

FILE NUMBER: Z234-115(MB) **DATE FILED:** October 24, 2023

LOCATION: North corner of South Lancaster Road and Cherry Valley Boulevard.

COUNCIL DISTRICT: 8

SIZE OF REQUEST: Approx. 4.3125 acres **CENSUS TRACT:** 48113016709

REPRESENTATIVE: Andrew Ruegg [Masterplan]

OWNERS: Feliciano Rodriguez and Susan Thomas

APPLICANT: QT South LLC

REQUEST: An application for a Planned Development District for CS Commercial Service District uses on property zoned a CS Commercial Service District with consideration for a Specific Use Permit for a truck stop.

SUMMARY: The purpose of the request is to allow modified development standards primarily related to permitted uses to allow a truck stop.

STAFF RECOMMENDATION: Denial.

PRIOR CPC ACTION: On June 6, 2024, CPC moved to hold this case under advisement until July 11, 2024.

BACKGROUND INFORMATION:

- The area of request is currently zoned a CS Commercial Service District.
- The request site is approximately 4.0 acres in size across two parcels of land.
- The site is currently developed with a general merchandise or food store less than 3,500 square feet.
- The applicant requests a Planned Development that will allow the truck stop use by-right. The CS Commercial Service District only allows the truck stop use by Specific Use Permit.
- Although staff recommends denial of the land use, should the Commission consider the use appropriate for the site, staff would recommend consideration of a Specific Use Permit for a truck stop in lieu of a Planned Development District.
- The case was previously held under advisement by the City Plan Commission on June 6, 2024. The representative for the case submitted new draft PD conditions and an updated site plan after the hearing.

Zoning History:

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

1. **Z190-193:** On March 24, 2021, City Council approved an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an NS(A) Neighborhood Service District located at the northeast corner of South Lancaster Road and Mojave Drive.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Lancaster Road	Principal Arterial	107 feet
Cherry Valley Boulevard	Minor Arterial	50 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and has provided the following comments:

- Project must improve and widen Cherry Valley Boulevard to standard dimensions to accommodate proposed truck traffic. 56' is the ultimate total right-of-way for Cherry Valley. Project will need dedication from established centerline.
- Project must construct radius at intersection per Street Design Manual.
- Project must improve entire pavement width of Cherry Valley Boulevard given concerns with the pavement design/thickness to accommodate trucks.
- The entire signal will have to be replaced to current PROWAG [Public Right-of-Way Accessibility Guidelines] and City standards. The City will participate through proportionality.
- Cherry Valley Boulevard must be improved to accommodate design vehicles.

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 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 ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

The request conflicts with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

GOAL 1.4 COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT

Policy 1.4.3 Embrace environmental sustainability.

The proposed change does not further the goals of the Comprehensive Plan in regards to neighborhood character and quality or environmental sustainability.

I-20 Freeway Corridor Land Use Plan:

The I-20 Freeway Corridor Land Use Plan addresses future economic development, transportation, public utility, and other public/private development initiatives along the Interstate-20 freeway corridor. The plan was adopted by City Council in December 2000. The area of request is located within Subdistrict 1 of the study area of the plan.

Land Use and Zoning

The proposed development conflicts with the following stated goal and policies in the land use plan:

Land Use and Zoning

Goal 1: Promote compatible land use and infill development along the I-20 freeway corridor.

Policy 1: Discourage additional truck stops when adjacent to residential areas, and work with developers, neighborhood representatives and other City departments to identify community needs (i.e., landscaping buffers, sound walls, and so on) in areas where zoning is all ready in place for such uses.

Policy 5: Preserve and protect residential neighborhoods from incompatible uses, cut-through heavy commercial vehicle traffic, encroachment and other negative factors.

Comprehensive Environmental and Climate Action Plan (CECAP):

Goal 8: All Dallas’ communities breathe clean air.

AQ4 – Ensure new industries are an appropriate distance away from neighborhoods.

The proposed use conflicts with the goal of the CECAP to protect neighborhoods most impacted by poor air quality. The proposed use would increase concentrations of light industrial uses in close proximity to existing residential uses.

Land Use:

	Zoning	Land Use
Site	CS Commercial Service	General merchandise or food store < 3,500 square feet
North	CS Commercial Service	Auto service center; motel; single family
South	CS Commercial Service	Vehicle display, sales and service; restaurant w/ drive-in service; single family
East	CS Commercial Service	Single family
West	IR Industrial Research with deed restrictions [Z73-134]	Machinery, heavy equipment, or truck sales and service; GMFS < 3,500 sqft; motor vehicle fueling station; restaurant w/ drive-in service

Necessity for a Planned Development District:

According to Sec. 4.702, the purpose of a planned development district is to provide flexibility in the planning and construction of development projects by allowing a combination of land uses developed under a uniform plan that protects contiguous land uses and preserves significant natural features.

Planned development districts are appropriate where the existing code may not accommodate a use or a development within the bounds of a conventional zoning district, or where unique site characteristics may necessitate relief or modification of certain base code provisions.

Applicant's proposed planned development district would only provide for the use of a truck stop by-right, rather than requiring a Specific Use Permit as required in the CS Commercial Service District. There are no additional enhancements or deviations from the yard, lot, and size regulations proposed, indicating that there are no unique site characteristics necessitating relief. It also does not provide significant protections to protect contiguous land uses.

