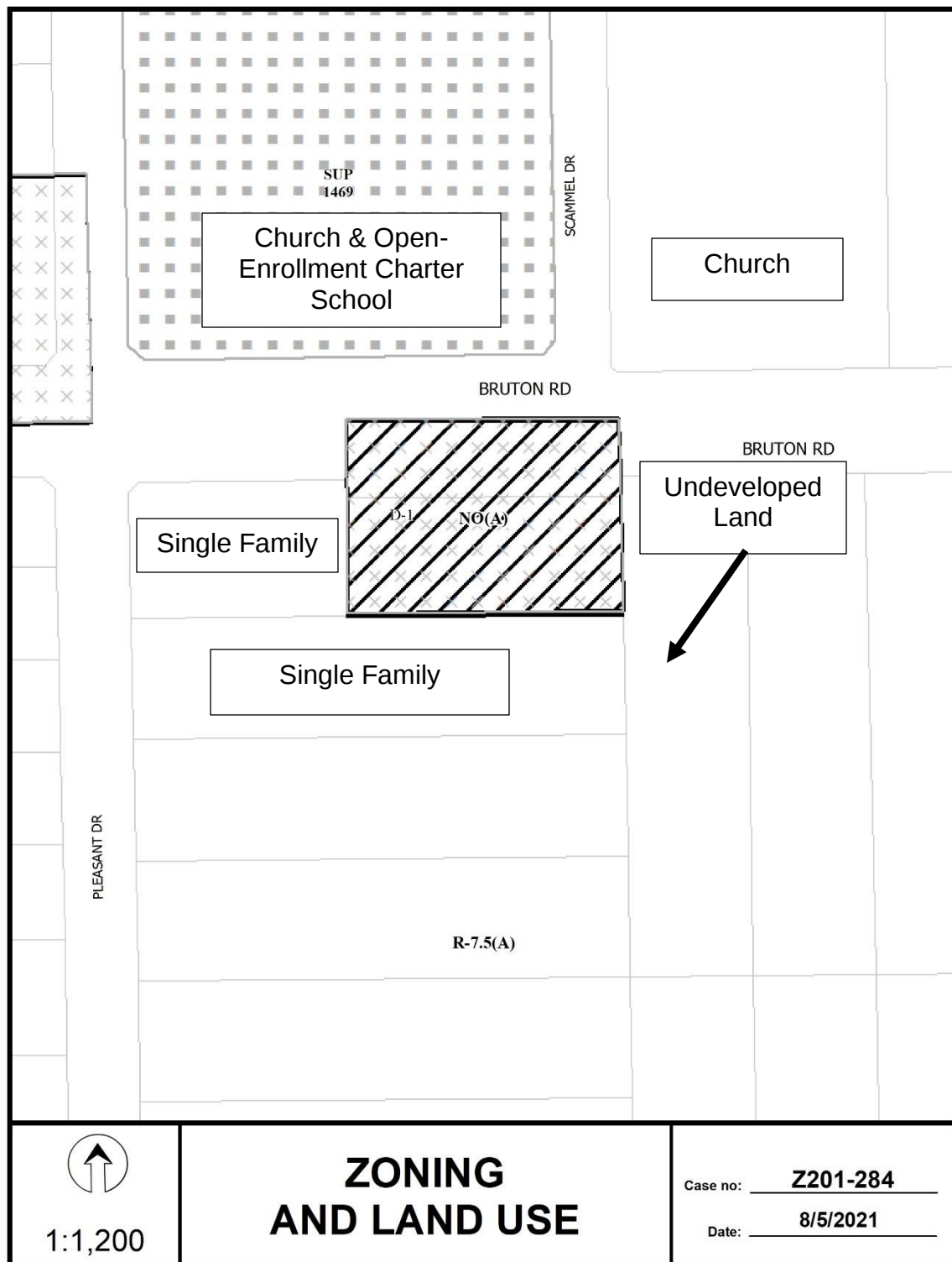
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