

CITY PLAN COMMISSION

FEBRUARY 6, 2025

Planner: LeQuan Clinton

FILE NUMBER: Z234-350(LC) **DATE FILED:** October 1, 2024

LOCATION: South line of Bruton Road, between North Prairie Creek Road and Riverway Drive.

COUNCIL DISTRICT: 5

SIZE OF REQUEST: 31,189 square feet **CENSUS TRACT:** 4811309204

OWNER/APPLICANT: Amar Daddy Only, Inc.

REPRESENTATIVE: Diana Gomez, Building Scale

REQUEST: An application for the termination of Deed Restriction Z834-294 on property zoned a CR Community Retail District.

SUMMARY: The purpose of the request is to remove the existing deed restriction to operate under standard regulations of a CR Commercial Retail District and allow general retail.

**STAFF
RECOMMENDATION:** Approval.

BACKGROUND INFORMATION:

- The area of request is currently an undeveloped lot, with existing vegetation, zoned a CR Community Retail District (approx. 31,189 square feet in total size).
- Geographically located in Southeast Dallas, close to the Mesquite border and approx. 15 miles from downtown Dallas.
- This lot has frontage only on Bruton Road.
- The purpose of the request is to remove the existing deed restriction to operate under standard regulations of a CR Commercial Retail District and allow general retail.
- Existing Deed Restriction Z834-294 was established February 13, 1985, and enforced to restrict the current property from the following uses; convenience store and gas station.
- Deed Restriction Z834-294 has a time period of 25 years with potential for a 10-year extension.
- Applicant is proposing to construct a new shopping center, with convenience store and gas station. According to the applicant, the proposal will have approx. 7,778 square feet of building area divided into 5 suites. The building height is proposed to be 36'-3" with a top plate height of 20'.
- To accomplish this, the applicant is requesting termination of existing deed restrictions.

Zoning History:

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

1. **Z201-231:** On Wednesday January 26, 2022 City Council approved an application for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northeast corner of Bruton Road and North Prairie creek Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Bruton Road	Principal Arterial (PA)	100 feet
North Prairie Creek Road	Principal Arterial (PA)	100 feet
Riverway Drive	Local Street	--

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 would 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.

ECONOMIC ELEMENT**GOAL 2.1** PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

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

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

Active Area Plans

No active area plans to mention

Land Use:

	Zoning	Land Use
Site	CR Community Retail District w/ DR Z834-294	Vacant/undeveloped lot
North	CR Community Retail w/ SUP No. 2428 & D-1 Dry Overlay and MF-2(A)	Commercial retail and multifamily
South	R-7.5(A)	Single Family
East	R-7.5(A)	Single Family
West	CR Community Retail w/ D-1 Dry Overlay	Commercial retail and undeveloped lots

Land Use Compatibility:

The area of request is currently an undeveloped lot, with existing vegetation, zoned a CR Community Retail District (approx. 31,189 square feet in total size).

As detailed in the land use chart above to the north and west of the property are existing commercial uses, with a mix of single family residential and some undeveloped lots. There is also existing SUP No. 2428 and D-1 Dry Overlay to the west. To the south and east are mostly single family residential uses. Although there is a mix of residential and commercial uses existing immediately adjacent to the subject site, staff believes the intended and proposed use would benefit this community. Based on the exhibits and

renderings provided by the applicant, the proposed development stands to provide benefits to the community economically and positively impact the surrounding uses. This new development could provide jobs, healthier food options and convenience to higher quality products within walking distance of residents. With these potential benefits staff finds the applicant's request to terminate the deed restriction to allow the property to operate under traditional CR Community Retail District to be appropriate and compatible with the surrounding and immediate area.

Lastly, the graphics for the new development provided by the applicant can be found on pages 26-27 of this report. Staff supports the applicant's request. This compatibility is further reflected in the development standards comparison table below.

Development Standards:

The following is a comparison chart of the development standards for the current CR Community Retail District with existing deed restriction and the proposed CR Community Retail District without the deed restriction.

District	Setback		Density	Height	Lot Cvrg	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: CR w/ DR	15'	20' adjacent to res OTHER: No min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office*
Proposed: CR	15'	20' adjacent to res OTHER: No min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office*

*note: the only change(s) are the allowed uses if the existing deed restriction is terminated. This will allow the uses of gas station and convenience store to be permitted by right, on the property, under the traditional CR Community Retail District.

Land Use Comparison

Following is a comparison table showing differences in permitted uses between the existing and proposed zoning districts.