A Specific Use Permit for a truck stop with a long-term or permanent time period would achieve the same effect without establishing a new planned development district. The SUP requirement in this district allows for the city to evaluate whether a proposed use (such as a truck stop) will complement or be compatible with surrounding uses and generally contribute to the health and welfare of the area of request and adjacent properties. An SUP could also allow the application of conditions which could mitigate impact of the use.

Land Use Compatibility:

The request site is mostly undeveloped except for an existing general merchandise or food store less than 3,500 square feet. The applicant is requesting a Planned Development district. Applicant's proposed conditions largely reflect the existing development standards of the CS Commercial Service District, but allow for the truck stop use by-right instead of requiring a Specific Use Permit.

The immediate surroundings of the site are a mix of retail and residential uses. The single family uses are nonconforming with the existing CS Commercial Service District. However, the proposed development would directly abut some existing residential uses.

In staff's analysis of land use compatibility, we consider how a proposed zoning change would impact surrounding existing uses. A truck stop in this area would abut existing residential uses in an area that has already experienced substantial encroachment of industrial uses on residential uses. While the residential uses are nonconforming, they must still be considered when determining the impacts of a proposed use. Given the potential for noise and air pollution that is typically generated from uses servicing commercial motor vehicles, staff believes that such a truck stop use would not be compatible when adjacent to residential uses.

Development Standards

<u>DISTRICT</u>	<u>SETBACKS</u>		<u>Lot Size / Dwelling Unit Density</u>	<u>FAR</u>	<u>Height</u>	<u>Lot Coverage</u>
	<u>Front</u>	<u>Side/Rear</u>				
<u>Existing CS</u>	15' where adjacent to expressway or thoroughfare	20' where adjacent/across an alley from residential district	No min. lot size	0.5 for combination of lodging, office, retail / personal service	45 feet ¹	80% max.
	No min. in all other cases	No min. in all other cases		0.75 for all uses combined		
<u>Proposed New PD (No changes)</u>	15' where adjacent to expressway or thoroughfare	20' where adjacent/across an alley from residential district	No min. lot size	0.5 for combination of lodging, office, retail / personal service	45 feet ¹	80% max.
	No min. in all other cases	No min. in all other cases		0.75 for all uses combined		

¹ Residential Proximity Slope requirements apply

Landscaping:

Landscaping will be provided per Article X regulations, with the following exceptions:

- A residential buffer zone is required along the northern and eastern perimeters of the property.
- Screening (as defined in Division 51A-4.602) is required along the northern and eastern perimeters of the property.

These conditions could also be applied to a specific use permit, as reflected in the staff's recommended SUP conditions.

Parking:

The Dallas Development Code requires two parking spaces for truck stops, two parking spaces for motor vehicle fueling stations, and one space per 200 square feet of floor area for general merchandise or food stores greater than 3,500 square feet (but less than 10,000 square feet). Based on the proposed plan, 31 spaces would be required; the proposed development plan shows 67 spaces will be provided, including 3 accessible 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 within an “H” MVA area.

List of Officers

QT South, LLC

Matthew D. Miller, Director & President
Joseph S. Faust, Vice President
Robert L. Purnell, III, Vice President
Stephen R. Fater, Vice President
Stuart C. Sullivan, Vice President
Eric J. Nicholas, Treasurer
Marshall J. Wells, Secretary
Danny L. Balenti, Assistant Secretary
Jimmy W. Brown, Assistant Secretary
Lisa K. Deys, Assistant Secretary
Lora L. Zumwalt, Assistant Secretary
Patrick R. Humphrey, Assistant Secretary
Thomas P. Edwards, Division Real Estate Manager

**APPLICANT'S PROPOSED PD CONDITIONS
(CHANGES SINCE 6/6 CPC HIGHLIGHTED)**

SEC. 51P-XXXX.101. LEGISLATIVE HISTORY.

PD XXXX was established by Ordinance No. XXXXX, passed by the Dallas City Council on August XX, 2024.

SEC. 51P-XXXX.102. PROPERTY LOCATION AND SIZE.

PD XXXX is established on property located on the north side of Cherry Valley Boulevard, and the east side of South Lancaster Road. The size of PD XXXX is approximately 4.31 acres.

SEC. 51P- XXXX.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

SEC. 51P- XXXX.104. EXHIBIT.

The following exhibit is incorporated into this division for a truck stop use:

(1) Exhibit XXXXA: development plan.

SEC. 51P-XXX.105. DEVELOPMENT PLAN.

(a) Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, and development schedule do not apply.

(b) For a truck stop, development and use of the Property must comply with the development plan (Exhibit XXXA). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P- XXXX.106. MAIN USES PERMITTED.

The following uses are the only main uses permitted:

- (A) Agricultural uses.
-- Crop production.

- (B) Commercial and business service uses.
-- Catering service.
-- Custom business services.
-- Labor hall. [SUP]
-- Technical school.

- (C) Industrial uses.
None permitted.

- (D) Institutional and community service uses.
-- Church.
-- College, university, or seminary.
-- Community service center. [SUP]
-- Convent or monastery.

- (E) Lodging uses.
None permitted.

