

FILE NUMBER: Z190-317(PD)

DATE FILED: July 24, 2020

LOCATION: Southeast corner of Scyene Road and Prairie Creek Road

COUNCIL DISTRICT: 7

MAPSCO: 49 W

SIZE OF REQUEST: ± 1.378 acres

CENSUS TRACT: 120.00

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

APPLICANT/OWNER: 9202 Scyene LLC

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of the request is to allow for the development of a retail use with volunteered by the deed restrictions proposed to prohibit many of the residentially incompatible uses and prohibit development, access, dumpster locations, and parking from the southernmost 140 feet of the property.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

BACKGROUND INFORMATION

- The request site is currently undeveloped.
- The applicant is proposing to rezone the property to a CR Community Retail District to develop the property with a community serving retail use and deed restrict many of the residentially incompatible uses and prohibit development, access, dumpster locations, and parking from the southernmost 140 feet of the property.
- A previous request [Z189-120] came before the Commission for the subject property on March 21, 2019. While the request volunteered deed restrictions to mitigate negative impact and prohibit noncompatible uses, the volunteered deed restrictions did not address encroachment of the proposed retail use into the adjacent residential neighborhood along Prairie Creek Road. The current request provides this assurance.

Zoning History There have been three zoning requests in the surrounding area in the past five years:

- 1. Z190-334:** An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District located at the northwest intersection of North Prairie Creek Road and Scyene Road. The application has not yet come before the Commission.
- 2. Z189-120:** On March 21, 2019, the City Plan Commission recommended denial without prejudice of an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District located on the southeast corner of Scyene Road and North Prairie Creek Road. ****Request site****
- 3. Z156-277:** On October 11, 2017, the City Council approved a CR Community Retail District subject to deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District located on North Prairie Creek Road and Scyene Road, northeast corner.

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing / Proposed ROW
Scyene Road	Principal Arterial	100 feet
North Prairie Creek Road	Principal Arterial	100 feet

Traffic

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the zoning change will not impact the surrounding roadway system.

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 applicant's request is consistent with the following 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

Goal 5.1 ESTABLISHING 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	R-7.5(A)	Undeveloped
North	CR w/deed restrictions	Undeveloped
East	R-7.5(A)	Single Family
South	R-7.5(A)	Single Family, Church
West	R-7.5(A), CR-D	Auto-related, Single Family

Land Use Compatibility

The request site is undeveloped. The applicant proposes to develop the property with retail uses. The four-corner intersection of North Prairie Creek Road and Scyene Road is zoned a CR Community Retail District at three of the four corners of the intersection with the exception of the request site. The request site is situated along two principal arterials that have approximately 100 feet of right-of-way.

The applicant's request for a CR Community Retail District will allow for the development of a community serving retail use on site. Additionally, the proposed request would be limited in its vertical development by the imposed restrictions to the height regulations due to the residential proximity slope (RPS) that the subject site would be required to adhere to if the zoning is changed to a CR Community Retail District. These restrictions would be generated by the R-7.5(A) Single Family District lots bordering the site immediately to the east and south along both Scyene Road and North Prairie Creek Road.

While considering that a CR District is a moderate intensity district of the community-serving retail districts, the applicant is volunteering deed restrictions to reduce the impact of the proposed district and ensure consistency with the existing built environment.

Among the volunteered restrictions, the applicant proposes to:

1. Restrict the following uses: gas drilling and production, temporary concrete or asphalt batching plant, cemetery or mausoleum, college, university, or seminary, open-enrollment charter school or private school, public school other than open-enrollment charter school, hotel and motel, lodging or boarding house, overnight general purpose shelter, carnival or circus (temporary), alternative financial establishment, college, dormitory, fraternity, or sorority house, ambulance service, auto service center, business school, carwash, commercial amusement (outside), commercial parking lot or garage, liquor store, mortuary, funeral home or commercial wedding chapel, paraphernalia shop, pawn shop, and recycling buy-back center; and,
2. Restrict development, access, dumpster locations, and parking from the southern-most 140 feet of the property.

Staff supports this change in zoning classification as 1) the applicant's proposal to limit uses would decrease the potential of nuisances to surrounding properties; 2) the proposed screening requirements will ensure visual obstruction of the development to the residential properties through use of a residential buffer zone that requires the portion of the perimeter of a retail lot where residential adjacency exists to provide a landscape buffer with an average depth of 10 feet, a minimum depth of five feet, and a maximum depth of 30 feet. Additionally, all off-street parking and loading spaces must be screened

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from residential properties; 3) the restriction for development along the southernmost portion of the site will further protect the residential districts from any potential negative impact; 4) and the additional community-serving retail uses will provide added convenience to the neighborhood by establishing walk-to services and shorter drive times.