LEGEND

	Use prohibited, highlighted row = use prohibited by deed restrictions
•	Use permitted by right

S	Use permitted by Specific Use Permit
D	Use permitted subject to Development Impact Review
R	Use permitted subject to Residential Adjacency Review
★	Consult the use regulations in Section 51A-4.200, 51A-4.213

	Existing	Proposed
Use	CR w/ DR	CR
AGRICULTURAL USES		
Animal production		
Commercial stable		
Community garden		
Crop production	•	•
Market garden		
Private stable		
COMMERCIAL AND BUSINESS SERVICE USES		
Building repair and maintenance shop	R	R
Bus or rail transit vehicle maintenance or storage facility		
Catering service	•	•
Commercial bus station and terminal		
Commercial cleaning or laundry plant		
Custom business services	•	•
Custom woodworking, furniture construction, or repair		
Electronics service center	•	•
Job or lithographic printing [3,500 sf or less.]		
Labor hall		
Machine or welding shop		
Machinery, heavy equipment, or truck sales and services		
Medical or scientific laboratory	S	S
Technical school		
Tool or equipment rental	•	•
Vehicle or engine repair or maintenance		
INDUSTRIAL USES		
Alcoholic beverage manufacturing		
Gas drilling and production	S	S
Gas pipeline compressor station		
Industrial (inside)		
Industrial (inside) for light manufacturing		
Industrial (outside)		
Medical/infectious waste incinerator		
Metal salvage facility		
Mining		

	Existing	Proposed
Use	CR w/ DR	CR
Municipal waste incinerator		
Organic compost recycling facility		
Outside salvage or reclamation		
Pathological waste incinerator		
Temporary concrete or asphalt batching plant	S	S
INSTITUTIONAL AND COMMUNITY SERVICE USES		
Adult day care facility		
Cemetery or mausoleum	S	S
Child-care facility		
Church	•	•
College, university, or seminary	•	•
Community service center	S	S
Convalescent and nursing homes, hospice care, and related institutions		
Convent or monastery	•	•
Foster home		
Halfway house		
Hospital	S	S
Library, art gallery, or museum	•	•
Open enrollment charter school or private school	S	S
Public or private school	R	R
Surface accessory remote parking		
LODGING USES		
Extended stay hotel or motel		
Hotel or motel	S	S
Lodging or boarding house	S	S
Overnight general purpose shelter	★	★
Short-term rental lodging		
MISCELLANEOUS USES		
Attached non-premise sign	S	S
Carnival or circus (temporary)	★	★
Hazardous waste management facility		
Placement of fill material		
Temporary construction or sales office	•	•
OFFICE USES		
Alternative financial establishment	S	S
Financial institution without drive-in window	•	•
Financial institution with drive-in window	D	D
Medical clinic or ambulatory surgical center	•	•

	Existing	Proposed
Use	CR w/ DR	CR
Office	•	•
RECREATION USES		
Country club with private membership	•	•
Private recreation center, club, or area	•	•
Public park, playground, or golf course	•	•
RESIDENTIAL USES		
College dormitory, fraternity, or sorority house	•	•
Duplex		
Group residential facility		
Handicapped group dwelling unit		
Live-work unit. [Only one dwelling unit per lot.]		
Manufactured home park, manufactured home subdivision, or campground		
Multifamily		
Residential hotel		
Retirement housing		
Single family		
RETAIL AND PERSONAL SERVICE USES		
Alcoholic beverage establishments	★	★
Ambulance service	R	R
Animal shelter or clinic without outside runs	R	R
Animal shelter or clinic with outside runs		
Auto service center	R	R
Business school	•	•
Car wash	D	D
Commercial amusement (inside)	S, ★	S, ★
Commercial amusement (outside)	S	S
Commercial motor vehicle parking		
Commercial parking lot or garage	R	R
Convenience store with drive-through		S
Drive-in theater		
Dry cleaning or laundry store	•	•
Food or beverage store. [SUP if less than 5,000 sf.]		
Furniture store	•	•
General merchandise store.		
General merchandise or food store 3,500 square feet or less	•	•
General merchandise or food store greater than 3,500 square feet	•	•

	Existing	Proposed
Use	CR w/ DR	CR
General merchandise or food store 100,000 square feet or more	S	S
Home improvement center, lumber, brick or building materials sales yard	D	D
Household equipment and appliance repair	•	•
Liquefied natural gas fueling station		
Liquor store	•	•
Mortuary, funeral home, or commercial wedding chapel	•	•
Motor vehicle fueling station	•	•
Nursery, garden shop, or plant sales	•	•
Outside sales		
Paraphernalia shop	S	S
Pawn shop	•	•
Personal service use	•	•
Restaurant without drive-in or drive-through service	R	R
Restaurant with drive-in or drive-through service	D	D
Surface parking		
Swap or buy shop	S	S
Taxidermist		
Temporary retail use	•	•
Theater	•	•
Tobacco shop		
Truck stop		
Vehicle display, sales, and service		
TRANSPORTATION USES		
Airport or landing field		
Commercial bus station and terminal		
Heliport		
Helistop		
Private street or alley		
Railroad passenger station		
Railroad yard, roundhouse, or shops		
STOL (short take-off or landing port)		
Transit passenger shelter	•	•
Transit passenger station or transfer center	S, ★	S, ★
UTILITY AND PUBLIC SERVICE USES		
Commercial radio or television transmitting station	•	•
Electrical generating plant		
Electrical substation	•	•

