

FILE NUMBER: Z234-293(MB) **DATE FILED:** July 24, 2024
LOCATION: South line of Bruton Road, east of Pleasant Drive
COUNCIL DISTRICT: 5
SIZE OF REQUEST: Approx. 21,317 sqft **CENSUS TRACT:** 48113009204

OWNER/APPLICANT: Rosalba Betancourt Garcia & Noe Moises Santoyo [Sole Owners]

REQUEST: An application for an amendment to Specific Use Permit No. 2441 for a restaurant without drive-in or drive-through service on property zoned an NO(A)-D1 Neighborhood Office District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to continue the operation of a restaurant without drive-in or drive-through service.

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

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

BACKGROUND INFORMATION:

- The area of request is currently zoned an NO(A)-D-1 Neighborhood Office District with a D-1 Liquor Control Overlay and Specific Use Permit No. 2441 for a restaurant without drive-in or drive-through service.
- The site is developed with a restaurant. SUP No. 2441 was granted on January 26, 2022 for a period of three years.
- The applicant wishes to continue operation of the restaurant.
- As such, the applicant requests an amendment to SUP No. 2441 for a period of five years. Additionally, the applicant requests eligibility for automatic renewals for five-year periods.

Zoning History:

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

1. **Z201-284:** On January 26, 2022, the City Council approved 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, on the south line of Bruton Road, east of Pleasant Drive. [Subject Site]

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 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 complies with the following land use 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 5.3 ESTABLISH WALK-TO CONVENIENCE

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

Land Use:

	Zoning	Land Use
Site	NO(A) Neighborhood Office with SUP No. 2441 and a D-1 Liquor Control Overlay	Restaurant w/o drive-in or drive-through service
North	R-7.5(A) Single Family	Open enrollment charter school
East	R-7.5(A) Single Family	Undeveloped, single family
South	R-7.5(A) Single Family	Single family
West	R-7.5(A) Single Family	Single family

Land Use Compatibility:

The area of request is currently developed with a restaurant without drive-in or drive-through service. The surrounding area is largely an R-7.5(A) Single Family District with an NO(A) Neighborhood Office district to the northwest on Bruton Road and Pleasant Drive.

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 existing restaurant is along a fairly busy corridor and is well buffered from nearby residential uses. As such, staff finds that the request is compatible with surrounding uses. Additionally, the use granted by this SUP is not foreseen to be detrimental to the surrounding area. As such, staff supports the requested eligibility for automatic renewals for five-year periods.

Landscaping:

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

Parking:

Parking must be provided in accordance with the Dallas Development Code, which requires one space per 100 square feet of floor area. With a floor area of 2,317 square feet, 23 spaces are required. The site provisions 25 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

Z234-293(MB)

strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is located within a “G” MVA area.

CPC Action

December 5, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2441 for a restaurant without drive-in or drive-through service for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to an amended site plan and amended conditions, on property zoned an NO(A)-D-1 Neighborhood Office District with a D-1 Liquor Control Overlay, on the south line of Bruton Road, east of Pleasant Drive.

