

FILE NUMBER: Z201-218(RM) **DATE FILED:** March 24, 2021
LOCATION: Northeast corner of South Buckner Boulevard and Elam Road
COUNCIL DISTRICT: 5 **MAPSCO:** 58 U
SIZE OF REQUEST: Approx. 1.56 acres **CENSUS TRACT:** 92.02

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

OWNER: Santiago Gonzales

APPLICANT: RSDGP, LLC

REQUEST: An application for (1) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 2A within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay; and (2) 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 redevelop the site with a motor vehicle fueling station in conjunction with a general merchandise or food store 3,500 square feet or less with alcohol sales.

CPC RECOMMENDATION: **Approval** of a Specific Use Permit for a two-year period, subject to a site plan and conditions; and **denial** of a CR Community Retail District with deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: **Approval** of a Specific Use Permit for a two-year period, subject to a site plan and conditions; and **denial** of a CR Community Retail District with deed restrictions volunteered by the applicant.

BACKGROUND INFORMATION:

- The area of request is currently developed with an auto service center zoned Subarea 2A within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay. The area of request also includes an undeveloped lot zoned an R-7.5(A) Single Family District.
- The applicant proposes to redevelop the site with a motor vehicle fueling station in conjunction with a general merchandise or food store 3,500 square feet or less with alcohol sales.
- To accomplish this, the applicant requests a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on the portion of the request area currently zoned PD 366 with a D-1 Overlay.
- The applicant also requests a CR Community Retail District for the portion of the request area currently zoned an R-7.5(A) District.
- The applicant has volunteered deed restrictions to limit permitted uses and restrict development on the portion of the property currently zoned an R-7.5(A) District.
- Before the most recent CPC hearing, the applicant has proposed to develop only on the portion of the request area currently zoned PD 366 with a D-1 Overlay. They have submitted a revised SUP site plan with a new configuration that meets code requirements. Staff has reviewed this revised SUP site plan and has no outstanding concerns.

Zoning History:

There have been three zoning cases on two sites in the area in the past five years.

1. **Z167-331:** On October 24, 2017, staff approved an automatic renewal of Specific Use Permit No. 1730 for an alcoholic beverage establishment limited to a private club or bar for a three-year period on property zoned Subarea 4 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the east side of South Buckner Boulevard, south of Elam Road.
Z190-271: On August 3, 2020, Specific Use Permit No. 1730 was automatically renewed for an additional three-year period.
2. **Z178-196:** On June 7, 2018, Specific Use Permit No. 1873 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period on property zoned Subarea 2A within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a

D-1 Liquor Control Overlay on the west side of South Buckner Boulevard, north of Elam Road was automatically renewed.

3. **Z190-366:** On February 24, 2021, City Council approved a renewal of Specific Use Permit No. 1850 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned Subarea 4 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay at the southeast corner of South Buckner Boulevard and Elam Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Buckner Boulevard	Principal Arterial	107 feet
Elam Road	Principal Arterial	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly 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 request may be considered inconsistent 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 1.1.4 Capitalize on transit oriented development opportunities.

ECONOMIC ELEMENT

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.2 Maximize development opportunities around DART stations.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

These goals and policies recommend that in major centers outside downtown that are well served by transit, activity that supports the creation of higher density urban mixed-use areas is preferred. It is also recommended that development near transit stations and along multi-modal corridors be transformed into mixed-use boulevards. Preferred land uses for this surrounding development are those that serve the needs of transit riders and the needs of the immediate neighborhood including housing, retail, office, and professional service firms. The applicant's proposal for low-density, auto-oriented development at the intersection of two principal arterials across from a DART rail station may run counter to the implementation of these policies.

The applicant's revised plan addresses some of staff's concerns with the original proposal regarding the Comprehensive Plan. The revised SUP site plan no longer proposes a commercial encroachment into an existing single-family subdivision, nor does it propose to leave a significant portion of the site undeveloped. It should also be noted that a general merchandise or food store 3,500 square feet or less is already permitted by right in Subarea 2A within PD 366, and that alcohol sales is already permitted by SUP in a D-1 Overlay. If the general zoning change is no longer being pursued, then the component of alcohol sales does not conflict with the goals and policies.

Area Plan:

In February 2013, City Council approved the Buckner Station Area Plan to guide future development in an area northeast of the intersection of U.S. Highway 175 and TX Loop 12. The area plan focuses on reinvigorating affordable housing, improving safety and multi-modal connectivity, and establishing strategies and guidelines to create a thriving transit-oriented neighborhood over the long term. The strategies and actions of the area plan complement the goals and policies of the *forwardDallas! Comprehensive Plan* in evaluating the applicant's request.