	Existing	Proposed
Use	CR w/ DR	CR
Local utilities	S, R, ★	S, R, ★
Police or fire station	•	•
Post office	•	•
Radio, television, or microwave tower	S	S
Refuse transfer station		
Sanitary landfill		
Sewage treatment plant		
Tower/antenna for cellular communication	★	★
Utility or government installation other than listed	S	S
Water treatment plant		
WHOLESALE, DISTRIBUTION, AND STORAGE USES		
Auto auction		
Building mover's temporary storage yard		
Contractor's maintenance yard		
Freight terminal		
Livestock auction pens or sheds		
Manufactured building sales lot		
Mini-warehouse	S	S
Office showroom/warehouse		
Outside storage		
Petroleum product storage and wholesale		
Recycling buy-back center	★	★
Recycling collection center	★	★
Recycling drop-off container	★	★
Recycling drop-off for special occasion collection	★	★
Sand, gravel, or earth sales and storage		
Trade center		
Vehicle storage lot		
Warehouse		
Accessory Use	CR w/ DR	CR
Community center (private)		
Day home		
Game court (private)		
General waste incinerator		
Helistop	S	S
Home occupation		
Medical/infectious waste incinerator	S, ★	S, ★
Outside display of merchandise		

	Existing	Proposed
Use	CR w/ DR	CR
Outside sales		
Outside storage		
Pathological waste incinerator		
Pedestrian skybridge		
Private stable		
Swimming pool (private)		

Landscaping:

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

Parking:

Under the requested termination of existing deed restriction and existing CR Community Retail District, the applicant proposes a shopping center, convenience store and gas station. Pursuant to the Dallas Development Code, the off-street parking requirement for those uses within a CR Community Retail District varies depending upon square footage.

At permitting, the applicant would be required to comply with the standard parking ratios for the specified use, as well as any other uses permitted under the proposed CR Community Retail District.

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 in an “H” MVA area. The site is surrounded by the “H” MVA area

Z234-350(LC)

to the east, south and west immediately adjacent to the site. The north of the site is the “F” MVA area.

List of Organizations

AMAR Daddy Only, Inc.

Manpreet Walia, CEO

Building Scale

Alma Villafana, CEO

Timothy Medina, Commercial Representative

Diana Gomez, Commercial Representative

**EXISTING DEED RESTRICTION
(TO BE TERMINATED)**

COUNCIL CHAMBER

850562

February 13, 1985

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a GR General Retail District zoning which was approved by the City Council January 23, 1985, on Zoning Case #Z834-294/6457-S on property on the south side of Bruton Road, east of Prairie Creek Boulevard; and,

WHEREAS, said deed restrictions have been approved as to form and content.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the deed restrictions as set forth in the attached instrument be and are hereby accepted by the City Council of the City of Dallas, Texas, to be used in conjunction with the development of property zoned a GR General Retail District as described in Ordinance 18584.

Section 2. That said deed restrictions shall be filed with the County Clerk of Dallas County, Texas, to be recorded in the Deed Records of Dallas County, Texas.

Section 3. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

Approved as to form:
ANALESLIE MUNCY, City Attorney,

By [Signature]
Assistant City Attorney

cc: Building Inspection - 2
Planning and Development - 2

0095P/101P

**APPROVED BY
CITY COUNCIL**

FEB 13 1985

[Signature]
City Secretary

APPROVED [Signature]
HEAD OF DEPARTMENT

APPROVED _____
DIRECTOR OF FINANCE

APPROVED _____
CITY MANAGER

EXISTING DEED RESTRICTION (TO BE TERMINATED)

850562

DEED RESTRICTIONS

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF DALLAS §

7950

2.00 DEED
0 1 02/15/83

THAT WHEREAS, Anne B. Ellis, hereinafter called the Declarant,
 is the owner of all that certain real property located in Dallas,
 Dallas County, Texas, described in Exhibit "A" which is incorporated
 herein as if fully set forth (the "Property").

That the undersigned does hereby impress all of the Property
 described in Exhibit "A" with the following deed restrictions, to-
 wit:

1. Multiple family uses, service stations, and drive-in restaurants as those terms are defined in the Dallas Development Code are not permitted on the Property. Convenience stores are also not permitted on the Property. "Convenience stores" means stores selling less than a full line of grocery items; provided, however, this definition does not include food stores selling primarily health foods and/or natural foods or a store selling primarily meat, fish and poultry products.
2. Structures erected on the Property are limited to one (1) story not to exceed twenty-two (22) feet in height.
3. If a building is erected on the Property, a concrete or masonry screening fence, not less than six (6) feet in height, must be erected at or near the Southern property line of the Property and at all times thereafter be maintained. A similar fence must be erected along the easterly property line and maintained thereafter for so long as the tract of land adjacent to the east property line of the Property is subject to a single family residential zoning classification; provided, however, that the fence on the east property line may not extend past the building line as it exists as of the execution date hereof.