Development Standards

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-7.5(A) – existing Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%		Single family
CR - proposed Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Parking

Pursuant to the Dallas Development Code, off-street parking must be provided in accordance with Division 51A-4.200 and the determined use at permitting.

Landscaping

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

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 to orange, representing the weakest markets. The subject site is not within an MVA category but is adjacent to an “F” MVA category to the northeast and a “G” MVA category to the east and south, across Scyene Road and to the southwest along North Prairie Creek Road.

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List of Officers

9202 Scyene, LLC

Larry Smith, Managing Member

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CPC Action

December 3, 2020

Motion: It was moved to recommend **approval** of a CR Community Retail District, subject to revised deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the southeast corner of Scylene Road and Prairie Creek Road.

Maker: Jackson
Second: Suhler
Result: Carried: 15 to 0

For: 15 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung, Myers,
Suhler, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 300 Mailed: 46
Replies: For: 2 Against: 1

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

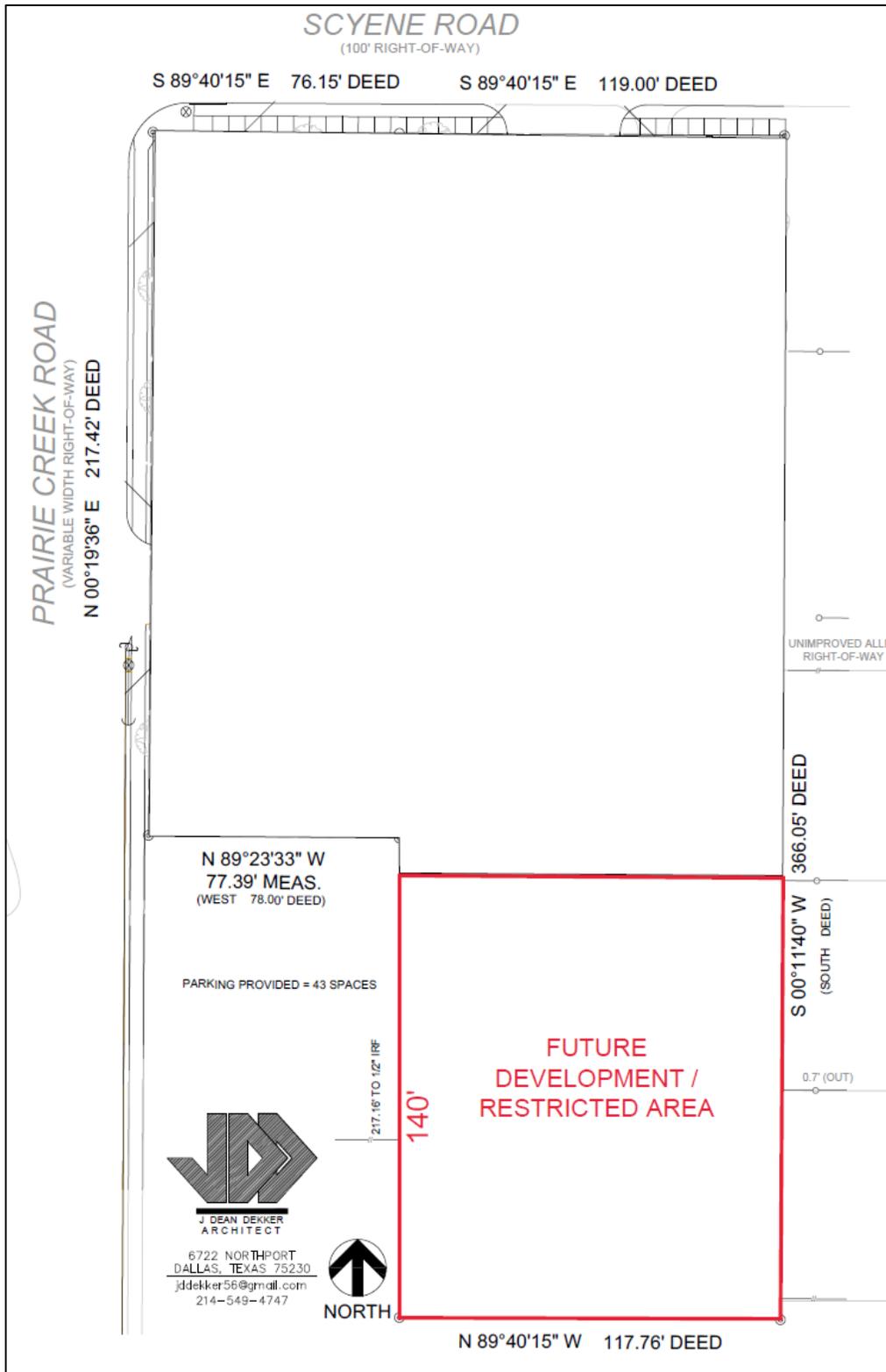
VOLUNTEERED DEED RESTRICTIONS

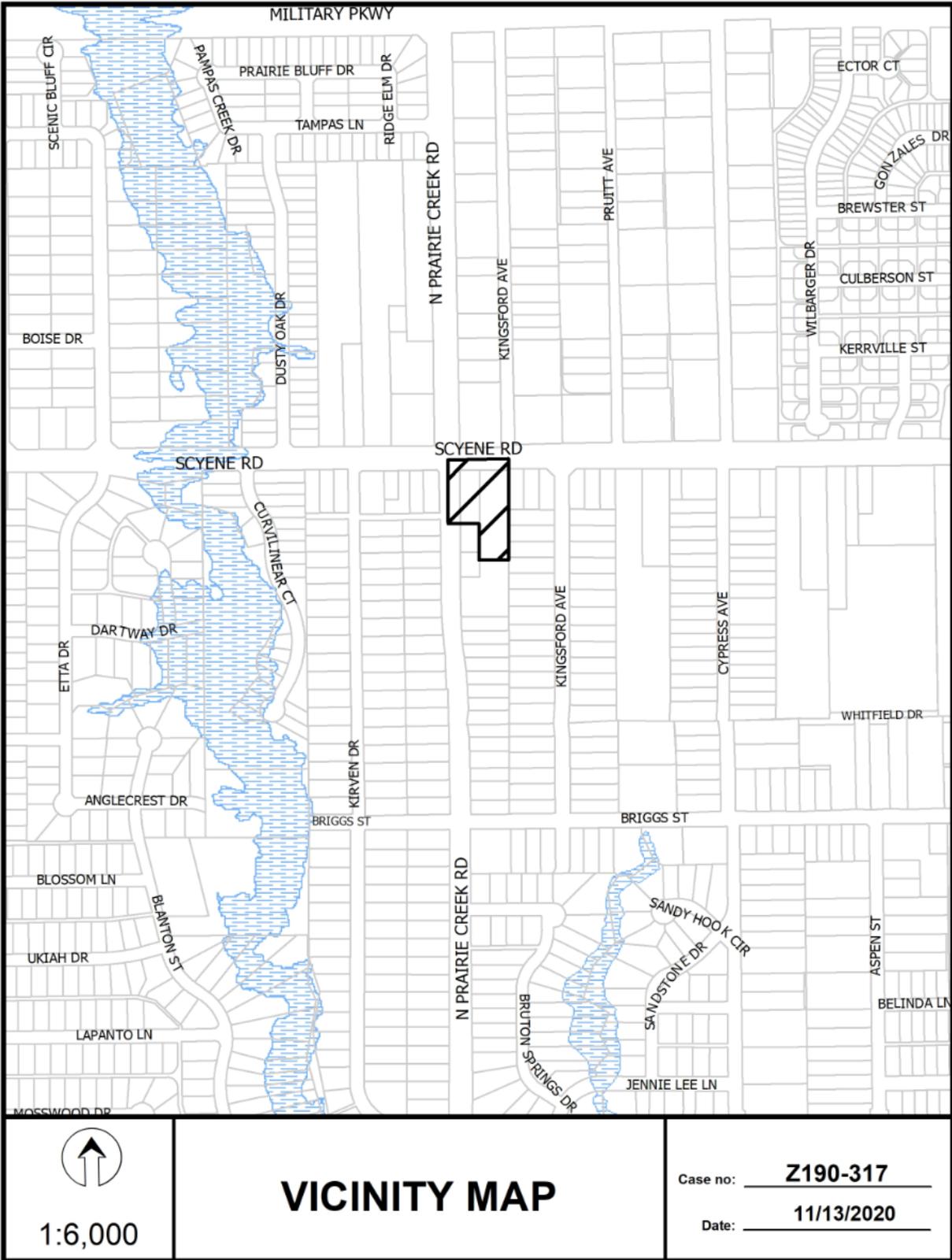
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