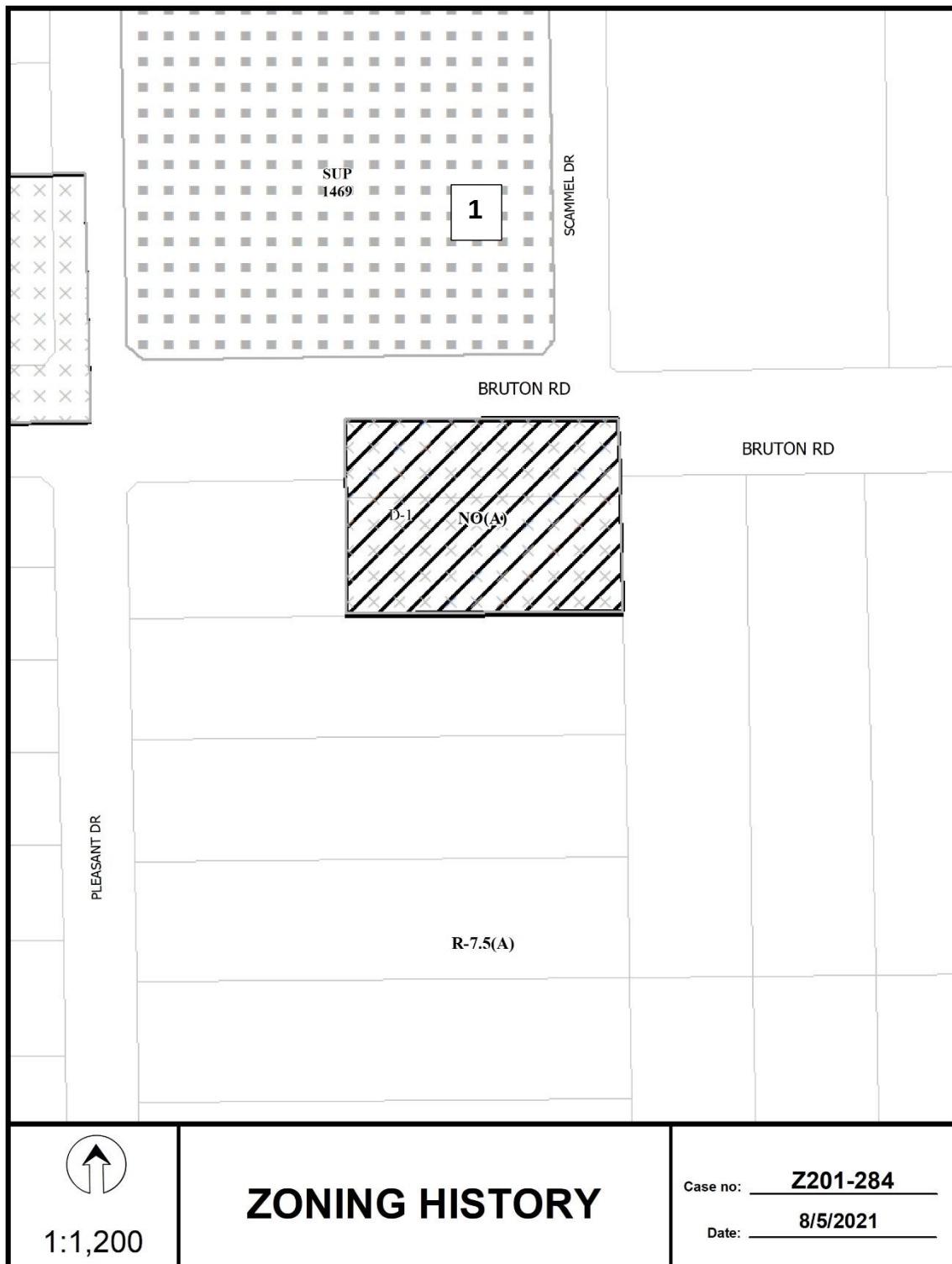