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein.

These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the Property described herein.

DEED RESTRICTIONS - Page 1

85033 1922
 2834-294/6457-5

**EXISTING DEED RESTRICTION
(TO BE TERMINATED)**

850562

The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

These restrictions inure to the benefit of the City of Dallas, and the City of Dallas does hereby reserve the right to prosecute, at law and in equity, against the person violating or attempting to violate such restrictions, either to prevent him from so doing and to correct such violation and for further remedy, the City of Dallas may withhold the Certificate of Occupancy necessary for the lawful use of the Property until such restrictions described herein are fully complied with.

These restrictions are hereby declared covenants running with the land shall be fully binding upon all persons acquiring Property within the above described tract, and any person by acceptance of title to any of the above described Property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this 21st day of January, A.D. 1984.⁵

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

Anne B. Ellis
Anne B. Ellis

Approved as to form:
ANNE B. ELLIS, City Attorney
By: [Signature]
Assistant City Attorney

This instrument was acknowledged before me this 21st day of January, 1984⁵ by Anne B. Ellis.

[Signature]
Notary Public

My Commission Expires:

7-14-85
(SEAL)

**EXISTING DEED RESTRICTION
(TO BE TERMINATED)**

856562

EXHIBIT "A"

LOTS 15 and 16, BLOCK 10/6315 of BRUTON TERRACE NO. 4 ANNEX, THIRD INSTALLMENT, an Addition to the City of Dallas, Texas, according to the Map thereof recorded in Volume 42, Page 179, Map Records, Dallas County, Texas; and being the same lands conveyed to Anne B. Ellis by deeds dated August 28, 1980, and recorded in Volume 80173, Page 1206 and Volume 80174, Page 1707, Deed Records, Dallas County, Texas.

85033 1924

**EXISTING DEED RESTRICTION
(TO BE TERMINATED)**

Received
DEC 12 1994
ZONING ADMINISTRATION

RECEIVED
JAN 27 1995
ZONING OFFICE

COUNTY CLERK, Dallas County, Texas
Sup. Burch

FEB 15 1995
STATE OF TEXAS
I hereby certify that this instrument was filed on the
date and time stamped herein by me and was duly re-
corded in the volume and page of the named records
of Dallas County, Texas as stamped herein by me.

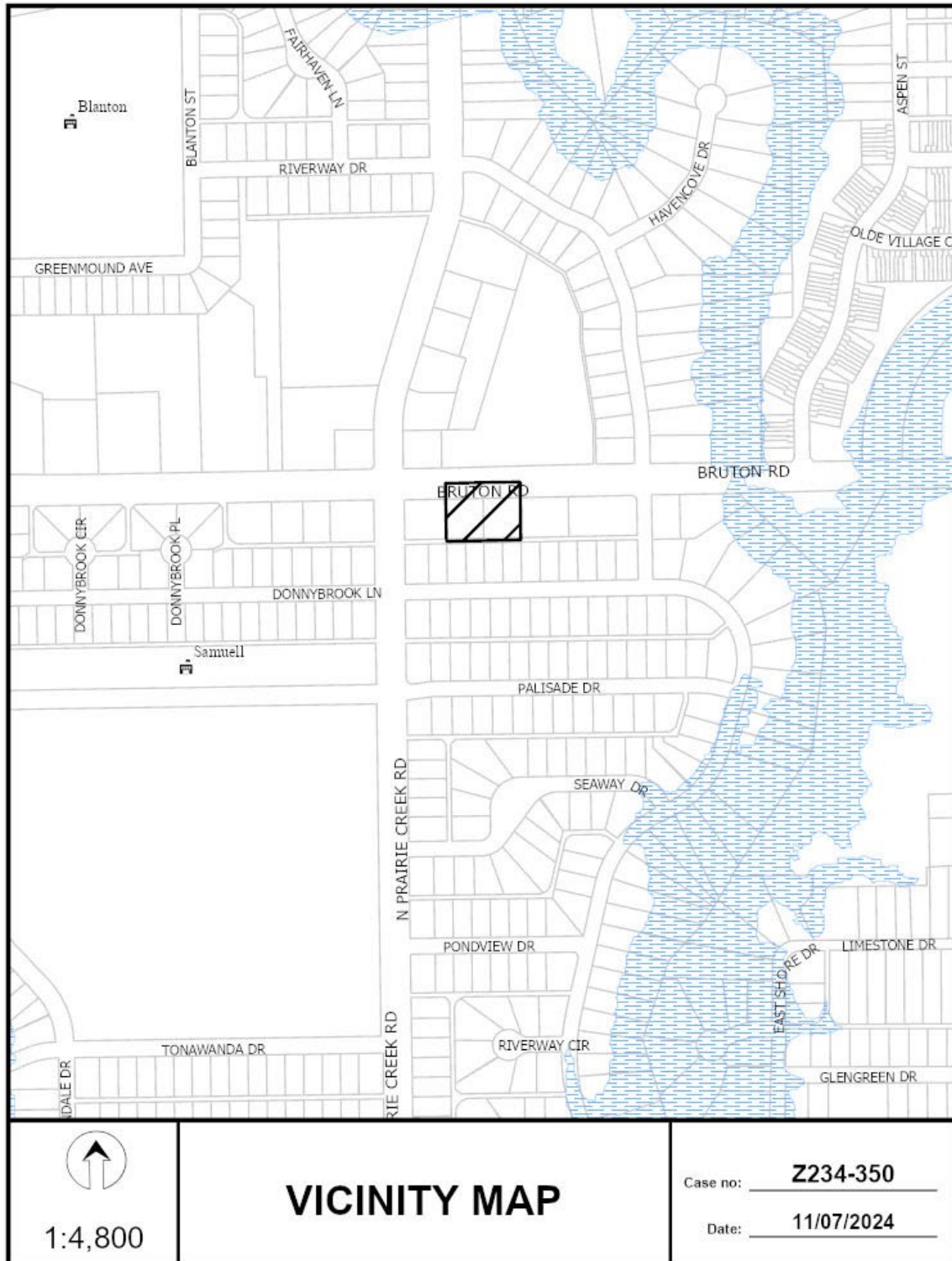
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City Hall
Dallas, Texas 75201