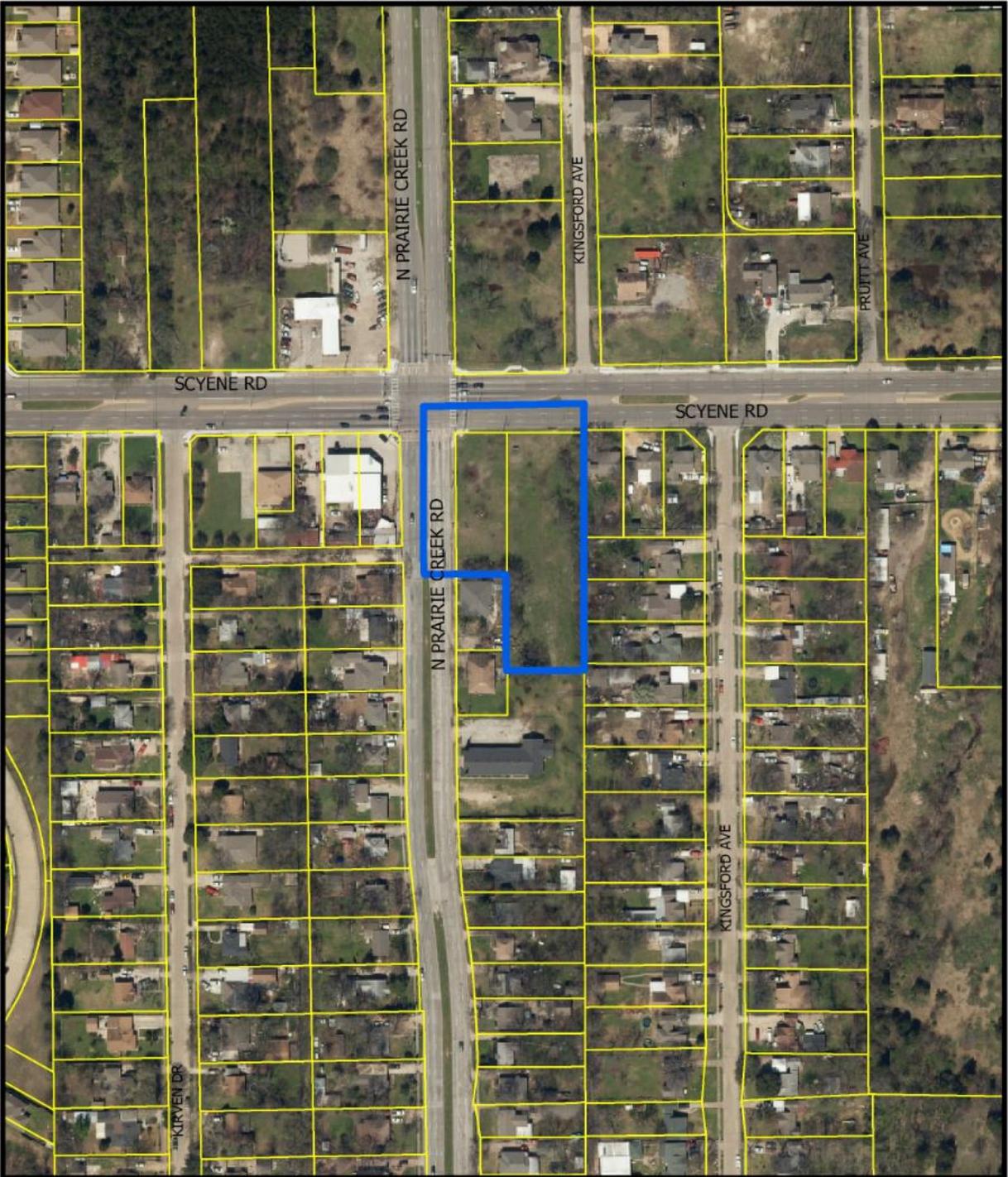
- (a) The following uses are prohibited:
 - (1) Industrial uses.
 - Gas drilling and production.
 - Temporary concrete or asphalt batching plant.
 - (2) Institutional and community services uses.
 - Cemetery or mausoleum.
 - College, university, or seminary.
 - Open-enrollment charter school or private school.
 - Public school other than open-enrollment charter school.
 - (3) Lodging uses.
 - None permitted.
 - (4) Miscellaneous uses.
 - Carnival or circus (temporary).
 - (5) Office uses.
 - Alternative financial establishment.
 - (6) Residential uses.
 - College dormitory, fraternity, or sorority house.
 - (7) Retail and personal services uses.
 - Ambulance service.
 - Auto service center.
 - Business school.
 - Car wash.
 - Commercial amusement (outside).
 - Commercial parking lot or garage.
 - Mortuary, funeral home or commercial wedding chapel.
 - Paraphernalia shop.
 - Pawn shop.
 - (8) Wholesale, distribution, and storage uses.
 - Recycling buy-back center.

(b) The southern-most 140 feet of the Property as identified on Exhibit B is prohibited for development, access, dumpster locations, or parking for the Property.