Although the applicant's revised request addresses some of staff's concerns, the request may be considered inconsistent with the following strategies and actions of the Buckner Station Area Plan:

ZONING STRATEGIES

STRATEGY Use the area plan to facilitate mixed-use, transit-oriented zoning and appropriate redevelopment over time.

Action Use the land use concept plan as a guide for all ongoing rezoning activity in the area.

The plan notes that one of the challenges in the area is the large number of existing auto-related uses including auto service centers, vehicle sales lots, and gas stations. The area also has many underutilized sites with large-footprint commercial buildings and/or large parking lots that lack street presence and accessibility. The plan suggests these conditions may contribute to inactivity in the area and longer walking distances between destinations.

Land Use:

	Zoning	Land Use
Site	Subarea 2A within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay; R-7.5(A) Single Family District	Auto service center, undeveloped
North	Subarea 2A within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay	Vehicle display, sales, and service
East	R-7.5(A) Single Family District	Undeveloped, single family
South	Subarea 4 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay and Specific Use Permit No. 1850 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet; CR-D-1 Community Retail District with a D-1 Liquor Control Overlay	Motor vehicle fueling station, office
Southwest	Subarea 4 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District; IM Industrial Manufacturing District; and CS Commercial Service District with Specific Use Permit No. 1646 for a transit passenger station or transfer center	Transit passenger station or transfer center
West	Subarea 2A within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D Liquor Control Overlay	Vehicle display, sales, and service; motor vehicle fueling station

Land Use Compatibility:

The majority of the area of request is currently developed with an auto service center. The remainder of the request area is undeveloped. Several other properties in the vicinity are also developed with auto-related uses including auto service center; motor vehicle fueling station; and vehicle display, sales, and service. Immediately to the east are single-family uses, plus undeveloped lots zoned single-family. To the southwest across the intersection of South Buckner Boulevard and Elam Road is the Buckner DART rail station.

Because the area of request abuts a residential zoning district, a 20-foot side and rear yard is required. In the original request, the applicant proposed to incorporate a lot currently zoned an R-7.5(A) District into the commercial site to provide enough depth to meet all required setbacks. The applicant volunteered deed restrictions that would limit development on this additional lot. The applicant's original SUP site plan also showed this lot as being used to provide an access drive onto Elam Road, and for the site's dumpster enclosure. The remainder of the site was designated for future development on the site plan.

The applicant has revised their request so that all development is limited to the portion of the request area currently zoned PD 366 with a D-1 Overlay. The retail building and associated parking have been moved further north, and all structures are located out of the 20-foot side yard setback. The fueling station canopy is now a single row of eight pumps, rather than the original two rows of four pumps each. The entire site is now being used, and there is no area slated for future development.

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.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the

escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- Surveillance camera systems,
- Video recording and storage systems,
- Alarm systems,
- Drop safes,
- Security signs,
- Height markers,
- Store visibility,
- Safety training programs, and
- Trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

After reviewing the applicant's revised SUP site plan, staff supports the request for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less because it now uses the entirety of the lot currently zoned PD 366 with a D-1 Overlay. It should also be noted the existing zoning of this lot allows the general merchandise or food store 3,500 square feet or less by right, and the sale of alcoholic beverages by SUP. However, staff still recommends denial of the request for a CR District with deed restrictions volunteered by the applicant because it proposes a commercial encroachment into an existing single-family subdivision. The City Plan Commission also recommended approval for the SUP but denial for the general zoning change request. Although staff was initially recommending two years with eligibility for automatic renewals for five years for the SUP, CPC recommended two years with no automatic renewal and Staff agrees with it.

Development Standards

District	Setback		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: R-7.5(A)	25'	5'	1 du/7,500 sf	30'	45%	Proximity Slope Visual Intrusion	Single family
Proposed: CR	15'	20' adj to res Other: No min	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail and personal service, office

Landscaping:

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

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a motor vehicle fueling station is two spaces. The parking requirement for a general merchandise or food store 3,500 square feet or less is one space per 200 square feet of floor area. The total floor area for the site is 2,824 square feet. Therefore, the applicant is required to provide a total of 16 spaces. As illustrated on the site plan, the site provides 16 spaces.

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 not located within an MVA cluster. To the north, east, and west of the area of request are “H” MVA clusters. Southeast of the area of request is an “I” MVA cluster.

List of Partners/Principals/Officers

RSDGP, LLC

Beau Tucker, Manager
Kevin Mattson, Manager

Z201-218(RM)

**CPC ACTION
AUGUST 19, 2021**

Z201-218(RM)

Planner: Ryan Mulkey

De minimus Significant Change Motion: In considering the requirement in Section 5(m)(1)(B) of the CPC Rules of Procedure, the finding is it does not apply because the impact of the applicant's proposed change in the Commission's judgment is *de minimus* in nature.