85 FEB 29 9:14
DAL

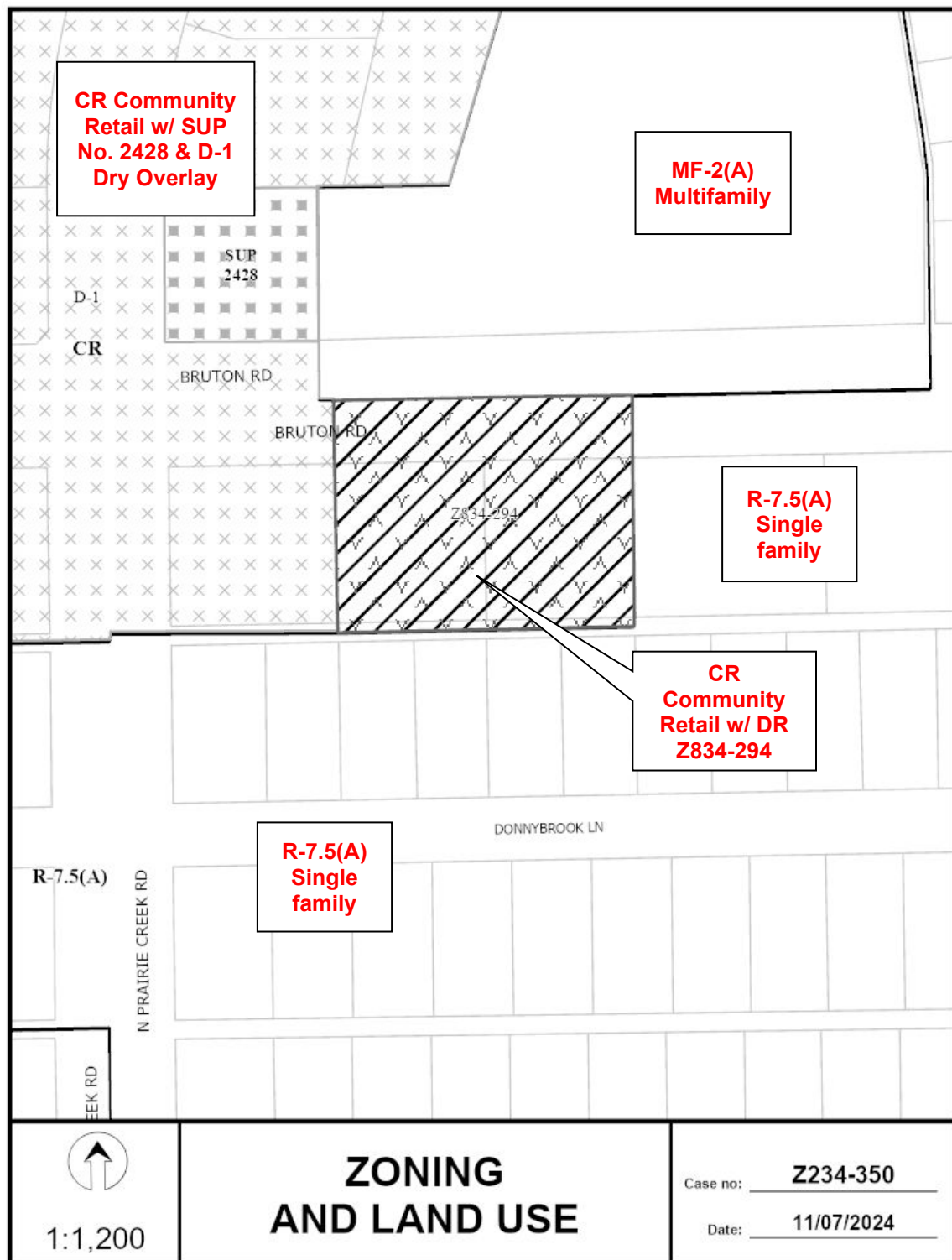
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