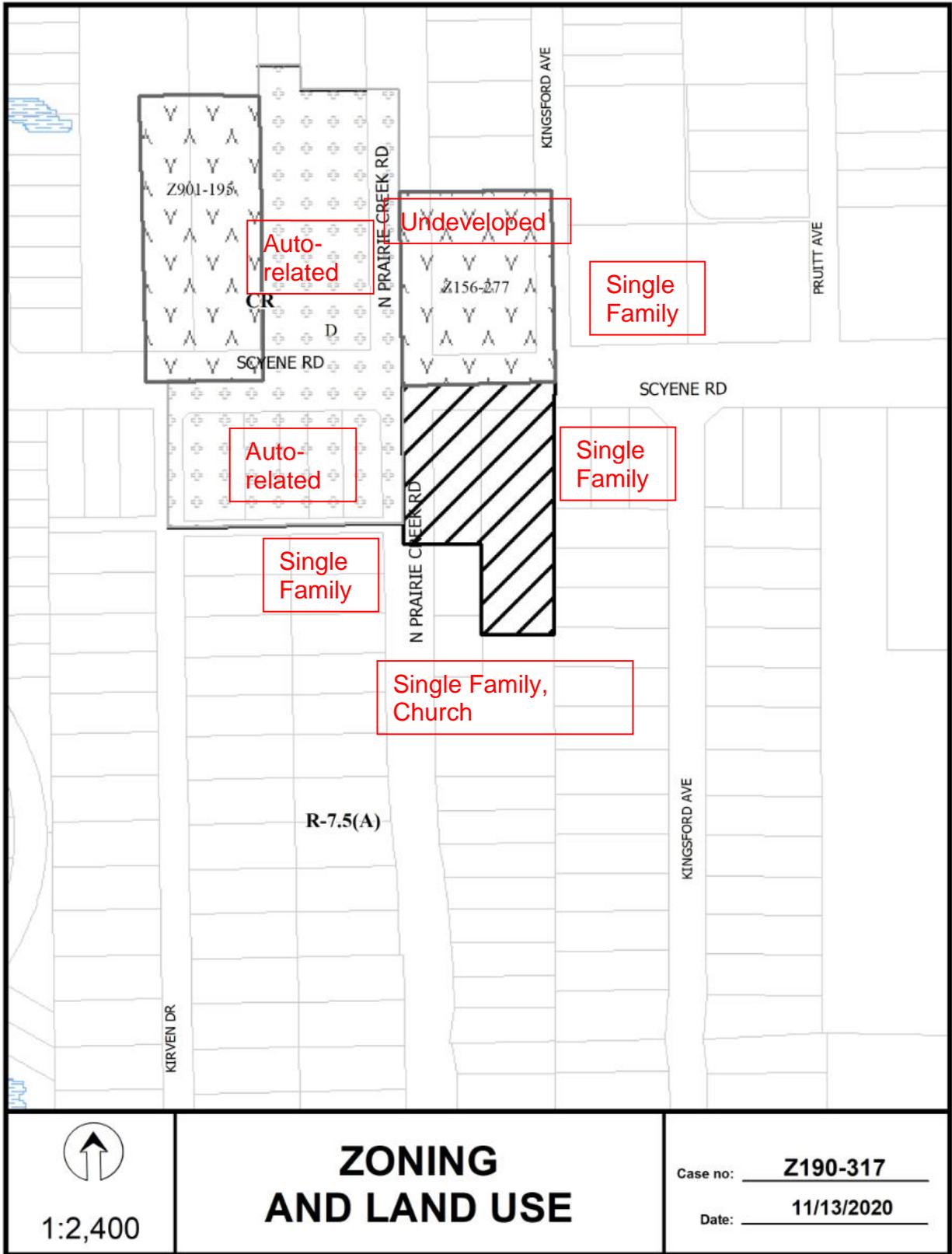
**VOLUNTEERED DEED RESTRICTIONS
EXHIBIT B**