Maker: Shidid
Second: Hampton
Result: Carried: 10 to 0

For: 10 - MacGregor, Hampton, Stinson, Shidid,
Carpenter, Jackson, Suhler, Schwope, Murphy,
Garcia

Against: 0
Absent: 3 - Johnson, Blair, Rubin
Vacancy: 1 - District 10
Conflict: 1 - Jung**

**out of the room, when vote taken

Motion: It was moved to recommend **approval** of 1) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to a revised site plan and conditions on property zoned Subarea 2A within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay; and **denial** of 2) a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, at the northeast corner of South Buckner Boulevard and Elam Road.

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Z201-218(RM)

Conflict: 1 - Jung**

**out of the room, when vote taken

Notices: Area: 300 Mailed: 36

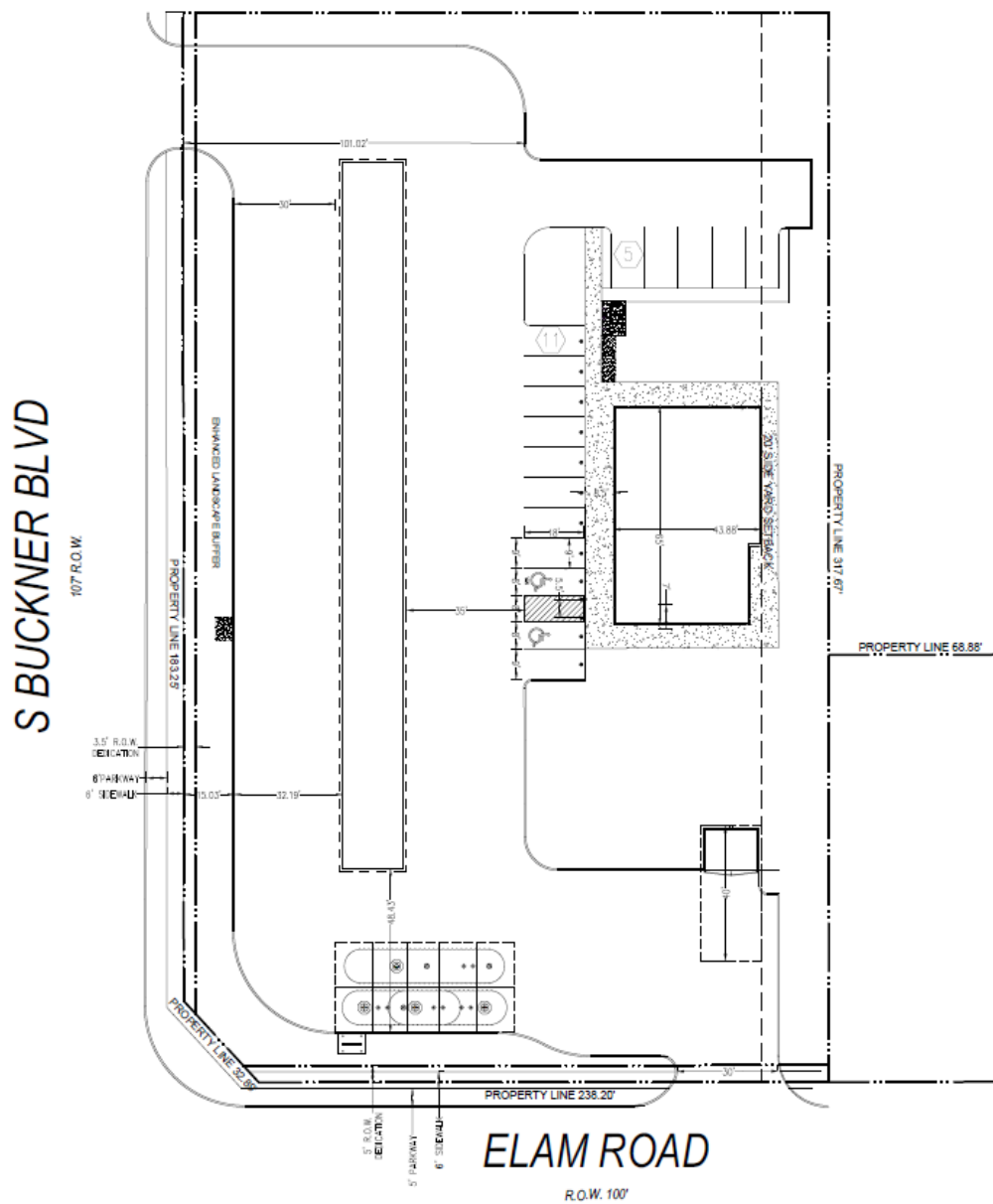
Replies: For: 1 Against: 3

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

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
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 _____ (two years from the passage of this ordinance).
4. FLOOR AREA: The maximum floor area is 2,885 square feet.
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 SITE PLAN



APPLICANT'S PROPOSED DEED RESTRICTIONS FOR THE GZC

(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.