Maker: Chernock
Second: Housewright
Result: Carried: 14 to 0

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

Against: 0
Absent: 0
Vacancy: 1 - District 11

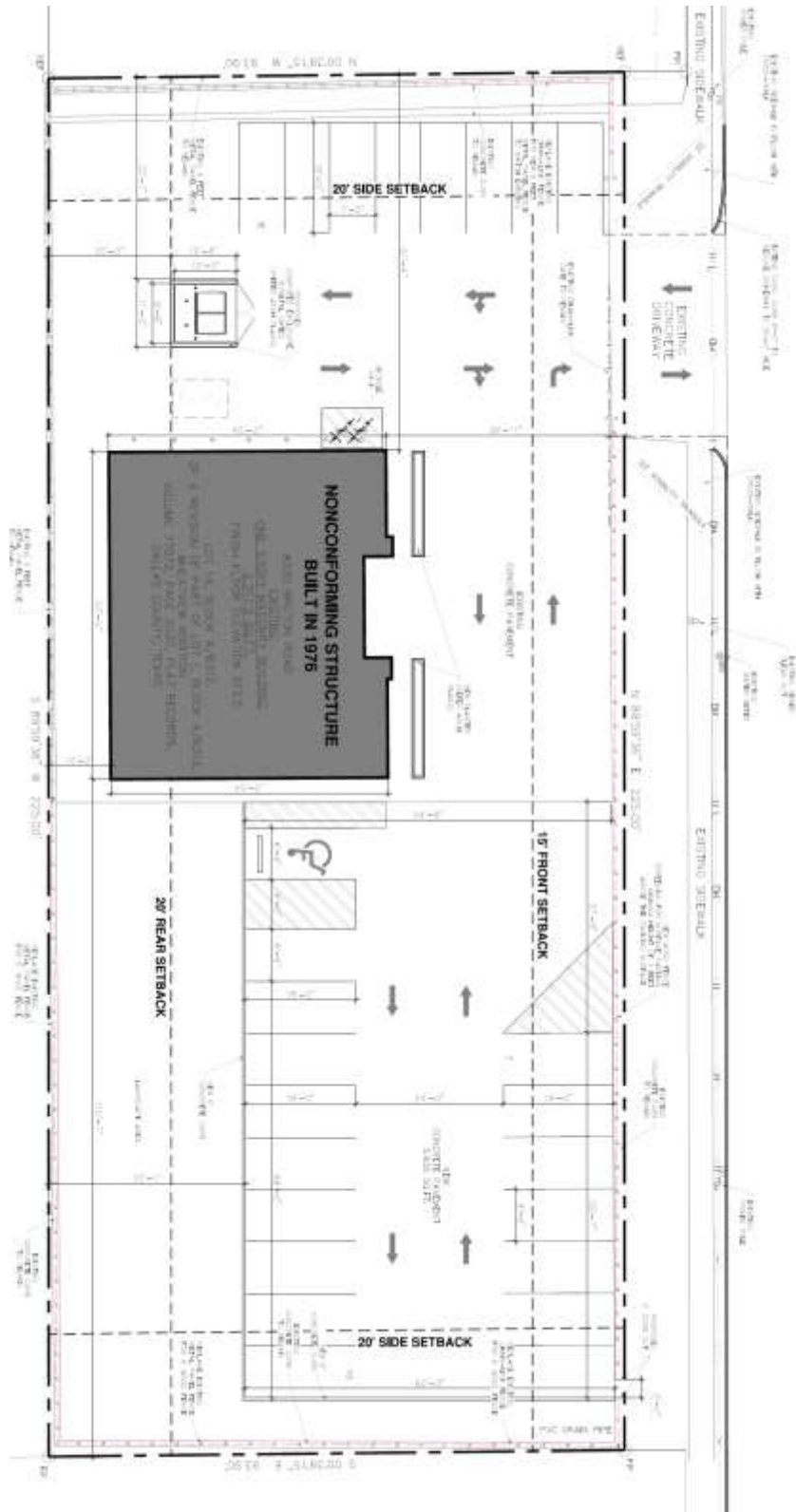
Notices:	Area: 200	Mailed: 10
Replies:	For: 0	Against: 0

Speakers: None

CPC RECOMMENDED 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.
3. TIME LIMIT: This specific use permit expires on ~~January 26, 2025~~ (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. HOURS OF OPERATION: The restaurant without drive-in or drive-through service use may only operate between 6:00 a.m. and 11:00 p.m., Monday through Sunday.
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. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. 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 - DETAIL