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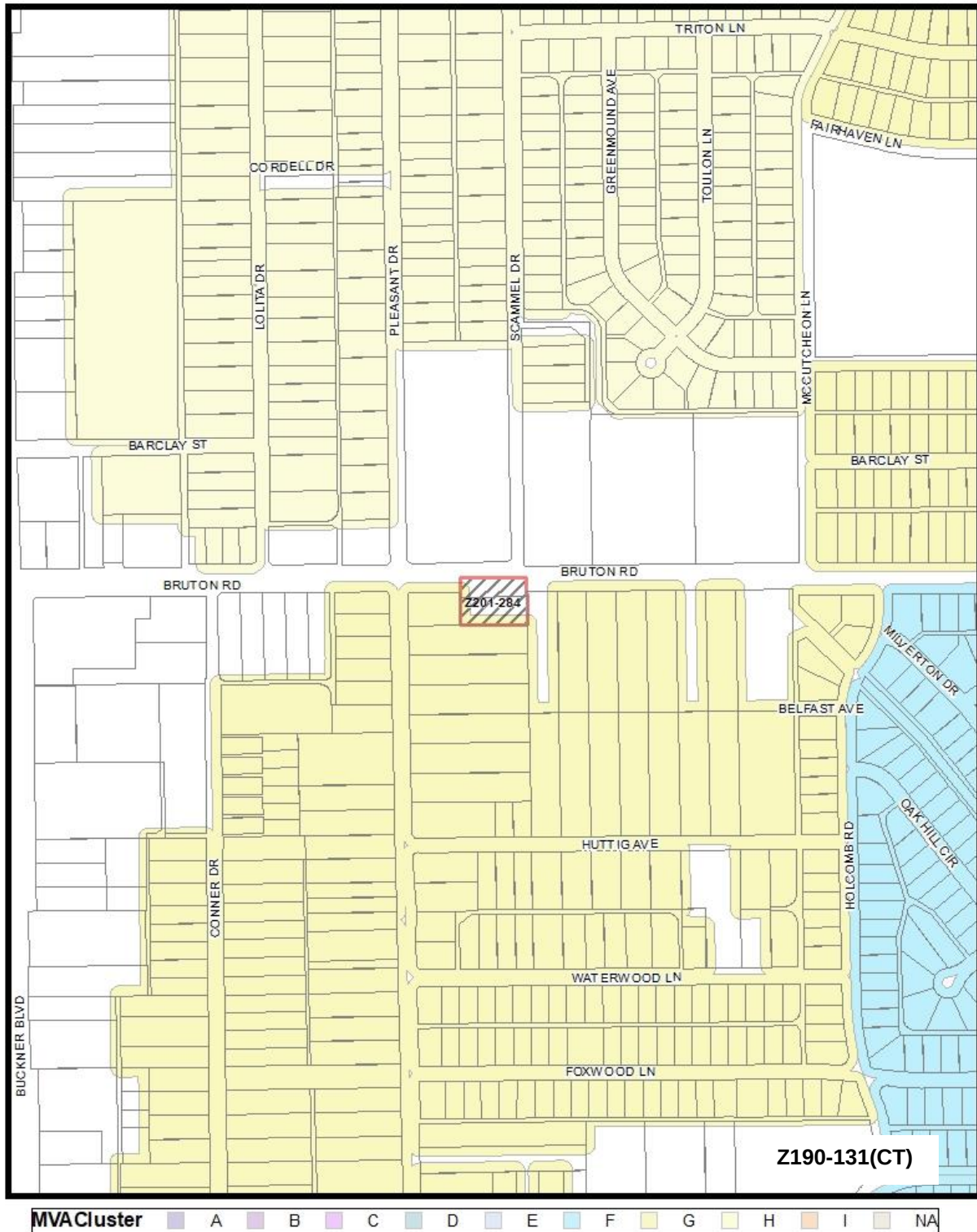