- Hotel and motel.
- Lodging or boarding house.
- Overnight general purpose shelter.

(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 (inside).
- Commercial amusement (outside).
- Commercial parking lot or garage.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.

- Paraphernalia shop.
- Pawn shop.
- Personal service, only limited to tattoo parlor and massage parlor.

(8) Utility and public service uses.

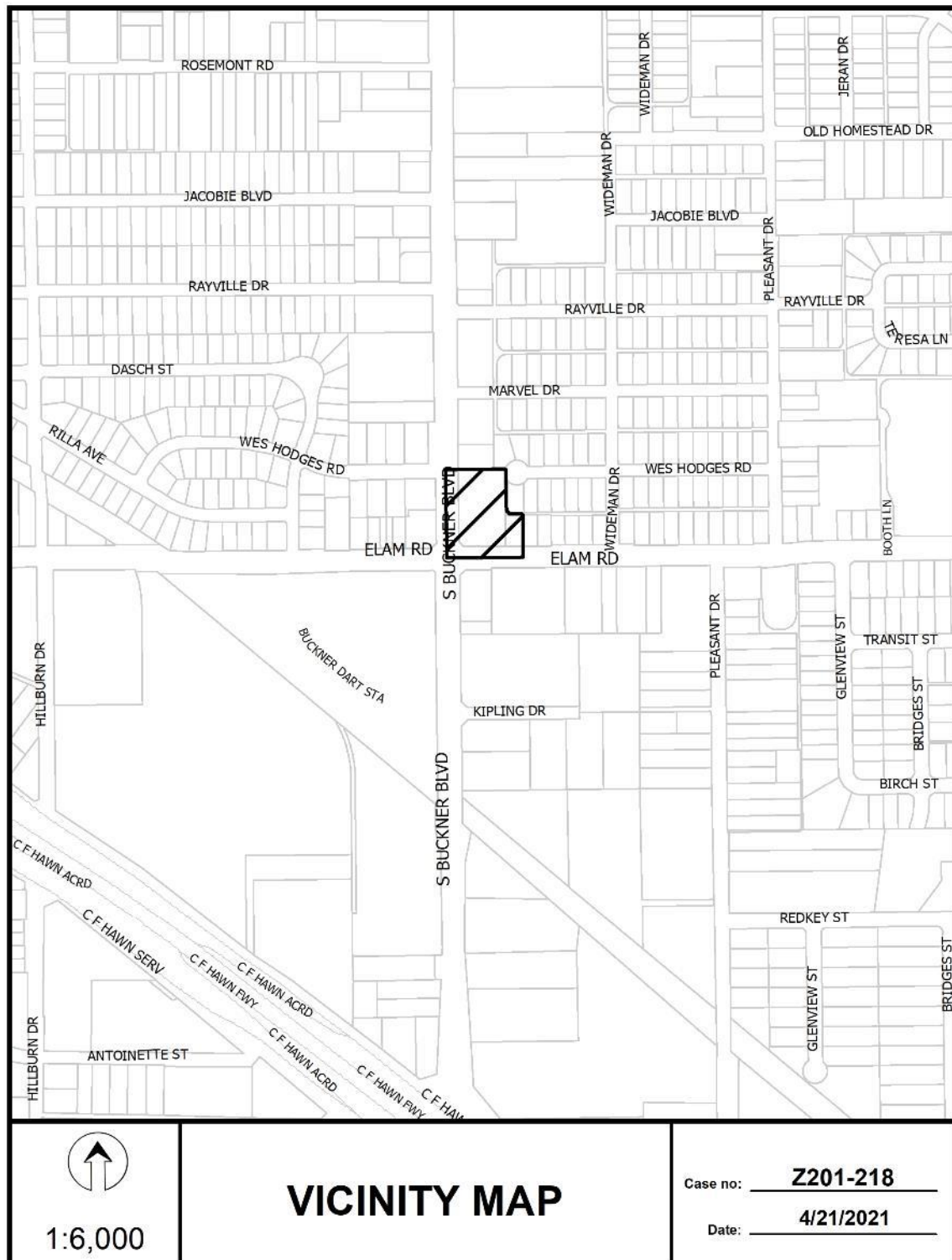
- Tower/antenna for cellular communication, limited to monopole towers.