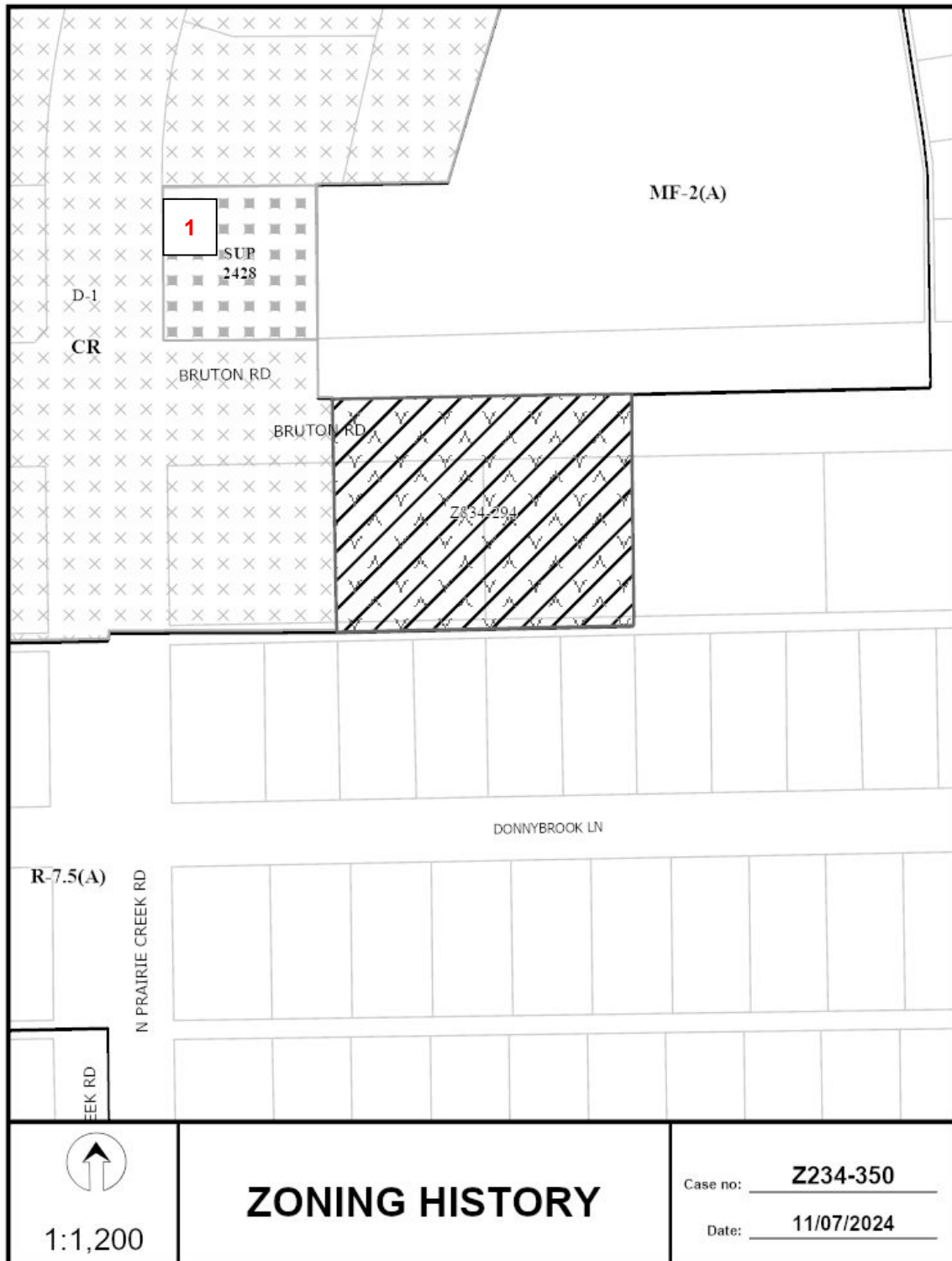
FILED
Sup. Burch
COUNTY CLERK
DALLAS COUNTY