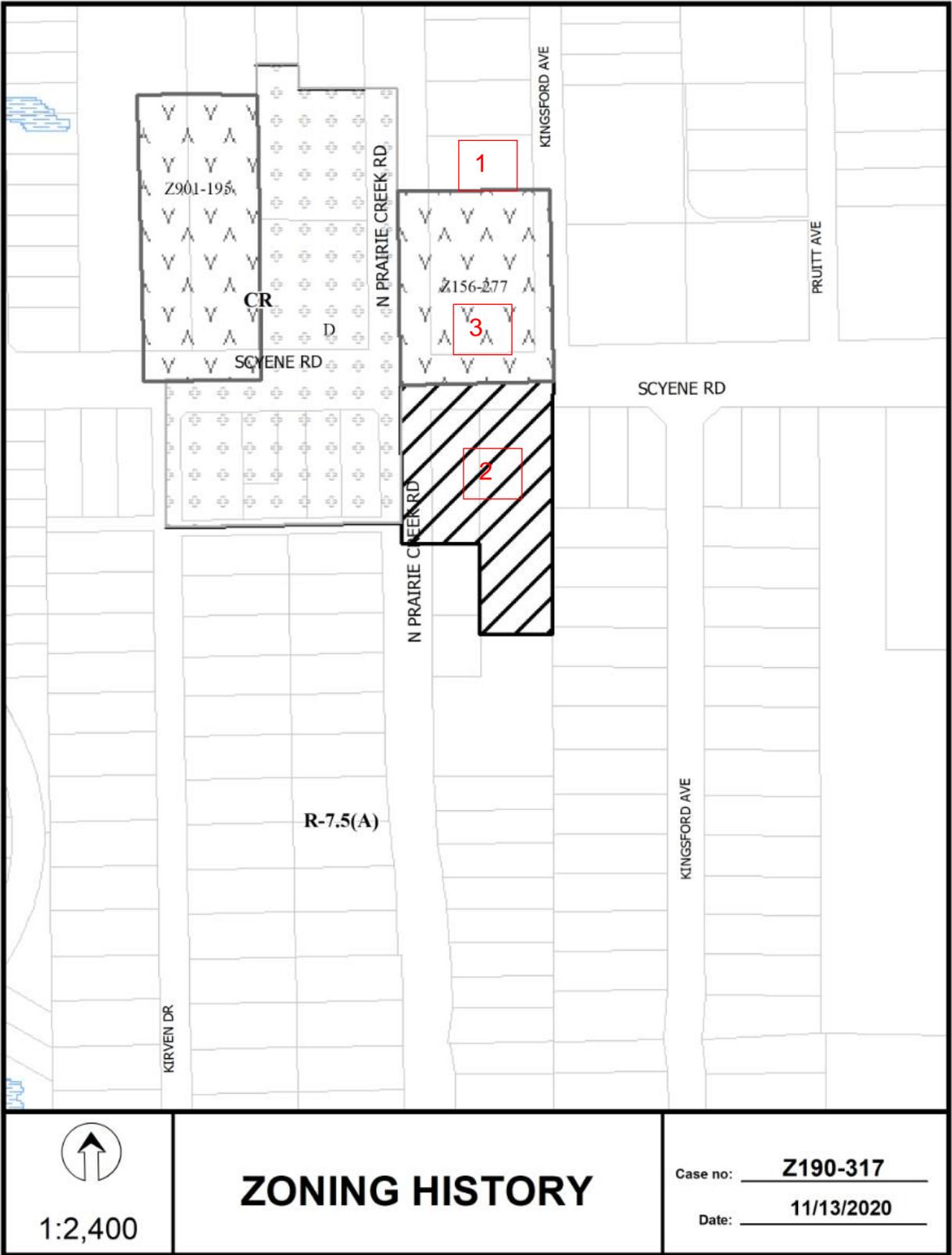


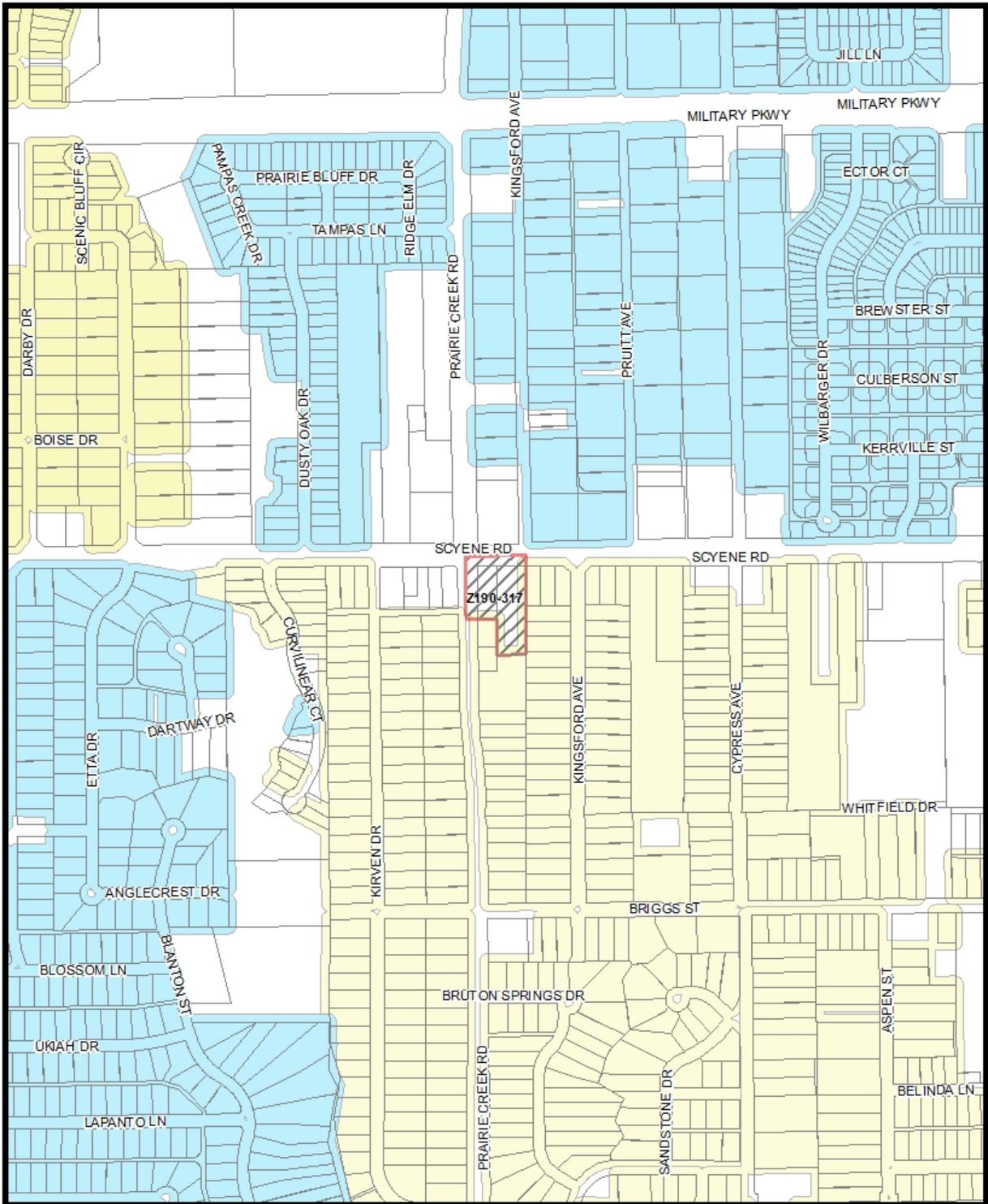




 1:2,400	<h1>AERIAL MAP</h1>	Case no: <u> Z190-317 </u> Date: <u> 11/13/2020 </u>
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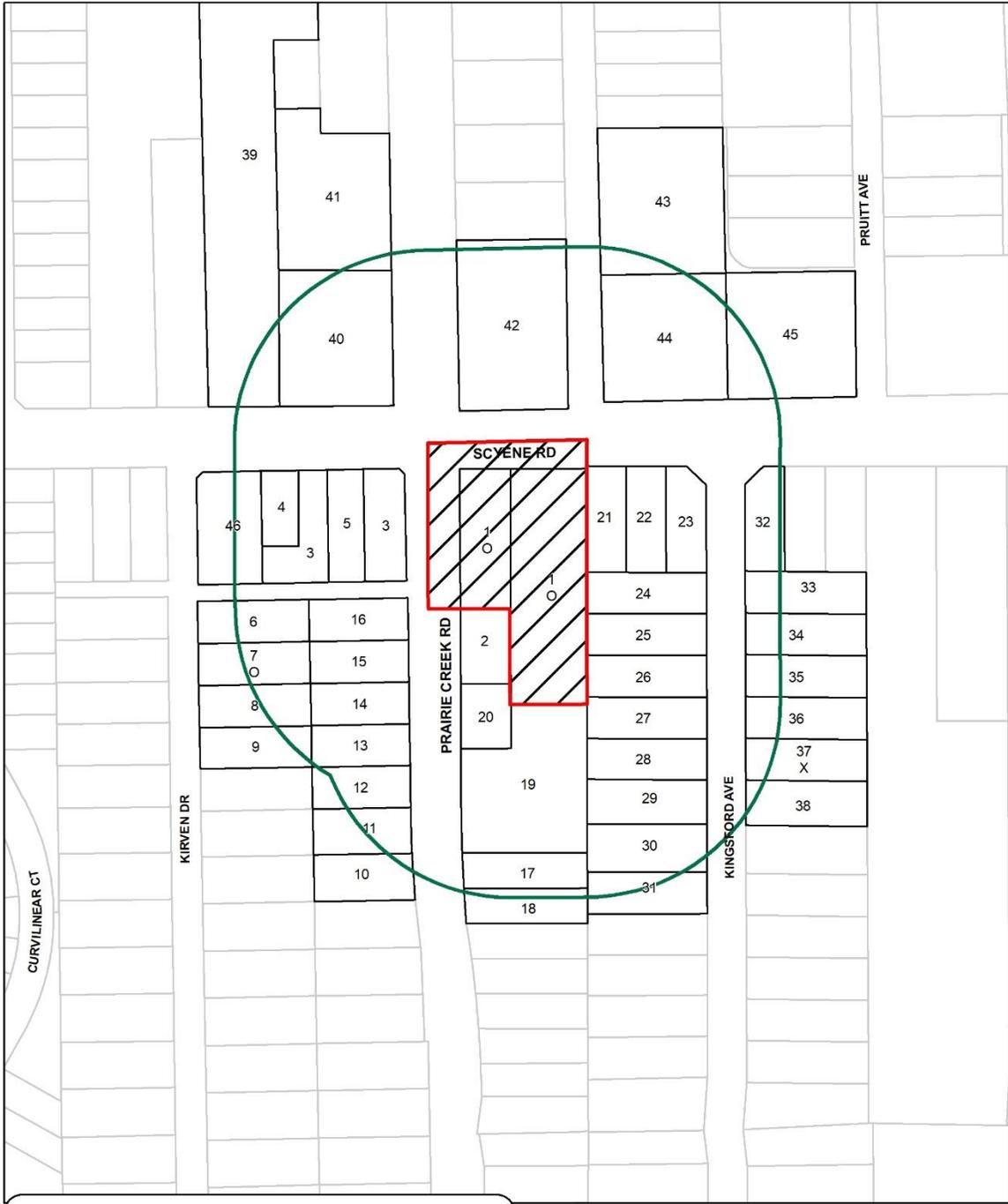
Market Value Analysis