(9) Wholesale, distribution, and storage uses.

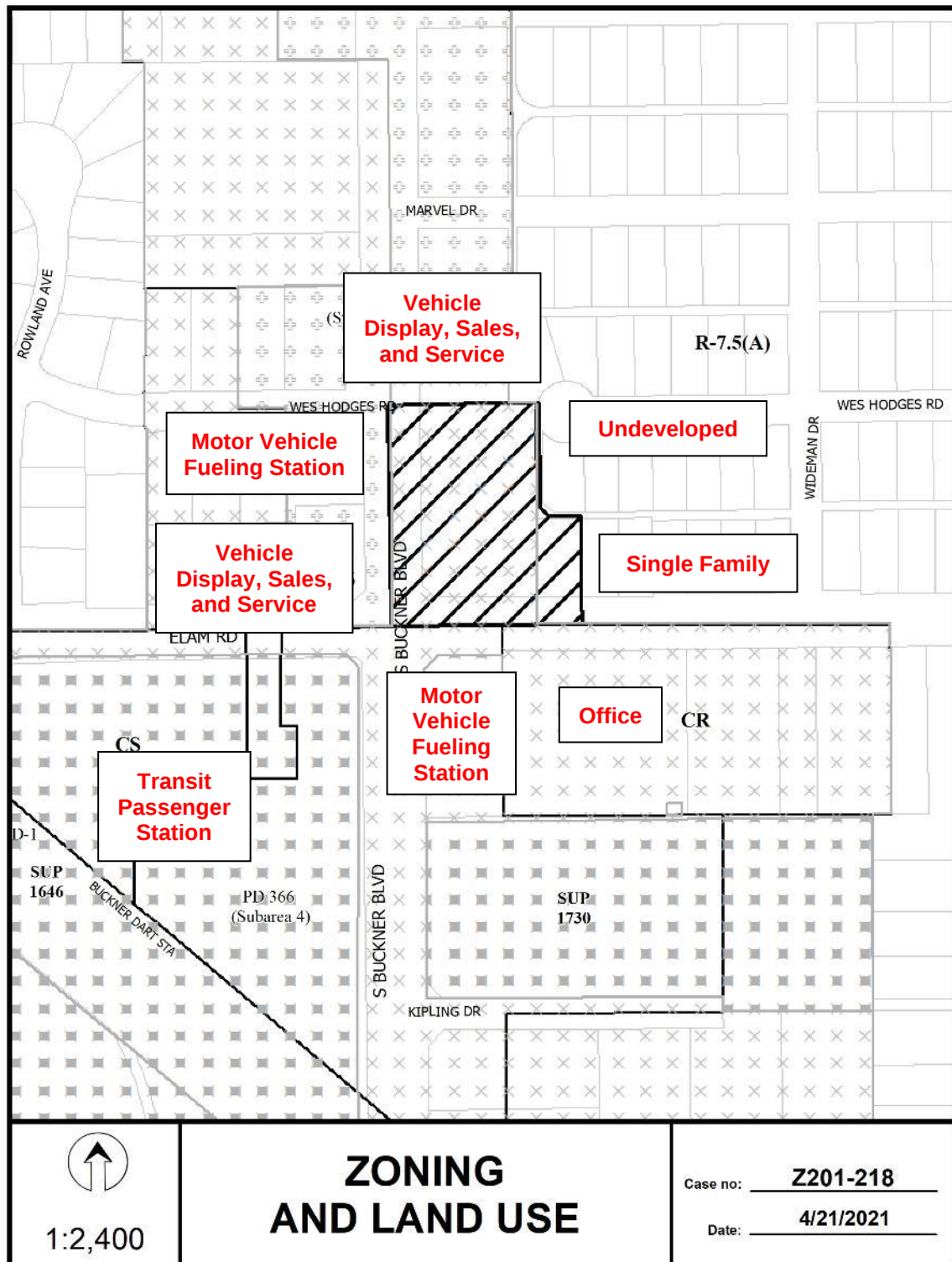
- Recycling buy-back center.
- Recycling collection center.
- Recycling drop-off container.
- Recycling drop-off container for special occasion collection.