- (F) Miscellaneous uses.
-- Carnival or circus (temporary). [By special authorization of the building official.]

- (G) Office uses.
-- Medical clinic or ambulatory surgical center.

- (H) Recreation uses.
None permitted.

- (I) Residential uses.
None permitted.

- (J) Retail and personal service uses.
-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Auto service center. [RAR]
-- Business school.

- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
- Commercial parking lot or garage. *[RAR]*
- Convenience store with drive-through. *[SUP]*
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. *[SUP]*
- Liquefied natural gas fueling station. *[SUP]*
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Truck stop.

(K) Transportation uses.
None permitted.

(L) Utility and public service uses.
-- Commercial radio or television transmitting station.
-- Electrical substation.

(M) Wholesale, distribution, and storage uses.
None permitted.

SEC. 51P- XXXX.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following accessory uses are prohibited:

- Accessory helistop.

(c) The following accessory uses are permitted by SUP only:

- Accessory medical/infectious waste incinerator. *[SUP]*

SEC. 51P- XXXX.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict, between this section and Division 51A-4.400, this section controls.)

~~(a) The yard, lot, and space regulations for the CS Commercial Service District apply.~~

(a) **In general.** Except as provided in this section, the yard, lot, and space regulations for the CS Commercial Service District apply.

(b) **Side and rear yard.** Minimum side and rear yard is:

(i) 25 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district and

(ii) no minimum in all other cases.

SEC. 51P- XXXX.109. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P- XXXX.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- XXXX.111. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

~~(b) A residential buffer zone is required along the northern and eastern perimeters of the property.~~

~~(c) Screening (as defined in Division 51A-4.602) is required along the northern and eastern perimeters of the property.~~

~~(d) Plant materials must be maintained in healthy, growing condition.~~

(b) A residential buffer zone is required along the northern and eastern perimeters of the property with a minimum 3-inch caliper tree provided every 20 feet.

(c) For a truck stop use, a minimum 70 foot landscape buffer must be provided along the eastern property line as shown on the development plan.

(d) Plant materials must be maintained in healthy, growing condition.

SEC. 51P- XXXX.112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. 51P-XXXX.113. ADDITIONAL PROVISIONS FOR TRUCK STOP USE.

(a) An eight-foot tall screening fence is required along the northern and eastern perimeters of the property as shown on the development plan.

(b) Site must be of neat appearance and cleaned regularly.

SEC. 51P-XXX.114. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

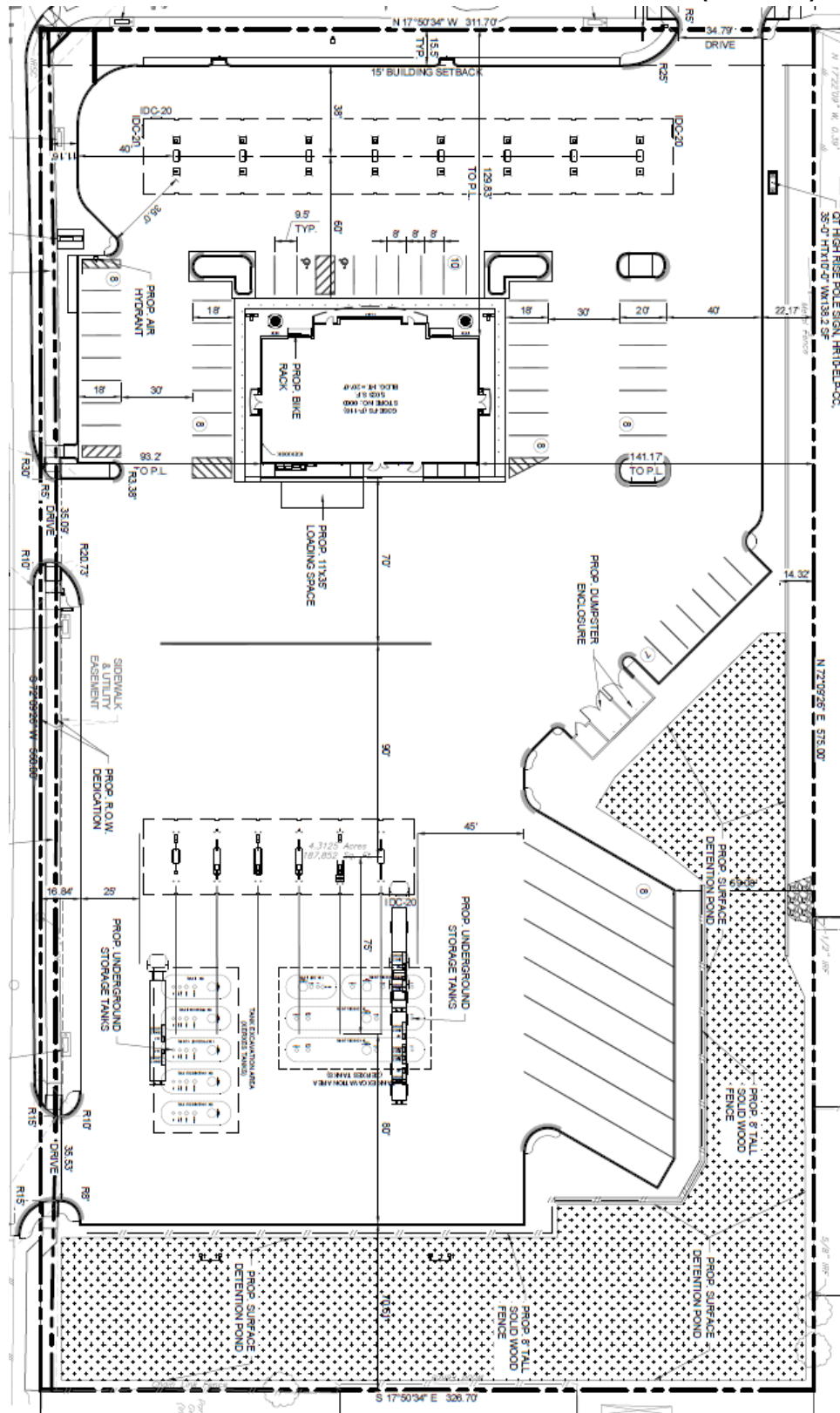
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P- XXXX.115. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