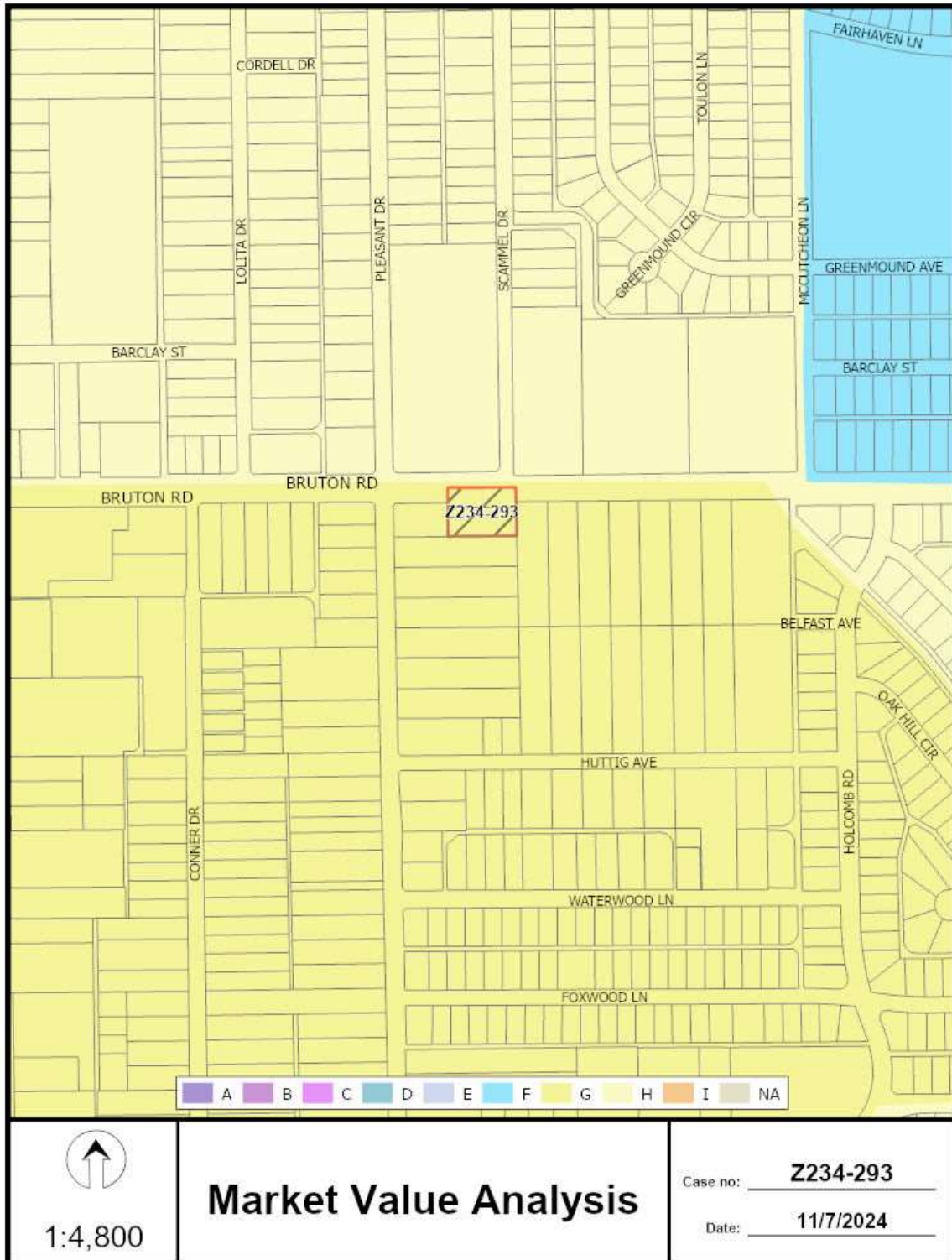


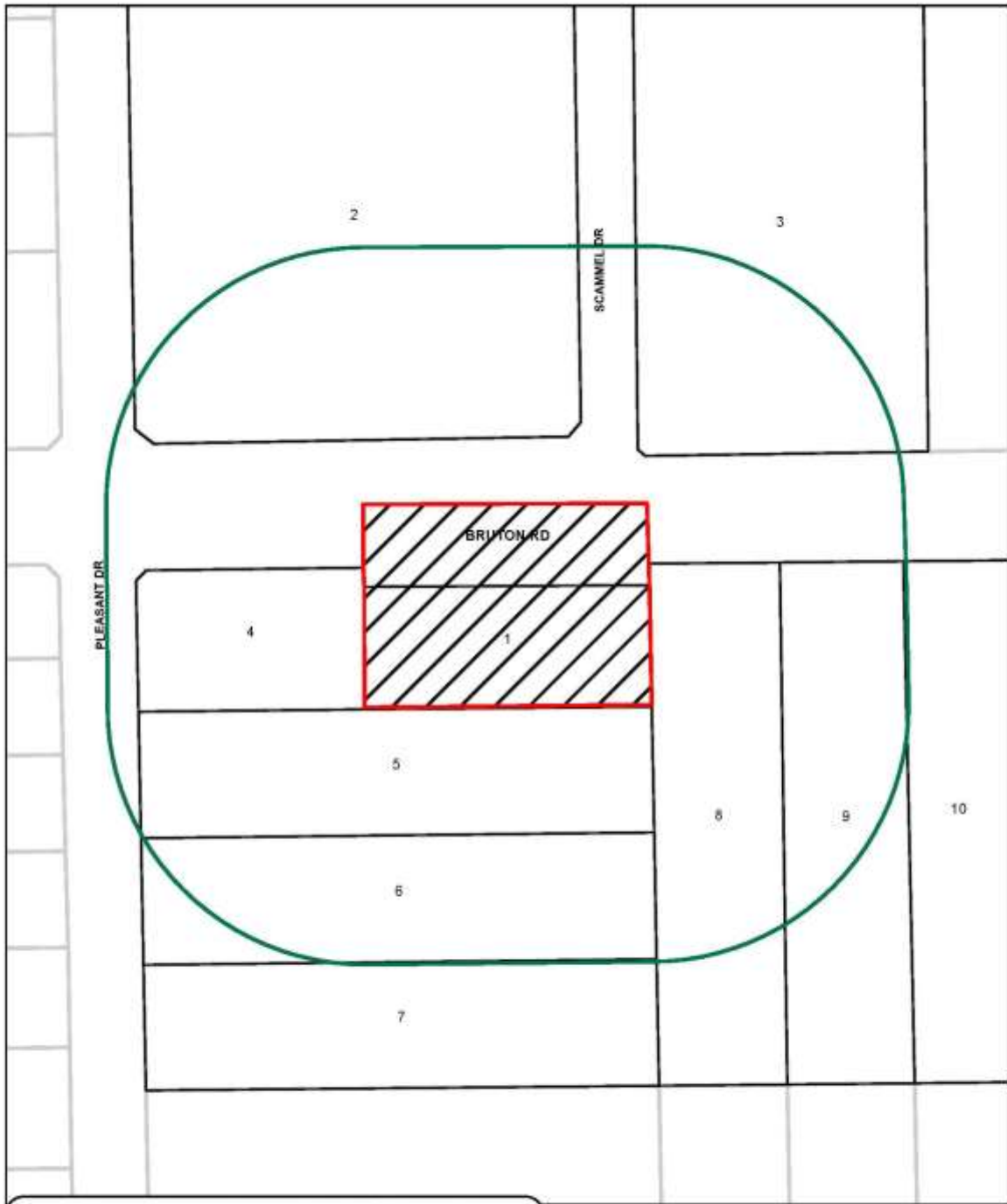
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ZONING HISTORY

Case no: Z234-293

Date: 11/07/2024





<u>10</u>	Property Owners Notified (10 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>12/5/2024</u>	Date

Z234-293
CPC



1:1,200

12/04/2024

Reply List of Property Owners

Z234-293

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