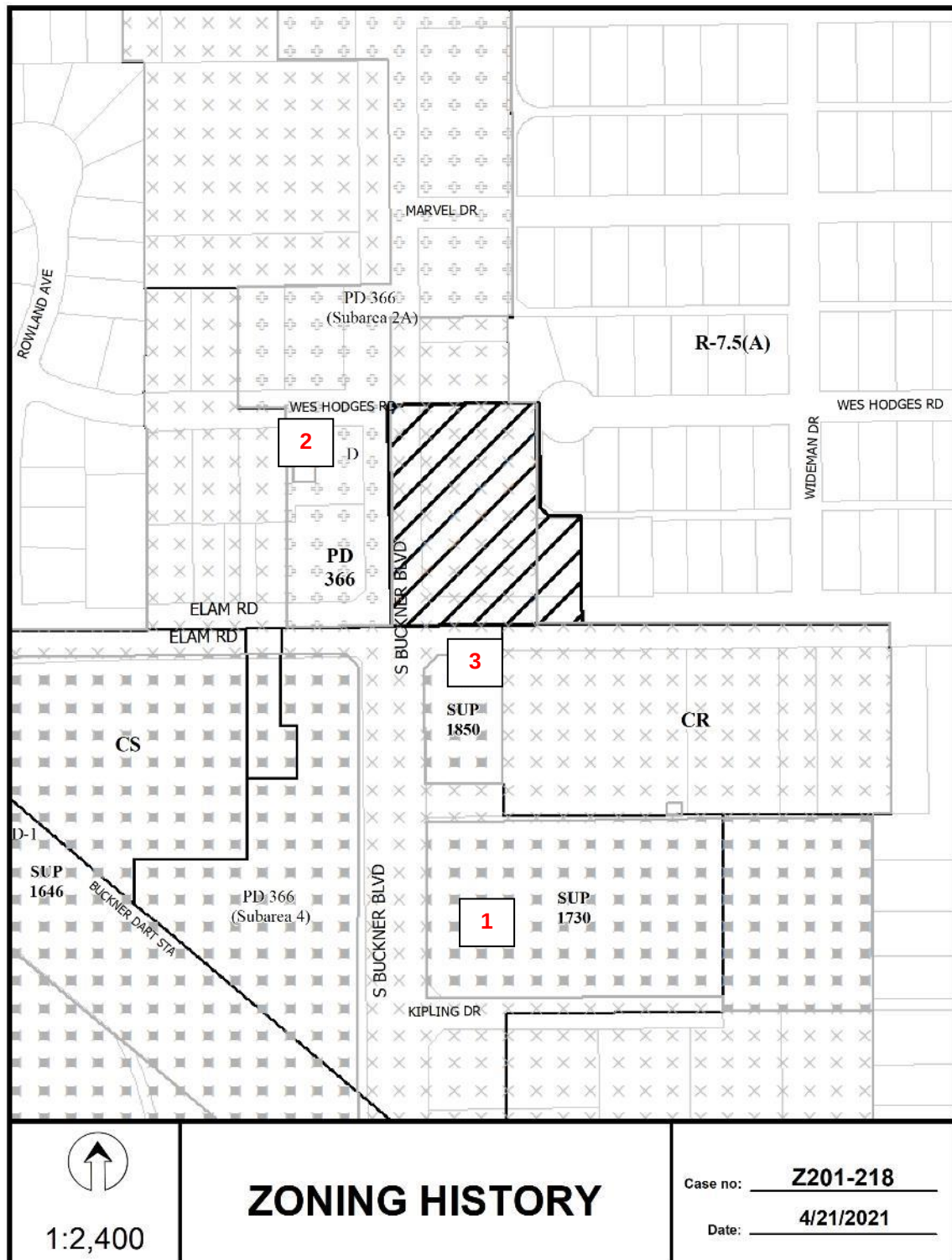
(b) The easternmost 50 feet of the Property is prohibited for development except for access, sidewalks, dumpster locations, fencing, landscaping, stormwater treatment, or parking.