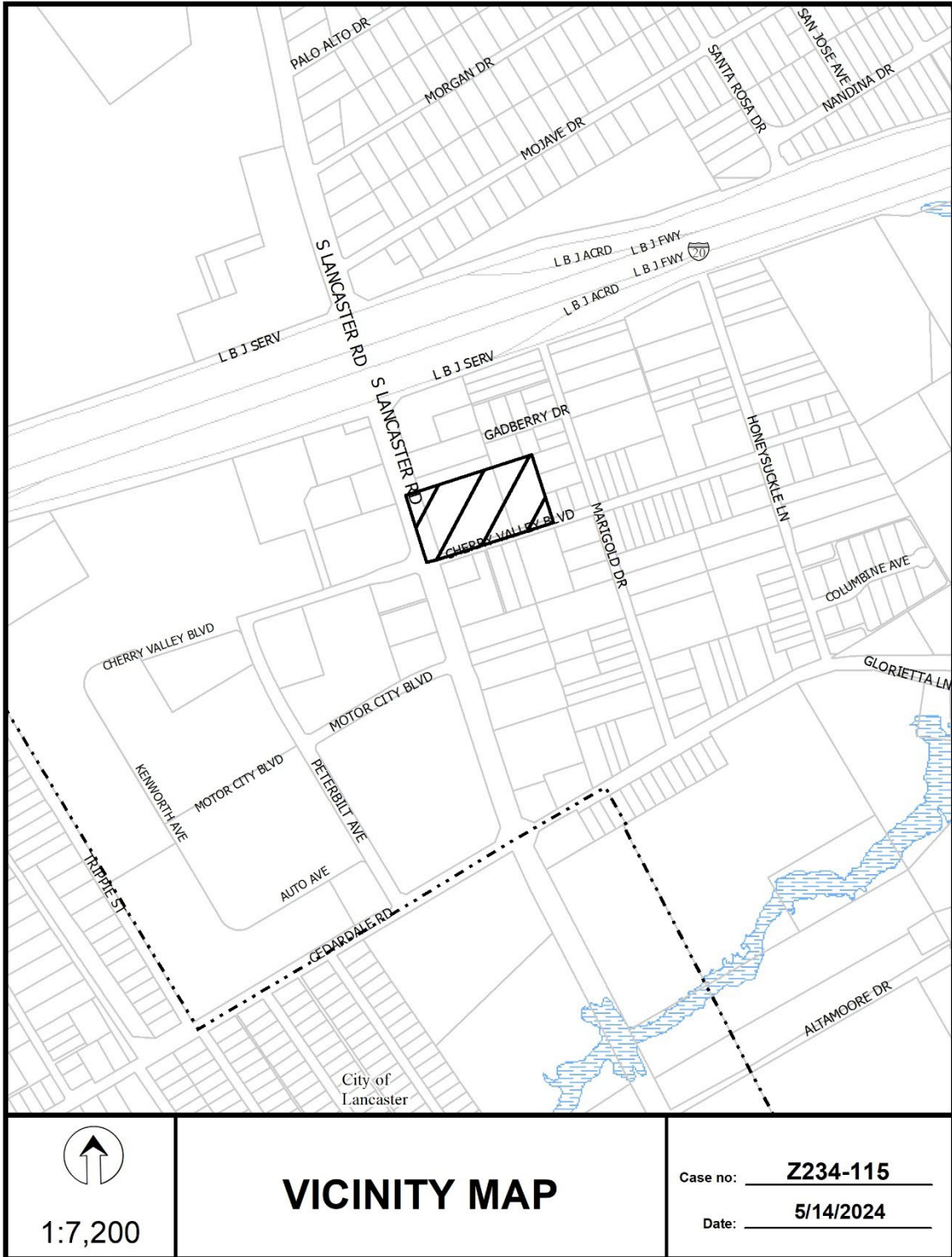
APPLICANT'S PROPOSED DEVELOPMENT PLAN (DETAIL)

