

FILE NUMBER: Z223-163(JM) **DATE FILED:** December 22, 2022

LOCATION: Southeast corner of Cedar Crest Boulevard and East Kiest Boulevard

COUNCIL DISTRICT: 4

SIZE OF REQUEST: Approx. 0.55 acre **CENSUS TRACT:** 48113005500

REPRESENTATIVE: Audra Buckley, Permitted Development

APPLICANT/OWNER: AMA Corporation

REQUEST: An application for an amendment to Specific Use Permit No. 2415 for a motor vehicle fueling station on property zoned an NS(A) Neighborhood Service District.

SUMMARY: The purpose of the request is to allow the fueling station to continue operating within the multi-tenant retail center.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to amended conditions.

CPC RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to amended conditions.

BACKGROUND INFORMATION:

- On May 12, 2021, City Council granted SUP No. 2415 for a motor vehicle fueling station use for an initial two-year period. This application was filed on December 22, 2022, before the SUP expired on March 12, 2023. Construction and Convenience Store Registration requirements delayed the zoning case since June 2023.
- The area of request is zoned an NS(A) Neighborhood Service District and is currently developed with one structure with three suites: two general merchandise or food store 3,500 square feet or less uses and a dry cleaner or laundry store use.
- The general merchandise or food store and the dry cleaner or laundry store uses are allowed by right in the NS(A) District; however, the motor vehicle fueling station use is allowed by SUP only.

Zoning History: There have been no zoning requests in the vicinity in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Required ROW
Kiest Blvd	Principal Arterial	100 feet
Cedar Crest Blvd Kiest to Stella	Community Collector	100 feet
Cedar Crest Blvd 11 th to Kiest	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. Further review will be conducted when permits are requested for future development.

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 complies with the following land use goals and policies of the Comprehensive Plan:

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.4 Enhance retail, industrial, and business operations.

Land Use:

	Zoning	Land Use
Site	NS(A)	General merchandise or food store less than 3,500 sf; dry cleaner or laundry store
Northeast	CR with D Overlay, R-5(A)	Auto service center and undeveloped
Southeast	NS(A)	Multifamily
South	NS(A)	Undeveloped
West	CR	Vacant general merchandise or food store greater than 3,500 sf
Northwest	CR	Undeveloped

Land Use Compatibility:

The area of request is zoned an NS(A) Neighborhood Service District and is currently developed with one structure with three suites: two general merchandise or food store 3,500 square feet or less uses and a dry cleaner or laundry store use. The applicant obtained an SUP in 2021 to allow the motor vehicle fueling station, which has now completed construction.

Uses surrounding the area of request include an auto service center and undeveloped property to the northeast across Kiest Boulevard, and multifamily and undeveloped property to the southeast and south. A vacant general merchandise or food store greater than 3,500 square feet and undeveloped property is to the west and northwest.

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 is recommending a five-year period with eligibility for automatic renewal for additional five-year periods. A shorter initial time period allows staff and the surrounding property owners to evaluate compliance with the conditions and site plan and comment on the compatibility of the use. Automatic renewal is being recommended as the property is adjacent to non-residential uses, except for the non-conforming multifamily uses to the southeast, and is located on two major roadways. The applicant is proposing to satisfy required parking through a remote parking agreement. The initial short time period will also allow staff to evaluate if the remote parking is working properly.

The applicant’s request, subject to a site plan and conditions, complies with the general provisions for consideration of an SUP.

Development Standards:

<u>DISTRICT</u>	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
<i>Existing:</i> NS(A) Neighborhood Service	15'	20' adjacent to res, other no min.	No max. dwg density. Max FAR = 0.5	35' for structures w/gable, hip, or gambrel roof; 30' other	40%	RPS and Visual Intrusion	Retail and personal service, office

Parking:

Parking must be provided in accordance with the Dallas Development Code, as amended.