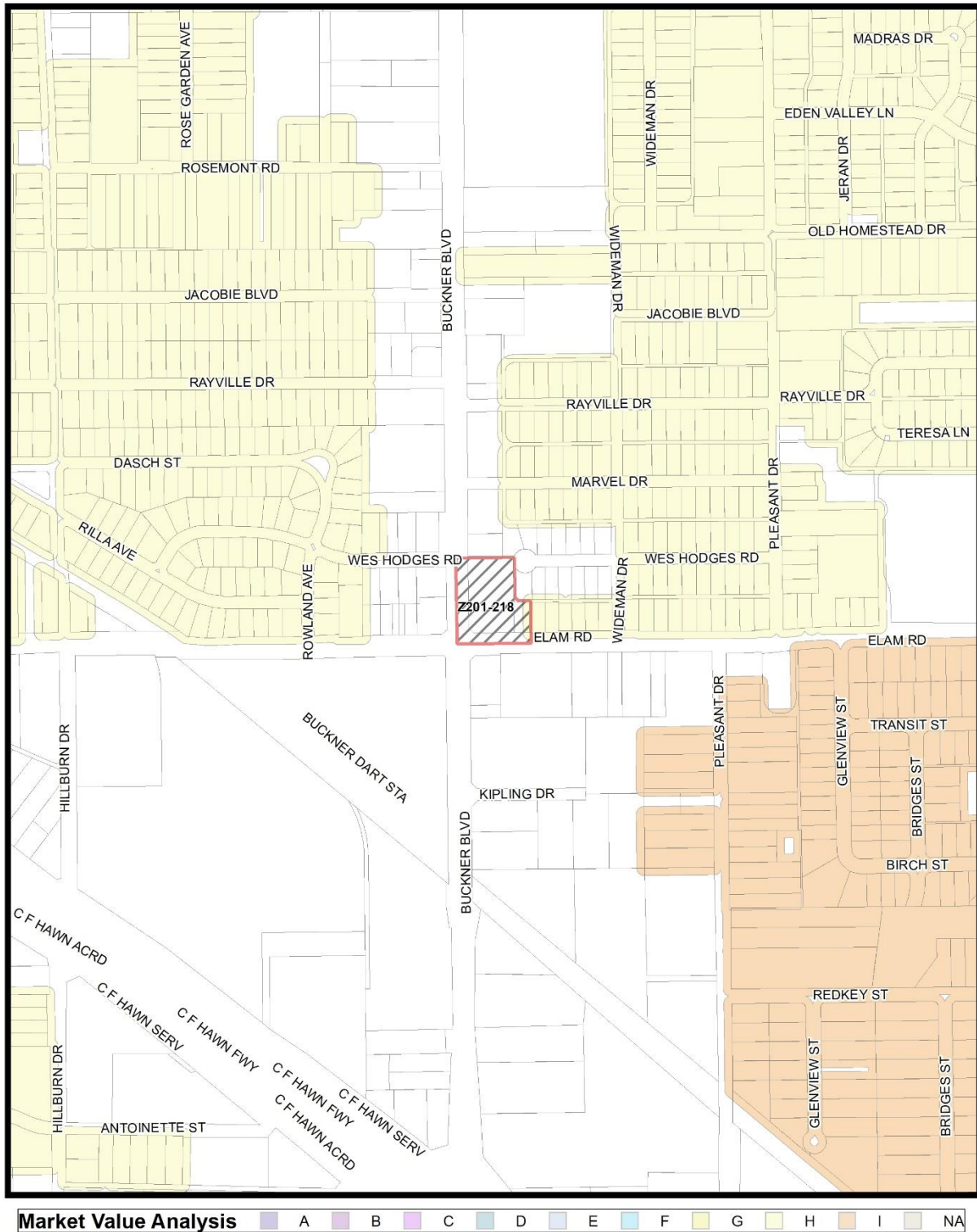
(c) Dumpsters must be screened and setback a minimum of 20 feet from the eastern property line.