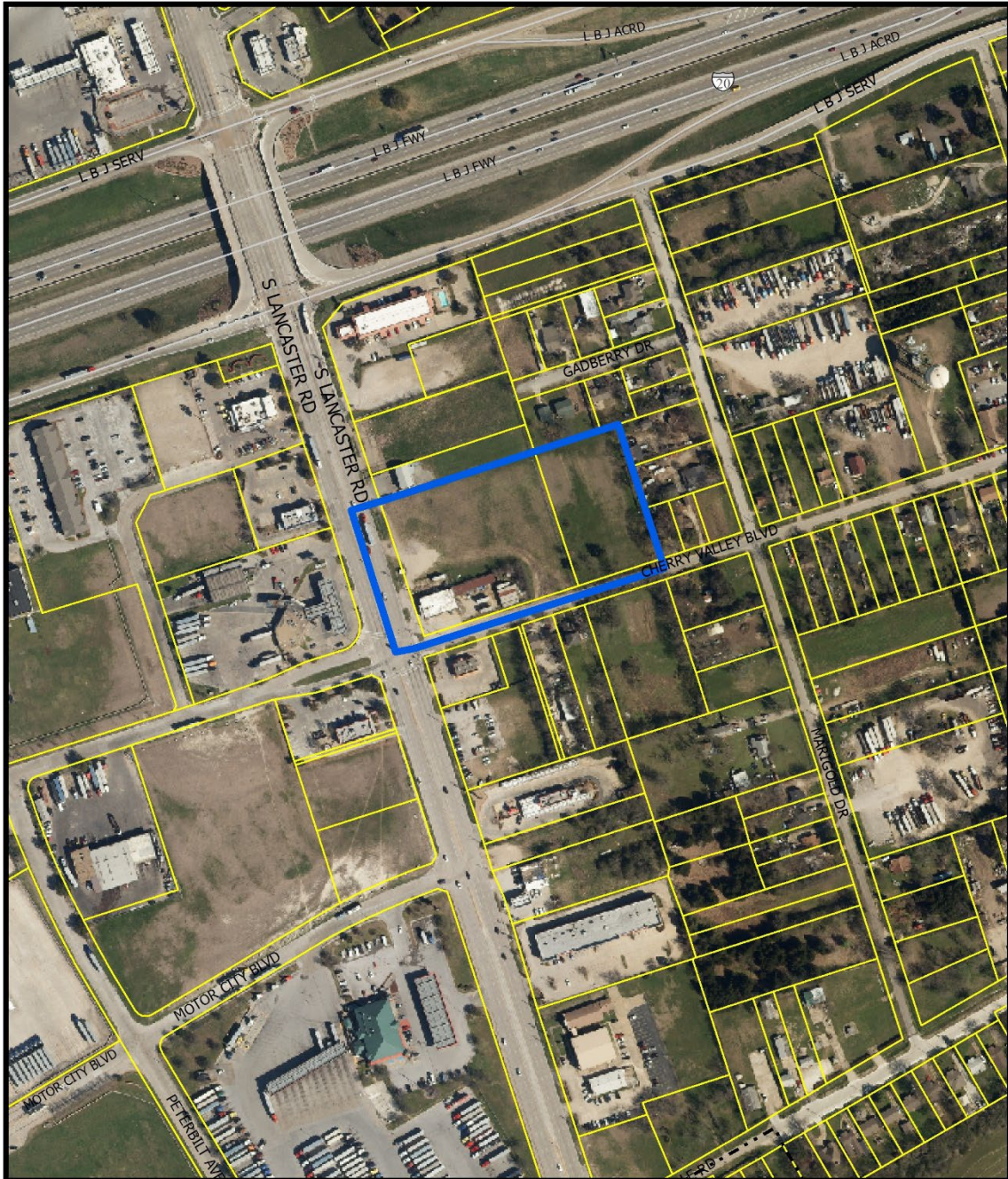


STAFF'S RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized under this specific use permit is a truck stop.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires in [30 years from the passage of this ordinance].
4. LANDSCAPING: Except as provided in this section, landscaping must be provided in accordance with Article X.
 - a. A residential buffer zone is required along the northern and eastern perimeters of the property with a minimum 3-inch caliper tree provided every 20 feet.
 - b. An eight-foot tall screening fence is required along the northern and eastern perimeters of the property as shown on the development plan.
 - c. A minimum 70-foot landscape buffer must be provided along the eastern property line as shown on the development plan.
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.

If the City Plan Commission moves to approve this use, staff recommends a Specific Use Permit in lieu of a Planned Development District.