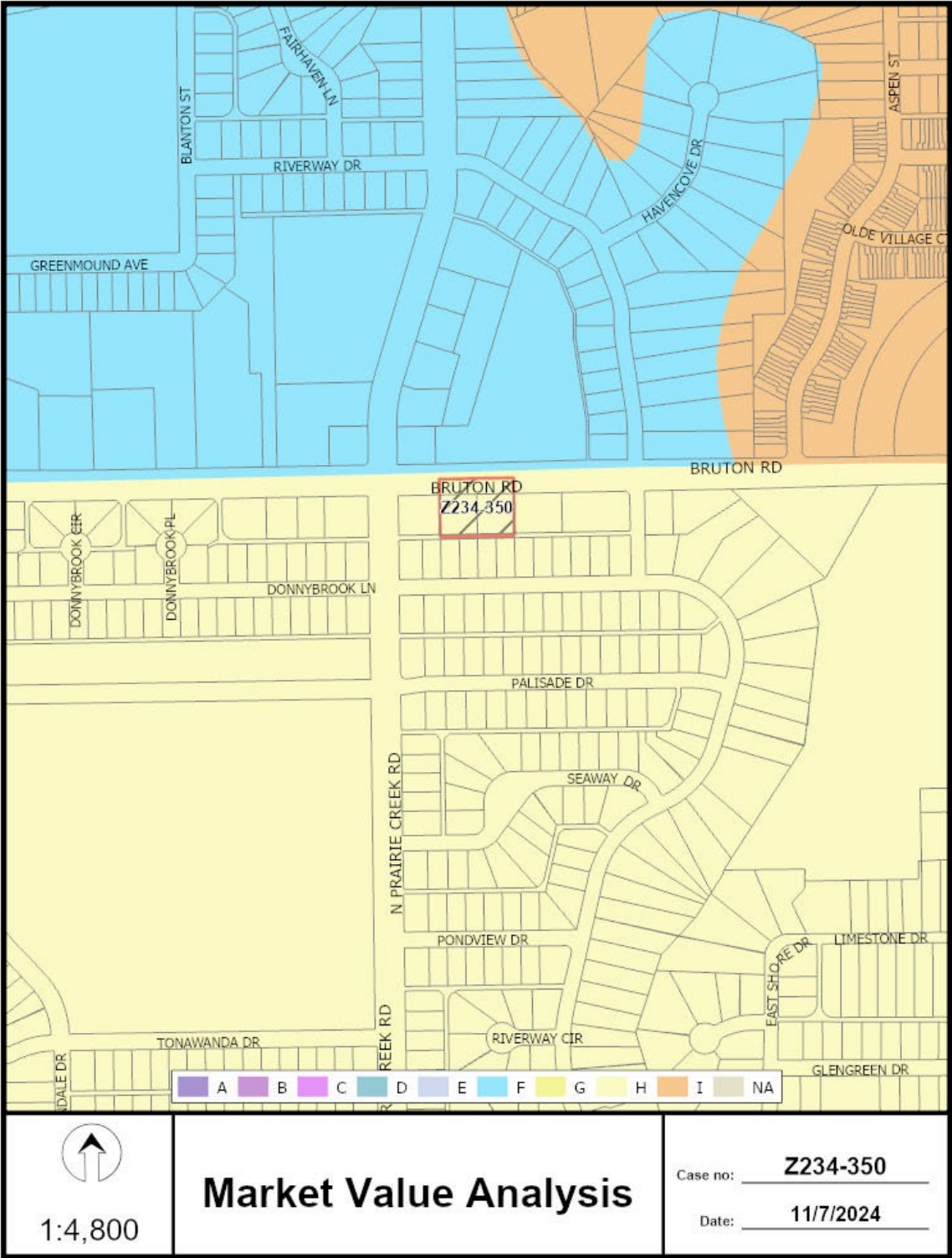
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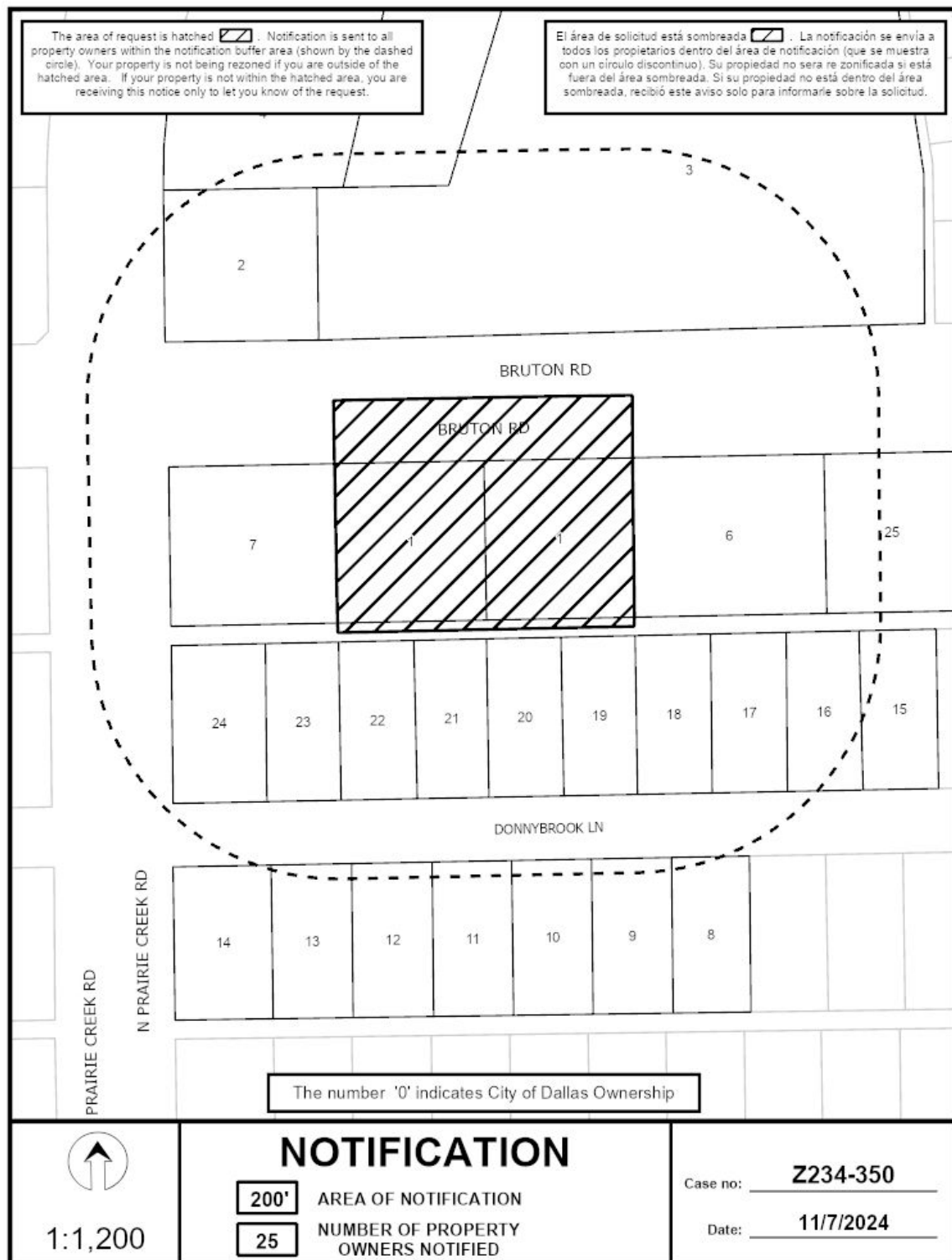