The approximately 7,729 square foot, one-story building contains three uses: two general merchandise or food store uses and a dry cleaner or laundry store use. Both uses require a ratio of one off-street parking space for every 200 square feet of floor area. Additionally, the parking regulations establish that for a motor vehicle fueling station, a minimum of two off-street parking are required. The total parking required for the site is 41 spaces.

As depicted on the proposed site plan, a total of 18 off-street parking spaces will be provided on site. The applicant indicated the additional required parking will be provided through a remote parking agreement per the Development Code.

Landscaping:

At the time of development, landscaping must be provided in accordance with Article X of the Dallas Development Code, 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 site is not within an MVA Category. Property to the southeast is within an “E” MVA Category, and an “I” MVA Category is across Cedar Crest Boulevard to the northwest.

CPC Action
February 15, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2415 for a motor vehicle fueling station for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to amended conditions on property zoned an NS(A) Neighborhood Service District, on the southeast corner of Cedar Crest Boulevard and East Kiest Boulevard.

Maker: Forsyth
Second: Blair
Result: Carried: 14 to 0

For: 14 - Chernock, Hampton, Herbert, Forsyth,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Treadway, Haqq, Hall, Kingston,
Rubin

Against: 0
Absent: 1 - Shidid
Vacancy: 0

Notices: Area: 200 Mailed: 13
Replies: For: 0 Against: 0

Speakers: None

LIST OF OFFICERS

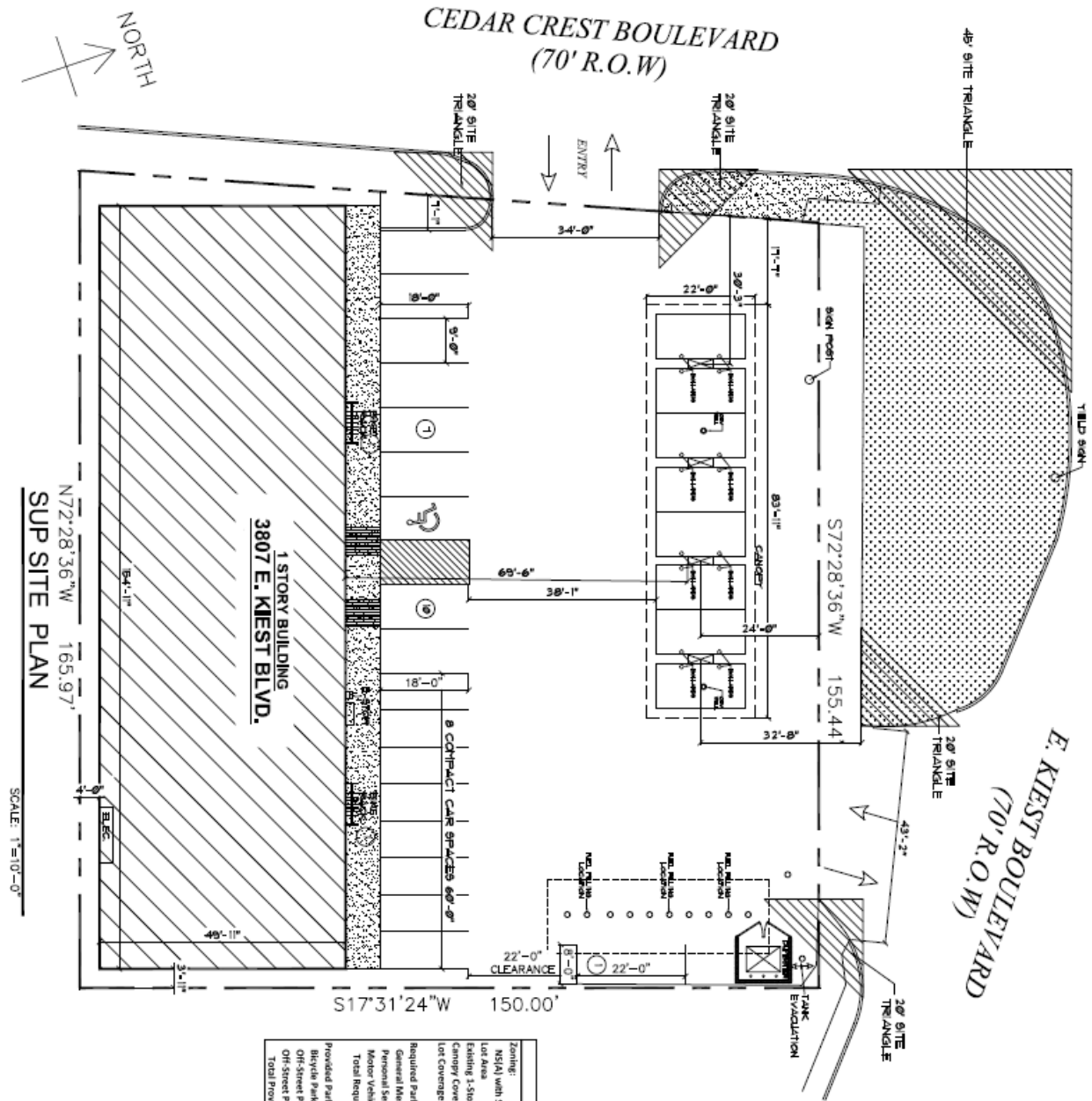
AMA Corporation

Abdel Rizek Hijaz, President
Anwar Haifa, Vice-President
Mohammed Hijaz, Secretary

**CPC RECOMMENDED
SUP CONDITIONS
SUP No. 2415**

1. USE: The only use authorized by this specific use permit is a motor vehicle fueling station.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.
3. TIME LIMIT: This specific use permit expires on ~~March 12, 2023~~ (five years from the passage of this ordinance) but is eligible for automatic renewal for additional five-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. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. 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.

**EXISTING SITE PLAN
(no changes proposed)**



N72°28'36"W 165.97'
SUP SITE PLAN
 SCALE: 1"=10'-0"

Site Details	
Zoning: NSJA with SUP for a Motor Vehicle Fueling Station Lot Area Existing 1-Story Structure Energy Coverage Lot Coverage Total Required Parking Required Parking: General Merchandise Personal Service Use Motor Vehicle Fueling Station Total Required Parking Provided Parking: Service Parking - (Block of 6 Off-Street Parking (On-site) Off-Street Parking via Parking Agreement Total Provided Parking	24133 SF 7720 SF 1845 SF 40% 28 Spaces 11 Spaces 2 Spaces 41 Spaces 3 Spaces 18 Spaces 21 Spaces 41 Spaces