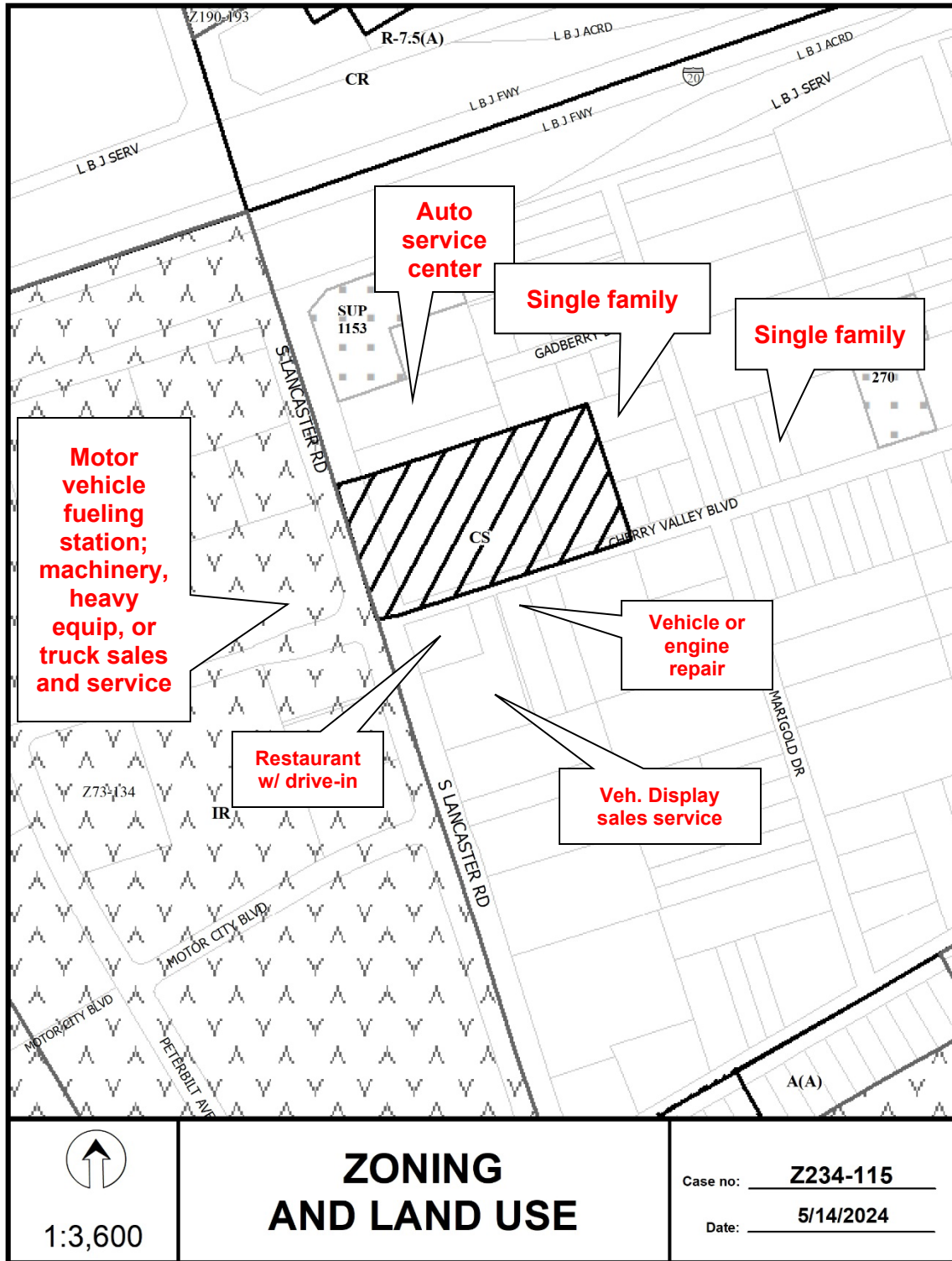


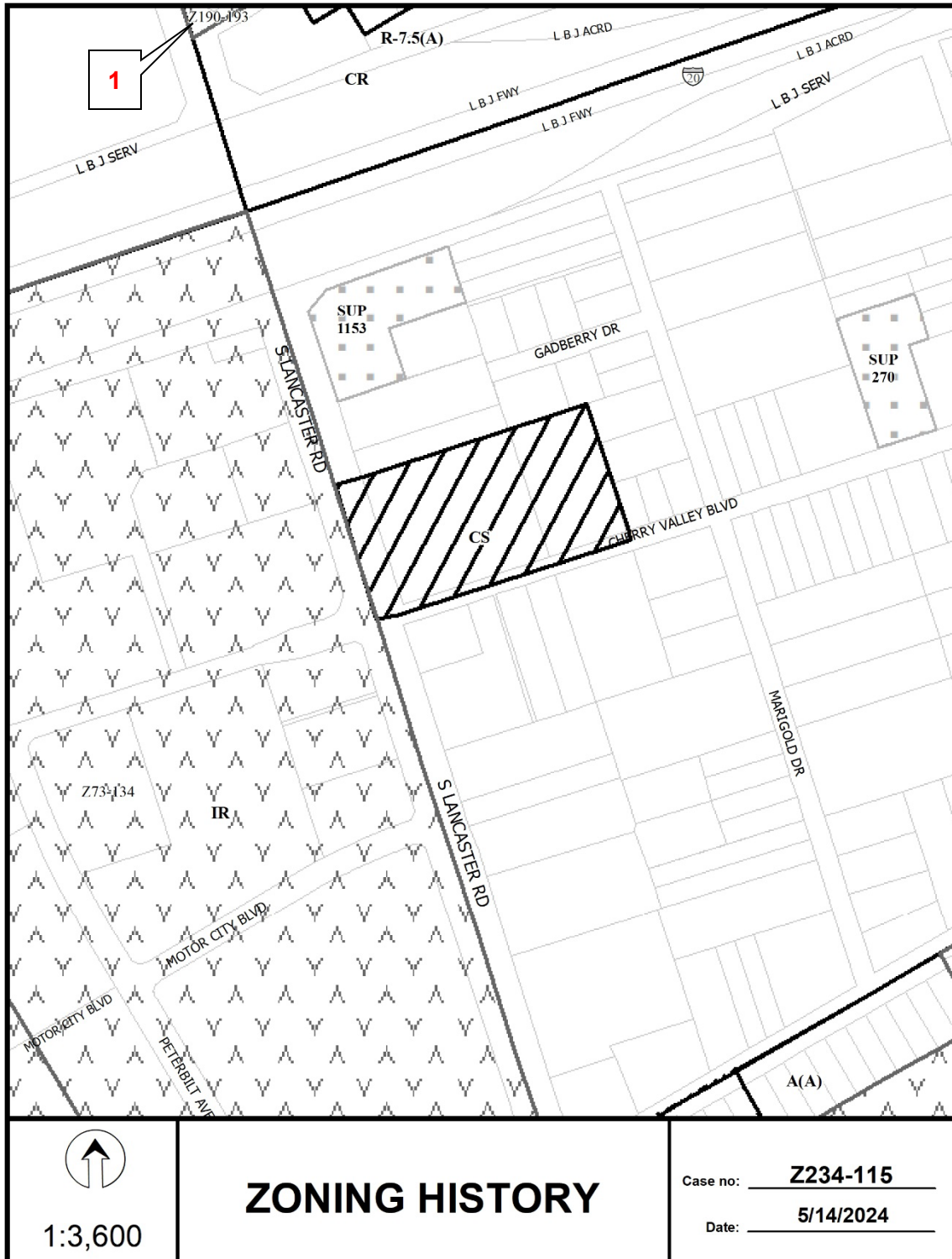
1:3,600

AERIAL MAP

Case no: Z234-115

Date: 5/14/2024





1

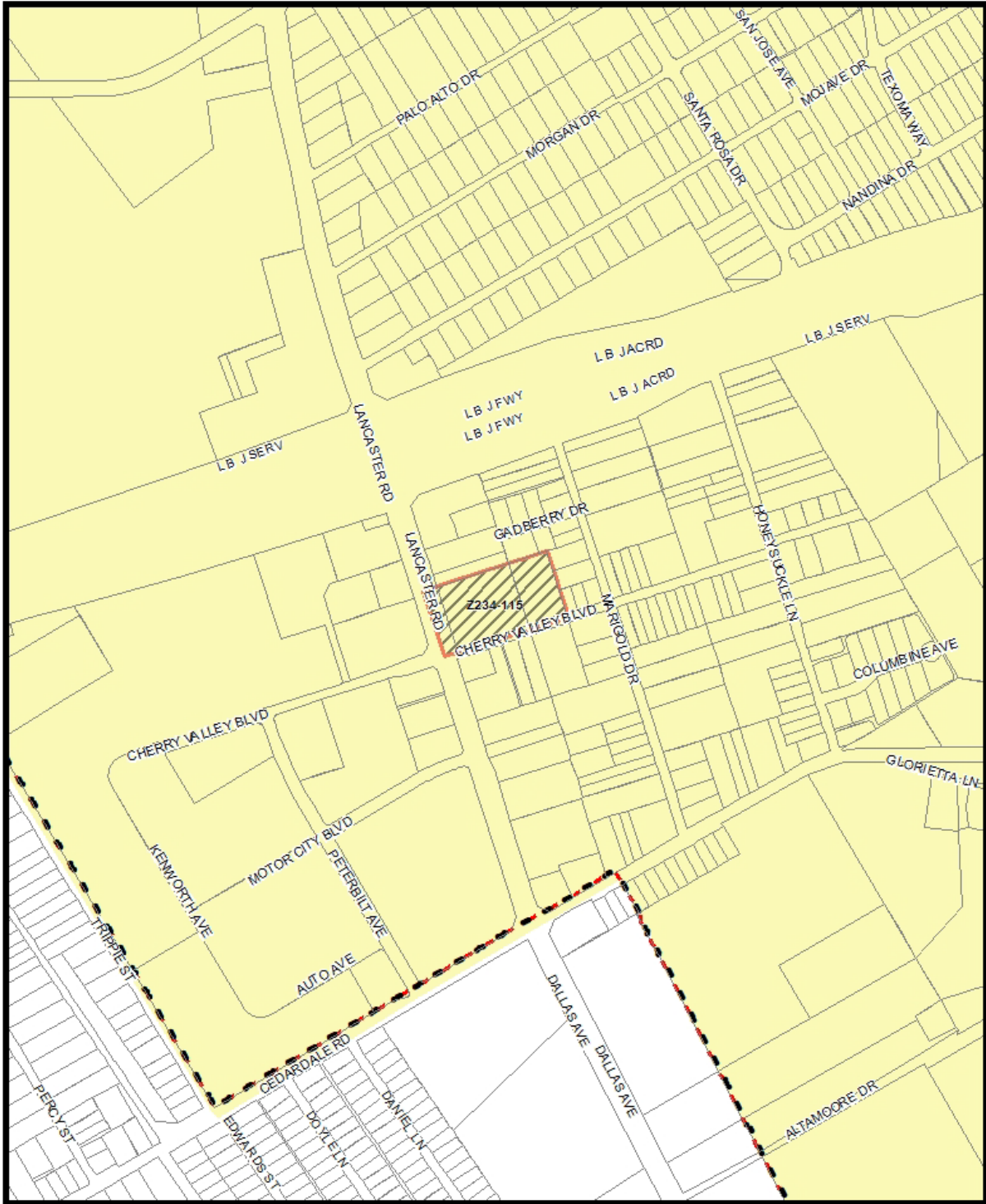


1:3,600

ZONING HISTORY

Case no: Z234-115

Date: 5/14/2024



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

 1:7,200

Market Value Analysis

Printed Date: 5/14/2024



05/14/2024

Notification List of Property Owners***Z234-115******59 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8422 S LANCASTER RD	THOMAS SUSAN J
2	8415 MARIGOLD DR	SALINAS DEANDRA JEANETTE
3	8427 MARIGOLD DR	RODRIGUEZ FELICIANO &
4	2637 CHERRY VALLEY BLVD	RODRIGUEZ FELICIANO &
5	2647 CHERRY VALLEY BLVD	BOWENS GWENDOLYN WILSON
6	8336 S LANCASTER RD	RSN ROYALE LLC
7	8200 S LANCASTER RD	AXL & L ENTERPRISES LLC
8	8200 S LANCASTER RD	Taxpayer at
9	2628 CHERRY VALLEY BLVD	DRAMOS BENJAMIN & JOSEFINA
10	2622 CHERRY VALLEY BLVD	PINON JOSE FERNANDO & ISABEL
11	8606 S LANCASTER RD	AYA FOOD MART INC
12	8611 MARIGOLD DR	ARGOTA ANGEL & ANA