Z201-284(NN)

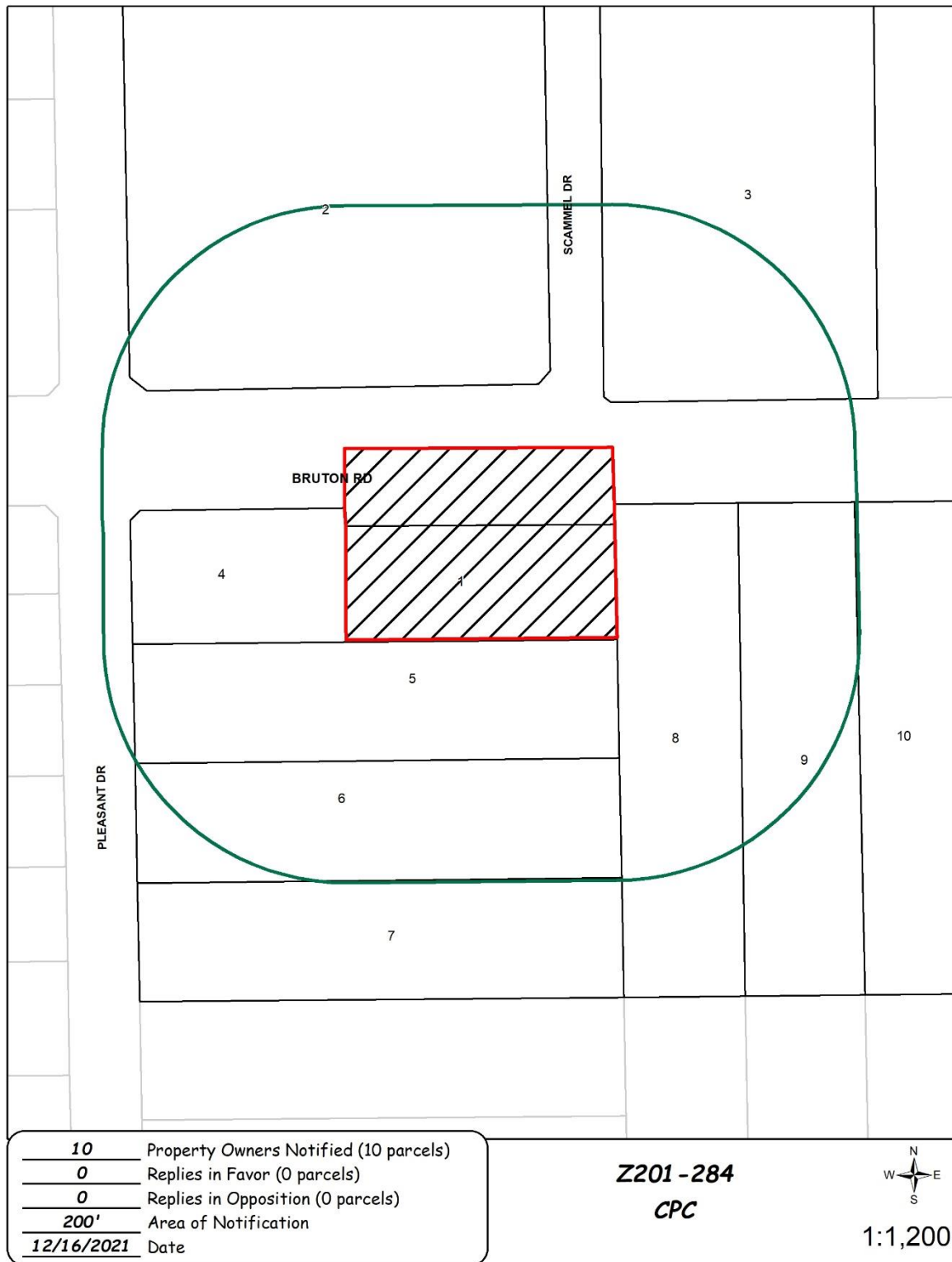


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Market Value Analysis

Printed Date: 8/5/2021

CPC RESPONSES



08/05/2021
12/15/2021

Reply List of Property Owners

Z201-284

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	8330 BRUTON RD	GARCIA ROSALBA BETANCOURT &
	2	8301 BRUTON RD	PLEASANT MOUND
	3	8335 BRUTON RD	GREATER MACEDONIA
	4	2060 PLEASANT DR	UGWONALI FELIX C &
	5	2050 PLEASANT DR	UGWONALI AZUKA AI
	6	2044 PLEASANT DR	SOLIS TERESA
	7	2036 PLEASANT DR	ALEMAN PROPERTIES INVESTMENT LLC
	8	8336 BRUTON RD	ALEMAN PROPERTIES INV LLC
	9	8348 BRUTON RD	GONZALEZ FRANCISCA
	10	8406 BRUTON RD	MEDINA G MARCO ANTONIO