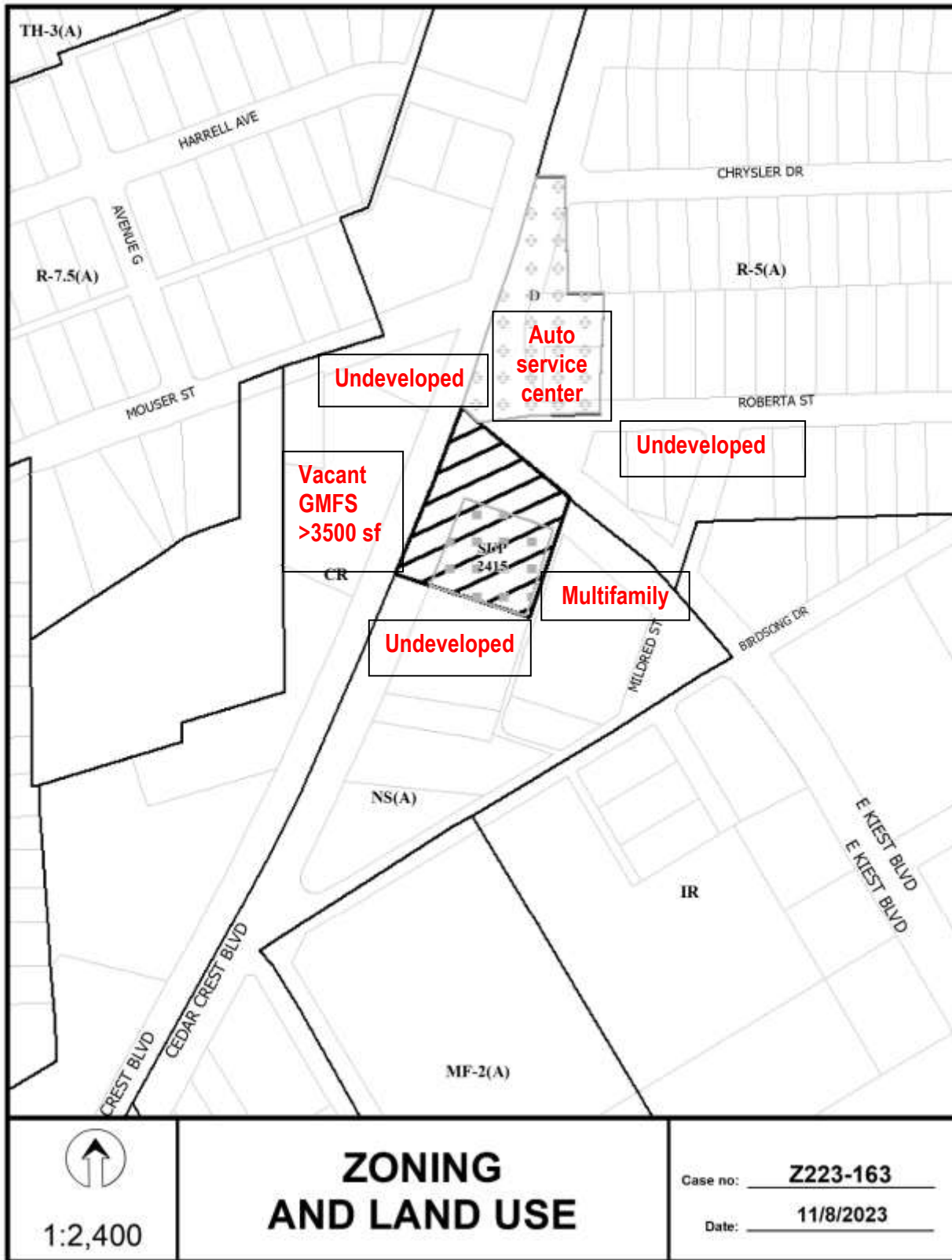


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AERIAL MAP

Case no: Z223-163

Date: 11/8/2023

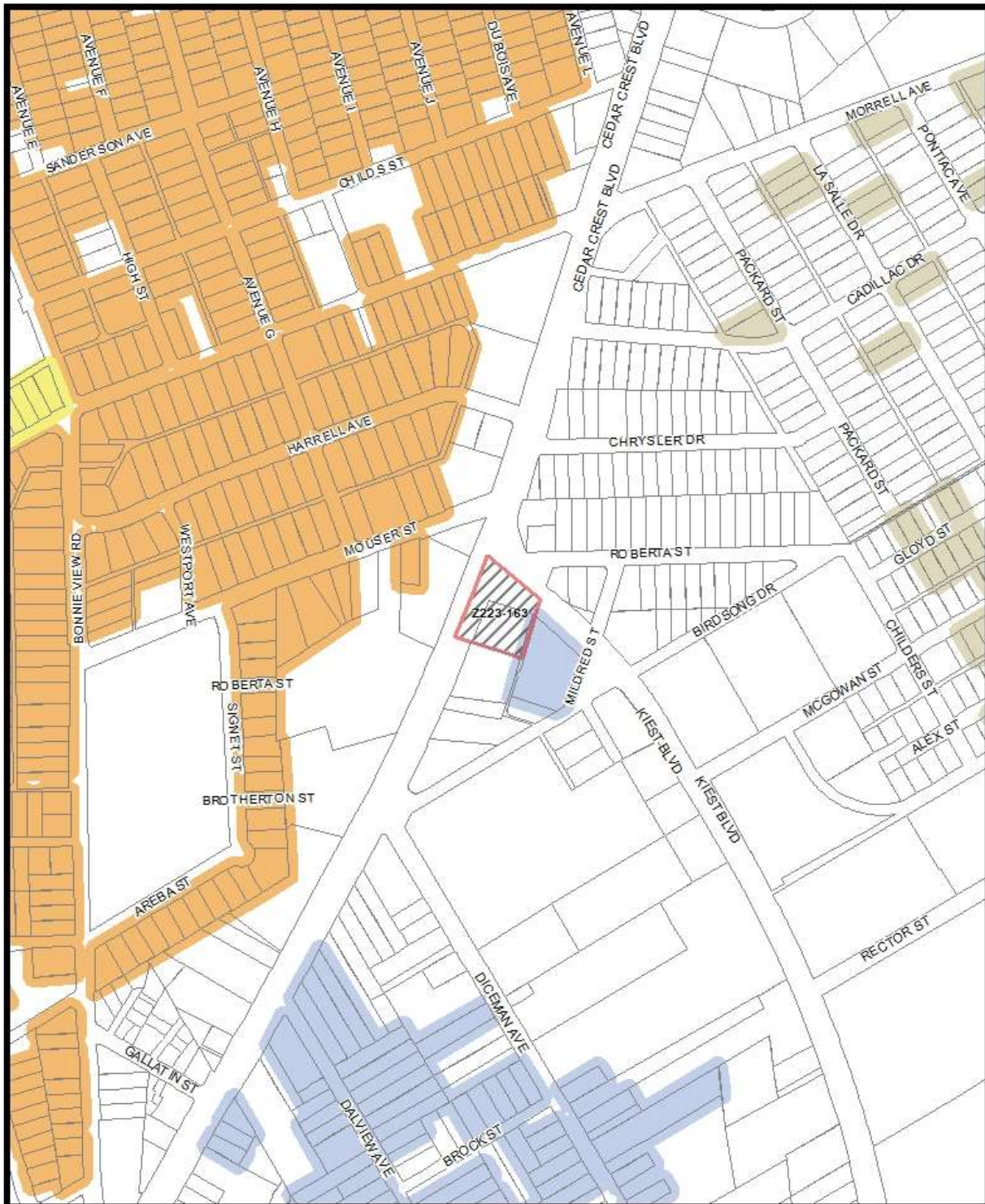


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ZONING AND LAND USE

Case no: Z223-163

Date: 11/8/2023



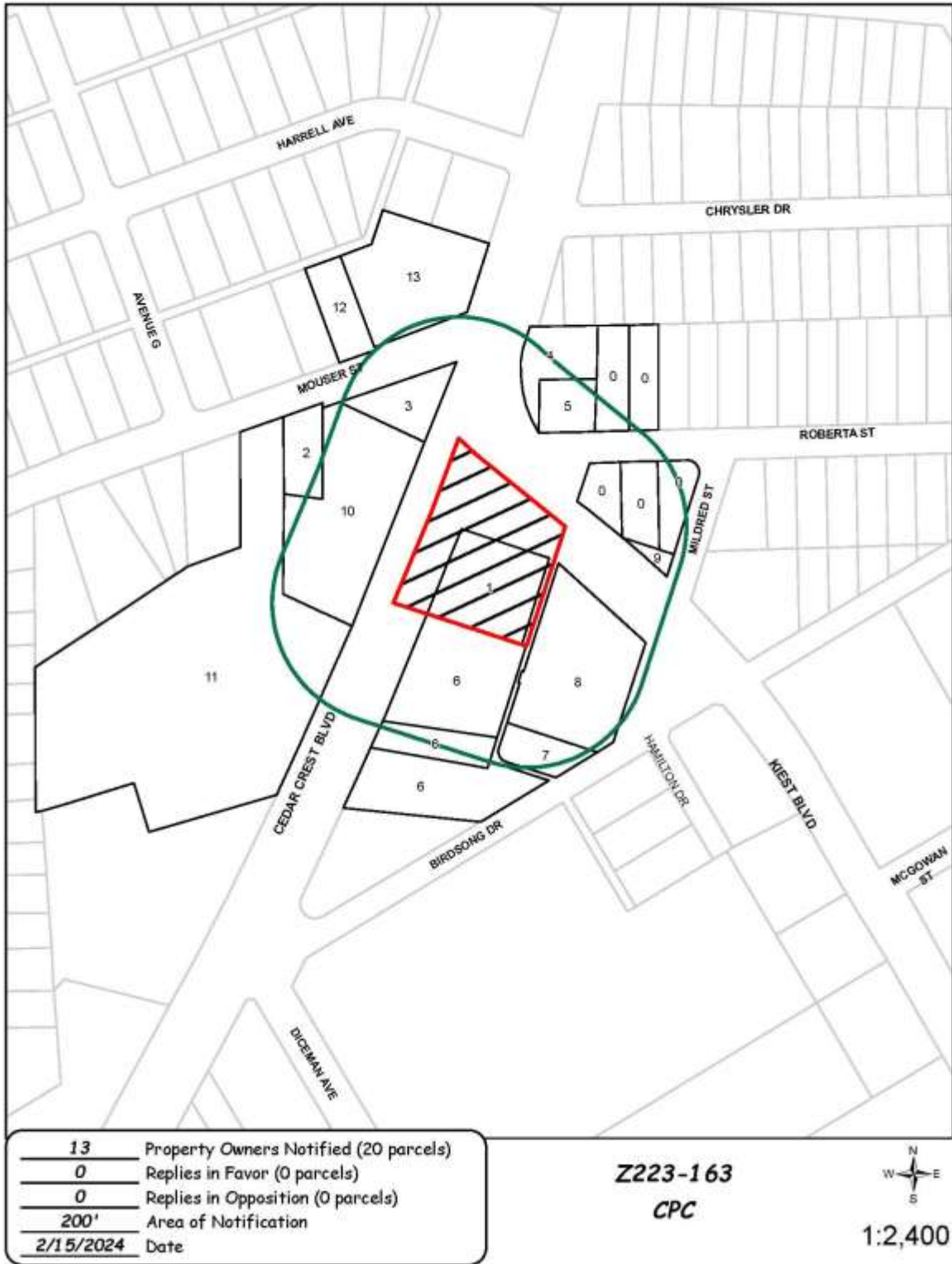
Market Value Analysis A B C D E F G H I NA

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Market Value Analysis

Printed Date: 11/8/2023

CPC RESPONSES



02/14/2024

Reply List of Property Owners

Z223-163

13 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	3801 E KIEST BLVD	A M A CORPORATION
	2	2214 MOUSER ST	TURNER LOUISE
	3	2697 CEDAR CREST BLVD	EBRAHIMI ALI
	4	2722 CEDAR CREST BLVD	Y & F PROPERTIES LLC
	5	2710 CEDAR CREST BLVD	WEBB TOMMY
	6	2660 CEDAR CREST BLVD	CITY OF HOPE PROJECT
	7	2615 BIRDSONG DR	MARCER CONSTRUCTION COMPANY LLC
	8	3811 E KIEST BLVD	KIEST APTS LLC
	9	1015 MILDRED ST	GILLIAM MARK D
	10	2683 CEDAR CREST BLVD	A M A CORPORATION
	11	2653 CEDAR CREST BLVD	Taxpayer at
	12	2223 MOUSER ST	BRIONES CHER DANCER
	13	2303 MOUSER ST	SOUTHERN CROWN INC