13	8515 MARIGOLD DR	ZAVALA RAMIRO G &
14	2656 CHERRY VALLEY BLVD	BOWENS DICCOVVAN L
15	2634 CHERRY VALLEY BLVD	MACARENO BENITO
16	8525 MARIGOLD DR	HERNANDEZ ANTHONY
17	2659 CHERRY VALLEY BLVD	BRIGHT WOODLAND LLC
18	2653 CHERRY VALLEY BLVD	GONZALEZ EPIFANIO
19	8405 MARIGOLD DR	CASTILLO JOSE
20	8337 MARIGOLD DR	PACHECO RAFAEL
21	2650 GADBERRY ST	MARTINEZ EFRAIN RUIZ & ELIODORO
22	2651 GADBERRY ST	ARAUJO JOSE
23	8331 MARIGOLD DR	ENCISOESPINAL ELIDA
24	2636 GADBERRY ST	WARRICK KATHLEEN
25	8325 MARIGOLD DR	5PG TRUCK PARTS LLC
26	8325 MARIGOLD DR	NUNO SALVADOR PULIDO

05/14/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2637 GADBERRY ST	RUDBERG JOYCE ANN
28	8409 MARIGOLD DR	SANDERS WILLIAM J
29	2643 GADBERRY ST	ARAUJOLOPEZ JOSE
30	8316 MARIGOLD DR	MOATS ROLAND
31	8338 MARIGOLD DR	RAMIREZ MARIA
32	8320 MARIGOLD DR	BOWEN DAVID SCOTT
33	8418 MARIGOLD DR	GATHERIGHT JOHNNIE LEE
34	2721 CHERRY VALLEY BLVD	PGSR REALTY LLC
35	2703 CHERRY VALLEY BLVD	MAJORS SHERONDA
36	2711 CHERRY VALLEY BLVD	DRYSPACE LLC
37	2707 CHERRY VALLEY BLVD	ROBLEDO DAISY