11/07/2024

Notification List of Property Owners***Z234-350******25 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9222 BRUTON RD	AMAR DADDY ONLY INC
2	9203 BRUTON RD	BRUTON STORE INC
3	9215 BRUTON RD	VOLUNTEERS OF AMERICA
4	2112 N PRAIRIE CREEK RD	ARCE JAVIER &
5	2150 N PRAIRIE CREEK RD	BDWS PRAIRIE INVESTMENTS LLC
6	9238 BRUTON RD	MIRANDA LEO
7	9206 BRUTON RD	KZK BUSINESS ENTERPRISE INC
8	9236 DONNYBROOK LN	CARTER ROBERTA
9	9230 DONNYBROOK LN	MEDINA LETICIA G
10	9226 DONNYBROOK LN	GONZALEZ PORFIRIO &
11	9220 DONNYBROOK LN	SANCHEZ JOSE RAFAEL
12	9216 DONNYBROOK LN	SHURTLEFF PRESTON
13	9210 DONNYBROOK LN	SAUCEDO SERGIO R
14	9206 DONNYBROOK LN	MAJALCA LUIS
15	9245 DONNYBROOK LN	PEREZ FILIBERTO T
16	9241 DONNYBROOK LN	ESTRADA ARMANDO
17	9235 DONNYBROOK LN	CARRANZA JUAN A
18	9231 DONNYBROOK LN	MENDIETA ANTONIO
19	9227 DONNYBROOK LN	DIAZ GERARDO ANTONIO &
20	9223 DONNYBROOK LN	MONJARAS JUAN &
21	9219 DONNYBROOK LN	WALKER DAVID JR
22	9215 DONNYBROOK LN	ALBARRAN JORGE &
23	9209 DONNYBROOK LN	VILLALBA LIVIS M
24	9205 DONNYBROOK LN	BARRIENTOS JUAN GABRIEL M
25	9256 BRUTON RD	LIVING WORD CHURCH THE