Market Value Analysis

Printed Date: 11/13/2020

CPC RESPONSES



<u>46</u>	Property Owners Notified (48 parcels)
<u>2</u>	Replies in Favor (3 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>300'</u>	Area of Notification
<u>12/3/2020</u>	Date

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CPC



1:2,400

12/02/2020

Reply List of Property Owners***Z190-317******46 Property Owners Notified 2 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	9212 SCYENE RD	9202 SCYENE LLC
	2	2934 N PRAIRIE CREEK RD	SOTO JOSE CRUZ
	3	9114 SCYENE RD	GARCIA MARTIN
	4	9110 SCYENE RD	PEREZ FRANK A & CAROL
	5	9120 SCYENE RD	GARCIA MARTIN
	6	2934 KIRVEN DR	TRUE DFW2015 HOMES LLC
O	7	2930 KIRVEN DR	COLLINS FARON S
	8	2924 KIRVEN DR	SALDANA ANDRES
	9	2920 KIRVEN DR	RICKMAN JEFFREY L
	10	2903 N PRAIRIE CREEK RD	SANCHEZ JOSE F &
	11	2909 N PRAIRIE CREEK RD	AMADOR SANTOS & COLLEEN
	12	2915 N PRAIRIE CREEK RD	PIEDRA MARIBEL
	13	2921 N PRAIRIE CREEK RD	ANDABLO JOSE
	14	2925 N PRAIRIE CREEK RD	VILLA CARLOS
	15	2931 N PRAIRIE CREEK RD	RAMIREZ J JESUS & SONIA SANTOS
	16	2935 N PRAIRIE CREEK RD	PETERSON REVOCABLE LIVING TR
	17	2902 N PRAIRIE CREEK RD	FLORES ELOISA
	18	2858 N PRAIRIE CREEK RD	LOPEZ CRISTINO
	19	2920 N PRAIRIE CREEK RD	SCYENE CHURCH OF CHRIST
	20	2926 N PRAIRIE CREEK RD	MCADAMS GAYE
	21	9220 SCYENE RD	WILLIAMS TAMMY
	22	9224 SCYENE RD	MEJIA DORA &
	23	9230 SCYENE RD	FAZ JULISSA
	24	2941 KINGSFORD AVE	SERVIN ESMERALDA &
	25	2935 KINGSFORD AVE	GARCIA LEOPOLDO
	26	2931 KINGSFORD AVE	PEACOCK VICKI

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2925 KINGSFORD AVE	CARRENO JOSE
	28	2919 KINGSFORD AVE	DELACRUZ FILOMENO &
	29	2915 KINGSFORD AVE	CARLOS VICTOR A
	30	2909 KINGSFORD AVE	TUCKER VIRGINIA
	31	2903 KINGSFORD AVE	FAZ OSCAR & MARIBEL
	32	9302 SCYENE RD	HERNANDEZ GUSTAVO &
	33	2940 KINGSFORD AVE	CORDOVA JOSE GONZALEZ
	34	2934 KINGSFORD AVE	CERON SERGIO A
	35	2930 KINGSFORD AVE	CARLOS JESUS & JOSEFINA
	36	2924 KINGSFORD AVE	CARLOS JESUS MARIA & JOSEFINA
X	37	2918 KINGSFORD AVE	DELGADO YSMAEL
	38	2914 KINGSFORD AVE	HEATHCOCK LETA K
	39	9107 SCYENE RD	CARTER KENT
	40	9115 SCYENE RD	WACKEROW MARY H
	41	3125 N PRAIRIE CREEK RD	NOSHAHI MOHAMMAD H
	42	3005 KINGSFORD AVE	CARTER KENT
	43	3116 KINGSFORD AVE	PGSR REALTY LLC
	44	3006 KINGSFORD AVE	FLORES JESUS & ROSALINDA
	45	3005 PRUITT AVE	HENDERSON DEBRA FURMAN
	46	9102 SCYENE RD	PEREZ FRANK & CAROL