38	2715 CHERRY VALLEY BLVD	IMJ CORPORATION
39	2716 CHERRY VALLEY BLVD	MIMS CHRISTOPHER MARLOW
40	2724 CHERRY VALLEY BLVD	EXCELLENCE 2000 INC
41	2712 CHERRY VALLEY BLVD	HERNANDEZ SALUSTIO &
42	2708 CHERRY VALLEY BLVD	HUDSON RUDDIE
43	2720 CHERRY VALLEY BLVD	MARTINEZ LUIS CARLOS GARCIA
44	8520 MARIGOLD DR	MOISES GONZALEZ LLC
45	8604 MARIGOLD DR	WILLIAMS TYRONE &
46	8701 PETERBILT AVE	WERNER ENTERPRISES INC
47	8501 S LANCASTER RD	LEVINE INVESTMENTS LP
48	2525 MOTOR CITY BLVD	TACO REALTY LLC
49	2525 MOTOR CITY BLVD	LEVINE INVESTMENTS LP
50	2525 MOTOR CITY BLVD	DELVARANI AMIR
51	2525 MOTOR CITY BLVD	EXTRA PROPERTY HOLDINGS LLC
52	8445 S LANCASTER RD	ENNIS WEST END INC
53	8333 S LANCASTER RD	MCDONALDS CORP
54	8301 S LANCASTER RD	WERNER ENTERPRISES INC
55	8403 S LANCASTER RD	DANIALY CORP LLC
56	8407 S LANCASTER RD	WAYMIRE FAMILY TRUST
57	8312 S LANCASTER RD	LANCASTER LODGING INC

Z234-115(MB)

05/14/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	8520 S LANCASTER RD	MAY JAMES INC DBA
59	8602 S LANCASTER RD	JANEE INC