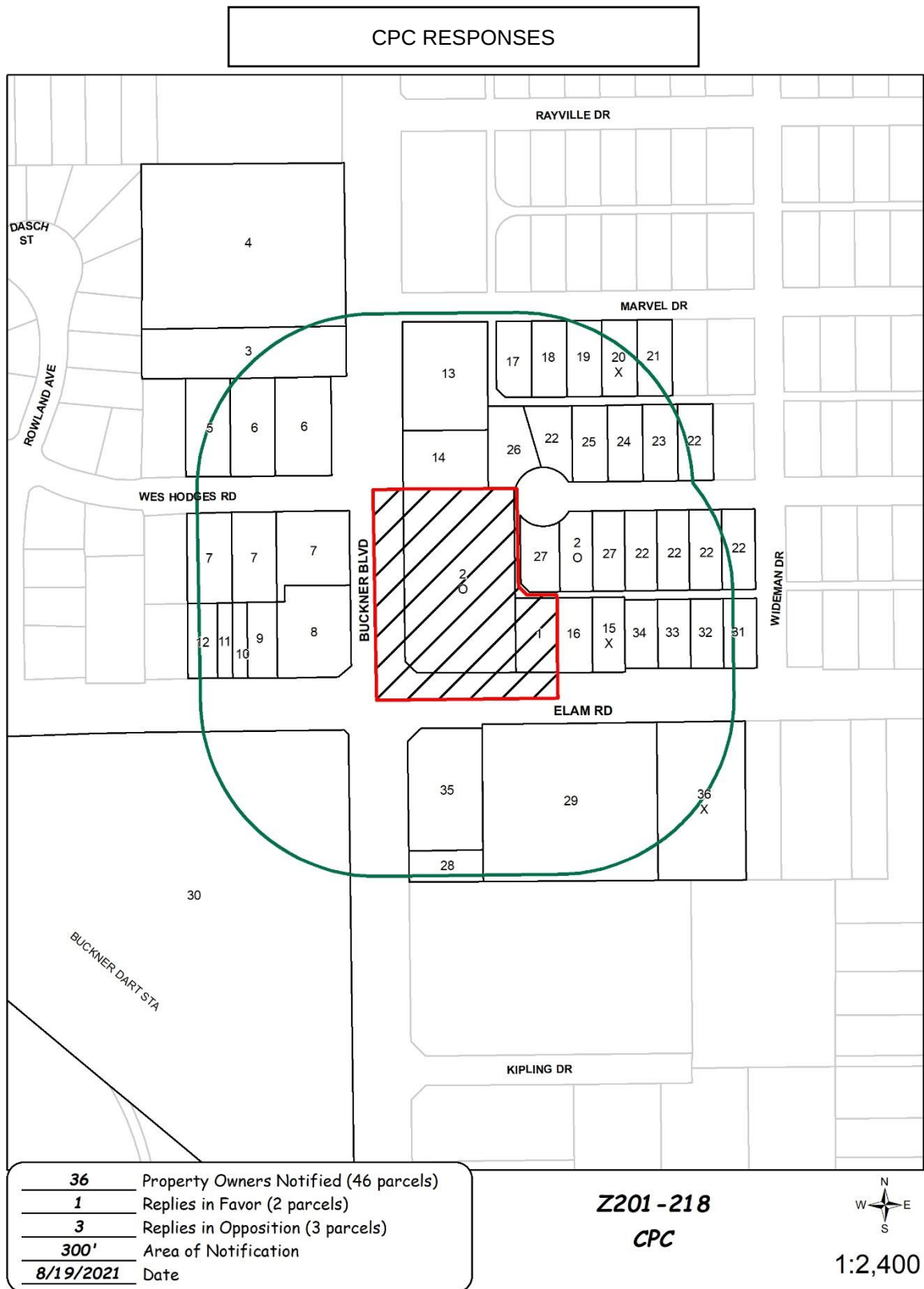












08/18/2021

Reply List of Property Owners***Z201-218******36 Property Owners Notified 1 Property Owners in Favor 3 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	8119 ELAM RD	LEAL ALFREDO LAMAS
O	2	8110 WES HODGES RD	LEAL EVANGELINA RODRIGUEZ TR
	3	543 S BUCKNER BLVD	MCALEXANDER PROPERTIES LLC
	4	551 S BUCKNER BLVD	MUELLER PROPERTIES LTD
	5	8023 WES HODGES RD	BRIONES MARTIN
	6	8029 WES HODGES RD	MUELLER MCALEXANDER
	7	8026 WES HODGES RD	JUMA REAL ESTATE L P
	8	509 S BUCKNER BLVD	MCDANIEL TED
	9	8031 ELAM RD	BARRON MARIO & SONIA
	10	8029 ELAM RD	BARRON MARIO &
	11	8027 ELAM RD	BARRON MARIO & SONIA BARR
	12	8023 ELAM RD	BARRON MARIO &
	13	538 S BUCKNER BLVD	JACKSON AMY &
	14	528 S BUCKNER BLVD	AMEEN LLC
X	15	8129 ELAM RD	BEDFORD ANTHONY J
	16	8123 ELAM RD	GUTIERREZ LIZ
	17	8112 MARVEL DR	LOPEZ VICTOR M
	18	8116 MARVEL DR	FULLER ROY
	19	8120 MARVEL DR	LOPEZ JUAN ANTONIO
X	20	8124 MARVEL DR	CLAUSSEN GEORGE R
	21	8128 MARVEL DR	FRAUSTO ALFREDO
	22	8127 WES HODGES RD	AGUILARVILLARREAL SAMUEL
	23	8123 WES HODGES RD	RENNER EARL O
	24	8119 WES HODGES RD	RODRIGUEZ GRACIELA
	25	8111 WES HODGES RD	STERLING ANTHONY K
	26	8103 WES HODGES RD	RENNER EARL O

Z201-218(RM)

08/18/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	8106 WES HODGES RD	LEAL EVANGELINA RODRIGUEZ TR
	28	426 S BUCKNER BLVD	PREECE & PREECE INC
	29	8114 ELAM RD	SOUTHWESTERN BELL
	30	8008 ELAM RD	DALLAS AREA RAPID TRANSIT
	31	8145 ELAM RD	RAMOS ROGELIO A
	32	8141 ELAM RD	CASTILLO JOSE A
	33	8137 ELAM RD	MAHOGANY HOMES LLC
	34	8133 ELAM RD	CANO OSCAR E &
	35	440 S BUCKNER BLVD	ELAM CROSSING LP
X	36	8202 ELAM RD	Taxpayer at